

## City Council Study Session

March 28, 2016 - 5:30 PM

Auburn City Hall

### AGENDA

[Watch the meeting LIVE!](#)

[Watch the meeting video](#)

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

#### I. CALL TO ORDER

##### A. Roll Call

#### II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

##### A. Presentation on Proposed South County Recycling and Transfer Station (20 Minute Presentation/20Minute Q&A)\* (Snyder)

##### B. Junior City Council Nation League of Cities Presentation (20 Minute Presentation/10 Minute Q&A) (Deputy Mayor Wales)

Presentation from the Junior City Council on their recent trip to Washington, D.C.

#### III. AGENDA ITEMS FOR COUNCIL DISCUSSION

##### A. Ordinance No. 6594 (5 Minute Presentation/10 Minute Q&A)\* (Hinman)

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 2.07.040, 2.07.050, 2.07.060, 2.07.070, 2.07.080 of the Auburn City Code relating to the composition of the Auburn Junior City Council

##### B. Gangs & Graffiti Presentation (15 Minute Presentation/15 Minute Q&A)\* (Snyder & Lee)

##### C. Community Development Block Grant (CDBG) Funding (15 Minute Presentation/15 Minute Q&A)\* (Hinman)

City of Auburn's Community Development Block Grant (CDBG) Funding

##### D. Resolutiuon No. 5217 (5 Minute Presentation/25 Minute Q&A)\* (Heid)

A Resolution of the City Council of the City of Auburn, Washington, amending the City Council Rules of Procedure as adopted by Ordinance No. 5802 and amended by Resolution Nos. 4282, 4429, 4467, 4615, 4686, 4740, 4813, 4909, 5105, 5112 and 5115

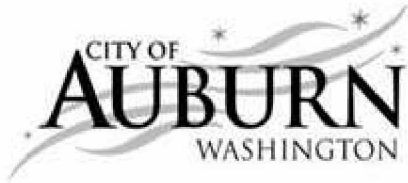
#### IV. ADJOURNMENT

*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:**

Presentation on Proposed South County Recycling and Transfer Station (20 Minute Presentation/20Minute Q&A)

**Date:**

March 23, 2016

**Department:**

Community Development &  
Public Works & Police

**Attachments:**

[Notice of Availability for the DEIS Notice of Public Open House](#)  
[Vicinity Map](#)  
[COA Response Letter to DEIS](#)

**Budget Impact:**

\$0

**Administrative Recommendation:****Background Summary:**

Kevin Kiernan, Deputy Director, King County Solid Waste Division, will present to the Auburn City Council on the proposed South County Recycling and Solid Waste Transfer Station. On February 4, 2016, King County Solid Waste Division issued a Notice of Availability for the Draft Environmental Impact Statement (DEIS) for the South County Recycling and Solid Waste Transfer Station and Notice of Public Open House. The DEIS identified one of the potential alternative sites for a new Station in the City of Auburn located at 901 C Street SW (comprised of Parcel Nos. 2421049054 and 2421049001), Auburn, WA 98001. On March 8, 2016, the City of Auburn submitted its written response letter to the DEIS. In its response, the City stated its opposition to any siting of the Station in Auburn and specifically at the Alternative 1 site.

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

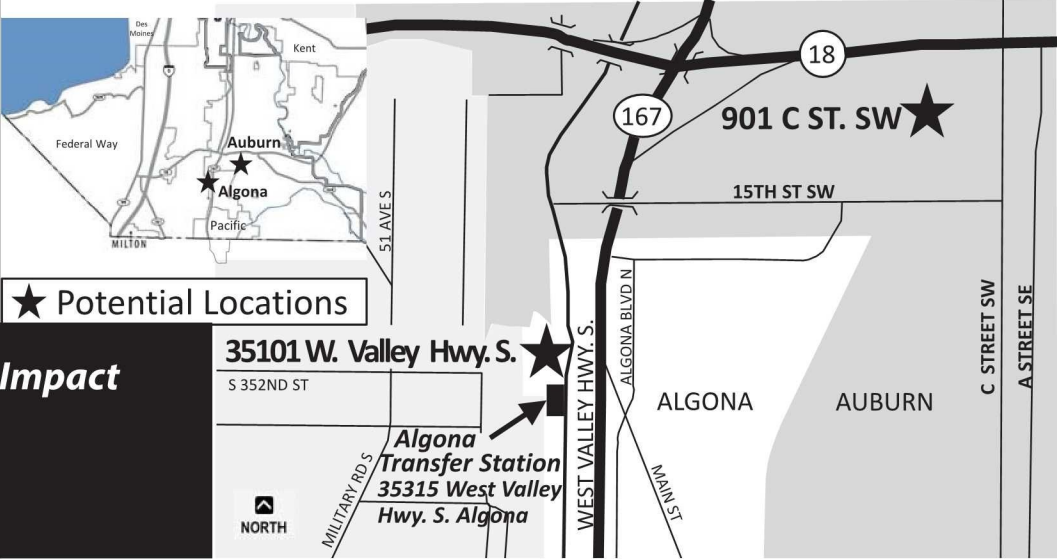
Snyder

**Meeting Date:** March 28, 2016

**Item Number:** AN.1

Siting of a New Recycling and Transfer Station in South King County

Draft Environmental Impact Statement available. Public Open House: February 22, 2016



Alternative Formats On Request 206-477-4466 | TTY Relay: 711

Printed on recycled paper - Jan16AR

King County  
Solid Waste Division  
201 S. Jackson St.  
Seattle, WA 98104-3855  
Department of Natural Resources and Parks



PRSR STD  
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SEATTLE, WA  
PERMIT #14146

Configuración par una nueva estación de reciclaje y transferencia de basura en el sur de King County

King County ha publicado un estudio preliminar de la Declaración de Impacto Medioambiental EIS (siglas en Ingles) que evalúa los impactos medioambiental potenciales al configurar, construir y hacer funcionar una nueva estación de transferencia y reciclaje en el sur de King County, con el fin de remplazar la existente estación de transferencia de Algona. Se están evaluando las tres siguientes alternativas:

**Ninguna medida alternativa:** 35315 West Valley Highway South, Algona (estación de transferencia de Algona actual)

**Alternativa 1:** 901 C Street SW, Auburn

**Alternativa 2:** 35101 West Valley Highway South, Algona - alternativa preferida

El lunes 22 de febrero de 2016, se llevara a cabo una reunión de las 6 a las 8 p. m. en Auburn High School Commons, 711 East Main Street Auburn, WA 98002. En caso de necesitar arreglos especiales favor de llamar al 206-477-4466 una semana antes de la reunión.

En la reunión, podrá familiarizarse sobre el proyecto y hacer comentarios sobre el estudio preliminar arriba mencionado. Habrá intérpretes de español, coreano y ruso a su disposición.

Si desea enviar comentarios a King County sobre este estudio favor de enviarlos no más tarde del **9 de marzo de 2016**.

Para obtener más información o enviar sus comentarios, llame al 206-477-4466 o visite el sitio web del proyecto: <http://your.kingcounty.gov/solidwaste/facilities/algona/index.asp>

킹 카운티 남부에 새로운 재활용 및 쓰레기 전송역 위치 선정

킹 카운티는 기존의 알고나 전송역 (Algona Transfer Station)을 대체하는 새로운 재활용 및 쓰레기 전송역의 위치를 선정하고 건설하고 운영하는 것의 환경 영향을 평가하는 환경 평가 진술서 (EIS) 초안을 발표했습니다. 다음 3가지 대안이 평가되고 있습니다:

아무 것도 하지 않는 대안 - 35315 35315 West Valley Highway South, Algona (기존의 알고나 전송역)

대안 1 - 901 C Street SW, Auburn

대안 2 - 35101 West Valley Highway South, Algona (선호되는 대안)

2016년 2월 22일 월요일 오후 6-8시에, 711 East Main Street Auburn, WA 98002에 있는 오번 고등학교(Auburn High School) 식당에서 오픈하우스가 개최될 예정입니다. 참석하시려면 모임 1주일 전에 206-477-4466으로 전화해 주십시오.

회의에서는 프로젝트에 대해 듣게 되고 여러분께서 환경 평가 진술서 초안에 대한 의견을 제시할 수 있습니다. 스페인어, 한국어, 러시아어 통역이 제공될 것입니다.

환경 평가 진술서 초안에 대한 귀하의 의견을 킹 카운티에 보낼 수 있는 마감시간은 2016년 3월 9일입니다.

의견을 제시하거나 더 자세히 알기 원하시면, 206-477-4466으로 전화하시거나 다음 프로젝트 웹 사이트를 방문하십시오: <http://your.kingcounty.gov/solidwaste/facilities/algona/index.asp>

Выбор местоположения новой станции переработки и перевалки коммунальных отходов в южной части округа Кинг

Администрация округа Кинг опубликовала предварительный вариант Заявления о воздействии на окружающую среду (ЗВОС), в котором производится оценка потенциального воздействия на окружающую среду выбора местоположения, строительства и эксплуатации новой станции переработки и перевалки отходов в южной части округа Кинг на замену существующей станции перевалки отходов в г. Алгона. Дается оценка трех альтернативных вариантов:

**Вариант без изменений** - 35315 West Valley Highway South, Algona (г. Алгона, существующая станция перевалки отходов)

**Вариант 1** - 901 C Street SW, Auburn (г. Оборн)

**Вариант 2** - 35101 West Valley Highway South, Algona (г. Алгона, предпочтительный вариант)

День открытых дверей будет проводиться в понедельник, 22 февраля 2016 г., с 18.00 до 20.00 ч., по адресу Auburn High School Commons, 711 East Main Street Auburn, WA 98002 (г. Оборн). По вопросам размещения просим позвонить по номеру 206-477-4466 за одну неделю до собрания.

Во время собрания граждане смогут получить информацию о проекте и высказаться относительно предварительного варианта ЗВОС. Будут предоставлены переводчики испанского, корейского и русского языков.

Срок отправки администрации округа Кинг комментариев касательно предварительного варианта ЗВОС истекает **9 марта 2016 г.**

Вы можете предоставить свои комментарии или получить более подробную информацию по телефону 206-477-4466 либо на веб-сайте проекта: <http://your.kingcounty.gov/solidwaste/facilities/algona/index.asp>



# King County

Department of  
Natural Resources and Parks  
Solid Waste Division

## NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SOUTH COUNTY RECYCLING AND TRANSFER STATION and NOTICE OF PUBLIC OPEN HOUSE

**Proponent/ Lead Agency:** King County Department of Natural Resources and Parks, Solid Waste Division (the Division)

**Issuance date:** February 4, 2016

**Project Description:** The project will site, design, construct and operate a new solid waste recycling and transfer station in south King County to replace the existing Algona Transfer Station. The existing station was built about fifty years ago, is over-capacity, has no space for recycling, and uses outdated technology. The *Solid Waste Transfer and Waste Management Plan*, which was the result of a regional, multi-year planning effort, recommended replacing the Algona Transfer Station with a new south county station. The new station will serve the areas surrounding and communities of Algona, Auburn, Federal Way and Pacific, providing solid waste transfer and recycling services for the next 50 years.

**Draft Environmental Impact Statement (EIS) Contents:** The draft EIS evaluates the potential environmental impacts of siting, constructing and operating a new recycling and transfer station associated with each alternative. It covers aspects of the built and natural environment including, but not limited to, the following areas: earth, air, water, plants, animals, energy, natural resources, environmental health, land use, transportation, public services, and utilities. Three alternatives are evaluated in the document, including two action alternatives and a No Action alternative. The alternatives are:

- No Action Alternative - 35315 West Valley Highway South, Algona (existing Algona Transfer Station)
- Alternative 1 - 901 C Street SW, Auburn
- Alternative 2 - 35101 West Valley Highway South, Algona (Preferred Alternative)

**Public Comment Period:** Agencies, Tribes, and members of the public are invited to review and comment on the draft EIS. The Division will consider all comments received during the comment period, as well as comments received during earlier EIS scoping periods, for consideration in the Final EIS.

Comments may be submitted via email to [SCRTS.project@kingcounty.gov](mailto:SCRTS.project@kingcounty.gov). Comments sent by mail should be addressed to King County Solid Waste Division, 201 S. Jackson Street, Suite 701, Seattle, WA 98104-3855, Attn: Tom Creegan, Project Manager.

**Comment Deadline:** The deadline for submittal of comments is **March 9, 2016**.

**Public Open House:** A public open house will be held from 6 to 8 p.m., Monday, February 22, 2016 at:

**Auburn High School, Commons  
711 East Main Street  
Auburn, WA 98002**

The purpose of the open house is to provide an opportunity for community members to learn more about the draft EIS. Participants will have an opportunity to offer comments on the draft EIS. Accommodations will be provided when requested at least one week in advance of the meeting. Please call 206-477-4466, TTY Relay: 711.

**Document Availability:** The draft EIS and appendices are available for review electronically on the project website at: <http://your.kingcounty.gov/solidwaste/facilities/algona/index.asp>; and hard copies are available for review at the King County Solid Waste Division, 201 S. Jackson Street, Suite 701, Seattle, or at the libraries listed below:

- Auburn Library, 1102 Auburn Way S., Auburn
- Algona-Pacific Library, 255 Ellingson Road., Pacific
- Federal Way 320<sup>th</sup> Library, 848 S. 320<sup>th</sup> St., Federal Way
- Federal Way Library, 34200 1<sup>st</sup> Way S., Federal Way
- Kent Library, 212 2<sup>nd</sup> Avenue N., Kent
- Muckleshoot Library, 39917 Auburn Enumclaw Road SE, Auburn

Documents can be obtained for the cost of production by contacting 206-477-4629. Copies of the draft EIS (without appendices) are available for \$50. Electronic copies of the draft EIS (including appendices) are also available on CD at a cost of \$5.00 each.

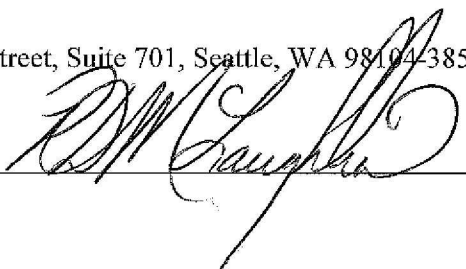
**SEPA Responsible Official:** Pat D. McLaughlin

**Position/Title:** Division Director, King County Solid Waste Division

**Phone:** 206-477-4466; TTY Relay: 711

**Address:** King County Solid Waste Division, 201 S. Jackson Street, Suite 701, Seattle, WA 98104-3855

**Date:** 2/4/16

**Signature:** 



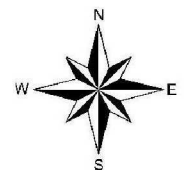
# Aerial Vicinity Map for Auburn Alternative Site for Proposed Recycling and Solid Waste Transfer Station



Printed Date:3/22/2016

Map Created by City of Auburn eGIS

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.





**DELIVERED VIA COURIER SERVICE**

**SENT REGULAR MAIL, CERTIFIED MAIL AND ELECTRONIC MAIL MESSAGE**

March 8, 2016

King County Solid Waste Division  
Attn: Tom Creegan, Project Manager  
201 Jackson Street, Suite 701  
Seattle, WA 98104-3855

**RE: City of Auburn Comments for the Draft Environmental Impact Statement for the South County Recycling and Solid Waste Transfer Station**

Dear Mr. Creegan:

The City of Auburn appreciates the opportunity to submit comments to the King County Solid Waste Division for the Draft Environmental Impact Statement (DEIS) for the South County Recycling and Transfer Station issued on February 4, 2016. For the last several years, the City of Auburn has been actively engaged in the regional conversations and studies concerning the potential construction of a new recycling and solid waste transfer station in South King County. As noted in the City's November 23, 2015 Scoping Comments for Revised Determination of Significance and Request for Comments on Scope of Environmental Impact Statement for South King County Recycling and Solid Waste Transfer Station, the City of Auburn is **OPPOSED** to the siting and development of a recycling and solid waste transfer station at 901 C Street SW (Parcel No. 2421049054), Auburn, WA 98001. This property is referred to as Alternative 1 in the DEIS. Further, for the reasons stated herein, the City of Auburn believes that Alternative 1 **SHOULD NOT** be the preferred alternative for the South County Recycling and Solid Waste Transfer Station.

Irrespective of the County's final determination of a preferred siting alternative, the City of Auburn will continue to fully participate in the Environmental Impact Statement (EIS) process and other affiliated processes in order to preserve its legal rights and insure that an adequate level of detailed and correct analyses are conducted. Further, the City shall reserve its right to pursue all appeal opportunities throughout the entire environmental review process and other decision-making considerations in the event the City feels that all environmental, land use and other issues are not fully evaluated and mitigated.

The following are the City of Auburn's comments for the DEIS. They are provided and formatted to correspond to the chapters of the DEIS:

**CHAPTER 1: PURPOSE AND NEED**

Section 1.4: Required Permits and Approvals

Table 1-2 does not specifically identify that the proposed development of a recycling and solid waste transfer station in the City of Auburn is subject to compliance with the City's adopted

Essential Public Facilities standards as specified in Volume 3 - Capital Facilities Element, Public Buildings, Essential Public Facilities, of the most currently adopted Comprehensive Plan for the City of Auburn (Ordinance No. 6584, December 14, 2015). Table 1-2 specifies that a conditional use permit will be required. However, pursuant to the currently adopted *Auburn Comprehensive Plan*, Volume 3 - Capital Facilities Element, Public Buildings, Essential Public Facilities, CF-69.3, essential public facilities of a regional, countywide, statewide or national nature will be reviewed by the City through the special area plan process that will be managed by the City of Auburn. The City of Auburn has determined that the South County Recycling and Solid Waste Transfer Station proposed in the City of Auburn and identified as Alternative 1 in the DEIS is an essential public facility of a countywide nature, and therefore, shall be subject to the special area plan process specified in the currently adopted Auburn Comprehensive Plan. The City of Auburn requests that the Final Environmental Impact Statement (FEIS) substantively address the City's standards and requirements for Alternative 1 as an essential public facility.

## **CHAPTER 2 ALTERNATIVES**

### Section 2.1.2: Alternative 1

This Section does not identify that the City of Auburn's existing Maintenance and Operations Facility is located immediately south of the Alternative 1 site. The City's Maintenance and Operations Facility provides essential public services (i.e. streets operations, stormwater operations, sewer operations, water operations, fleet maintenance, central stores and inventory) throughout the City of Auburn, supports more than 75 City staff, is the primary storage area for 133 fleet vehicles and pieces of equipment, two (2) Hyde Shuttle vans and 31 fleet vehicles and pieces of equipment for the City's Parks, Arts and Recreation Department and is the fueling depot location for all City owned and operated vehicles. This Facility represents a multi-million dollar investment of public tax dollars. Currently, the only full movement vehicular access into and out of the City's Maintenance and Operations Facility is via an executed easement with Segale Properties through the eastern perimeter of the Alternative 1 site onto 8<sup>th</sup> Street SW. City vehicles and equipment distribute throughout the City primarily through the current signalized intersection at 8<sup>th</sup> Street SW and C Street SW. The DEIS fails to substantively analyze this essential access and traffic circulation situation for City services and does not provide any recommended mitigation measures to address the City's need for perpetual convenient full movement access for the City's Maintenance and Operations Facility. The City of Auburn requests that the FEIS contain this required traffic circulation and access analysis and that there be appropriate mitigation measures identified in the FEIS. Further, the City of Auburn requests that it be directly involved in and consulted in the scoping and preparation of this analysis and the development of the mitigation measures. Please note that because of the existing and close proximity signalized intersection at 15<sup>th</sup> Street SW and C Street SW and the City's intersection spacing standards, there are limited opportunities for the addition of full movement accesses for the direct benefit of the City's Maintenance and Operations Facility.

### Section 2.2.1: Building Features

This Section specifies that the overall new height of the new station would be approximately 70 feet above the lowest level. The Alternative 1 site has a current zoning designation of Heavy



Industrial (M-2) pursuant to the currently adopted Comprehensive Zoning Map and is regulated by Chapter 18.23 (Commercial and Industrial Zones) of the Auburn Municipal Code. Table 18.23.040B (M-1, EP and M-2 Zone Development Standards) specifies that the maximum building height in the M-2 zoning designation is 45 feet. Footnote 2 for this Table specifies that buildings may exceed 45 feet if one foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet. The City of Auburn requests that the FEIS address compliance to the City's maximum building height requirement for the M-2 zoning designation as there is a 25-foot difference between the proposed height of the new station and the maximum height standard of the M-2 zoning designation.

Section 2.2.3.1: Times of Operation

This Subsection specifies that operating hours for the new transfer station are set by King County ordinance. The Subsection further specifies that it is assumed that the new station would operate 9.5 hours per day, opening no earlier than 6:00 a.m. on weekdays, not earlier than 8:00 a.m. on weekends, and closing no later than 6:00 p.m. on any day.

In its discussion of hours of operation, the DEIS fails to acknowledge that there is an existing Best Western PLUS Pepper Tree hotel located immediately of the Alternative 1 site on the northern perimeter of the 8<sup>th</sup> Street SW public street right-of-way. The assumed hours of operation, particularly the potential 6:00 a.m. opening hour, could have significant negative operational impact on the quality and comfort of hotel guests that could lead to a negative economic impact on the hotel's business viability. The City of Auburn requests that the FEIS analyze the negative impacts the proposed hours of operations would have on all surrounding land uses.

The City of Auburn is the regulating local government within the municipal limits of the City of the City. The City is the decision-maker on land use issues including but not limited to hours of operation in accordance with relevant standards of the Auburn Municipal Code. Alternative 1 in the City of Auburn will be subject to the City's essential public facilities siting process. Hours of operation for Alternative 1 would ultimately be established through the essential public facilities siting process. Therefore, the City of Auburn requests that the FEIS recognize that the actual hours of operation may not be as assumed in the DEIS, but will be determined through the essential public facilities siting process that will be managed by the City of Auburn.

Section 8.28.B.8.a of the Auburn Municipal Code contains standards pertaining to acceptable hours of construction. This Section specifies that Except as provided for in subsection (B)(8)(b) of this section, sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering before 7:00 a.m. and after 10:00 p.m. on any day of the week except Sunday and before 9:00 a.m. and after 10:00 p.m. on Sundays. However, because Alternative 1 in the City of Auburn would be subject to the City's essential public facilities siting process, the actual allowable hours of construction for this Alternative would be determined through this process. The City of Auburn requests that the FEIS recognize and address hours of construction including an acknowledgment that hours of construction will be determined through the City's essential public facilities siting process.

Table 2-2: Summary of Potential Environmental Impacts

The City of Auburn requests that the FEIS address the following deficiencies of this Table in the issued DEIS:

- The Air, Odor, Greenhouse Gases (GHGs), Water Resources and Hazardous Materials Environmental Elements of Table 2-2 do not address known Trichloroethene (TCE) contamination of groundwater for the Alternative 1 site. In its November 23, 2015 Scoping Comments for Revised Determination of Significance and Request for Comments on Scope of Environmental Impact Statement for South King County Recycling and Solid Waste Transfer Station, the City provided substantive information pertaining to this contamination. This previously specified information is provided again below:

**Area of Known Groundwater Contamination.** The project site is located within the mapped TCE groundwater contamination plume associated with the Boeing Auburn Fabrication Facility. Groundwater monitoring data provided to the City from 2011 to 2015 by Boeing, the Department of Ecology, and the Washington State Health Department have identified Trichloroethene (TCE) concentrations in groundwater at this site that exceed Washington MTCA clean-up. Based on that data, it appears that the contamination plume is originating from a location south of the proposed project site, and moving northward across the site.

The City of Auburn requests that the FEIS substantively evaluate ALL of the following issues pertaining to the known presence of TCE related groundwater contamination:

- Disturbance of soils and groundwater on the site needs to comply with MTCA remediation regulations/
- How will construction dewatering and stormwater runoff during construction be conducted to ensure construction workers and general public is not exposed to TCE and its breakdown products, and the contamination is not spread?
- Where will any contaminated soils and groundwater removed from the site be disposed of?
- If site remediation were part of the project, how would project address continuing on-migration to the site from the TCE source to the south?
- What is the potential for health effects to customers and employees from ingestion, vapor, and dermal exposure?
- Development of the site needs to include construction monitoring and long-term monitoring for presence and migration of TCE.
- The Land Use Environmental Element of Table 2-2 specifies that there will be minor and short-term impacts on adjacent land uses during construction of the Alternative 1 site and no impacts during operations. The City strongly objects to these conclusions. There are existing commercial and industrial businesses immediately surrounding the Alternative 1 site that will be significantly impacted by construction of Alternative 1 and may be permanently and

negatively impacted the operation of the Alternative 1 site. Further, in addition to these immediately surrounding commercial and industrial businesses, the Outlet Collection of Auburn is located to the west of the Alternative 1 site. The Outlet Collection annually draws over 9 million visitors and is a major sales tax and property tax contributor to King County and the City of Auburn. The management of the Outlet Collection has previously expressed to the City and to King County its significant concerns about the on-going economic impacts and consequences to its business operation if the Alternative 1 site is developed for the new station.

WAC 197-11-448 (4) provides agencies with the authority to include additional analyses in EISs. 901 C Street SW is currently zoned Heavy Industrial (M-2). Section 18.23.020.1 of the Auburn City Code specifies that the intent of this zoning designation is as follows:

*M-2, Heavy Industrial Zone. The M-2 zone is intended to accommodate a broad range of manufacturing and industrial uses. Permitted activity may vary from medium to higher intensity uses that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. Heavy industrial uses should not be located near residential development.*

The City of Auburn's most recent Building Lands Analysis as contained in the 2014 King County Buildable Lands Report identified 11.15 employees per gross acre for industrial zoned properties. The proposing siting and development of the South King County recycling and solid waste transfer station at 901 C Street SW would reduce the City's job creation capacity and result in the loss of a minimum of 223 manufacturing related jobs. Because the City of Auburn is targeting family wage/manufacturing employment businesses, this would be a significant loss of job producing capacity in the City. Therefore, the City of Auburn requests that a substantive economic impact analysis addressing impacts to the City of Auburn in the areas of site specific economic development, area wide (minimum 5 mile impact area as measured out from the site on all sides) economic development, marketplace perceptions and challenges and general and specific fiscal impacts to the City of Auburn should be analyzed. This analysis shall be conducted by a qualified professional consultant with demonstrated experience whose selection should be conducted in coordination and consultation with the City of Auburn and other affected communities. Further, the City shall be involved in the development of the consultant's scope of work.

The City of Auburn requests that a cost benefit analysis as specified and authorized under WAC 197-11-450 be conducted to aid in substantively evaluating the environmental consequences of the proposed solid waste transfer and recycling station to the Auburn community. This cost-benefit analysis should address the quantitative and qualitative impacts to the short-term and long-term operations of the existing surrounding commercial and industrial businesses including the Outlet Collection of Auburn. Similar to its expectations for the aforementioned economic impact analysis, the City insists that the cost-benefit analysis be conducted by a qualified professional consultant and that the City be involved in developing the consultant's scope of work.



The City of Auburn operates the Auburn Municipal Airport that is located approximately 2.75 miles northeast of the Alternative 1 site. FAA Advisory Circular (AC) 150/5200-33B, August 28, 2007 contains regulatory guidance and standards for hazardous wildlife attractants on or near airports. Section 2-2.d contains standards for enclosed trash transfer stations that reads:

**Enclosed trash transfer stations.** Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are not located on airport property or within the Runway Protection Zone (RPZ). These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers these facilities incompatible with safe airport operations if they are located closer than the separation distances specified in Sections 1-2 through 1-4.

The DEIS does not provide any substantive analysis of compliance with FAA Advisory Circular (AC) 150/5200-33B inclusive of any needed mitigation measures. The City of Auburn requests that the FEIS contain detailed and substantive analysis of compliance to this Advisory Circular and specify all needed mitigation measures that will be taken to address full compliance such that there will be no direct or indirect safety issues for the operation of the Auburn Municipal Airport.

Table 2-3: Summary of Potential Mitigation Measures

The City of Auburn requests that the FEIS address the following deficiencies of this Table in the issued DEIS:

- The Hazardous Materials Environmental Element does not specify any necessary mitigation measures for with known TCE contamination of groundwater on the Alternative 1 site.
- The Earth Element of Table 2-3 does not address that the City of Auburn's Low Impact Development (LID) requirements (required effective date of January 1, 2017) will be in effect before this project is designed and constructed. Alternative 1's Construction Stormwater Pollution Prevention Plan will be required to comply with the requirements of Auburn's Stormwater Management Manual, latest edition, including LID best management practices.
- The Water Resources Element of Table 2-3 does not address that the stormwater management system for Alternative 1 will be required to comply with the requirements of

Auburn's Stormwater Management Manual, latest edition, including LID best management practices.

## **CHAPTER 3 AFFECTED ENVIRONMENT, ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS**

### Section 3.2: Air, Odor and Greenhouse Gases

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- Subsection 3.2.2.2 should address that the Alternative 1 site is located in the portion of Auburn that has been designated by the Puget Sound Clean Air Agency as a Highly Impacted Community with regards to air quality.
- Subsection 3.2.3.1 should address Alternative 1 should address potential environmental impacts to air quality associated with TCE groundwater contamination of the Alternative 1 site.
- Subsection 3.2.3.2 Alternative 1 should include an evaluation of Puget Sound Clean Air Agency's designation of a portion of Auburn as a Highly Impacted Community in regards to existing versus new sources of pollution when addressing cumulative impacts to air quality.

### Section 3.3: Water Resources

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- Subsection 3.3.2.2 mentions the TCE groundwater contamination on the Alternative 1 site, however, this contamination is not substantively addressed in Subsection 3.3.3.1 pertaining to the Alternative 1 site.
- Pertaining to Subsection 3.3.2.2 for the Alternative 1 site, Subsection Auburn Municipal Code (ACC) 16.10.100 D.4 and D.7 of the Auburn Municipal Code prohibit hazardous waste treatment, storage and disposal or recycling facilities that accept, store or use hazardous materials in Groundwater Protection Zone 3. Mitigation plan requirements are addressed in ACC 16.10.120 E.
- Pertaining to Subsection 3.3.2.2 for the Alternative 1 site, the reference to the City of Auburn Comprehensive Drainage Plan (Brown and Caldwell 2011) is out of date. The correct reference is City of Auburn Comprehensive Storm Drainage Plan (Brown and Caldwell 2015) adopted by the Auburn City Council on December 14, 2015 (Ordinance No. 6584).
- Pertaining to Subsection 3.3.3.1 for construction related groundwater impacts for the Alternative 1 site, Subsections 16.10.100 D.4 and D.7 of the Auburn Municipal Code prohibit hazardous waste treatment, storage and disposal or recycling facilities that accept, store or

use hazardous materials in Groundwater Protection Zone 3. Mitigation plan requirements are addressed in Subsection 16.10.120 E of the Auburn Municipal Code

- Pertaining to Subsection 3.3.3.1 for construction related stormwater and water quality impacts –Auburn’s current adopted Surface Water Management Manual is 2009 not 2014 as specified. Please note that any construction of the Alternative 1 site will be required to comply with the latest edition of Auburn’s Surface Water Management Manual, which will include Low Impact Development (LID) effective January 1, 2017.
- Pertaining to Subsection 3.3.4.2 for the design of the Alternative 1 site, said design should address compliance to latest edition of Auburn’s Surface Water Management Manual, which will include Low Impact Development (LID) effective January 1, 2017.
- Pertaining to Subsection 3.3.4.2 for the construction and operation of the Alternative 1 site, the City of Auburn will need to approve an exception, not just a mitigation plan, for the presence of Hazardous within the boundaries of Groundwater Protection Zone 3.
- Pertaining to Subsection 3.3.4.2 for the construction and operation of the Alternative 1 site, the City of Auburn’s currently adopted Surface Water Management Manual is the 2009 edition and not the 2014 edition as stated.

#### Section 3.4: Vegetation and Wetlands

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- Subsection 3.4.3.1 pertaining to the construction of wetlands on the Alternative 1 involving disturbance to the existing wetland or wetland buffer will require prior review and authorization from the City of Auburn in accordance with Chapter 16.10 (Critical Areas of the Auburn Municipal Code. It should also be noted that disturbance may require review and approval by the Washington Department of Ecology and the Army Corps of Engineers.
- Subsection 3.4.3.1 incorrectly references the 2014 edition of the City of Auburn’s current Surface Water Management Manual. The most currently adopted edition is 2009.
- Subsection 3.4.4.2 pertaining to the potential use of buffer width averaging will require City of Auburn review and approval pursuant to Chapter 16.10 (Critical Areas) of the Auburn Municipal Code and should not be assumed.

#### Section 3.8: Hazardous Materials

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- Subsection 3.8.4.2 should include mitigation measures that address potential impacts from the TCE contamination plume to groundwater as it is associated with Groundwater Protection Zone 3. At a minimum, an additional mitigation measure should be provided that



specifies that a calculation of the dewatering flow and potential radius of influence (i.e., zone of contribution) to the area being dewatered needs will be completed for the FEIS to evaluate potential adverse migration of the TCE plume towards the Alternative 1 site.

### Section 3.9: Land Use

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- Pertaining to Subsection 3.9.3.1, the analysis of direct land use environmental impacts from Alternative 1 states:

“Construction is anticipated to last approximately 24 months. Permits for construction would be required from the City of Auburn. Short-term impacts to adjacent land uses could occur due to construction activities resulting in minor, localized increases in noise, dust, odors, traffic and emissions.”

This Subsection does not identify the actual hours of the proposed construction to allow reviewers to evaluate and provide comments on the potential for these listed temporary impacts. In an earlier portion of the DEIS the analysis acknowledges that the City has established regulations regarding construction hours to control and limit sounds originating from construction sites, including but not limited to sounds from construction equipment (including back up alarms), power tools and hammering. Pursuant to Subsection 8.28.010 (Noise Control) of the Auburn Municipal Code, construction hours are limited to before 7:00 a.m. and after 10:00 p.m. on any day of the week except Sunday and before 9:00 a.m. and after 10:00 p.m. on Sundays. As acknowledged in an earlier section of the DEIS in describing nearby land uses the Alternative 1 site is within approximately 300 feet of noise sensitive land uses comprise of the Best Western Plus Peppertree Inn (Parcel No 1321049113) and within 670 feet of the closest existing single family residence (Parcel No. 132104-9063, 1321049042, 1321049041 and 3121049059). The two-year construction duration represents more than a “minor impact” on these adjacent noise-sensitive uses. The effect of noise impacts on the hotel could also result in economic impacts due to customer complaints and lost bookings. The effect of construction activities and their duration on economic hardship of businesses has become of increased prominence recently due to the experience of the City of Seattle’s road reconstruction construction project for 23rd Avenue E. The City of Auburn requests that the FEIS provide substantive analysis of construction related noise impacts as described above and identify the appropriate mitigation measures that would be implemented to reduce the aforementioned negative economic impacts.

- Pertaining to Subsection 3.9.3.1, the analysis of direct land use environmental impacts from Alternative 1 states:

“Operating hours are set by county ordinance. It is assumed that the new transfer station would Operate 9.5 hours per day, not opening earlier than 6 a.m. on weekdays and not earlier than 8 a.m. on weekends, and closing no later than 6

p.m. on any day. Staffing would depend on the day of the week, season of the year, and services provided. The assumption is that employees based at the transfer station on any given day (e.g., scale operators, transfer station operators, and on-site supervision) would range from 6 to 15 with truck drivers, maintenance, and other staff as needed.”

“No operational land use impacts are anticipated.”

As identified in the preceding comment, the proposed hours of operation are proposed to occur one hour earlier on weekdays and one hour earlier on weekends than the City’s current regulations for the generation of noise that might be allowed on a temporary basis. Also, as noted in the proceeding section, the Alternative 1 site is within approximately 300 feet of noise sensitive land uses including a hotel (Best Western Plus Peppertree Inn) and within 670 feet of four single family residences. As a result, the proposed transfer station’s starting operating hour of 6:00 a.m. will result in operational impacts to nearby noise-sensitive uses that are not identified or mitigated in the DEIS. The City of Auburn requests that the FEIS analyze the proposed hours of operation based on the proximity to noise sensitive land uses and identify appropriate mitigation measures, including but not limited to, an identified later starting time for the facility.

- Pertaining to Subsection 3.9.3.1 and more specifically on Page 3-153 of the DEIS, the DEIS addresses compatibility with Existing Land Use for Alternative 1 and states: “There are no residences adjacent to the Alternative 1 site.” While it is accurate that there are no residences immediately adjacent to the Alternative 1 site, there are noise sensitive uses nearby. The Site is within approximately 300 feet of noise sensitive land uses including the Best Western Plus Peppertree Inn (Parcel No 1321049113) and within 670 feet of four single family residences (Parcel No. 132104-9063, 1321049042, 1321049041 and 3121049059). These properties are commercially zoned by the City of Auburn. The DEIS analysis appears to understate project impacts on these residentially oriented land uses. The City of Auburn requests that the FEIS substantively analyze compatibility with the current uses of these aforementioned properties and identify appropriate mitigation measures to reduce negative computability issues for these properties resulting from the construction and operation of the recycling and transfer station on the Alternative 1 site.
- Pertaining to Subsection 3.9.3.1 and more specifically on Page 3-153 of the DEIS, the DEIS addresses compatibility with Existing Land Use for Alternative 1 and states: “The site is large enough to provide a buffer zone that could include shrubs, trees and walls or fencing between the transfer station and surrounding uses on all four sides of the site”. The DEIS does not contain a conceptual or detailed site plan for the Alternative 1 site such that the City of Auburn could substantively evaluate the validity of this conclusive statement pertaining to the effective of these potential buffer methods for noise attenuation. The City of Auburn request that the FEIS should include a detailed site plan with associated analysis that validates this conclusive statement or the statement should be removed and its removal identified in the FEIS.

- Beginning on Page 3-153 of the DEIS, in the discussion of direct environmental impacts from Alternative 1, the DEIS addresses consistency with City of Auburn Zoning Code. Specifically, the DEIS discusses the project's consistency with the criteria for consideration of approval of a Conditional Use Permit (CUP). However a Conditional Use Permit is not the appropriate process. The City of Auburn requests that the FEIS clarify that a Conditional Use Permit is not the approval land use approval process and further clarify that the siting of essential public facilities is subject to the city's special area plan process which is required to be processed as a legislative amendment to the adopted City of Auburn Comprehensive Plan.
- Beginning on Page 3-156 of the DEIS pertaining to the evaluation of Alternative 1's consistency with the City of Auburn Comprehensive Plan, the DEIS addresses consistency with the City's essential public facility siting process. Specifically, any essential public facility to be located within the City is required to follow the special area plan process (Comprehensive Plan Amendment) pursuant to Comprehensive Plan Policy CF-70. The DEIS addresses consistency with that portion of the criteria required for all essential public facilities. Other criteria are also relevant. The City's criteria (Comprehensive Plan Policy CF-69) for all essential public facilities is recited (indicated in italics) and a response within the DEIS analysis is provided to each criterion in the DEIS.

*Item b. The impact of the facility on the surrounding uses and environment, the City and the region.*

While a goal in the siting of a location of a transfer station is to be convenient to waste generation sources (service area), the City of Auburn believes that a recycling and transfer station is more appropriately located in an area of homogenous heavy industrial zoning and development; rather than the mix of uses that exists in proximity to the Alternative 1 site. The Alternative 1 site is located within an area developed with a diversity of land uses. Approximately 375 feet to the west and separated by the Interurban Trail (transportation and recreational) and the Union Pacific Railroad line are the Regal Cinemas movie theater, a Walmart retail store, the Outlet Collection-Seattle Regional Shopping Center and other commercial retail land uses. The surrounding contains existing single-family residential uses, a hotel, two restaurants and several small-scale commercial businesses (Page 3-145). It should be noted that only some of the land uses to the south of the proposed Alternative 1 site are appropriate heavy industrial zoned and developed properties.

On Page 3-154, the DEIS states: "The transfer building would be enclosed to minimize migration of odors and dust from the building." It further states: "Closed, end-loaded containers will be used for solid waste, reducing the potential for spillage of waste and litter about the site."

The DEIS concludes dust and odors and spillage of waste and litter can be minimized but not completely controlled and confined to the site. The City of Auburn believes that the large openings in the building that are continuously



open during operations will result in dust and odors and spillage of waste and wind carried litter that will adversely affect adjacent residential, commercial and public recreation uses.

The DEIS response to this criterion only addresses relationship to suburban and regional context and not the particular surroundings of this site. This omission significantly underestimates and undervalues the anticipated negative impacts to the diverse surrounding land uses. Further, unlike other heavy industrial development, the recycling and transfer station proposed for the Alternative 1 site is characterized by a steady stream of vehicle traffic especially on Saturdays, which is not characteristic of most other heavy industrial uses.

Based on the preceding, the City of Auburn requests that the FEIS more substantively address overall compliance with this criterion taking into account the issues and concerns stated herein.

*Item c. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts mitigated, in a similar manner as with a traditional private development, to make the facility compatible with the affected area and the environment.*

*Item d. Whether a package of mitigating measures can be developed that would make siting the facility within the community more acceptable.*

The DEIS response to Criteria Items c and d describes design features and mitigation measures that are not supported by a conceptual or detailed site plan. As noted throughout its comments on the DEIS, the City of Auburn believes that a recycling and transfer station at the Alternative 1 site will have substantive negative impacts, including but not limited to traffic flow and control, access to and circulation within the property and off-street parking that can only be effectively evaluated through detailed evaluation and analysis of site, building and engineering plans. Further the effect on loading, refuse and service area, utilities, screening and buffering, signs, yards and other open spaces cannot be adequately evaluated as the development arrangement is not identified; rather the DEIS makes assumptions that cannot be validated or refuted because of the lack of detailed plans.

On page 3-155, the DEIS describes that closed, end loaded containers would be used for transfer of solid waste, to reduce risk of spillage. This portion of the DEIS also states that: "Noisy activities would mostly be done within the enclosed transfer building." [emphasis added]. This portion of the DEIS further states that waste would be removed or placed within a closed container at the end of the day, receiving floors would be washed daily and perimeter landscaping and fencing would be installed to trap litter.

Consistent with SEPA guidance, the DEIS describes measures to reduce impacts. However, the level of traffic, the noise generation and odor generation that will result from construction and operation of the Alternative 1 site will contribute adversely to the health, welfare and general well-being of the environment, public and individuals, particularly surrounding the subject site. The DEIS acknowledges that traffic, noise, odor and debris impacts will be worse as a result of the construction and operation of the Alternative 1 site. The DEIS does not identify if the proposed mitigation measures will be effective at reducing these impacts to a level of insignificance.

The City of Auburn believes that an unintended consequence of recycling and solid waste transfer stations is increased illegal dumping in proximity to the stations. While the exact reason cannot be known, it appears that due to expense of fees or hauling outside operating hours, vehicle loads intended for the transfer station can end up illegally dumped on nearby properties or on public rights-of-way. The City of Auburn believes that the likely increase in occurrence of illegal dumping activities would qualify as a nuisance that would require frequent response by the City of Auburn that has not been addressed in the DEIS.

Based on the preceding, the City of Auburn requests that the FEIS more substantively address overall compliance with this criterion taking into account the issues and concerns stated herein.

*Item f. Whether the proposed essential public facility is consistent with the Auburn Comprehensive Plan.*

The DEIS responses to this criterion conclude that since the City's Comprehensive Plan allows a process for siting an essential public facility as required by state law, that is consistent with the city's Comprehensive Plan. The DEIS omits a comparison of the project to the specific objectives and policies of the City's Comprehensive Plan as required by this criterion and that would, at a minimum, be needed for the required public analysis and consideration for the City's essential public facilities siting process.

As identified earlier in the DEIS at Page 3-143, the Alternative 1 site is zoned M2, Heavy Industrial by the City, but is immediately adjacent to other less intensive zoning designations on three sides. The DEIS does not adequately evaluate the potential effect on developed properties in the adjacent land use designations as required. The information within the DEIS describes how the project will meet development standards of the M2, Heavy industrial zone. The DEIS does not analyze how the transfer station construction and operation would not have a greater effect on the health and safety or no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the M2 district, as required. The recycling and solid waste station proposed for development at the Alternative 1 site would more

appropriately be sited in an area of homogenous heavy industrial zoning; rather than surrounded on three sides by different zones and a mix of uses at the site of Alternative 1.

As noted throughout its comments on the DEIS, the City of Auburn believes that a recycling and transfer station at the Alternative 1 site will have substantive negative impacts, including but not limited to traffic flow and control, access to and circulation within the property and off-street parking that can only be effectively evaluated through detailed evaluation and analysis of site, building and engineering plans. Further the effect on loading, refuse and service area, utilities, screening and buffering, signs, yards and other open spaces cannot be adequately evaluated as the development arrangement is not identified; rather the DEIS makes assumptions that cannot be validated or refuted because of the lack of detailed plans.

Please note that the Alternative 1 site is located within the designated boundaries of the Auburn Innovation Partnership Zone (IPZ). The City of Auburn received an IPZ designation from the Washington State Department of Commerce and this designation has been incorporated into the City of Auburn Comprehensive Plan. Auburn's IPZ is one of 15 approved IPZs in the State of Washington and is one of only 4 cities in the state to receive the designation. The Auburn IPZ map can be located at the following URL:  
[http://www.auburnwa.gov/Assets/Administration/AuburnWA/Docs/ipz\\_map.pdf?method=1](http://www.auburnwa.gov/Assets/Administration/AuburnWA/Docs/ipz_map.pdf?method=1). This map clearly shows that the Alternative 1 site is located within the designated boundaries of the IPZ.

The mission of Auburn's Urban Center for Innovative Partnerships is to support a vibrant vital economy for the City of Auburn, the local region and the State of Washington. Encouraging the adaption of warehouse districts to mixed use, market-affordable technology clusters and facilitating collaborative partnering among private sector employers, research partners, and programmed workforce development, the IPZ will implement a multi-phased plan across a variety of business sectors beginning with Ecosystems and Rainwater Management. These collaborative clusters will realize new businesses and products; expand the City's existing knowledge based middle-wage jobs while creating new higher paying employment opportunities for the citizens of the City. Through new partnerships and the clustering of entrepreneurs, ideas will flourish, manufacturing efficiencies will be developed and the City's diverse business community will expand, creating investment opportunities, new technologies and the general growth of the City's economy.

Based on the preceding, the City of Auburn requests that the FEIS more substantively address overall compliance with this criterion taking into account the issues and concerns stated herein.

### Section 3.10: Visual Quality

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- The DEIS concludes that there would be non-substantial changes in visual quality from the construction and operation of the new transfer station for the majority of the analyzed viewpoints. The City of Auburn strongly disagrees with this conclusion. The presence of a solid waste recycling and transfer station would have substantive and negative visual quality impacts on surrounding existing land uses that could negatively impact business operations and deter future reinvestment and investment in commercial and industrial properties. In particular, the City is concerned about the visual quality impacts that the new transfer station could have on future redevelopment of the 130 acres GSA facilities south of the Alternative 1 site on the south side of 15<sup>th</sup> Street SW. The City of Auburn requests that the FEIS include substantive analysis of the visual quality impact on the future redevelopment of the GSA properties.
- Figure 3.10-1 shows a conceptual design for the proposed Factoria Recycling and Transfer Station. Figure 3.10-2 shows a photograph of the existing Shoreline Recycling and Transfer Station. The difference in design considerations between these two facilities is substantive, particularly in terms of materials selection, building massing and articulation and architectural design features. The City of Auburn requests that the FEIS commit to a building design for the Alternative 1 site that is comparable to the conceptual design specified in Figure 3.10-1. Further, the City of Auburn requests that the FEIS contain a commitment from King County Solid Waste Division to work directly with the City of Auburn in building design from conceptual to final designs.
- Under the Assumptions portion of the DEIS on Page 3-166, it is stated that one of the assumptions used to evaluate visual quality is that a "building height of up to 70 feet above the lower level" is proposed. This description of height as "above the lower level" is not consistent with the City's current definition of building height specified in Section 18.04.200 of the Auburn Municipal Code and as such, it is unclear about what building height is proposed and what building height was studied in the visual quality assessment methodology. The City of Auburn requests that the FEIS clarify the building height relative to the City's current building height definition and further that it clarify if and how this affects the visual quality assessment methodology.
- Section 3.10.2.3 of the DEIS addresses the visual quality assessment methodology which is based on six viewpoints oriented to the site of Alternative 1 from different areas and different distances surrounding the Alternative 1 site. The viewpoints are not representative of views of the developed transfer station from the elevated highway of State Route (SR) 18 located north of the Alternative 1 site. The highway is elevated on fill and concrete piers extending approximately 34 feet above the site elevation approximately 850 feet to the north of the site. The views from SR-18 form a defining visual impression and visual character of the Auburn community. SR 18 is a major highway that is used for city visitors to travel to the Muckleshoot Casino and the Muckleshoot White River Amphitheater among other



destinations. The City of Auburn is particularly concerned about the white roof color option described on Page 3-167 of the DEIS. This option would not be "visually neutral" and would tend to reflect sunlight and appear bright attracting visual attention to the facility especially if the roof was oriented towards this location and not partially obscured by parapet walls or other means. As described, the development of Alternative 1 would represent more than a "non-substantial" (Page 3-183) change in visual quality. Also, if rooftop equipment is proposed it should be designed such that it appears as an architectural feature and similar to the building with regard to color and texture and be non-glare. Finally, any rooftop equipment should be located and arranged to have the least visibility and protrusion that is functionally possible. The City of Auburn requests that the FEIS address in substantive detail the visual quality impacts from State Route 18 as well as the proposed white roof color and the placement and arrangement of rooftop equipment with regards to overall visibility from any direction.

- Section 3.10.3.1 of the DEIS describes the direct visual quality impacts from operation of the Alternative 1 site and notes that a building height variance may be requested for the project in accordance with Section 18.70.015 of the Auburn Municipal Code. The DEIS summarizes the criteria as follows:

"...which is authorized from the following criteria: 'additional height shall be the minimal necessary to afford relief, that the variance will not alter the character of the neighborhood or be detrimental to the surrounding properties, and/or that the approval will be consistent with the purpose of this title and the zoning district in which it is located.'"

While not specifically stated, Section 18.70.015 of the Auburn Municipal Code pertains to an administrative variance for building height up to fifty (50) percent of the standard may be pursued when the request meets the applicable zoning code criteria. In authorization of an administrative variance, the Director may attach such conditions regarding the location, character and other features of the proposed structure or use as he/she may deem necessary to carry out the intent and purpose of this title and in the public interest. A variance greater than fifty (50) percent is subject to a public hearing and decision-making by the City of Auburn Hearing Examiner. The City of Auburn requests that the FEIS substantively address whether the stated building variance request will be an administrative variance or a public hearing variance and, in either scenario, how compliance to the applicable criteria will be achieved.

- Section 3.10.3.1 of the DEIS provides representative views of the Alternative 1 site with an outline (red line) added atop the photograph to illustrate the bulk of proposed site development. One particular view, Viewpoint 1-B, shows that the proposed transfer station would be highly visible from the Interurban Trail and occupy a substantial portion horizontally and vertically of the mid-ground field of view. The City has consistently assigned importance to the quality of views from the Interurban trail as evidenced by the City's current zoning code requirement for the provision of landscape buffering to the Interurban Trail by adjacent development (refer to Section 18.50.040, Landscape Development Standards of the Auburn Municipal Code). As illustrated, the development of Alternative 1 will represent

more than a “non-substantial” change in visual quality. The City of Auburn requests that additional substantive mitigation measures be specified in the FEIS for the provision of a significant on-site landscape screen between the Interurban Trail and the Alternative 1 site.

### Section 3.12: Transportation

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- Pertaining to Subsection 3.12.1.1, the City of Auburn completed and adopted an update to its Comprehensive Transportation Plan on December 14, 2015. The updated Plan includes forecast traffic volumes for 2022 and 2035. The forecasts are from the City of Auburn travel demand model which is based on the Puget Sound Regional Council (PSRC) regional model, but includes numerous modifications to better reflect the local street system, capacity projects, and future growth. The FEIS should at a minimum, include a comparison between these two sets of forecasts, and if significant differences are discovered reflect the City forecasts.
- Pertaining to Subsection 3.12.1.1, as part of the City of Auburn Comprehensive Transportation Plan update, revisions were made to the corridors which are identified for Level of Service (LOS) analysis. In addition, changes were made to the LOS standards for certain corridors. The City of Auburn requests that the FEIS address these changes.
- Pertaining to Subsection 3.12.1.2, Supermall Way was renamed Outlet Collection Drive in 2013. The City of Auburn requests that the FEIS recognize this official street name change.
- Pertaining to Figure 3.12-1, the City of Auburn requests that the FEIS show intersection numbers and that the corridors be numbered to match City of Auburn designations.
- Pertaining to Subsection 3.12.1.4, the City of Auburn requests that FEIS address that the corridor level of service standards used in the DEIS have been updated as part of the updated City of Auburn Comprehensive Transportation Plan approved by the Auburn City Council on December 14, 2015.
- Pertaining to Subsection 3.12.2.2, the portion of this Subsection that addresses percentile adjustments to the trip generation for the existing site is confusing and appears to have no direct bearing on the analysis. The City of Auburn request that the FEIS clarify this information or remove it from the analysis. The corridor Level of Service (LOS) standards used in this Subsection are not consistent with currently adopted City standards. The City of Auburn requests that FEIS contain the most current standards that are consistent with the adopted City of Auburn Comprehensive Transportation Plan.
- Pertaining to Subsection 3.12.2.4, the City of Auburn uses a Safety Priority Index System (SPIS) to evaluate and rank intersections based on safety. The City of Auburn requests that the FEIS analyze SPIS and the ranking assigned to study intersections located in the City.

- Pertaining to Table 3.12-9, the City of Auburn requests that the FEIS identify that the relevant jurisdiction for each facility be added to the Table.
- Pertaining to Subsection 3.12.3.1, the transportation improvement projects included in the DEIS analysis are not consistent with the assumptions used in the City of Auburn Comprehensive Transportation Plan. For example, West Valley Highway S (15<sup>th</sup> Street SW to SR-18) included in the 2040 analysis in the EIS is identified to be complete by 2022 in the City of Auburn Comprehensive Transportation Plan. A second example is the completion of the Stewart Road corridor between W Valley Highway and 140<sup>th</sup> Ave Ct E. While this is not in the immediate study area, completion of this project is anticipated to result in significant changes to travel patterns through the study area (W Valley Hwy, C Street and A Street). The City of Auburn requests that the FEIS update the improvement projects to be consistent with the City of Auburn Comprehensive Transportation Plan. The City of Auburn also requests that the FEIS contain an expanded analysis of additional improvement projects not included in the study area, but which have the potential to influence traffic volumes through the study area.
- Pertaining to Subsection 3.12.3.1, the average delays at all study intersections has been truncated at 80 seconds, while the v/c ratios have been truncated at 1.2. This makes it difficult to determine the impacts of the project alternatives at study intersections, and whether mitigation measures should be identified. The City of Auburn requests that the FEIS address this issue.
- Pertaining to Subsection 3.12.3.2, the City of Auburn Comprehensive Transportation Plan includes the following definition for unsatisfactory Level of Service (LOS): an unacceptable increase in hazard or unacceptable decrease in safety on a roadway; an accelerated deterioration of the street pavement condition or the proposed regular use of a street not designated as a truck route for truck movements that can reasonably result in accelerated deterioration of the street pavement (typically addressed through the payment of the truck impact fee); an unacceptable impact on geometric design conditions at an intersection where two truck routes meet on the City arterial and collector network; an increase in congestion which constitutes an unacceptable adverse environmental impact under the State Environmental Policy Act; or the inability of a facility to meet the adopted LOS standard. The City of Auburn requests that the FEIS contain additional analysis to determine if Alternative 1 would trigger mitigation under these standards, especially at the 8<sup>th</sup> Street SW/C Street SW intersection from which the Alternative 1 site is intended to take access. While the LOS analysis presented in the DEIS does not show a LOS impact at this intersection, the lack of a northbound left-turn pocket combined with the increase in turning traffic at this intersection is anticipated to result in an impact to both traffic operations and safety. Necessary improvements at this intersection could include the construction of a northbound left-turn pocket, however adequate public right-of-way is not currently available to accommodate such an improvement. Due to the proximity to the Burlington Northern Santa Fe (BNSF) rail yard, all of the necessary widening would have to be accommodated on the west side of the street which would impact adjacent businesses and require the Puget Sound Energy (PSE) transmission lines to be relocated. The FEIS should also address impacts to pavement condition from the increase in truck traffic, and both traffic

impact fees and truck impact fees which would be required with the selection of Alternative 1.

### Section 3.13: Public Services and Utilities

The City of Auburn requests that the FEIS address the following deficiencies of this Section of the issued DEIS:

- Pertaining to Subsection 3.13.1.3, All 2009 citations for the City of Auburn Water, Sewer and Stormwater Comprehensive Plans should be corrected to 2015. On December 14, 2015, the Auburn City Council approved Ordinance No. 6584 that adopted the updated 2015 Water, Sewer and Stormwater Comprehensive Plans.
- Pertaining to Subsection 3.13.1.3, the reference to 10,817 water customer accounts is incorrect. The City of Auburn has 14,800 water customer accounts.
- Pertaining to Subsection 3.13.1.3, the City of Auburn receives water from the regional surface water system from Tacoma Public Utilities.
- Pertaining to Subsection 3.13.1.3, the statement under the Sanitary Sewer heading that reads "The Alternative 1 site is within the Valley Sewer District" is incorrect. The Alternative 1 site is within the City of Auburn Sewer Service Area.
- Pertaining to Subsection 3.13.1.3, revise the storm utility quantities as follows:
  - 210 miles of pipe
  - 40 miles of ditches
  - 11,000 catch basins and manholes
  - 293 storage and water quality facilities
  - 7 pump stations
- Pertaining to Subsection 3.13.1.3, the reference to 15,900 solid waste and recycling accounts is incorrect. The City of Auburn has 19,000 solid waste and recycling accounts.
- Pertaining to Subsection 3.13.1.3, Republic Services does not currently offer imbedded recycling. Customers are charged at the requested container size.
- Pertaining to Subsection 3.13.1.3, the population reference for the population served by the Auburn Police Department – over 72,000 – is incorrect. Pursuant to the April 1, 2015 population estimated published by the Washington State Office of Financial Management, the City of Auburn's official population is 75,545 persons.
- Pertaining to Subsection 3.13.2.1, change all citations from 2009 to 2015.
- Pertaining to Subsection 3.13.2.1, collected rainwater that is subsequently discharged to the sewer would be required to be metered for use in determining sewer discharge fees.



- Pertaining to Subsection 3.13.2.1, the City of Auburn's current Surface Water Management Manual edition is 2009, not 2014.
- Pertaining to Subsection 3.13.2.1, the reference to the 2009 Comprehensive Stormwater Plan (2009) is incorrect out of date. The correct reference is the City of Auburn Comprehensive Storm Drainage Plan (Brown and Caldwell 2015).
- Pertaining to Subsection 3.13.2.1, the City of Auburn requests that the following issues and concerns of the Auburn Police Department be substantively analyzed and addressed in the FEIS:
  - Inability of large tractor trailers to exit "C" Street SW because of congestion of trucks and citizens queuing up to enter the facility.
  - Any failure to keep this area clean and safe will potentially attract illegal dumping of used appliances, tires, etc. near the entrance to the facility that would have a significant detrimental impact to the surrounding businesses.
  - The facility needs to be designed to ensure the ability for traffic to exit off of "C" Street SW. It would be anticipated that any on-street parking currently available may be restricted due to traffic concerns

Please note the following City of Auburn scoping comments that were submitted on April 5, 2013 and again on November 23, 2015 have not been satisfactorily addressed in the DEIS. The City of Auburn requests that the FEIS substantively address these outstanding comments identified below:

**On-Site Wetland:**

- If the footprint of the new facility would avoid the area protected by the easement, the proponent will still need to demonstrate that the project would not alter hydrology on the property such that the wetland would be adversely impacted.
- If wetland is to be impacted, mitigation meeting Auburn's Critical Area standards must be implemented. The City of Auburn maintains a *No Net Loss* standard of impacts to wetland function.
- The Army Corps of Engineers may exercise Clean Water Act, Section 404 regulatory jurisdiction over this wetland if they determine that it is a Water of the U.S. Whether it is a water of the U.S., or an isolated wetland, the Washington State Department of Ecology *does* regulate this wetland. The two agencies may or may not be aware that the proposal is on a site that contains a wetland- the City may choose to invite the participation of the agencies in the scoping process to address this issue. An agency with jurisdiction (Ecology at a minimum) would likely want to see compensatory mitigation for any impacts to the wetland, which could require the proponent to provide up to 4-6 times the area in new compensatory mitigation, either on-site or off-site.

### Area of Known Groundwater Contamination:

- Disturbance of soils and groundwater on the site needs to comply with current State of Washington Model Toxic Controls Act (MTCA) remediation regulations.
- Development of the site needs to include construction monitoring and long-term monitoring for presence and migration of TCE.
- The following substantive questions pertaining to groundwater contamination should be analyzed:
  - How will dust and runoff during construction be contained to ensure public is not exposed to TCE, and contamination is not spread?
  - Where will disposal of any contaminated soils and groundwater removed from the site occur?
  - If site remediation were part of the project, how would project address continuing on-migration to the site from the TCE source to the south?
  - What is the potential for health effects to customers and employees from ingestion, vapor, and dermal exposure?

As stated at the beginning of this letter, the City of Auburn is **OPPOSED** to the siting and development of a recycling and solid waste transfer station at 901 C Street SW (Parcel No. 2421049054), Auburn, WA 98001 referred to as Alternative 1 in the DEIS. The City of Auburn believes for the reasons stated herein that Alternative 1 **SHOULD NOT** be the preferred alternative for the South County Recycling and Solid Waste Transfer Station. The City of Auburn expects that the King County Solid Waste Division will in its preparation of the FEIS respond appropriately and at the necessary level of detail to all concerns and issues identified in the City's response letter to the DEIS. The City of Auburn intends to fully participate in all aspects the Environmental Impact Statement (EIS) process and other affiliated processes in order to preserve its legal rights and insure that an adequate level of detailed and correct analyses are conducted. Further, the City reserves its right to pursue all appeal opportunities throughout the entire environmental review process and other decision-making considerations in the event the City feels that all environmental, land use and other issues are not fully evaluated and mitigated.

King County Solid Waste Division  
Attn: Tom Creegan, Project Manager  
City of Auburn Comments for the Draft Environmental Impact Statement (DEIS) for the South County Recycling and  
Solid Waste Transfer Station  
March 8, 2016  
Page 22

Please contact me at 253-326-0077 or ksnyder@auburnwa.gov if you have any questions or require additional information.

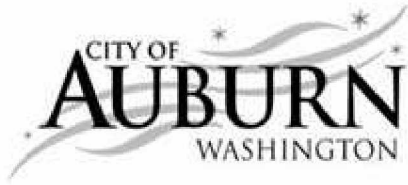
Sincerely,

A handwritten signature in black ink, appearing to read "Kevin H. Snyder". The signature is fluid and cursive, with the first name "Kevin" and last name "Snyder" clearly distinguishable.

Kevin H. Snyder, AICP  
Community Development and Public Works Director and SEPA Responsible Official

KS/jo  
CORR16-0056

cc: Nancy Backus, Mayor  
Auburn City Council  
Dan Heid, City Attorney  
Bob Lee, Chief of Police  
Shelley Coleman, Director of Finance  
Dana Hinman, Director of Administrative Services  
Paul Haugan, Director of Innovation and Technology  
Daryl Faber, Director of Parks, Arts and Recreation Director  
Rob Roscoe, Director of Human Resources and Risk Management  
Ingrid Gaub, P.E., City Engineer/Assistant Director of Engineering Services  
Jeff Tate, Assistant Director of Community Development Services  
Randy Bailey, Assistant Director of Maintenance & Operations Services  
Chris Andersen, CFM, Environmental Services Manager  
Jeff Dixon, Planning Services Manager



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Junior City Council Nation League of Cities Presentation  
(20 Minute Presentation/10 Minute Q&A)

**Date:**

March 23, 2016

**Department:**

Administration

**Attachments:**

No Attachments Available

**Budget Impact:**

\$0

**Administrative Recommendation:****Background Summary:**

Junior City Councilmembers Mary Reil, Sydney Campbell, Tyler Cushing and Brandon Berend were able to attend the National League of Cities Youth Delegate program in Washington, D.C. March 5-8. This conference is held in conjunction with the National League of Cities City Congressional Conference that was attended by Mayor Backus and Councilmembers Peloza, DaCorsi, Wales and Holman. They were able to join hundreds of other youth delegates from 43 states to network, attend workshops and meetings, learn about the political process and enjoy our nation's capital.

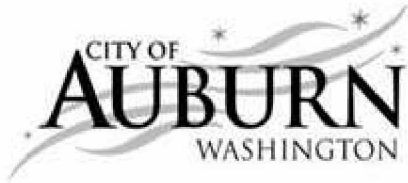
**Reviewed by Council Committees:****Councilmember:****Staff:**

Deputy Mayor  
Wales

**Meeting Date:** March 28, 2016

**Item Number:** AN.2





## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Ordinance No. 6594 (5 Minute Presentation/10 Minute Q&A)

**Date:**

March 23, 2016

**Department:**

Administration

**Attachments:**

[Ordinance No. 6594](#)

**Budget Impact:**

\$0

**Administrative Recommendation:****Background Summary:**

The ordinance authorizes the expansion of the number of members on the Junior City Council from nine to eighteen; nine members and nine alternates. Adding members to the Junior City Council will assure a quorum at every meeting, which will increase productivity. Two members from each middle school and high school will be represented on the Junior City Council, with one being a member and the other being an alternate. The difference between a member and an alternate is alternates do not vote on issues, but they still participate in all activities as members. Expanding the membership of the Junior City Council will give more students the opportunity to learn leadership skills, improve their chances for scholarships and be involved in the Auburn community.

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

Hinman

**Meeting Date:** March 28, 2016

**Item Number:** DI.A

## **ORDINANCE NO. 6 5 9 4**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 2.07.040, 2.07.050, 2.07.060, 2.07.070, 2.07.080 OF THE AUBURN CITY CODE RELATING TO THE COMPOSITION OF THE AUBURN JUNIOR CITY COUNCIL

WHEREAS, the youth of the City of Auburn are a valuable resource for the future of the City, the State and the Country; and

WHEREAS, on January 22, 2013, the Auburn City Council adopted Ordinance No. 6441, creating a new Chapter 2.07 of the Auburn City Code relating to the Auburn Junior City Council; and

WHEREAS, the Auburn Junior City Council recommends amending sections of Chapter 2.07 relating to membership and voting to broaden membership opportunities and enhance operation of the Junior City Council.

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

**Section 1. Amendment to City Code.** That section 2.07.040 of the Auburn City Code be, and the same hereby is, amended to read as follows:

### **2.07.040 Membership.**

A. The Auburn junior city council shall consist of nine members and nine alternate members. The members and the alternate members shall be appointed by the mayor, and confirmed by the city council from among students who have been nominated by the principals of the schools that they attend, with input from their teachers and counselors. The nomination of members and alternates shall be based upon consideration of criteria including: interest in government, positive participation in civics classes, academic accomplishments, involvement in school and community activities and other factors that identify a prospective member as a valuable contributor to the Auburn junior city council. Those considering prospective members, making nominations and appointing or confirming

members to the junior city council shall endeavor to include diverse members of the city's population, including one or more representatives of the Muckleshoot Indian tribe.

B. In the process of nominating members and alternate members to the junior city council, those nominating such members shall strive to seek representation of various schools, and to the extent reasonably possible, assemble a slate consisting of ~~eight members, one each a member and an alternate from each of the four high schools and the four middle schools,~~ and one member and alternate member at large, or such other strategy representing various schools so that their membership represents a diverse cross section of the student population of middle schools and high schools in the city.

C. All students on the junior city council shall be residents of the city of Auburn, and shall be residents of the city during their entire term of office. If a student is a resident of the city of Auburn but attends a school located outside the city, e.g., Thomas Jefferson High School, such student would be eligible to participate on the junior city council, if selected.

D. The junior council members and alternate members shall serve without compensation.

E. Each member and alternate member shall serve a term of two years. The mayor and city council shall annually solicit nomination from the school principals, and appoint and confirm new members and alternates to fill the expiring terms on the Auburn junior city council. The city council may remove an Auburn junior city council member or alternate member at any time if the city council determines that member is not fulfilling his or her responsibilities to the satisfaction of the city council. Members and alternate members of the junior city council who fail to attend two consecutive regular meetings of the junior city council without being excused by the chairperson, or excused by a majority of the membership of the junior city council, shall forfeit their positions on and be removed from the junior city council.

F. In the event of a vacancy on the junior city council, an alternate member who attends the same school as the vacating member shall fill the unexpired term of the vacating member. The mayor shall confirm the appointment of the alternate member to replace the vacating member. If an alternate is unavailable, unwilling, or unsuitable, as determined by the mayor, to fill the vacancy, the mayor and city council shall solicit nominations from the school principals and shall appoint and confirm a new member to fill the unexpired term of that Auburn junior city council member; provided, that the junior city council may also nominate members to fill the unexpired term vacancies. Unless the appointed replacement member is replacing the at-large member of the junior city council, the appointed replacement member shall be from the same school as the member being replaced. Notice must be made to that school to solicit applications and nominations for the position to be refilled at least 30 days before the appointment is intended to be made. A vacancy in an

alternate member position shall not be filled until the expiration of the term of the position.

G. All members of the Auburn junior city council shall serve until the mayor appoints alternate members to fill their positions or their successors are duly appointed by the city council.

H. The members will elect a chairperson from among themselves. The chairperson will be elected annually at the first meeting following the beginning of the school year. The chairperson will be allowed to vote on all matters.

I. A quorum of the junior city council shall consist of at least five members, including alternate members appointed to serve for an absent or disqualified member, and a minimum of five members must be present to vote on matters. Members who are aware that they will be unavailable or unable to attend a meeting shall notify the mayor's office. If a member is absent at the time the chairperson calls roll at a meeting, the deputy mayor, or the chairperson if the deputy mayor is absent, may appoint an alternate member in attendance at the meeting to serve as a member and to vote. The alternate member shall serve as a member until adjournment of the meeting.

J. The deputy mayor or designee shall serve as liaison to the junior city council, participating as a nonvoting member of the junior city council, to encourage and counsel the members of the junior city council in connection with their duties as members of the junior city council.

(Ord. 6441 § 1, 2013.)

## **Section 2. Amendment to City Code.**

That section 2.07.050 of

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

### **2.07.050 Term of office.**

A. The term of office for the members and alternate members of the junior city council shall be two years. Members and alternate members shall be students during their entire term. Middle school students shall be selected for two-year terms from seventh grade classes, so they can fulfill their full terms while attending the same school. High school students shall be selected for two-year terms from ninth, tenth or eleventh grade classes, so they can fulfill their full terms while attending the same school.

B. Terms of office shall run from September of the first year of appointment through August of the second year of appointment; provided, that for the initial appointees to the junior city council, five of the members shall be appointed for terms commencing upon appointment and confirmation, and expiring at the end of August of the following year; and four of the members shall be appointed for terms commencing upon appointment and confirmation, and expiring at the end of August of that same year. Thereafter, members shall be appointed in staggered terms for the full two years, commencing with the expiration of the term of those they succeed.



C. An additional two-year term for members and alternate members of the junior city council may be allowed so long as the member will be a student during the entire additional term.

(Ord. 6441 § 1, 2013.)

**Section 3. Amendment to City Code.** That section 2.07.060 of the Auburn City Code be and the same hereby is amended to read as follows:

**2.07.060 Responsibilities.**

A. The Auburn junior city council shall be responsible for:

1. Holding regular public meetings at least once a month, pursuant to a regular agenda, and to keep a written record of its proceedings which shall be a public record, all in accordance with state law;

2. Serving as youth advisors to the city council and the city council's various boards, commissions and task forces;

3. Adopting bylaws for the regular operation of the junior council;

4. Providing outreach to the community in an effort to place youth issues before our citizens in a positive manner; and

5. Forwarding to the city council copies of the minutes of its meetings and reporting to the city council as requested and/or as appropriate.

B. Members and alternate members of the junior city council are encouraged to attend meetings of the city council as well as meetings of the various boards and commissions of the city.

(Ord. 6441 § 1, 2013.)

**Section 4. Amendment to City Code.** That section 2.07.070 of the Auburn City Code be and the same hereby is amended to read as follows:

**2.07.070 Meetings.**

A. The regular meetings of the junior city council shall be held once per month at a regularly scheduled date and time, and shall be held in the Auburn city council chambers at City Hall.

B. The chairperson shall preside over the meetings of the junior city council. In the absence of the chairperson at a meeting, the members of the junior city council shall select a member of the junior city council to preside over such meeting.

C. All meetings of the junior city council shall be open to the public, except as provided by law.

D. In the meetings of the junior city council there shall be the opportunity for public comment. Such public comment shall usually be limited to three

minutes per person; provided, that the chairperson may, in his/her discretion, allow more time.

E. Members of the junior city council shall display mutual courtesy, patience and appropriate behavior in all meetings of the junior city council, and in any interactions with city staff.

F. Robert's Rules of Order, Newly Revised Edition, shall be used as the basis for parliamentary procedure at all meetings of the Auburn junior city council and any of its subcommittees.

G. Any action taken by the junior city council shall be reduced to writing and shall be forwarded to the Auburn city council, via appropriate city staff. H. Alternate members to the junior city council shall act as members of the council for all purposes except they may not vote, unless appointed to serve in the place of an absent member. Alternate members are required to attend all council meetings, unless excused.

(Ord. 6441 § 1, 2013.)

**Section 5. Amendment to City Code.** That section 2.07.080 of the Auburn City Code be and the same hereby is amended to read as follows:

**2.07.080 Subcommittee structure.**

A. The junior city council may informally divide its members into subcommittees to consider different topics of interest, or into subcommittees that it deems helpful to its tasks.

B. The subcommittees will meet on an as-needed basis.

C. The subcommittees shall consist of at least three members of the junior city council, but shall consist of less than a quorum of the junior city council (less than five members). If a member is absent from a committee meeting, the present members may appoint an alternate member in attendance to serve as a committee member and to cast a vote. Once the committee meeting is commenced, the alternate member shall serve as a committee member until adjournment of the meeting.

D. Any discussions or recommendations of any subcommittees shall be communicated to and shared with the full junior city council.

E. The subcommittees shall not constitute legislative or agency bodies so as to trigger the requirement that the subcommittees comply with the Washington State Open Public Meetings Act (Chapter 42.30 RCW).

**Section 6. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 7. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, 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 8. Effective date.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

**CITY OF AUBURN**

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

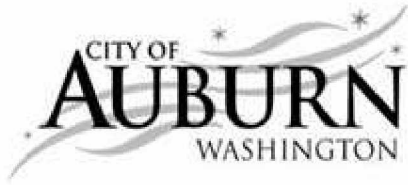
\_\_\_\_\_  
Daniel B. Heid, City Attorney

Published: \_\_\_\_\_

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Ordinance No. 6594  
March 23, 2016  
Page 6 of 7







## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Gangs & Graffiti Presentation (15 Minute Presentation/15 Minute Q&A)

**Date:**

March 23, 2016

**Department:**

Community Development &  
Public Works & Police

**Attachments:**

[Gangs and Graffiti Presentation](#)

**Budget Impact:**

\$0

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

Snyder & Lee

**Meeting Date:** March 28, 2016

**Item Number:** DI.B

# CITY OF AUBURN GANG AND GRAFFITI PRESENTATION

POLICE

CODE ENFORCEMENT

M & O

END



# Gangs

*Officer Jason Blake*  
*Community Response Team*

# What is a Gang?

**Definition:** “any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity.” (RCW 9.94A.030)



# Gang member/Associate

- **Definition:** “any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.”



# Documentation Criteria

- Subject self-admits to gang membership
- Subject has obvious/confirmed gang tattoos
- Subject writes or possesses gang paraphernalia
- Subject wears gang clothing
- Subject uses a gang moniker
- Reliable information identifies subject as a gang member
- Subject is seen in photographs with other criminal gang members
- Subject displays gang hand signs and has knowledge of/uses gang language
- Subject associates with known criminal gang members
- **Subject participates in gang activities**
- Subject is identified by another gang member as a gang member
- Subject is named in gang documents/graffiti
- **Subject targets a rival gang member**

# Auburn Gang Activity

- **Gang Activity**

- Auburn Gangs
- Auburn residents who are gang members elsewhere

- **Gang Enforcement**

- Membership not illegal. Crimes committed on behalf of, or for the benefit of the gang are.
- Gang enhancements





# Graffiti

- Gang graffiti vs. Tagger Crew graffiti
- What is graffiti?
- Is gang graffiti becoming more prevalent?
- What is being done to combat graffiti?
  - Documentation (intelligence)
  - Encourage quick removal or cover up
  - Arrests/Prosecution – when possible
  - Education & Enforcement with Code Enforcement



# Gang Graffiti





# Tagger Crew Graffiti





**Thank You!**



# CITY OF AUBURN CODE ENFORCEMENT GRAFFITI RESPONSE



Complaint Received  
Or  
On view of Graffiti



Complaint Received  
Or  
On view of Graffiti



Make contact with resident or business





**Complaint Received  
Or  
On view of Graffiti**



**Make contact with resident or business**



**Issue Soft Notice  
1-5 Day removal  
Give Graffiti brochure  
Offer paint voucher**



**Issue Notice to Correct  
15 Day removal  
Give Graffiti brochure  
Offer paint voucher**



**Complaint Received  
Or  
On view of Graffiti**



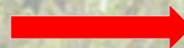
**Make contact with resident or business**



**Issue Soft Notice  
1-5 Day removal  
Give Graffiti brochure  
Offer paint voucher**



**Issue Notice to Correct  
15 Day removal  
Give Graffiti brochure  
Offer paint voucher**



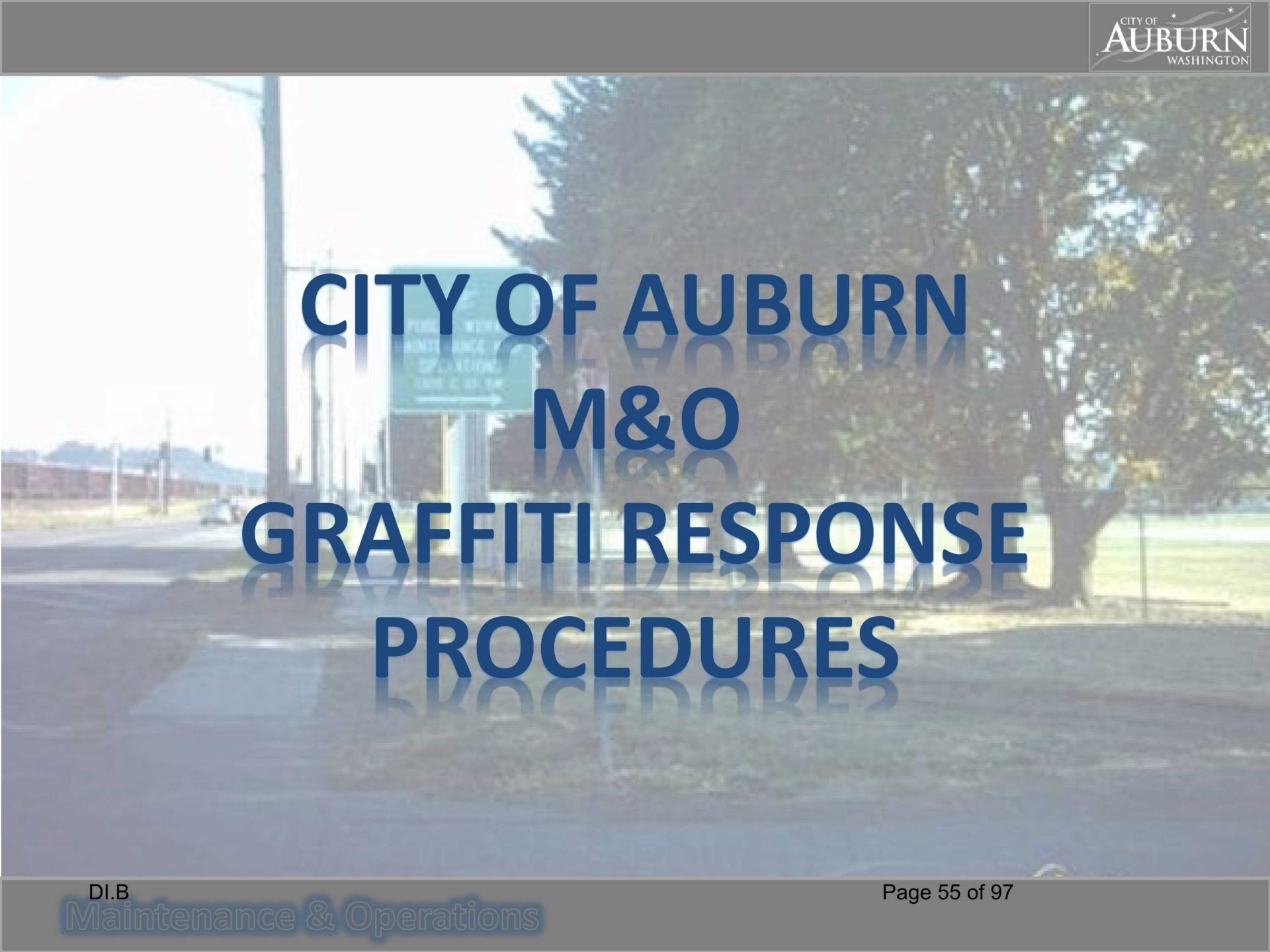
**Civil Penalty**



**Infraction**



**Abatement**



# **CITY OF AUBURN M&O GRAFFITI RESPONSE PROCEDURES**

## M&O receives a complaint:

- Phone call
- Email
- Request through Yourgov app

The screenshot displays the OMS interface for a request labeled R4680, titled 'Graffiti'. The interface is divided into several sections:

- Header:** Includes navigation links (Back, Home, Requests, Request R4680), action buttons (Create, Run Report, Actions), and a status icon (a location pin with an exclamation mark).
- Request Information:**
  - Request:** R4680, Graffiti
  - Address:** HOWARD RD SE, City: HOWARD RD SE
  - Owner:** Jason Arbogast
  - Priority:** None
  - Total Requesters:** 1
  - Total Tasks:** 0 (0 Complete)
  - Status:** Closed
  - Total Cost:** \$0
  - Progress:** 0%
  - Buttons:** Close Request
- Request Setup:**
  - Issue:** Graffiti
  - Priority:** None
  - External Description:** I took the attached photos this morning. This is the fence at the Mobile home park on Howard Rd, just East to R ST SE. There are several other spots as well. I took photos of them however they are somewhat explicit in nature. Let me know if you need all my photos.
  - Owner:** 3723
  - Full Name:** Jason Arbogast
- Request Details:**
  - Request ID:** R4680
  - Status:** Closed
  - Entry Date:** 3/9/2016 1:21:54 PM
  - Department:** Code Enforcement
  - City Facility:**
  - Due Date:** 3/9/2016
  - Notes:** Duplicate report. See Request # 4654 TK
  - Close Date:** 3/9/2016

On the left side of the interface, there is a sidebar menu with the following options: Map, Location, Request Setup, Request Details, Requester Logs, Tasks, and Attached Files.

**M&O Staff (Gina or Michele) enter a request into OMS**



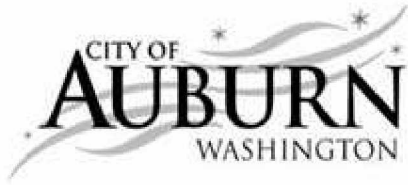
**The request is assigned based on the location of the graffiti:**

- **Private property – Code Enforcement**
- **City owned property/buildings – Facilities**
- **Park Facilities or equipment – Parks**
- **Street light poles, pavement, other M&O maintained areas – various M&O departments**

**Pictures and graffiti information are forwarded to APD to for tracking.**

**If the graffiti is to be removed by M&O, the request will be converted to a task and all hours and equipment will be tracked.**





## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Community Development Block Grant (CDBG) Funding (15 Minute Presentation/15 Minute Q&A)

**Date:**

March 23, 2016

**Department:**

Administration

**Attachments:**

[City of Auburn Human Services Funding](#)

**Budget Impact:**

\$0

**Administrative Recommendation:**

For discussion only.

**Background Summary:**

The City of Auburn relies on CDBG funds to support community and economic development projects and activities in efforts to support low- to moderate-income populations become self-sufficient and sustain affordable housing. However, CDBG funds are not the only source of funds the City uses to support community projects and activities. The City's general funds are used to support community projects in addition to CDBG funds.

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

Hinman

**Meeting Date:** March 28, 2016

**Item Number:** DI.C

## City of Auburn Human Services Funding

### 2015 CDBG Funds

*\*2015 HUD Entitlement Allocation: \$519,114.00*

|                      |                                   |                     |
|----------------------|-----------------------------------|---------------------|
| HealthPoint          | Dental & Medical Care             | 62,500              |
| Multi-Service Center | Employment Training               | 15,000              |
| Green River College  | Small Business Assistance Center  | 40,000              |
| City of Auburn       | Housing Repair Program            | 249,950             |
| City of Auburn       | Admin & Program Management        | 100,000             |
| City of Auburn       | Youth Outreach Center at Les Gove | 51,664              |
|                      | <b>TOTAL</b>                      | <b>\$519,114.00</b> |

### 2015-2016 General Funds

*\*1% of the City's General Fund expenditures is allocated to Human Services funding*

#### **Abused & Neglected Children:**

|                                                         |                     |
|---------------------------------------------------------|---------------------|
| Auburn Youth Resources: ACAP Childcare Subsidies        | 20,000              |
| Auburn Youth Resources: Drop-In                         | 85,000              |
| Birth to Three Development Center                       | 10,000              |
| Children's Home Society: Family Resource center         | 20,000              |
| Children's Home Society: Strengthening Families Program | 10,000              |
| Children's Therapy Center/Dynamic Partners              | 10,000              |
| Communities in Schools                                  | 5,000               |
| Pediatric Interim Care Center                           | 10,000              |
| <b>TOTAL</b>                                            | <b>\$170,000.00</b> |

#### **Domestic Violence & Sexual Assault:**

|                                                            |                    |
|------------------------------------------------------------|--------------------|
| Consejo Counseling & Referral Service                      | 10,000             |
| Crisis Clinic: 2-1-1, 24-Hr. Crisis Line, TeenLink         | 3,000              |
| DAWN: Continuum of Housing                                 | 10,000             |
| King County Sexual Assault Resource Center (KCSARC)        | 22,500             |
| Jubilee Center/St. Matthew's/San Mateo: DV Services        | 7,500              |
| Valley Cities Counseling & Consultation: DV Victim Support | 10,000             |
| YWCA: Children's DV Services                               | 5,000              |
| YWCA: Adult DV Services                                    | 20,000             |
| <b>TOTAL</b>                                               | <b>\$88,000.00</b> |



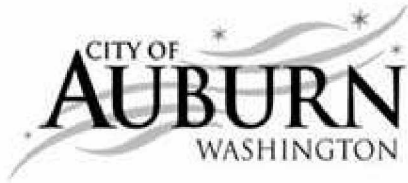
**Physically & Mentally Fit/Substance Abuse:**

|                                                                           |                    |
|---------------------------------------------------------------------------|--------------------|
| Auburn Respite                                                            | 10,000             |
| Christ Community Free Clinic                                              | 20,000             |
| Sound Generations (Senior Services) Volunteer Transportation              | 5,000              |
| South King County Mobile Medical Program                                  | 10,000             |
| Valley Cities Counseling & Consultation: Co-Occurring Disorders Treatment | 12,000             |
| <b>TOTAL</b>                                                              | <b>\$57,000.00</b> |

**Poverty Reduction:**

|                                                                 |                     |
|-----------------------------------------------------------------|---------------------|
| Auburn Food Bank: Emergency Food Distribution                   | 35,000              |
| Auburn Food Bank: Community Suppers                             | 5,000               |
| Catholic Community Services: Volunteer CHORE Program            | 3,000               |
| Catholic Community Services: HOME                               | 15,000              |
| Catholic Community Services: Katherine's House and Rita's House | 5,000               |
| Sound Generations (Senior Services): Meals on Wheels            | 7,000               |
| Multi-Service Center: Emergency & Transitional Housing          | 8,000               |
| Orion Skills Training                                           | 15,000              |
| Pregnancy Aid                                                   | 5,000               |
| St. Vincent de Paul: Emergency Assistance                       | 10,000              |
| Sound Mental Health: PATH                                       | 5,000               |
| South King Council of Human Services: Capacity Building         | 5,000               |
| Ukrainian Community Center of WA: Crisis Intervention           | 5,000               |
| Ukrainian Community Center of WA: Refugee Assistance            | 7,500               |
| Courage360 (fka WWEE): Reach Plus                               | 8,000               |
| YWCA: Emergency Housing                                         | 4,000               |
| YWCA: Transitional Housing                                      | 14,000              |
| <b>TOTAL</b>                                                    | <b>\$156,500.00</b> |

**Total General Fund Programs: \$471,500.00**



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Resolutiuon No. 5217 (5 Minute Presentation/25 Minute Q&A)

**Date:**

March 23, 2016

**Department:**

City Attorney

**Attachments:**

[Res 5217](#)  
[Rules of Procedure](#)

**Budget Impact:**

\$0

**Administrative Recommendation:****Background Summary:**

Summary of Changes Proposed in Draft Rules Amendment

The changes included in the draft City Council Rules of Procedure change three areas within the rules.

1. Section 3 of the Rules is amended to delete sections relating to a first and second reading of ordinances, providing instead for preliminary review of ordinances at Study Sessions (prior placement on City Council Regular or Special Meeting agendas for Council review and adoption.)

2. Section 16 of the Rules is amended to address review of ordinances at Study Sessions (prior to placement on City Council Regular or Special Meeting agendas for Council review and adoption.)

3. Section 17 of the Rules is amended to provide clarity with respect to Council liaison positions and reports to the City Council.

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

Heid

**Meeting Date:** March 28, 2016

**Item Number:** DI.D





**RESOLUTION NO. 5 2 1 7**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
AUBURN, WASHINGTON, AMENDING THE CITY COUNCIL  
RULES OF PROCEDURE AS ADOPTED BY ORDINANCE NO.  
5802 AND AMENDED BY RESOLUTION NOS. 4282, 4429,  
4467, 4615, 4686, 4740, 4813, 4909, 5105, 5112 AND 5115

WHEREAS, on February 2, 2004, the Auburn City Council adopted Ordinance No. 5802 approving the Rules of Procedure of the City Council; and

WHEREAS, Ordinance No. 5802 also provided that future amendments or modifications to the Council Rules of Procedure could be accomplished by Resolution properly introduced and passed by the City Council; and

WHEREAS, on December 12, 2007, December 15, 2008, April 6, 2009, July 6, 2010, February 22, 2011, August 15, 2011, May 21, 2012, February 19, 2013, November 3, 2014, December 1, 2014 and December 15, 2014, the City Council passed Resolution Numbers 4282, 4429, 4467, 4615, 4686, 4740, 4813, 4909, 5105, 5112 and 5115, respectively, which Resolutions adopted certain modifications to the Council Rules of Procedure; and

WHEREAS, it would be appropriate for the City Council to amend its rules and procedures so as to accommodate Council liaison reports and the review of ordinances prior to adoption; and

WHEREAS, rather than the current procedure for first and second readings of ordinances, the intended review could be accomplished through a procedure by which ordinances would be placed on the agenda for a Study Session prior to inclusion of the ordinances on City Council Meeting agendas for adoption.

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Resolution No. 5217  
March 7, 2016  
Page 1 of 3

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, IN A REGULAR MEETING DULY ASSEMBLED, HEREWITH RESOLVES AS FOLLOWS:

**Section 1.** The Rules of Procedure of the City Council, as adopted by Ordinance No. 5802 on February 2, 2004, amended by Resolution No. 4282 on December 12, 2007, Resolution No. 4429 on December 15, 2008, Resolution No. 4467 on April 6, 2009, Resolution No. 4615 on July 6, 2010, Resolution No. 4686 on February 22, 2011, Resolution No. 4740 on August 15, 2011, Resolution No. 4813 on May 21, 2012, Resolution No. 4909 on February 19, 2013, Resolution No. 5105 on November 3, 2014, Resolution No. 5112 on December 1, 2014, and Resolution No. 5115 on December 15, 2014 are hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein.

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

**Section 3.** This Resolution shall take effect and be in full force and effect upon passage and signature hereon.

DATED and SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF AUBURN

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

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Resolution No. 5217  
March 7, 2016  
Page 2 of 3

APPROVED AS TO FORM:

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Daniel B. Heid, City Attorney

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Resolution No. 5217  
March 7, 2016  
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**RULES OF PROCEDURE OF THE CITY COUNCIL OF  
THE CITY OF AUBURN, WASHINGTON**

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**RULES OF PROCEDURE OF THE CITY COUNCIL OF  
THE CITY OF AUBURN, WASHINGTON**

**SECTION 1 - AUTHORITY**

The Auburn City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

**SECTION 2 - COUNCIL MEETINGS**

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.

The City Clerk shall be responsible for preparing agendas for all City Council meetings pursuant to the authority of Section 2.03.100 of the City Code<sup>1</sup>.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

- 2.1 **Regular Meetings** - In accordance with Sections 2.06.010(A) and 2.06.020 of the City Code, the regular meetings of the City Council shall held on the first and third Mondays of every month in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location may be changed by a majority vote of the City Council.

Regular Council meetings will begin at the hour of 7:00 p.m.

A quorum shall constitute four or more Councilmembers for the transaction of business.

In the event that a scheduled Regular Council meeting falls on a legal holiday, the meeting shall be held at 7:00 p.m. on the first business day following the holiday.

The Presiding Officer shall be as set forth in Section 5.1 herein.

The Presiding Officer shall be seated at the center of the dais, and the Deputy Mayor shall be seated to the Presiding Officer's immediate left. When the Deputy Mayor is acting as the Presiding Officer, in the absence of the Mayor, the Deputy Mayor shall be seated in the center of the dais. The seating arrangement for the other members of the Council shall be as directed by the City Council pursuant to a motion duly made and seconded and approved by a majority of the City Council, following the recommendation of an ad hoc committee of three Councilmembers called for that purpose.

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<sup>1</sup> 2.03.100 Meeting coordination duties.

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the city council and/or or by the ad hoc committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution. (Ord. 6405 § 1, 2012; Ord. 5761 § 1, 2003.)

[See ACC 2.06.010 (Ord. 3916 § 1, 1983; 1957 code § 1.04.010); ACC 2.06.020 (Ord. 3759 § 1, 1982; 1957 code § 1.04.020); ACC 2.06.030 (1957 code § 1.04.060); ACC 2.06.080 (1957 code § 1.04.090).]

2.2 **Study Sessions** - In accordance with Sections 2.06.010(B) and 2.06.020 of the City Code, Study Sessions of the City Council shall held on the second, fourth and fifth Mondays of every month in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington. The regular meeting location of Study Sessions may be changed by a majority vote of the City Council. Study Sessions shall be subject to the following:

- A. The Deputy Mayor shall preside over Study Sessions.
- B. Study Sessions will begin at the hour of 5:30 p.m.
- C. A quorum shall constitute four or more Councilmembers for the transaction of business.
- D. In the event that a scheduled Study Session falls on a legal holiday, the meeting shall be held at 5:30 p.m. on the first business day following the holiday.
- E. No particular seating arrangement shall be required for the Deputy Mayor or other members of the Council, or for the Mayor or any other persons invited to sit at the table of Study Sessions.

2.3 **Regular Meeting Times:**<sup>2</sup>

The regularly scheduled meetings of the City Council shall be held at the following times, unless re-scheduled and/or reset to different times:

- A. First Monday of the month - Regular Council Meeting - - 7:00 PM
- B. Second Monday of the month - Council Study Session - - 5:30 PM
- C. Third Monday of the month - Regular Council Meeting - - 7:00 PM.
- D. Fourth Monday of the month - Council Study Session - - 5:30 PM
- E. Fifth Monday of the month - Council Study Session - - 5:30 PM.

2.4 **Special Meetings** - In accordance with Section 2.06.040 of the City Code and Section 35A.12.110 RCW, a special meeting of the City Council may be called by the Mayor or any three members of the Council by written notice delivered to

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<sup>2</sup> Any of these regularly scheduled meetings may be cancelled if not needed.

each member of the Council at least 24 hours before the time specified for the proposed meeting; provided, however, that no ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of such meeting has been given by such notice to the local press, radio and television as will be reasonably calculated to inform the city's inhabitants of the meeting.

[See ACC 2.06.040 (1957 code § 1.04.070).]

- 2.5 **Emergency Meetings** - Emergency meetings may be called by the Mayor, in accordance with Section 42.30.070 RCW, when by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.

- 2.6 **Executive Sessions** - A Council meeting that is closed except to the Council, the Mayor, City Attorney and authorized staff members and/or consultants authorized by the Mayor. The public is restricted from attendance.

Executive sessions may be held during Regular and Special meetings of the City Council, and will be announced by the Presiding Officer. Executive session subjects are limited to considering such matters as permitted by State law.

[See former ACC 2.06.070 (1957 code § 1.04.080).]

- 2.7 **Cancellation of Meetings** - Meetings may be canceled by a majority vote of the Council and proper notice given by the City Clerk.

### SECTION 3 - ORDER OF BUSINESS OF REGULAR COUNCIL MEETING AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 12:00 Noon on the Tuesday preceding each regular Council meeting. The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

~~In connection with the action of the City Council at Regular Council Meetings, certain items of business shall be subject to First and Second Readings prior to final approval by the City Council.~~

- ~~3.1 The protocol for First and Second Readings shall be as follows:~~

~~A. First and second readings apply to Ordinances only.~~



- ~~B. Resolutions/consent items/contract awards, etc. would still be acted on at only one Regular Council Meeting.~~
- ~~C. Ordinance action, especially those resulting in changes to City codes to which First and Second Readings would apply may take more consideration and discussion than other types of action.~~
- ~~D. First and Second Readings would be beneficial to a transparent public process.~~
- ~~E. First Reading discussion only at one Regular Council Meeting.~~
- ~~F. Second Reading action at the next Regular Council Meeting or could be a future subsequent Council meeting depending on Council's discussion and any needed staff follow-up.~~
- ~~G. Provides Council with opportunity to ask questions and get information at First Reading.~~

3.23.1 The agenda format of the Regular City Council meeting shall be as follows:

- A. Call to order.

The Presiding Officer shall call the meeting to order.

- B. Pledge of Allegiance.

The Presiding Officer, Councilmembers and, at times, invited guests will lead the Pledge of Allegiance.

- C. Roll call.

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor in advance of the meeting. The reason for the request shall be given at the time of the request.

- D. Announcements, Proclamations and Presentations

A proclamation is defined as an official announcement made by the Presiding Officer or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

E. Appointments

Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate.

F. Agenda modifications

Changes to the Council's published agenda are announced at this time.

G. Public Hearings and Appeals

Individuals may comment on public hearing and appeal items, provided that when an appeal is a closed record appeal, the matter shall be considered based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be added, and argument on the appeal may only deal with information, evidence and documents in the record. The Presiding Officer will state the public hearing and/or appeal procedures before each hearing.

H. Audience Participation

Members of the audience may comment on items relating to any matter related to City business under the Audience Participation period. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the audience participation time restrictions when warranted, in the discretion of the Presiding Officer.

Citizens may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the Presiding Officer.

I. Correspondence

J Council Ad Hoc Committee Reports

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

K. Consent Agenda

Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

1. Approval of minutes.
2. Fixing dates for public hearings and appeals.
3. Approval of claims and vouchers, bid awards and contracts.
4. Approval of surplus property.
5. Other items designated by the City Council.

L. Unfinished Business

Unfinished business of a general nature and that it was removed from the Consent Agenda for separate discussion and action.

M. New Business

Business, other than ordinances and resolutions, that has not been previously before the City Council.

N. Ordinances

1. All ordinances shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their adoption, provided that any councilmember may upon request, have a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance may be waived upon a motion duly made, seconded and approved by a majority of the councilmembers in attendance at the council meeting.

2. ~~First & Second Reading~~ Prior to any ordinance being considered for adoption by the City Council, the ordinance shall be included on a Study Session agenda, for review and discussion as provided in Section 16.1 (C)(5); Provided, however, that if the Mayor believes that special, emergency or exigent circumstances exist regarding the to need consider adoption of an ordinance without the ordinance having been placed on a Study Session agenda, the Mayor may place the ordinance on a Regular or Special City Council Meeting agenda with a request that the City Council consider adoption of the ordinance at such Regular or Special Meeting of the City Council. If there is not agreement among members of the City Council as to whether the ordinance should be considered for adoption at the Regular or Special Meeting of the City Council, the matter shall be presented for a separate vote at the Regular or Special City Council Meeting, and decided by majority vote of the members of the City Council at said meeting.

a. ~~If a majority of the City Council members vote in favor of considering adoption of the ordinance, the consideration of the adoption of the ordinance shall be the next matter before the City Council.~~

b. ~~If a majority of the City Council votes in favor of reviewing and discussing the ordinance at a Study Session prior to voting on its adoption, the ordinance shall be placed on an upcoming Study Session agenda for review and discussion.~~

~~Prior to the vote on a motion to adopt or otherwise address an Ordinance, each Ordinance shall be submitted to the City Council for its consideration at a First and Second Reading, as follows:~~

a. ~~First Reading. The First Reading of an Ordinance shall take place at a Regular City Council Meeting.~~

1. ~~The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of "First Reading."~~

2. ~~The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.~~



3. ~~The Ordinance shall be placed before the City Council by a motion to adopt or approve the Ordinance, which motion shall be seconded.~~
  - a) ~~After the motion is seconded, Councilmembers may discuss the merits of or issues related to the Ordinance.~~
  - b) ~~If there is no second to the motion, the motion dies.~~
  - c) ~~Discussion on the motion shall be in accordance with Section 7 of these Rules.~~
  - d) ~~There shall be no vote on the motion until after the Second Reading, unless the Second Reading is waived as provided for below.~~
- b. ~~Waiver of Second Reading. The City Council may choose to waive the Second Reading of an Ordinance if it feels the need for expedience in adopting or acting on the Ordinance.~~
  1. ~~Waiver of Second Reading shall be made by a motion to waive the Second Reading, duly seconded and approved by a super-majority [a majority plus one] of Councilmembers present.~~
  2. ~~If the Second Reading is waived, the City Council may approve or act on the Ordinance at the point in the agenda following the approval of the motion to waive Second Reading.~~
- c. ~~Second Reading. The Second Reading of an Ordinance shall take place at the Regular City Council Meeting next following the date of the Regular City Council Meeting of the First Reading of the Ordinance.~~
  1. ~~The Ordinance shall be included on the Meeting Agenda under Ordinances and shall include the indication of "Second Reading."~~
  2. ~~The Ordinance shall be read by the City Attorney, in accordance with Section 3.2, Paragraph M, of these Rules.~~
  3. ~~No new motion is necessary to place the Ordinance before the City Council if a motion to adopt or approve~~

~~the Ordinance was duly made and seconded on the date of the meeting of the First Reading. Councilmembers may discuss the merits of or issues related to the Ordinance.~~

~~a) Discussion on the motion shall be in accordance with Section 7 of these Rules.~~

~~b) Following discussion on the motion, the City Council may vote on the motion or take such other action as is appropriate under these Rules of Procedure or other appropriate rules of parliamentary procedure.~~

After a motion to adopt an ordinance has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the ordinance, without simply repeating the ordinance title as read by the City Attorney and may choose to comment on any results of Council discussion or action regarding the issue.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Councilmembers shall decide whether or not to amend the ordinance, or direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a majority vote of a quorum of the City Council, provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and provided that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

#### O. Resolutions

All resolutions shall be in writing, and the titles thereof shall be read aloud by the City Attorney prior to a vote being called on their passage, provided that any councilmember may upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. It shall not require a second to the request for a full reading of a resolution. It is further provided, however, that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution may be waived upon a motion duly made, seconded and

approved by a majority of the councilmembers in attendance at the council meeting.

After a motion to pass a resolution has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the resolution without simply repeating the resolution title as read by the City Attorney, and the councilmember may choose to comment on any results of Council discussion or action regarding the issue.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, Provided that passage of any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the Council.

P. Mayor and Councilmember Reports

The Mayor and Councilmembers may report on their significant City-related activities since the last regular meeting. The Mayor and Councilmembers shall limit their reports to not more than three (3) minutes, with sensitivity to avoiding duplicate reporting.

Q. Adjournment

3.3. Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

3.4. Amendment to Agenda - The sequence of handling items on the agenda of a particular Regular Council Meeting may be amended from order listed on the printed/approved agenda as follows:

A. Motion to Suspend the Rules. Any member of the City Council may move to suspend the rules so as to provide that an item on the agenda may be taken out of order - considered at a different order or placement in the agenda. Such motion shall require a second, and upon approval by a majority of Councilmembers in attendance at the meeting, the item shall be considered at the point in the agenda as indicated in the approved motion.

- B. Adjustment of Agenda by Mayor. If the Mayor, as the presiding official, determines that an item on the agenda of a Regular Council Meeting should be taken out of order - considered at a different order or placement in the agenda as set forth in the agenda - to accommodate members of the City Council or others at the Council Meeting, the Mayor may call for the amendment of the agenda to accomplish such adjustment. Such action by the Mayor does not require a motion or vote by the City Council; provided that if the City Council does not wish to have the item moved - agenda adjusted - as directed by the Mayor, the City Council may, by motion duly made, seconded and approved by a majority of Councilmembers in attendance at the meeting keep the agenda unchanged.

[See former ACC 2.06.110 (Ord. 5687 § 1, 2002; Ord. 4166 § 2, 1986); ACC 2.06.120 (1957 code § 1.04.120.); ACC 2.06.140 (1957 code § 1.04.140.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.180 (Ord. 5635 § 2, 2002; 1957 code § 1.04.200).]

#### **SECTION 4 - COUNCILMEMBER ATTENDANCE AT MEETINGS**

- 4.1 Councilmembers shall attend Regular Council meetings and Study Sessions. Councilmembers shall inform the Mayor or the City Clerk if they are unable to attend any Regular Council meeting or Study Session, or if they knowingly will be late to any such meetings. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such meeting, the minutes for that meeting will show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences may be addressed by the City Council on a case by case basis.

[See ACC 2.06.050 and RCW 35A.12.060]

- 4.2 Councilmembers are expected to attend the meetings of the Ad Hoc Council Committees to which they are assigned. Councilmembers should inform the Chair of such Ad Hoc Council Committees or the City Clerk if they are unable to attend any meetings of such Ad Hoc Council Committees, and should inform the Chair or City Clerk if they expect to be late to any such Ad Hoc Council Committee meeting. If a Councilmember has informed the Chair or City Clerk that he or she is unable to attend such Ad Hoc Committee meeting, the minutes for that meeting, if minutes are required and/or taken, shall show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences may be addressed by the City Council on a case by case basis.
- 4.3 Councilmembers shall attend the Special Meetings of the City Council. Councilmembers, shall inform the Mayor or the City Clerk if they are unable to attend any such meetings, or shall so inform the Mayor or City Clerk if they



expect to be late to any such Special meeting. If a Councilmember has informed the Mayor or City Clerk that he or she is unable to attend such Special meeting, the minutes for that meeting shall show the Councilmember as having an excused absence for that meeting. Provided that excessive, continued or prolonged absences may be addressed by the City Council on a case by case basis.

- 4.4 Attendance at Ad Hoc Council Committee meetings and Special meetings will not be considered “regular meetings” for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, in addition to the application of RCW 35A.12.060 to Regular City Council meetings, unexcused absences from any Regular or Special meetings, or Ad Hoc Committee meetings, shall constitute a violation of these Rules of Procedure.

## **SECTION 5 - PRESIDING OFFICER - DUTIES**

### **5.1 Conduct of Meetings**

The Presiding Officer at all Regular Meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. If both the Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor. Additionally, the Deputy Mayor shall serve as the presiding officer for Council Study Sessions. It is further provided that, though not the Presiding Officer of Study Sessions, the Mayor is encouraged to attend Study Sessions.

[See former ACC 2.06.090 (1957 code § 1.04.100).]

### **5.2 The Presiding Officer:**

- A. Shall preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct;
- B. Shall observe and enforce all rules adopted by the Council;
- C. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember;
- D. Shall recognize Councilmembers in the order in which they request the floor, giving every councilmember who wishes an opportunity to speak, provided that the mover of a motion shall be permitted to debate it first, and provided that the Presiding Officer may also allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion;

- E. May affix approximate time limit for each agenda item;
- F. When matters on the agenda are placed, or are able to be placed under more than one classification or category, as defined by the Order of Business, and the matters involve or are closely related to other subject matter, then the Presiding Officer may, in the Presiding Officer's discretion, present such matters before the Council, for discussion, consider and vote, at a different place in the agenda without the necessity of any vote thereon, notwithstanding their initial different placement on the written agenda.

[See former ACC 2.06.100 (1957 code § 1.04.170.); ACC 2.06.190 (1957 code § 1.04.210).]

## **SECTION 6 - COUNCILMEMBERS**

- 6.1 Remarks. - Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine himself/herself to the question under debate.
- 6.2 Questioning. - Any member of the Council, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual being interrogated.
- 6.3 Obligation to the Public Agency. - Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers should act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.
- 6.4 Council Training. - Councilmembers are expected to participate in training offered by individuals, agencies, entities and organizations including but not limited to the Association of Washington Cities and the State of Washington, so as to afford the Councilmembers the opportunity to better understand their roles as City Councilmembers.
- 6.5 Participation in Committees, Agencies and Organizations. - To better represent the interests of the City of Auburn, Councilmembers are encouraged to participate in assignments to local, regional, state and national committees, agencies and organizations.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

## **SECTION 7 - DEBATES**

- 7.1 Speaking to the Motion. - No member of the Council, including the Presiding Officer, shall speak more than twice on the same motion except by consent of the Presiding Officer or a majority of the Councilmembers present at the time the motion is before the Council.
- 7.2 Interruption. - No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 5.2.A of these rules.
- 7.3 Courtesy. - All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
- 7.4 Transgression. - If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.
- 7.5 Challenge to Ruling. - Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

## **SECTION 8 - PARLIAMENTARY PROCEDURES AND MOTIONS**

- 8.1 All City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition).

- 8.2 If a motion does not receive a second, it dies. Matters that do not constitute a motion include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege; therefore a second is not needed.
- 8.3 A motion that receives a tie vote is deemed to have failed, provided that except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.
- 8.4 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.5 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
- 8.6 If any Councilmember wishes to abstain, from a vote on the motion pursuant to the provisions of Section 9 hereof, that Councilmember shall so advise the City Council, and shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.
- 8.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 8.8 A motion to table is nondebatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds' majority vote.



- 8.9 A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 8.11 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
- 8.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 8.13 Motions that cannot be amended include: Motion to adjourn, lay on the table (table), roll call vote, point of order, reconsideration and take from the table.
- 8.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 8.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.16 The Presiding Officer, City Attorney or City Clerk should repeat the motion prior to voting.
- 8.17 The City Clerk will take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law.
- 8.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration. In order to afford Councilmembers who voted in the majority the potential basis for a motion for reconsideration, Councilmembers who voted in the majority may inquire of Councilmembers who voted with the minority as to the reasons for their minority vote, if not stated during debate prior to the vote.
- 8.19 The City Attorney shall act as the Council's parliamentarian and shall decide all questions of interpretations of these rules which may arise at a Council meeting.
- 8.20 These rules may be amended, or new rules adopted, by a majority vote of the full Council.

[See former ACC 2.06.160 (1957 code § 1.04.180.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.200 (1957 code § 1.04.220.); ACC 2.06.210 (1957 code § 1.04.230).]

## **SECTION 9 - VOTING**

- 9.1 Voice vote - A generalized verbal indication by the Council as a whole of “yea or nay” vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness.
- 9.2 Roll call vote - A roll call vote may be requested by the Presiding Officer or by any Councilmember.
- 9.3 Abstentions - It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- 9.4 Votes by Mayor - Except where prohibited by law, the Mayor, as Presiding Official, shall be allowed to vote to break a tie vote.

[See former ACC 2.06.150 (1957 code § 1.04.150).]

## **SECTION 10 - COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL**

- 10.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk’s desk. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
- 10.2 Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Council.

[See former ACC 2.06.130 (1957 code § 1.04.130).]

## **SECTION 11 - PUBLIC HEARINGS AND APPEALS**

- 11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. The following procedure shall apply:
- A. The Department Director of the department (most) affected by the subject matter of the hearing, or said Director's designee, will present the City's position and findings. Staff will be available to respond to Council questions.
  - B. The proponent spokesperson shall speak first and be allowed (10) minutes. Council may ask questions.
  - C. The opponent spokesperson shall be allowed ten (10) minutes for presentation and Council may ask questions.
  - D. Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
  - E. The City Clerk shall serve as timekeeper during these hearings.
  - F. After each proponent and opponent spokesperson have used their speaking time, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.
- 11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:
- A. The Department Director or designee shall present the issue to the Council and respond to questions.
  - B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The Presiding Officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the Presiding Officer.
  - C. The City Clerk shall serve as timekeeper during these hearings.
  - D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.

- E. The hearing will then be closed to public participation and open for discussion among Councilmembers.
- F. The Presiding Officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

## **SECTION 12 - DEPUTY MAYOR**

12.1 Annually or more often as deemed appropriate, the members of the City Council, by majority vote, shall designate one of their members as Deputy Mayor for such period as the Council may specify.

- A. Any member of the City Council may be nominated for the position of Deputy Mayor by having that Councilmember's name placed in nomination by a Councilmember. [The nomination of a councilmember for this position does not require a second, and a councilmember may nominate him or herself.]
- B. The Councilmember receiving a majority of the votes cast by the members of the City Council shall be elected Deputy Mayor. A Councilmember may vote for him or herself.
- C. The names of all nominees for the position of Deputy Mayor shall be included in the vote.
- D. If no single Councilmember received a majority of the votes cast, a second vote/ballot, between the two nominees who received the largest number of votes, would be needed. In the second vote/ballot, whichever of these two nominees received the larger number of votes would be elected to the position of Deputy Mayor.<sup>3</sup>

[See RCW 35A.12.065.]

12.2 The Deputy Mayor shall perform the following duties:

- A. Intra-Council Relations
  - 1. Serve as the Chair of the Council Study Sessions

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<sup>3</sup> It may be that if there were a larger number of nominees in the initial election, there would not be (only) two councilmembers who received the largest number of votes. For instance, if one nominee received three votes a second nominee received two votes and a third nominee also received two votes, it might be appropriate to have an initial run off between the second and the third nominees to determine who would be included in the final run-off against the first nominee.



2. Serve as an ex-officio member of all other\_ad hoc committees of the City Council
3. Assist in new councilmember training
4. Support cooperative and interactive relationships among council members
5. Work with Administration to prepare agendas for Council Study Sessions

B. Mayor-Council Relations

1. Help maintain a positive and cooperative relationship between the Mayor and the City Council
2. Act as conduit between the Mayor and the City Council on issues or concerns relating to their duties

C. Intergovernmental and Community Relations

1. Act in absence of Mayor as requested and/or as required
2. Be aware of all City regional and intergovernmental policies and activities in order to be prepared to step into the role of Mayor if necessary
3. Serve as the Chair of the City's Emergency Management Compensation Board

[See former ACC 2.06.090 (1957 code § 1.04.100).]

### **SECTION 13 - COUNCIL POSITION VACANCY OR ABSENCE**

- 13.1 In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety (90) day period, the Mayor may make the appointment from among the persons nominated by members of the Council.
- 13.2 In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

## **SECTION 14 - COUNCIL MEETING STAFFING**

- 14.1 Department Directors shall attend all meetings of the Council unless excused.
- 14.2 The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Assistant City Attorney shall attend meetings when the City Attorney has been excused.

[See former ACC 2.06.060 (1957 code § 1.04.160).]

## **SECTION 15 - COUNCIL RELATIONS WITH STAFF**

- 15.1 There will be mutual courtesy and respect from both City staff and Councilmembers toward each other and of their respective roles and responsibilities.
- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 15.3 It is the intent of Council that all pertinent information asked for by individual Council members shall be made available to the full Council.
- 15.4 Individual Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. Councilmembers may, at the request of the Mayor, participate in discussions and decisions related to these matters.
- 15.5 Other than through legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department.
- 15.6 No individual Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council. This provision, however, does not prohibit individual Councilmembers from discussing issues with the Mayor or making individual requests or suggestions to the Mayor. The Mayor shall endeavor to advise and update the Councilmember(s) on the status or follow-up of such issues.
- 15.7 All councilmember requests for information, other than requests for legal advice from the City Attorney's Office, shall be directed through the Mayor in order to assign the task to the proper staff. The Deputy Mayor may work with the Mayor's

designated staff to prepare Study Session agendas and facilitate Study Session work.

- 15.8 Any written communication with staff shall also include the Mayor as a recipient.

#### **SECTION 16 - COUNCIL STUDY SESSIONS, COMMITTEES AND CITIZEN ADVISORY BOARDS**

- 16.1 In addition to the regularly scheduled City Council meetings (Regular Council Meetings) scheduled on the first and third Mondays of the month, City Council shall regularly schedule Council Study Sessions on the second, fourth and fifth Mondays of the month for review of matters that would come back before the City Council at Regular Council Meetings. Different than the format for Regular Council Meetings (identified in Section 3 hereof), Study Sessions shall be less formal than Regular Council Meetings and shall give the City Council the opportunity to discuss and debate issues coming before it for action at Regular Council meetings. The format for these meetings shall be as follows:

A. Meeting Times:

Study Sessions shall be scheduled as set forth in Section 2.3, above.

B. Study Sessions should conform to the following:

1. Meeting facilitation - the Deputy Mayor shall preside over/conduct Study Sessions.
2. Four or more Councilmembers shall constitute a quorum for Study Sessions.
3. Two and one half hours maximum timeframe (goal).
4. Maximum of five agenda items (goal).
5. Timeframe per agenda item - up to 30 to 40 minutes.
6. Agenda items should relate to future policy-making, strategic planning or key state or federal issues affecting current or future city operations.
7. Agenda items should be substantive only (e.g., traffic impact fee increase proposals, comprehensive plan updates, rather than day-to-day operational issues. [Non-substantive items (e.g., accepting a grant, authorizing contract bidding, etc.) should go directly to the Regular City Council meeting.

C. Study Session Meeting Format<sup>4</sup>

1. Call to Order

The Presiding Officer shall call the meeting to order.

2. Roll call

The City Clerk will call the roll. Councilmembers may request to be excused from a meeting by requesting the same of the Mayor or City Clerk in advance of the meeting. The reason for the request shall be given at the time of the request.

3. Announcements, Reports and Presentations

The Presiding Officer shall provide any announcements, reports or presentations that need to be shared with the City Council in advance of the agenda discussion items. After that these announcements, reports or presentations, City Council members may have questions or wish to discuss the issues at this time or request that they be put on a future Study Session agenda for further discussion.

4. Agenda items for Council Discussion.

The Presiding Officer shall announce each of the various items that are on the agenda for Council discussion, and, as warranted, request a preliminary report from staff or a consultant or other individual(s) involved in the issue. The Presiding Officer shall endeavor to call upon the members of the City Council in the order of their requests to discuss the Agenda Item.

After such report(s), if any, the Presiding Officer shall open the floor for Council discussion on the agenda items in their order on the agenda, unless a different order is approved by a majority of the Councilmembers present.

Council discussion shall be in conformity with the provisions of Section 7 of these rules, other than the requirement that there be a motion before Council discussion.

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<sup>4</sup> It is the intention of the City Council that Study Sessions shall be televised on the City's public access channel if reasonably possible.



At the conclusion of the discussion, or at the point the Council feels its questions have been answered and discussion vetted, the Presiding Officer shall move the attention of the Council to the next discussion item on the agenda; provided that if, after a lengthy discussion on a particular agenda item, the Presiding Officer concludes that discussion should be continued to a later date, the Presiding Officer may conclude discussion on that agenda item and schedule the matter for a later Study Session.

With the support of a consensus of Councilmembers, the Deputy Mayor shall call for Study Session agenda items requiring formal Council action to be included in agendas for upcoming Regular Council Meetings.

## 5. Ordinances

Prior to an ordinance being included for adoption on the agenda of a Regular or Special Meeting of the City Council, the ordinance shall be included on the agenda of a Study Session for Council review and discussion.

a. The Study Session ordinance review requirement shall be met even if the version to be considered at an upcoming City Council Meeting is amended from the version included on the Study session agenda following review and discussion at the Study Session.

b. If, after City Council review and discussion of an ordinance at a Study Session, the City Council is not ready to vote on a proposed ordinance, the ordinance may be included on another Study session agenda for further review and discussion. If there is not agreement among members of the City Council as to whether the ordinance should next come before the City Council at a regular or Special Meeting of the City Council for consideration of adoption or whether it should return for further review and discussion at a Study Session, the matter shall be presented for a vote at the Study Session, and decided by majority vote of the members of the City Council at the Study Session.

## 5.6. Other Discussion Items

The Presiding Officer and/or members of the City Council may bring up other discussion items to be discussed at this time or to be scheduled for discussion at a future Study Session; provided that if

the Presiding Officer concludes that there is not sufficient time to discuss or continue discussing the topic, the Presiding Officer may defer discussion or continued discussion to a future Study Session.

|        6-7. Adjournment

The Presiding Officer shall adjourn the Study Session after conclusion of discussion on the agenda items.

- 16.2 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider special matters that require special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees, provided that the Deputy Mayor shall appoint Councilmembers to Council ad hoc committees. It is further provided that the Mayor shall appoint members to Council ad hoc committees if the Deputy Mayor is disabled or precluded from acting in that capacity. Councilmember appointments to intergovernmental councils, boards and committees, including ad hoc committees, shall be periodically reviewed to determine which councilmembers could best be able to represent the City on such councils, boards and committees.
- 16.3 Ad hoc council committees shall consider all matters referred to them. The chair of such ad hoc committee shall report to the City Council the findings of the committee. Committees may refer items to the Council with a committee recommendation or with no committee recommendation.
- 16.4 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.
- 16.5 Committee Chairpersons shall have broad discretion in conducting their meetings. They will generally follow Roberts Rules of Order, Newly Revised.
- 16.6 Unless otherwise expressly provided for an ad hoc committee of the City Council, such committees shall not receive public testimony or allow audience participation in connection with or related to the agenda item being discussed by the Committee,. Unless otherwise expressly provided for such ad hoc committee, it is the intention of the City Council that such ad hoc committees function informally and not in any way that takes action in lieu of or on behalf of the full City Council. The purpose and function of such ad hoc committees shall be to review matters in advance of their consideration by the full City Council, and

perhaps record and make recommendations to the full City Council. With that, it is the intention that these committees operate informally, without the need for compliance with the Open Public Meetings Act (Chapter 42.30. RCW).

- 16.7 Committee Chairpersons shall approve all agenda items and may, at their discretion, remove or add agenda items during the course of the meeting.

## **SECTION 17 - COUNCIL REPRESENTATION & INTERNAL COMMUNICATION**

- 17.1 If a Councilmember meets with, attends a meeting or otherwise appears on before individuals, another governmental agency, a community organization, or a private entity or organization, including individuals, agencies, or organizations with whom or with which the City has a business relationship, and makes statements directly or through the media, commenting on an issue that does or could affect the City, the Councilmember shall state the majority position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council's position, and the statements are those of the Councilmember as an individual. Additionally, before a Councilmember discusses anything that does or could relate to City liability, the Councilmember should talk to the City Attorney or the City's Risk Manager, so that the Councilmember would have a better understanding of what may be said or how the discussion should go to control or minimize the City's liability risk and exposure.
- 17.2 Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.
- 17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.
- 17.4 Communication among Councilmembers shall conform to the following parameters:
- A. Except in connection with Council members meeting, informally, in committees not subject to the Open Public Meetings Act, to assure that communication on agenda items occurs to the greatest extent possible at the public meetings, and to avoid even the perception that email is being used in a way that could constitute a public meeting, e.g., successive communications on City Council topics that involve a quorum of the Councilmembers. Councilmembers should refrain from emailing

Councilmembers about such agenda items. Councilmembers should be prepared to communicate about matters that are on upcoming Council agendas at the public meetings. If Councilmembers wish to share information with other councilmembers about matters that are on upcoming agendas, the councilmembers should forward that information to the Mayor for distribution in the council meeting packets.

- B. Councilmembers may communicate via email to other Councilmembers, including to a quorum of the full City Council about matters within the scope of the City Council's authority or related to City business, but not yet scheduled on upcoming Council agendas, to indicate a desire that certain items be included on upcoming meeting agendas; provided that Councilmembers shall never ask for responses from the other Councilmembers in that communication.
- C. Email communication among Councilmembers relating to City operations should also include the Mayor as a recipient/addressee.
- D. Councilmembers may email the Mayor about City business without limitations or restrictions.

#### 17.5 Internet & Electronic Resources/Equipment Use.

- A. Policy. It is the policy of the City Council that Internet and electronic resources equipment use shall conform to and be consistent with the requirements of City of Auburn Administrative Policy and Procedure 500-03, "Internet & Electronic Resources/Equipment Use – Elected Officials" adopted hereby and incorporated herein by this reference.

It is important to note that all letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with exceptions stated by the Public Records Act (RCW 42.56), are public records.

- B. Electronic Communications.
  - 1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.



2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
3. Electronic communications that are intended to be shared among a quorum of the City Council or of an ad hoc Council Committee, whether concurrently or serially, must be considered in light of the Open Public Meetings Act, if applicable. If the intended purpose of the electronic communication is to have a discussion that should be held at an open meeting, the electronic discussion shall not occur. Further, the use of electronic communication to form a collective decision of the Council shall not occur.
4. Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
5. Electronic communication between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
6. As a cautionary note, if an elected public official uses his or her personal home computer to send electronic communications dealing with City business, the electronic communications and electronic records may be subject to discovery demands and public disclosure requests. That possibility amplifies the need for caution in how one uses electronic communication for City business.

17.6 Council Relations with City Boards and Commissions.

A Council Liaisons.

Different than where a City Councilmember is appointed by the City Council or the Mayor to serve as a member of a board, commission, committee, task force or any other advisory body, the City Council may, on limited occasions or under unusual circumstances, appoint a Councilmember to serve as a non-member Liaison to a board, commission, committee, task force or any other advisory body. Anytime a Councilmember is appointed as such a Liaison, the position or role of

Liaison is subordinate to that of Councilmember, and the Councilmember's responsibility is first and foremost to the City and to the City Council. The role and responsibility of the Councilmember-Liaison is to keep the City Council apprised of the activities, positions and actions of the entity or organization to which the Councilmember has been appointed Liaison, and not to communicate to the board, commission, committee, task force or other advisory body a statement as the position of the City Council, except as authorized or directed by the City Council. Insofar as a Council Liaison position does not give all councilmembers equal access to the activities, functions and information of or about a board, commission, committee, task force or any other advisory body, appointments to Council Liaison positions should be reserved to those instances where a Report to the Council by the board, commission, committee, task force or any other advisory body would not be convenient or practical.

B. Reports to the Council.

Each board, commission, committee, task force or any other advisory body of the City shall be requested to present a report to the City Council at a Regular Meeting or a Study Session of the City Council, as scheduled by the Mayor or Deputy Mayor. Such reports shall be scheduled for a Regular Council Meeting or a Council Study Session, and shall be delivered by the chair of the board, commission, committee, task force or any other advisory body or designee. The reports shall inform the City Council of the activities, functions and information with which the board, commission, committee, task force or any other advisory body has been involved since the previous report, and shall include the opportunity for questions by Councilmembers.

- 17.7 Whenever a member of the City Council attends any meeting of any other entity or organization, he or she should endeavor to be prudent in what he or she says or does at such meeting. Further, the Councilmember should avoid attending such meeting if that attendance would impose an interference with the meeting or the operations of the other entity or organization, or of the operations of the City.

**SECTION 18 - TRAVEL AUTHORIZATION**

- 18.1 In accordance with the City of Auburn travel policy, approvals or expenditure of travel related costs and/or approval of specific travel events or activities by Councilmembers beyond the authority provided in the travel policy and budget shall be as follows: the requesting Councilmember shall submit his/her request to expend travel related costs and/or request for authorization for specific travel purposes to the Mayor to be included on an upcoming Council meeting agenda in advance of the date(s) of such expenditure or travel. The City Council may

pursuant to a motion, approve the request by a majority vote of a quorum of the City Council at the meeting in which the matter is considered.

### **SECTION 19 - CONFIDENTIALITY**

- 19.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

### **SECTION 20 – ENFORCEMENT OF RULES OF PROCEDURE**

- 20.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.

City Council Rules of Procedure:

Adopted: February 2, 2004

Ordinance No. 5802

Amended by Resolution No. 4282, December 17, 2007

Amended by Resolution No. 4429, December 15, 2008

Amended by Resolution No. 4467, April 6, 2009

Amended by Resolution No. 4615, July 6, 2010

Amended by Resolution No. 4686, February 22, 2011

Amended by Resolution No. 4740, August 15, 2011

Amended by Resolution No. 4813, May 21, 2012

Amended by Resolution No. 4909, February 19, 2013

Amended by Resolution No. 5105, November 3, 2014

Amended by Resolution No. 5112, December 1, 2014

Amended by Resolution No. 5115, December 15, 2014