



I. CALL TO ORDER

II. LAND ACKNOWLEDGEMENT

We would like to acknowledge the Federally Recognized Muckleshoot Indian Tribe, the ancestral keepers of the land we are gathered on today. We thank them for their immense contributions to our state and local history, culture, economy, and identity as Washingtonians.

III. PUBLIC PARTICIPATION

1. Public Participation

The Auburn Special City Council Meeting scheduled for Monday March 18, 2024 at 6:00 p.m. will be held in person and virtually.

To view the meeting virtually please click the below link, or call into the meeting at the phone number listed below. The link to the Virtual Meeting is:

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

To listen to the meeting by phone or Zoom, please call the below number or click the link:

Telephone: 253 205 0468

Toll Free: 888 475 4499

Zoom: <https://us06web.zoom.us/j/82686733344>

A. Pledge of Allegiance

IV. ROLL CALL

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. 2024 Periodic Comprehensive Plan Update (Krum) (60 Minutes)

Presentation on a number of topics related to the 2024 Periodic Comprehensive Plan Update process, including land use scenario development, state and regional requirements, middle housing, and the legislative process for Plan adoption in 2024

VI. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Audience Participation

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

1. The public can participate in-person or submit written comments in advance.

Participants can submit written comments via mail, fax, or email. All written comments must be received prior to 5:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

Please mail written comments to:
City of Auburn
Attn: Shawn Campbell, City Clerk
25 W Main St
Auburn, WA 98001

Please fax written comments to:
Attn: Shawn Campbell, City Clerk
Fax number: 253-804-3116

Email written comments to:
publiccomment@auburnwa.gov

If an individual requires an accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day of the scheduled meeting. Participants can request an accommodation to be able to provide remote oral comment by contacting the City Clerk's Office in person, by phone (253) 931-3039, or email to publiccomment@auburnwa.gov

B. COUNCIL AD HOC COMMITTEE REPORTS

1. Finance Ad Hoc Committee (Chair Baldwin)

VII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes of the February 29, and March 4, 2024, Special City Council Meetings
- B. Minutes of the March 4, 2024, Regular City Council Meeting
- C. Setting date for Public Hearing for Ziplify Fiber Pacific, LLC Franchise Agreement

City Council to set date for Public Hearing for Franchise Agreement No. FRN23-0003 for Ziplify Fiber Pacific, LLC

D. Claims Vouchers (Thomas)

Claims voucher list dated March 13, 2024 which includes voucher number 475216 through 475362, in the amount of \$7,443,268.50, four electronic fund transfers in the amount of \$330.06, and three wire transfers in the amount of \$953,131.54

E. Payroll Voucher (Thomas)

Payroll check numbers 539572 through 539576 in the amount of \$81,199.43, electronic deposit transmissions in the amount of \$2,745,158.17 for a grand total of \$2,826,357.60 for the period covering February 29, 2024 to March 13, 2024

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

VIII. ORDINANCES

A. Ordinance No. 6938 (Hay)

An Ordinance amending Chapter 9.50 of the Auburn City Code to create a transparency requirement for tents and shelters located on non-park City owned land and providing for severability and an effective date

(RECOMMENDED ACTION: Move to approve Ordinance No. 6938.)

IX. RESOLUTIONS

A. Resolution No. 5760 (Thomas)

A Resolution authorizing the Mayor to execute the second amendment to the agreement between the City and Foster Garvey PC for legal services

(RECOMMENDED ACTION: Move to adopt Resolution No. 5760.)

B. Resolution No. 5761 (Caillier)

A Resolution accepting a Federal Internet Crimes Against Children Task Force (ICAC) Grant to the Auburn Police Department

(RECOMMENDED ACTION: Move to adopt Resolution No. 5761.)

X. MAYOR AND COUNCILMEMBER REPORTS

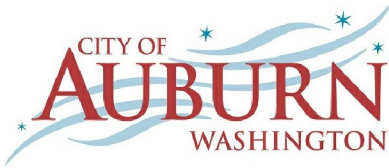
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. **From the Council**

B. **From the Mayor**

XI. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

2024 Periodic Comprehensive Plan Update (Krum) (60 Minutes)

Date:

March 12, 2024

Department:

Planning and Development

Attachments:

[2024 Comp Plan Update Presentation](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:**

Each City and County in Washington State is required to conduct a periodic update of its comprehensive plan and development regulations per RCW 36.70A.130 (The Growth Management Act or GMA). In general, the purpose is to ensure consistency with the Puget Sound Regional Council Vision 2050, the Countywide Planning Policies (for Auburn this means both Pierce and King County), any changes in state laws over the intervening time, and to respond to changing conditions within the local community. Under the GMA, all King County Cities, including Auburn are on an 10-year update cycle, with the next comprehensive plan due to be adopted by December 2024.

The GMA also defines the “Elements” that make up a Comprehensive Plan. Elements are similar to chapters. Mandatory elements include Land Use, Housing, Capital Facilities, Transportation, Economic Development, Parks & Recreation, and Private Utilities. Each of these elements is required to be fully updated during the 8-year update process. However, other departments will be serving in a lead role for the specific elements that they oversee (e.g. Parks to oversee Park & Recreation element, Public Works to oversee Transportation element).

Land Use Scenario Development

As part of the Land Use Element update, staff are reviewing the adopted Comprehensive Plan Land Use map and the implementing Zoning map. The intent of this review is to propose changes to existing land use and zoning in order to accommodate the required 12,000 new housing units and 19,200 new jobs by 2044. To satisfy these requirements, density changes are necessary at locations throughout the city. City staff, with the assistance of a consultant team, have developed two conceptual land use scenarios and one Draft Preliminary Preferred Alternative scenario which serve as the framework for where and how growth is allocated. The draft preliminary preferred scenarios are being used to develop proposed land use

and zoning map revisions and to also assign future household and employment growth for use in modelling efforts by City staff in multiple departments. A further refined Draft Final Preferred Alternative expected in December 2023 for incorporation into the Land Use Element. Staff will be describing these scenarios and the process to further develop them for incorporation into the Comprehensive Plan.

State and Regional Requirements

Further considerations for the development and update of the comprehensive plan include potential state and regional requirements for the inclusion, and analysis of, housing affordability and adequate land provisions, racially disparate impacts, middle housing implementation, and parking requirements. These topics were either adopted by the Washington State Legislature in 2023 or are being developed by the Department of Commerce or PSRC. Requirements will need to be incorporated into the comprehensive plan, zoning designations, and development regulations. Key legislative bills that are influencing the periodic comprehensive plan:

[HB 1337](#) – ADU bill with new development requirements

[HB 1110](#) – Middle Housing bill

[HB 1181](#) – Climate Element requirement

Middle Housing

Staff will present options under consideration for satisfying the requirements of HB 1110 Middle Housing bill (referenced above). The City is required to allow for middle housing options in all residential zones, including 4 units per lot in Citywide and 6 units per lot near major transit stops or if two of the units are classified as affordable. This bill also addresses parking requirements for middle housing development Citywide and near major transit stops.

Periodic Comprehensive Plan Legislative Schedule

Draft 2024 Periodic Comprehensive Plan Elements are scheduled to be complete in early 2024, and a process to present draft Elements to Planning Commission for feedback, public comment, and recommendation is expected to occur in Q2/Q3 2024. Staff will present the project schedule through 2024 which includes Planning Commission's recommended legislative timeline and Staff's recommended City Council coordination timeline in Q3/Q4 2024.

Reviewed by Council Committees:

Councilmember: Tracy Taylor

Staff: Jason Krum

Meeting Date: March 18, 2024

Item Number: AN.1

CITY DEPARTMENTS

2024 COMPREHENSIVE PLAN FRAMEWORK AND UPDATES

JEFF TATE, COMMUNITY DEVELOPMENT
SPECIAL CITY COUNCIL MEETING

MARCH 18, 2024

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Code Enforcement

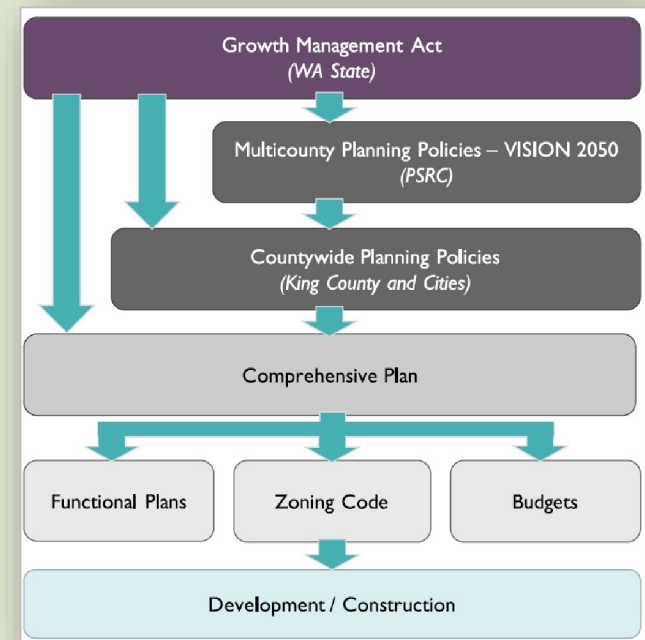
AUBURN
VALUES

S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Purpose and Scope of Comprehensive Plan & Amendments

- The Comprehensive Plan must be consistent with:
 - The Growth Management Act (GMA)
 - Puget Sound Regional Council (PSRC) Vision 2050
 - Countywide Planning Policies (CPP) (King & Pierce)
 - Urban Growth Capacity Report (King & Pierce)
 - Changes in state laws over the intervening time (Commerce/GMA)
 - Respond to changing conditions within the local community.



Source: King County GMPC

2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Purpose and Scope of Comprehensive Plan & Amendments

■ GMA Enacted in 1990

- 15 goals
- Mandatory chapters
- Growth boundaries
- Critical areas
- County obligations

Growth Management Act Laws and Rules

The Washington State Growth Management Act requires cities and counties to develop comprehensive plans and development regulations for their communities. This page serves as a resource for laws and rules that are required to implement the Growth Management Act.



Quick Links

- 🔗 [Growth Management](#)
- 🔗 [Governor's Smart Communities Awards](#)
- 🔗 [Climate Program](#)
- 🔗 [Planning for Housing](#)
- 🔗 [Laws and Rules - Growth Management Act](#)
- 🔗 [Periodic Updates - Growth Management Act](#)
- 🔗 [Growth Management Grants](#)
- 🔗 [Growth Management Topics](#)
- 🔗 [Guidebooks and Resources](#)
- 🔗 [Civilian-Military Compatibility](#)
- 🔗 [Defense Community Compatibility](#)
- 🔗 [Integrated Stormwater and Watershed Planning](#)
- 🔗 [Regional Planners' Forums](#)
- 🔗 [Short Course on Local Planning](#)
- 🔗 [Submitting Materials to the State](#)
- 🔗 [Tribal Planning Coordination](#)

NEED HELP?

Dave Andersen, AICP
Managing Director
Email: Dave.Andersen@commerce.wa.gov
Phone: 509-434-4491

Growth Management Act - Revised Code of Washington

[Chapter 36.70A RCW](#) – Growth Management-Planning by Selected Counties and Cities

[Chapter 36.70B RCW](#) – Local Project Review

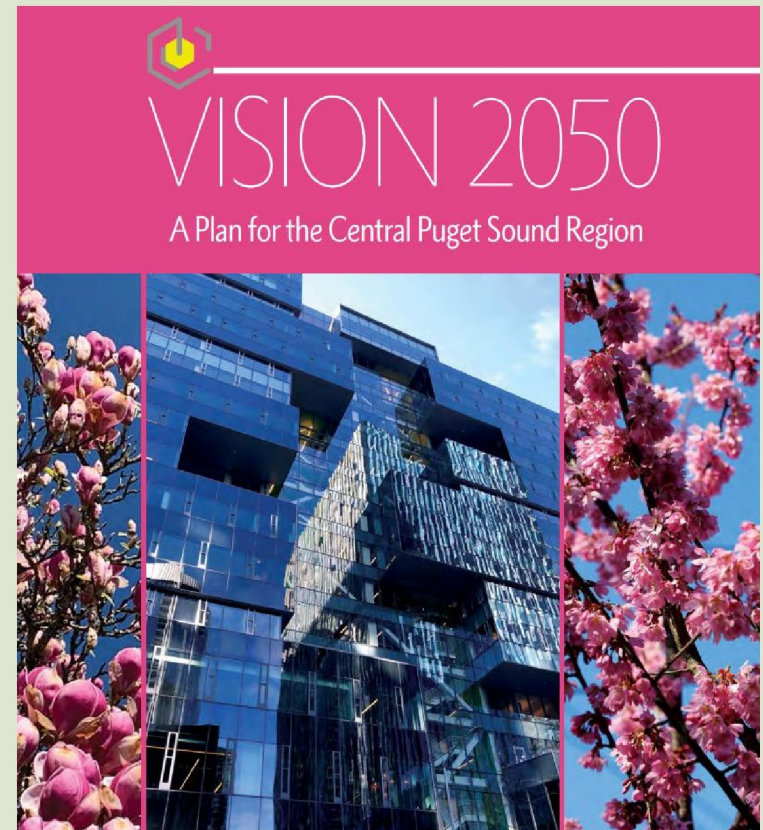
[Chapter 36.70C RCW](#) – Judicial Review of Land Use Decisions

2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Purpose and Scope of Comprehensive Plan & Amendments

■ PSCR Vision 2050

- Regional Growth Plan
- King, Pierce, Snohomish, Kitsap
- Regional Planning Subjects:
 - Transportation
 - Environment and Climate
 - Economy
 - Housing



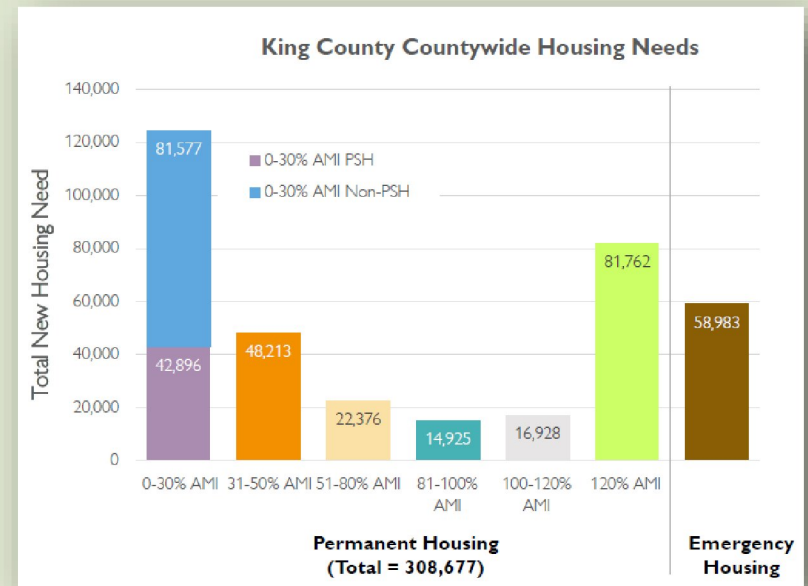
2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Purpose and Scope of Comprehensive Plan & Amendments

■ Countywide Planning Policies

- Guidance for the comprehensive plans
- Urban growth area boundary and criteria for revising growth boundary
- Housing unit and employment growth targets (2019-2044)
- Policies for issues of countywide nature
- Covers Environment, Development Patterns, Transportation, Economy, Public Facilities
- Updated to align with Vision 2050 and Regional Centers Framework, GMA changes, and Urban Growth Capacity Study (Buildable Lands Report)

- **KC CPP Identifies 2019-2044 housing targets (12,000 net new residential units, 19,520 net new jobs)**
- **PC CPP (draft, 2022) identifies 2020-2044 housing targets (96 net new residential units, and 0 net new jobs)**



2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Scope of Comprehensive Plan

■ Auburn Comprehensive Plan Elements

- Core Plan (Community Development)
- Land Use (Community Development)
- Housing (Community Development)
- Historic Preservation (Community Development)
- Climate Change – NEW (Community Development)
- Economic Development (Community Development)
- Capital Facilities (Community Development)
- Transportation (Public Works)
- Utilities (Public Works)
- Parks and Recreation (Parks)

■ Multi-department coordination effort (CD, PW, Parks)

■ Coordinated with Auburn Downtown Plan and HAPI

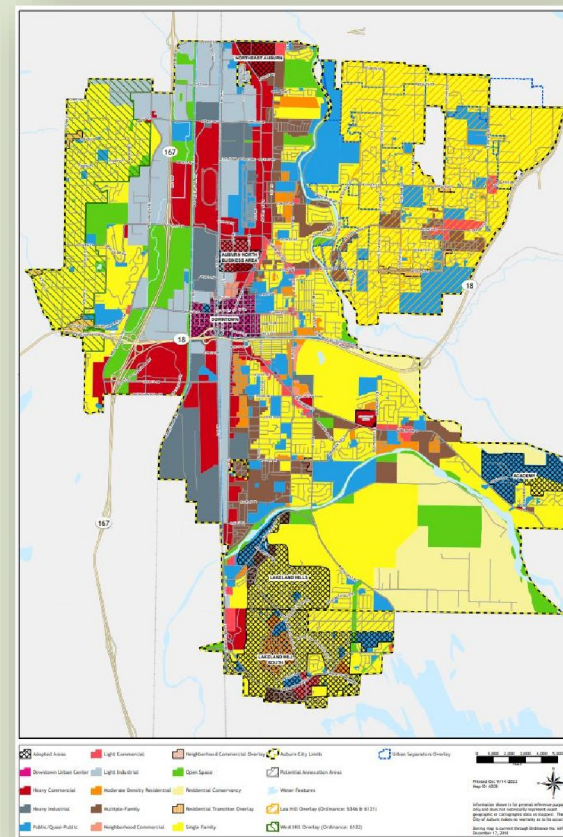


2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Anticipated Scope of Land Use Changes

Land Use is a Centerpiece to the Comprehensive Plan around which to coordinate and plan

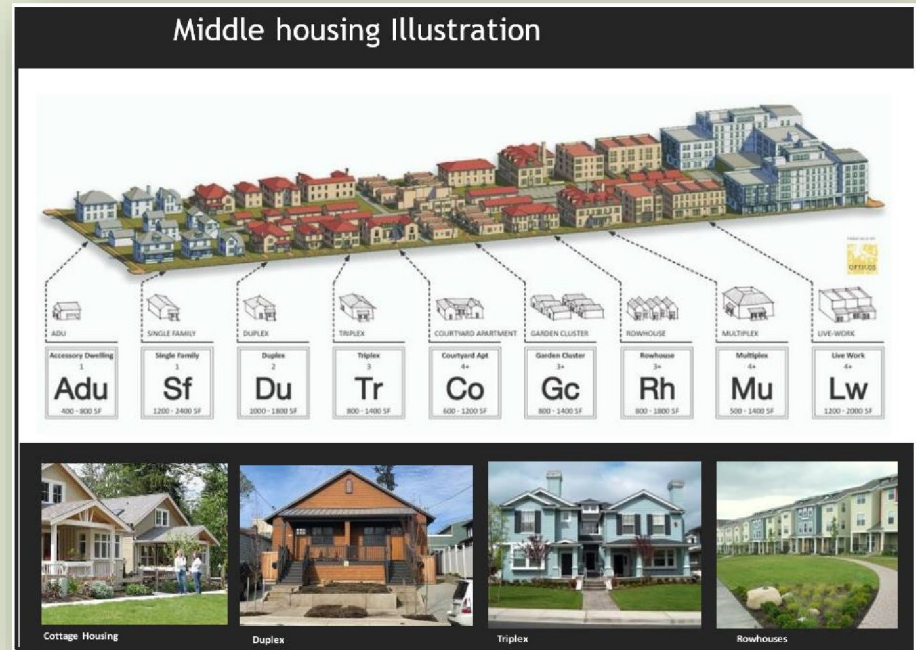
- Location and boundaries for each land use designation and associated written policies
- Updates to implementing zoning districts
- Provides capacity for accommodating 2044 household and employment targets
- Transportation and Utility Systems must support land use assumptions
- Parks and facilities must grow and support future population



2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

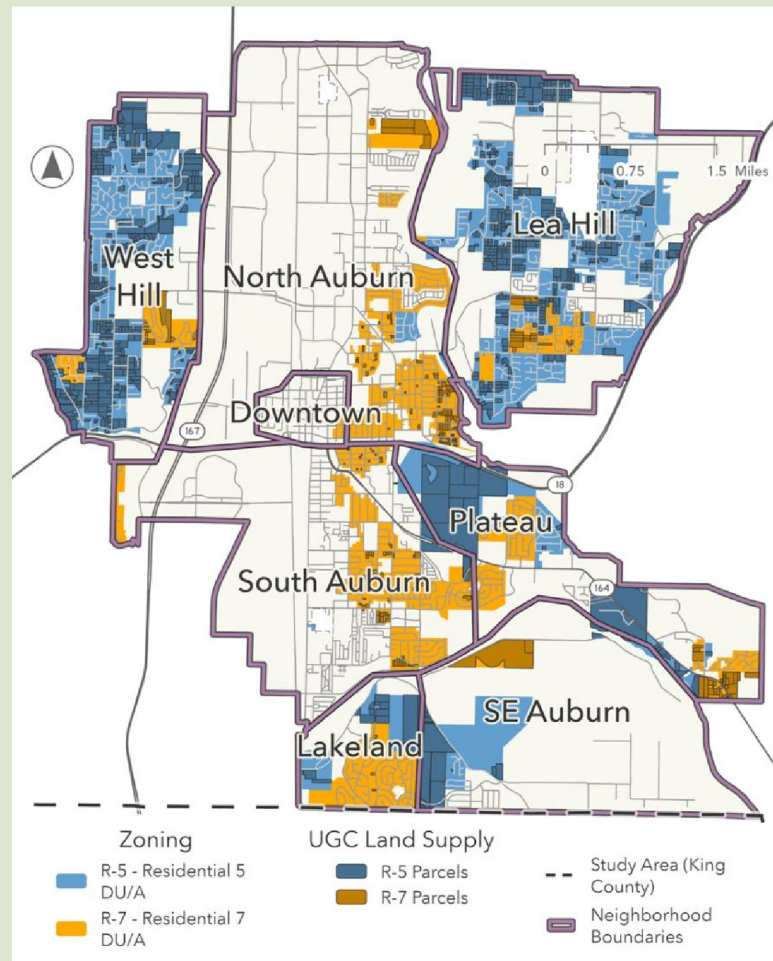
Anticipated Scope of Middle Housing Changes

- *Housing Action Plan Implementation Project Findings*
- *Housing Affordability Analysis and Capacity*
- *Updates to comply HB 1110*
 - *Requires middle housing in all residential zones except R1.*
 - *Four units per lot*
 - *Six units per lot within ¼ mile of major transit stop or with affordability requirement of two units*
 - *Must allow six of nine types of middle housing*
- *Unit Lot Sub-Division*
- *Ownership of land under a single unit*



2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Properties with Middle Housing Opportunity



2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Climate Element

- New Element for Auburn Comprehensive Plan
- HB 1181 establishes requirements for Climate Element
 - Includes Comprehensive Plan goals for reducing greenhouse gas emissions and per capita vehicle miles traveled, resiliency to climate impacts, environmental protection, and environmental justice.
 - Requires a Greenhouse Gas Emissions Reduction Sub-Element and a Climate Change and Resiliency Element to address adverse impacts of climate change and include efforts to reduce localized greenhouse gas emissions.
- Auburn is not required to adopt a Climate Element until 2034
- Climate Element in 2024 Periodic Comprehensive Plan incorporates findings from Climate Element Comprehensive Plan Framework prepared by Cascadia Consulting as part of Comprehensive Plan project. Includes proposes goals, policies, and strategies to comply with HB 1181

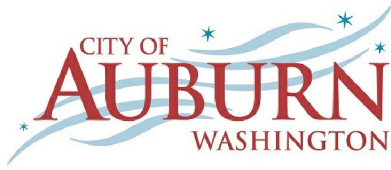
2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

Overview of Process

- Inter-Department Effort to Develop Future Land Use Draft Preliminary Preferred Alternative (5 public workshops)
- Consultant develops land use forecasts using Draft Preliminary Preferred Alternative map and Staff feedback, being modeled by transportation, water services, others.
- Draft Environmental Impact Study (DEIS) – Scoping Notice issued in October, Public Meeting in Early December
- Concurrent development of Land Use and Zoning map updates
- Required documentation (Racially Disparate Impacts, Anti-Displacement Analysis, Housing Affordability Analysis) based on final land use
- Revise land use scenario (HH and EMP, Zoning, Land Use) based on modelling results
- Technical work done by Winter 2023, Element updates shortly after
- Final Draft Land Use Maps prepared in January
- Planning Commission Legislative Process starts on April 2, 2024
- Presentation to Council beginning in Q3; final adoption goal of December 2, 2024

2024 PERIODIC COMPREHENSIVE PLAN FRAMEWORK AND UPDATE

	2024											
TASK	Q2					Q3			Q3			
	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec		
60-day Agency Submittal (PSRC, Commerce, King County)	Agency Review 5/8				PSRC 2nd Review (if needed)							
Planning Commission and City Council Meetings/Debrief												
Departments	Development Regulations Updates											
						Planning Commission Code Updates			CC Dates TBD			
Land Use Element (Planning) - Group A	a	4/2	4/16	4/30		7/16		10/14	11/11	11/25	12/2	
Housing Element (Planning) - Group A	a	4/2	4/16	4/30		7/16		10/14	11/11		12/2	
Historic Preservation (Planning) - Group B		b	4/16	4/30*	5/7	7/16			10/28		12/2	
Capital Facilities Element (Planning) - Group D			d	5/7	5/21*	6/4	7/16		10/28		12/2	
Climate Element (Planning) - Group C			c	4/30	5/7	5/21	7/16		10/28		12/2	
Transportation Element (Transportation) - Group E				e	6/4	6/18	7/2	7/16	10/14		12/2	
Utilities Element - Group F						f	7/2	7/16**	10/14		12/2	
Utilities Element/System Plan (Water) - Group F						f	7/2	7/16**	10/14		12/2	
Utilities Element/System Plan (Sewer) - Group D			d	5/7	5/21	6/4		7/16	10/14		12/2	
Utilities Element/System Plan (Stormwater) - Group D			d	5/7	5/21	6/4		7/16	10/14		12/2	
Economic Development Element (EcDev) - Group B		b	4/16	4/30*	5/7		7/16		10/28		12/2	
Parks Element (Parks) - Group C			c	4/30	5/7	5/21	7/16		10/28		12/2	
	2024 Planning Commission											
	Meeting 1 - Presentation for each Element Group											
	Meeting 2 - Public Hearing od Deliberation Element Group											
	Meeting 3 - Deliberation and Action on Element Group											
	Meeting 4 - Action on Comprehenisve Plan Package (all Elements)											
	* Meetings where action on Element could come either the same night or an earlier night since these are potentially less complicated											
	** Public hearing and deliberation on Element/Plan on same night as overall PC action on Comp Plan package											
	2024 City Council											
	Meeting 1 & 2 - Staff Presentations on PC Recommendation											
	Meeting 3 - Council Action											



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the February 29, and March 4, 2024, Special City Council Meetings

Date:

March 11, 2024

Department:

City Council

Attachments:

[02-29-2024 Special City Council Minutes](#)

[03-04-2024 Special City Council Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

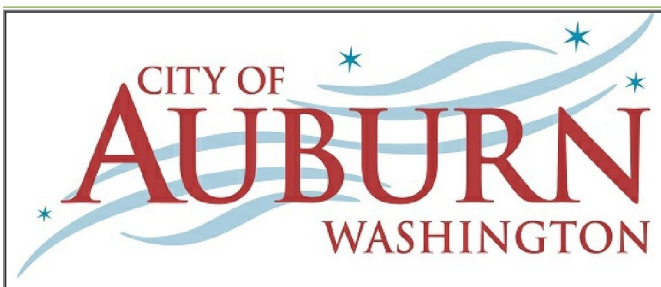
Revised Budget: \$0

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

Meeting Date: March 18, 2024

Staff:

Item Number: CA.A



**Special City Council Meeting
February 29, 2024 - 5:00 PM
Muckleshoot Casino Resort - Plateau &
Prairie Convention Room, 2402 Auburn
Way South Auburn, WA 98002
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 6:02 p.m. at the Muckleshoot Casino Resort, 2402 Auburn Way South, Auburn, WA 98002.

II. LAND ACKNOWLEDGEMENT

III. PUBLIC PARTICIPATION

1. Public Participation

The Special City Council Meeting was held in person and virtually.

IV. DISCUSSION ITEMS

A. Mayor Backus' State of the City Address

Mayor Backus provided her State of the City Address and thanked the City Council, Junior City Council, City staff, Auburn's public schools, Valley Regional Fire Authority, other elected officials, family, and friends for their service to the community. She also discussed the City's growth, including population, the Downtown Plan, local businesses, and the Bridges Neighborhood; she discussed safety, including Police Department hiring, the Officer Wellness Program, crime and arrest statistics, and the Anti-Homelessness Department; and shared elements of the City's vibrancy, including new playgrounds and recent additions to Auburn parks, the Auburn Golf Course, Mountainview Cemetery, City recreation programs and events, the Postmark Center for the Arts, the "Muckleshoot: Alive and Strong" art exhibit, and a video on the Parks, Arts, and Recreation Department staff and events. She also included an overview of the Auburn School District and Green River Community College, foundation elements including community improvements, equity elements including the Inclusive Auburn initiative and obtaining an official "Welcoming City" certification, and community elements including the City's internship program, Juneteenth, the Emergency Management Department and their Community Emergency Response Team (CERT) training program, the Auburn Magazine, and the Junior Achievement BizTown program.

V. **ADJOURNMENT**

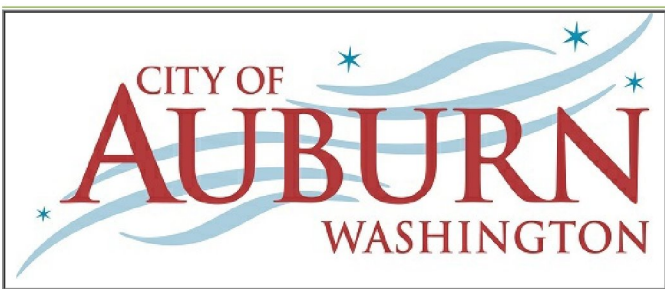
There being no further business to come before the Council, the meeting was adjourned at 7:21 p.m.

APPROVED this 18th day of March, 2024.

NANCY BACKUS, MAYOR

Rebecca Wood-Pollock,
Deputy City Clerk

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	Special City Council Meeting March 4, 2024 - 6:00 PM City Hall Council Chambers MINUTES
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I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 6:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

II. LAND ACKNOWLEDGEMENT

III. PUBLIC PARTICIPATION

1. Public Participation

The City Council Meeting was held in person and virtually.

A. Pledge of Allegiance

Mayor Backus led those in attendance in the Pledge of Allegiance.

IV. ROLL CALL

Councilmembers present: Deputy Mayor Larry Brown, Hanan Amer, Cheryl Rakes, Clinton Taylor, Tracy Taylor, and Yolonda Trout-Manuel. Councilmember Kate Baldwin was excused.

Mayor Nancy Backus and the following staff members present included: Acting City Attorney Harry Boesche, Chief of Police Mark Caillier, Director of Administration Dana Hinman, Assistant Director of Community Development Jason Krum, Business Systems Analyst Chrissy Malave, Real Estate Manager Josh Arndt, Deputy City Clerk Rebecca Wood-Pollock, and City Clerk Shawn Campbell.

V. DISCUSSION ITEMS

A. Department Overview - Administration (Hinman) (30 Minutes)

Director Hinman provided Council with a presentation on the Administration Department including the organizational chart, an overview of the Multimedia and Communications, Facilities, and Emergency Management divisions, and other responsibilities.

B. Department Overview - Legal (Boesche) (30 Minutes)

Acting City Attorney Boesche provided Council with a presentation on the Legal Department including an overview of the Civil, City Clerk, Real Estate, and Prosecution divisions, personnel, statistics, downtown beautification and other special projects, Code Enforcement and other civil infractions, domestic violence-related cases and resources, and an overview of Auburn Community Court.

Council discussed downtown wrapped utility box artwork and involvement of the Arts Commission, pet relief areas, tree lighting, King County domestic violence advocate resources, recidivism rates in Community Court, the U-Visa certification process, public records requests, and body camera footage redactions.

VI. **ADJOURNMENT**

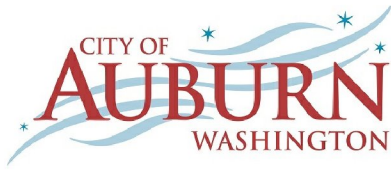
There being no further business to come before the Council, the meeting was adjourned at 6:39 p.m.

APPROVED this 18th day of March, 2024.

NANCY BACKUS, MAYOR

Rebecca Wood-Pollock,
Deputy City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the March 4, 2024, Regular City Council Meeting

Department:

City Council

Attachments:

[03-04-2024 Regular City Council Minutes](#)

Date:

March 11, 2024

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

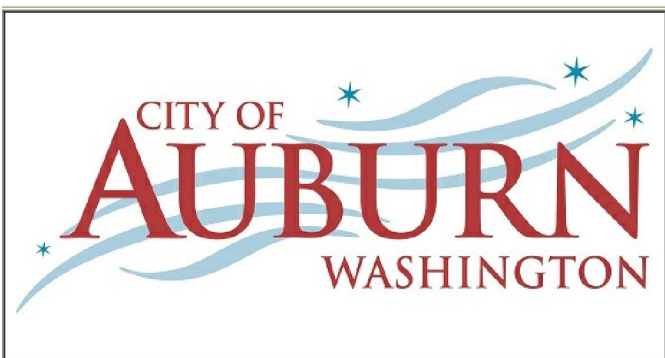
Revised Budget: \$0

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

Meeting Date: March 18, 2024

Staff:

Item Number: CA.B

	City Council Meeting March 4, 2024 - 7:00 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Mayor Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

II. LAND ACKNOWLEDGMENT

III. PUBLIC PARTICIPATION

1. Public Participation

The City Council Meeting was held in person and virtually.

A. Pledge of Allegiance

Mayor Backus led those in attendance in the Pledge of Allegiance.

IV. Roll Call

Councilmembers present: Deputy Mayor Larry Brown, Hanan Amer, Cheryl Rakes, Clinton Taylor, Tracy Taylor, and Yolonda Trout-Manuel. Councilmember Kate Baldwin was excused.

Mayor Nancy Backus and the following staff members present included: Acting City Attorney Harry Boesche, Chief of Police Mark Caillier, Assistant Director of Community Development Jason Krum, Business Systems Analyst Chrissy Malave, Deputy City Clerk Rebecca Wood-Pollock, and City Clerk Shawn Campbell.

V. APPOINTMENTS

A. Salary Commission

City Council to approve the appointment of Lisa Stirgus and Trevon Cooper to the Salary Commission for a four year term expiring August 31, 2027

Councilmember T. Taylor moved and Councilmember C. Taylor seconded to approve the appointment of Lisa Stirgus and Trevon Cooper to the Auburn Salary Commission for a four year term expiring August 31, 2027.

MOTION CARRIED UNANIMOUSLY. 6-0

VI. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

There were no announcements, Mayor's proclamations, or presentations.

VII. AGENDA MODIFICATIONS

Resolution No. 5759 was added to the agenda.

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

1. The public can participate in-person or submit written comments in advance.

Virginia Haugen, Auburn

They expressed their support for utility box wraps and thanked Council for supporting the Arts Commission's involvement in that process.

B. Correspondence

There was no correspondence for Council to review.

IX. 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 recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Baldwin)

Councilmember Amer reported she and Councilmember Baldwin, Chair of the Finance Ad Hoc Committee, reviewed the claims and payroll vouchers described on the agenda this evening and recommended their approval.

X. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes of the February 12, and February 26, 2024 Study Session Meetings
- B. Minutes of the February 20, 2024, Special and Regular City Council Meetings
- C. Claims Vouchers (Thomas)

Claims voucher list dated February 28, 2024 which includes voucher number 475097 through 475215, in the amount of \$1,282,177.79, two electronic fund transfers in the amount of \$3,061.28, and five wire transfers in the amount of \$1,542,391.45

D. Payroll Voucher (Thomas)

Payroll check numbers 539569 through 539571 in the amount of \$628,897.86, electronic deposit transmissions in the amount of \$2,603,187.53, for a grand total of \$3,232,085.39 for the period covering February 15, 2024 to February 28, 2024

Deputy Mayor Brown moved and Councilmember Trout-Manuel seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 6-0

XI. UNFINISHED BUSINESS

There was no unfinished business.

XII. NEW BUSINESS

There was no new business.

XIII. RESOLUTIONS

A. Resolution No. 5753 (Krum)

A Resolution to authorize the Allocation of \$137,595.00 from the City of Auburn's Contribution to the SKHHP Housing Capital Fund to Finance Affordable Housing in South King County Communities in Concurrence with the SKHHP Executive Board's Recommendation

Councilmember Trout-Manuel moved and Councilmember C. Taylor seconded to adopt Resolution No. 5753.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Resolution No. 5759 (Boesche)

A Resolution authorizing the Mayor to enter a contract with Great Floors for floor patching and refinishing work at the Auburn Community Center Gym

Councilmember T. Taylor moved and Councilmember Amer seconded to adopt Resolution No. 5759.

MOTION CARRIED UNANIMOUSLY. 6-0

XIV. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. **From the Council**

Deputy Mayor Brown reported he attended the Puget Sound Regional

Council training.

Councilmember Amer reported she attended the Puget Sound Regional Council training.

Councilmember Rakes reported she attended the State of the City Address and the Good Eggs Breakfast.

Councilmember C. Taylor reported he attended the State of the City Address and the Good Eggs Breakfast.

Councilmember T. Taylor reported she attended the Asia Pacific Cultural Center 26th Annual Pacific New Year Celebration, the Auburn Valley Humane Society Foundation Board of Directors meeting, and the State of the City Address.

Councilmember Trout-Manuel reported she toured the City of Renton Water Treatment Center.

B. From the Mayor

Mayor Backus reported her involvement with the Associated Washington Cities (AWC) Committee Scholarship Program and will attend the AWC Conference in June, she attended the AWC Mayor's Exchange, the Crisis Care Centers, swore in two new officers, attended the Good Eggs Breakfast, the State of the City Address, Soroptimist Crab Fest, and the Diaper March at Cafe Pacific.

XV. ADJOURNMENT

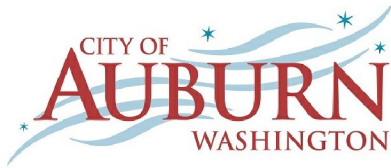
There being no further business to come before the Council, the meeting was adjourned at 7:22 p.m.

APPROVED this 18th day of March, 2024.

NANCY BACKUS, MAYOR

Rebecca Wood-Pollock,
Deputy City Clerk

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Setting date for Public Hearing for Ziplly Fiber Pacific, LLC
Franchise Agreement

Date:

February 23, 2024

Department:

Public Works

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to set the date of the Public Hearing for Franchise Agreement No. FRN23-0003 for Ziplly Fiber Pacific, LLC doing business as Ziplly Fiber for a Wireline Telecommunications Franchise for April 1, 2024 at 7:00 PM.

Background for Motion:**Background Summary:**

Section 20.04.040 of the Auburn City Code requires the City to hold a public hearing before granting or denying a franchise agreement. Staff requests that the City Council set the date of the public hearing for Franchise Agreement No. FRN23-0003 for Ziplly Fiber Pacific, LLC doing business as Ziplly Fiber for a Wireline Telecommunications Franchise for April 1, 2024 at 7:00 pm.

Section 20.02.040 of the Auburn City Code requires a franchise for any utility or telecommunications carrier or operator to use public ways of the City and to provide service to persons or areas inside or outside of the City.

Ziplly Fiber Pacific, LLC has applied for a franchise agreement to install fiber optic cable and electronic infrastructure in the public ways within the city limits. Ziplly intends to provide business and residential data and telecommunications services to customers located inside the City limits.

Reviewed by Council Committees:

Councilmember: Tracy Taylor

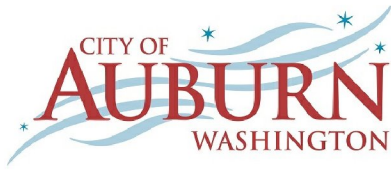
Staff:

Ingrid Gaub

Meeting Date: March 18, 2024

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)

Date:

January 31, 2024

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated March 13, 2024 which includes voucher number 475216 through 475362, in the amount of \$7,443,268.50, four electronic fund transfers in the amount of \$330.06, and three wire transfers in the amount of \$953,131.54.

Reviewed by Council Committees:

Councilmember: Kate Baldwin

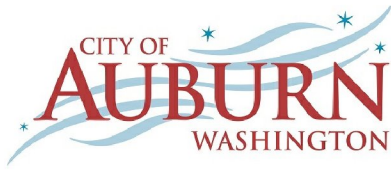
Staff:

Jamie Thomas

Meeting Date: March 18, 2024

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Voucher (Thomas)

Date:

January 31, 2024

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background for Motion:**Background Summary:**

Payroll check numbers 539572 through 539576 in the amount of \$81,199.43, electronic deposit transmissions in the amount of \$2,745,158.17 for a grand total of \$2,826,357.60 for the period covering February 29, 2024 to March 13, 2024.

Reviewed by Council Committees:

Councilmember: Kate Baldwin

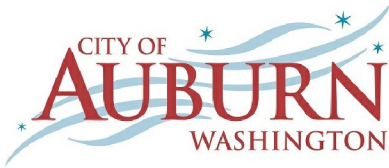
Staff:

Jamie Thomas

Meeting Date: March 18, 2024

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6938 (Hay)

Department:

Anti-Homelessness

Attachments:

[Ordinance No. 6938](#)

[Exhibit A](#)

Date:

March 11, 2024

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to approve Ordinance No. 6938.

Background for Motion:

Ordinance No. 6938 establishes a definition of a tent that incorporates a transparency concept that is already established in Chapter 2.22 of the City Code. The purpose of the transparency requirement is to ensure that outreach workers who are seeking to assist individuals experiencing homelessness are capable of helping individuals who have overdosed are otherwise incapable of helping themselves while in the midst of a traumatic experience.

Background Summary:

Chapter 9.50 of the Auburn City Code establishes rules and restrictions related to loitering on publicly owned property. Chapter 2.22 of the Auburn City Code establishes the rules and restrictions related to uses and activities within city owned parks. ACC 2.22.210 provides a standard and definition for tents and shelters that are located within City parks. Ordinance No. 6938 amends Chapter 9.50 such that tents and shelters located on non-park City owned properties are subject to the same definition and standard as those located within parks. ACC 2.22.210 states the following:

“No person shall erect, maintain, use or occupy a tent or shelter in any City of Auburn Park unless there is an unobstructed view through such tent or shelter from at least two sides.”

On multiple occasions homelessness outreach workers have been unable to assist individuals who have overdosed or are otherwise incapacitated because the outreach worker is unable to observe the condition of a person who is living in a tent or shelter. This recurring scenario has eliminated the ability to provide Narcan or other assistance which has then resulted in the person dying. The purpose of this amendment is to allow workers to save people's lives rather than learn of their peril as a result of smelling the decay of a body. Ordinance No. 6938 was presented to the Council on 02/26/2024. Council authorized Ordinance to move forward for action.

Reviewed by Council Committees:

Councilmember: Yolanda Trout-Manuel

Meeting Date: March 18, 2024

Staff: Kent Hay

Item Number: ORD.A

ORDINANCE NO. 6938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 9.50 OF THE AUBURN CITY CODE TO CREATE A TRANSPARENCY REQUIREMENT FOR TENTS AND SHELTERS LOCATED ON NON-PARK CITY OWNED LAND, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Auburn has established camping allowances, restrictions and requirements in Chapter 2.22 for park lands and in Chapter 9.50 for city owned non-park lands; and

WHEREAS, Chapter 2.22 already requires that tents and shelters provide for transparency on at least two sides; and

WHEREAS, Chapter 9.50 does not establish any transparency requirements for tents and shelters located on city owned land that is not a park; and

WHEREAS, fentanyl use is a public health crisis that led to more than 1,100 deaths in 2023 in King County alone; and

WHEREAS, products such as Narcan can prevent or reverse the effect of an overdose from the use of fentanyl; and

WHEREAS, homelessness outreach workers are unable to provide lifesaving interventions to a person who is overdosing inside a tent because there is no way to determine their condition without seeing them; and

WHEREAS, homelessness outreach workers are more likely to learn of an individual overdose death that occurs inside of a tent as a result of the smell of a decaying

body or the evidence of bird and animal scavenging that occurs post death; and

WHEREAS, all humans deserve to receive lifesaving treatments and measures that aid in the prevention of death by overdose; and

WHEREAS, dying alone in a tent where the death is learned days or weeks later as a result of the smell associated with decay or as a result of scavenging birds and animals lacks dignity and is inhumane;

WHEREAS, the amendments to Chapter 9.50, herein attached as Exhibit A, are a necessary measure to help prevent loss of life.

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

Section 1: Incorporation of Recitals. The recitals set forth above are hereby adopted and incorporated herein as if set forth in full.

Section 2. Implementation of Ordinance. The Mayor and her designee(s) are authorized to take such further actions and implement those administrative procedures necessary to implement and/or carry out the directives of this Ordinance.

Section 3. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. Corrections by City Clerk. Upon approval of the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including the

correction of clerical errors in the body of this ordinance or exhibit(s) thereto; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days following its passage and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Bob Sterbank, Outside Counsel,
Foster Garvey

Published: _____

9.50.030 **Camping.**

A. *Camping Prohibited.* It is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia on city property, except as set forth in subsection C of this section.

B. *Storage of Camping Items Prohibited.* It is unlawful for any person to store camp facilities and camp paraphernalia on city property, except as otherwise provided by ordinance.

C. *Exceptions.* The prohibitions contained in subsection A of this section shall not apply if:

1. The person is engaged in activity prohibited by subsections A and B of this section because they are experiencing homelessness, and there is no overnight shelter available on the date that the prohibited activity occurs, provided that any tent or shelter shall provide a minimum one foot by one foot opening on at least one side of the tent or shelter that provides transparency into the tent or shelter; or

2. The person is camping or using camp paraphernalia or camp facilities at a Game Farm Park Campground site after paying the required fees; or

3. The person is camping or using camp paraphernalia or camp facilities as permitted under this subsection:

a. The director of the parks, arts, and recreation department may permit persons to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks property as defined in Chapter 2.22 ACC and as listed in the park inventory portion of the parks, recreation and open space plan, within the city's comprehensive plan.

b. The director of the parks, arts, and recreation department may approve a permit for camping on city park property if the director finds, based upon a permit application and information otherwise obtained, that:

i. Adequate sanitary facilities are provided and accessible at or near the camp site;

ii. Adequate trash receptacles and trash collection will be provided;

-
- iii. The camping activity will not unreasonably disturb or interfere with the peace, comfort and repose of private property owners;
 - iv. The camping activity is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance; and
 - v. The camping is in the public interest.
- c. The director of the parks, arts, and recreation department is authorized to promulgate rules and regulations regarding the implementation and enforcement of this chapter.
 - d. Seven days is the maximum period of time a permit may authorize camping on city property.
 - e. Any person denied a permit may appeal the denial to the hearing examiner in the manner described in Chapter 2.46 ACC and ACC 15.07.130 with the director of the parks, arts, and recreation department serving the role of the building or fire official in that code; or
- 4. The person is camping or trespassing on any city utility property identified in ACC Title 13, which shall be regulated by that title; or
 - 5. The person is camping or trespassing on Auburn Municipal Airport properties or areas identified in Chapter 18.04 ACC, which shall be regulated pursuant to ACC 9.96.900 and/or Chapter 9A.52 RCW.
- D. *Definitions.* For this section, the following shall apply:
- 1. "Available overnight shelter" means:
 - a. A public or private shelter located within the city of Auburn that offers overnight shelter to persons experiencing homelessness and confirms to a city employee that it has an available overnight space at no cost for that person; or
 - b. If no shelter described in subsection (D)(1)(a) of this section has available space, a shelter located within King or Pierce County that offers overnight shelter to persons experiencing homelessness and confirms to a city employee:
 - i. That it has an available overnight space at no cost for that person; and
-

-
- ii. That it is accessible to the person by public transportation or vehicle for hire at no cost for that person.
 - c. An overnight shelter is available if an individual is prevented from using an otherwise available shelter space because of their past or present voluntary actions such as unlawful drug use or possession, criminal act(s), unruly behavior or willful violation of shelter rules or restrictions pertaining to such activity.
 - d. An overnight shelter is unavailable if:
 - i. An individual or family cannot use the shelter's available space because of shelter-imposed restrictions on its use (other than any restrictions the shelter has imposed pursuant to subsection (D)(1)(c) of this section); or
 - ii. A city employee, an individual or family attempts to secure a space at the shelter for the day and is denied due to lack of available space.
2. "City property" as used in this section means all improved and unimproved real property owned or leased by the city of Auburn, and all city of Auburn easements, including but not limited to all portions of city parks, as defined in Chapter 2.22 ACC, city buildings, rights-of-way, city parking lots, and city environmentally sensitive areas as defined in ACC 16.06.065. City property shall not include:
- a. Religious organization property subject to RCW 35A.21.360;
 - b. City utilities or utility property identified in ACC Title 13; or
 - c. Airport property or areas identified in Chapter 18.04 ACC.
3. "Camp" or "camping" means to pitch, create, use, or occupy camp facilities for the purposes of habitation, living accommodation, or dwelling, as evidenced by the storage of personal belongings in "camp facilities" or the use of "camp paraphernalia."
4. "Camp facilities" include, but are not limited to, tents, tarps configured for shelter, huts, and temporary shelters. "Camp facilities" does not include shelters when used temporarily in a park for recreation or play, consistent with Chapter 2.22 ACC, during hours when the park is open to the public.
-

5. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city-designated cooking facilities and similar equipment.

6. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

E. *Penalties and Enforcement.*

1. A violation of this section is a misdemeanor punishable by 90 days in jail and/or a \$1,000 fine.

2. When any police officer or city official has probable cause to believe that any person has violated this section, the officer or official may:

a. Order such person to immediately leave the property where the violation is occurring. Subject to subsection (C)(1) of this section, any person refusing to comply with such an order or returning to the property on the same calendar day as such an order is subject to prosecution for criminal trespass pursuant to Chapter 9A.52 RCW and/or ACC 9.96.900; and

b. Issue the person a written admonishment excluding them from the property where the violation is occurring for a period up to one year from the issue date. Subject to subsection (C)(1) of this section, persons who return to the property within the admonishment period are subject to prosecution for criminal trespass pursuant to RCW 9A.52 and/or ACC 9.96.900.

3. Admonishments issued under this section:

a. Are valid and effective whether or not the excluded person is charged, tried or convicted of any crime or infraction;

b. Are valid and effective even if the admonished person refuses a copy of the admonishment; provided, that the issuing city official reasonably notifies the admonished person of the admonishment period, place(s) of exclusion and appeal process under this section;

c. Are valid and effective for the admonishment period unless and until shortened or rescinded by an official ruling after appeal in this section;

d. May be based upon observations by city officials and/or police officers, or upon civilian reports that an official or officer could reasonably rely on in determining probable cause; and

e. Shall include a statement of the appeal rights in this section and a form for appealing the admonishment as provided by this section.

4. Persons receiving admonishments under this section may appeal the admonishment. Any such appeal must:

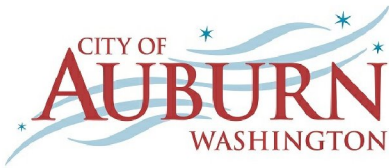
a. Be in writing, either on the form referenced in this section or in a writing including at least the person's name, the involved property location and the approximate admonishment date to enable processing of the appeal;

b. Be received by the city clerk or postmarked within 14 calendar days of the person's receiving the admonishment; and

c. Be under oath and include all facts that the excluded person believes supports a shortening or rescinding of the admonishment.

5. Admonishment appeals under this section involving city parks shall be processed according to ACC 2.22.240. Otherwise, the director of community development or designee shall review the appeal and issue a ruling upholding, rescinding or shortening the admonishment within 14 calendar days of receiving the appeal. The director or designee may consider the admonishment and any other relevant and trustworthy submitted written materials in deciding the appeal. The admonishment shall be upheld if supported by a preponderance of evidence. The ruling may be transmitted to the excluded person by mail, in person, electronically, or by any other method specified by the person or reasonably likely under the circumstances to give notice.

6. The appeal process in this section cannot be used to appeal any criminal penalties imposed by a court under this section or any other law.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5760 (Thomas)

Date:

March 13, 2024

Department:

Finance

Attachments:

[Resolution No. 5760](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5760.

Background for Motion:

Resolution No. 5760 is the second amendment to the City's professional services agreement with Foster Garvey PC for legal services, which was originally signed July 18, 2023.

Background Summary:

The City of Auburn originally entered into an agreement for legal services with Foster Garvey PC on July 18, 2023, with provisions identified in the Engagement for Services Letter. The purpose of the agreement was to provide interim legal services for several complex issues, while the City conducted an executive search for a new City Attorney. The original agreement was not to exceed \$100,000.

October 2, 2023 Council approved Resolution No. 5741 amending the original engagement agreement to increase the maximum costs by additional \$300,000. The original amendment was necessitated by: the complexity of some of the City's ongoing projects; the number of active projects requiring legal guidance; and the extended period of time required to conduct a thorough executive search for a highly qualified City Attorney.

Resolution No. 5760 seeks approval for a second amendment to the original engagement agreement to increase the maximum costs by an additional \$500,000. The need for a second amendment continues to be necessitated by the ongoing executive search for a highly qualified City Attorney. Additionally, the City continues to require specialized legal services for ongoing complex legal matters.

Approval of Resolution No. 5760 authorizes the Mayor to sign the second amendment for legal services with Foster Garvey PC.

Reviewed by Council Committees:

Councilmember: Kate Baldwin

Staff:

Jamie Thomas

Meeting Date: March 18, 2024

Item Number:

RES.A

RESOLUTION NO. 5760

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO
EXECUTE THE SECOND AMENDMENT TO THE
AGREEMENT BETWEEN THE CITY OF AUBURN AND
FOSTER GARVEY PC FOR LEGAL SERVICES TO THE
CITY

WHEREAS, the City of Auburn is currently in need of legal services while it seeks to hire a new city attorney; and

WHEREAS, the City contracted with the law firm of Foster Garvey PC ("Foster Garvey") on July 18, 2023 to provide these services ("the Legal Services Contract"); and

WHEREAS, Foster Garvey has capably provided legal advice to the City since the contract was executed; and

WHEREAS, the Legal Services Contract included a not-to-exceed amount of one hundred thousand dollars for legal services and the fees and costs for such services; and

WHEREAS, on October 2, 202 the Council authorized the Mayor to execute an amendment to the Legal Services Contract for an additional three hundred thousand dollars; and

WHEREAS, the due to ongoing litigation and other pending matters, pursuant to terms of the engagement letter Foster Garvey recently provided the City notice that fees and costs incurred had reached eighty-five percent (85%) of the Legal Services Contract's not-to-exceed amount; and

WHEREAS, the City's need for legal services continues while the search for a new city attorney remains ongoing; and

WHEREAS, the City desires to increase the maximum contract amount to enable continuation of legal services.

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

Section 1. The Mayor is authorized to execute an amendment to the contract between the City and Foster Garvey PC increasing the maximum expenditure for legal services under the Legal Services Contract by an additional five hundred thousand dollars (\$500,000.00), which amendment will be in substantial conformity with the amendment attached hereto.

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

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed this _____ day of _____, 2024.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Harry Boesche, Acting City Attorney

AMENDMENT No. 2
to the CITY OF AUBURN AGREEMENT FOR LEGAL SERVICES
with FOSTER GARVEY PC

This 2nd amendment is to an Agreement for legal services between the City of Auburn and Foster Garvey PC ("Foster Garvey") executed on July 18, 2023.

RECITALS

WHEREAS, Foster Garvey's engagement letter dated July 7, 2023 and accepted by Mayor Nancy Backus on July 18, 2023 ("Engagement Letter") limited the amount of fees and costs billed for legal services to one hundred thousand dollars; and

WHEREAS, on October 2, 2023 the City Council approved an extension of the maximum contracted amount for fees and costs billed for legal services by an additional three hundred thousand dollars.

WHEREAS, pursuant to terms of the Engagement Letter, Foster Garvey provided the City notice that fees and costs incurred had reached eighty-five percent (85%) of the engagement letter's not-to-exceed amount; and

WHEREAS, the City desires to continue to engage Foster Garvey for legal services, beyond the maximum amount stated in 1st Amendment for Legal Services with Foster Garvey PC.

AMENDMENT

Now Therefore, for good and valuable consideration, the undersigned parties agree to amend the third paragraph of the engagement of services letter in the following manner:

"No retainer is required. We will bill the City only for the actual fees and costs incurred in the performance of legal services requested by the City. Fees and costs billed under this engagement will not exceed ~~\$100,000~~ ~~\$400,000~~ \$900,000, and we will notify the City when fees and costs incurred have reached eighty-five percent (85%) of that amount. A copy of our Terms for Engagement of Services is attached. We understand that such services will be directed through the Offices of the Mayor or by Dana Hinman, Director of Administration."

All other provisions of the July 7, 2023 Engagement Letter and the Terms of Engagement shall remain in full force and effect.

CITY OF AUBURN

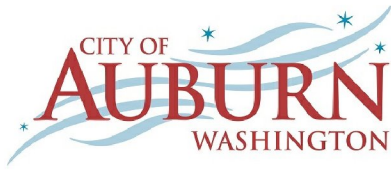
Accepted and confirmed
this ____ day of March, 2024

Nancy Backus
City of Auburn Mayor

FOSTER GARVEY

Accepted and confirmed
this ____ day of March, 2024

Bob Sterbank
Of Counsel



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5761 (Caillier)

Date:

March 13, 2024

Department:

Police

Attachments:

[Resolution No. 5761](#)

[Exhibit A ICAC MOU](#)

Budget Impact:

None

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5761.

Background for Motion:

Move to adopt Resolution No. 5761 authorizing the Mayor to sign a Memorandum of Understanding with the Seattle Police Department accepting Federal Internet Crimes Against Children Task Force Funds.

Background Summary:

The Auburn Police Department (APD) is a member of Washington's Internet Crimes Against Children Task Force (ICAC). ICAC detects and investigates technology based crimes against children. ICAC activities are funded in part through federal grants. The Seattle Police Department, as ICAC's lead agency, has offered APD up to \$10,000 in federal grant funds to assist APD in its ICAC work. Resolution No. 5761 authorizes the Mayor to sign a memorandum of understanding that accepts these funds for APD.

Reviewed by Council Committees:

Councilmember: Cheryl Rakes

Staff:

Mark Caillier

Meeting Date: March 18, 2024

Item Number:

RES.B

RESOLUTION NO. 5761

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ACCEPTING A FEDERAL INTERNET CRIMES AGAINST CHILDREN TASK FORCE (ICAC) GRANT TO THE AUBURN POLICE DEPARTMENT

WHEREAS, the Auburn Police Department (APD) is a member of the Washington State Internet Crimes Against Children task force (ICAC). Washington law enforcement agencies formed ICAC to detect, investigate and prosecute technology-facilitated crimes against children. ICAC activities are funded in part through federal grant funds;

WHEREAS, the Seattle Police Department (SPD) is ICAC's lead agency, responsible to facilitate and distribute federal grant funding to ICAC members;

WHEREAS, SPD has offered APD \$10,000 in available federal grant funds for APD use in its ICAC work. The offered grant contains no City matching requirement. The grant terms are set forth in a memorandum of understanding attached as Exhibit A to this Resolution;

WHEREAS, the adoption of this Resolution and acceptance of this ICAC grant is in the best interest of the Auburn community in enabling APD efforts to further ICAC's work and mission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The Mayor is authorized to sign a memorandum of understanding with the Seattle Police Department substantially conforming to

Exhibit A to this Resolution, and to accept federal grant funds for Auburn Police Department use in its Washington State Internet Crimes Against Children Task Force work.

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

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures.

Dated and Signed this _____ day of _____, 2024.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Harry Boesche, Acting City Attorney



MEMORANDUM OF UNDERSTANDING

**City of Auburn
Auburn Police Department
25 West Main Street
Auburn, WA 98001**

THIS AGREEMENT is made and entered into by and between the City of Seattle Police Department, hereinafter referred to as "SPD" and City of Auburn.

WHEREAS, The Seattle Police Department is the Lead Agency for Washington State's Internet Crimes Against Children (ICAC) Task Force;

WHEREAS, City of Auburn, is a member of the ICAC Task Force and requires funding to support its investigation and prosecution of ICAC crimes;

WHEREAS, The Seattle Police Department receives funding to support investigation and prosecution of ICAC crimes and wishes to share this funding with Task Force Members to further the mission of the Task Force;

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance of the scope of work contained herein, or as attached and made a part hereof, the parties hereto agree as follows:

IT IS THEREFORE MUTUALLY AGREED THAT:

This agreement is to support City of Auburn's ICAC overtime, travel/training, equipment, wellness activities or training and software necessary for ICAC investigations.

In the event the MOU requires a change in scope or an increase in cost beyond the amount agreed to, the SPD and City of Auburn shall agree to any such changes in writing prior to the commencement of Services requiring the change in the scope or cost increase.

TERM OF AGREEMENT

This Agreement shall begin January 1, 2024 and terminates September 30, 2024. This agreement may be modified and continued, by amendment, for work beyond this date, by mutual agreement of the parties.

PAYMENT

SPD will pay City of Auburn for work covered in the Scope of Work for actual costs incurred by City of Auburn

The funding limit shall not exceed \$10,000 and shall reflect the Parties' best estimate of the cost of work to be accomplished under this Agreement. SPD shall not be obligated for any expenditure in excess of the funding limit unless prior written authorization is received. Actual amounts reimbursed under this Agreement shall be based on actual costs incurred by City of Auburn. In no event, shall any Party be paid for costs that are not documented pursuant to the requirements of this Agreement.

SPD will pay City of Auburn pursuant to the following provisions, unless otherwise agreed in writing:

1. City of Auburn shall submit to SPD an invoice for Services performed no later than thirty (30) calendar days following the month in which the Services were performed. Invoice shall include a summary of total costs billed to date. Any request for payment for work performed prior to the issuance of a notice to begin work, or work billed later than ninety (90) calendar days after its completion shall not be eligible for payment.

2. Unless otherwise directed, City of Auburn shall submit invoices and appropriate supporting materials to:
 Seattle Police Department
 Attn: Fiscal Office
 PO Box 34986
 Seattle, WA 98124-4986
spdap@seattle.gov
3. City of Auburn agrees to submit a final bill to SPD within thirty (30) calendar days after the end date of this Contract, and will label the invoice "FINAL BILL."
4. Funding Source:

FEDERAL AWARD INFORMATION		
GRANT AWARD TITLE: 16.543 - Guidance for Invited Applications for Internet Crimes Against Children (ICAC) Task Forces (FY21 ICAC)		
FEDERAL AWARD ID #	SUBRECIPIENT NAME UEI NUMBER	FUNDS OBLIGATED FOR THIS AGREEMENT
15PJDP-21-GK-03807-MECP	City of Auburn LT4FLVEW5U28	\$10,000
FEDERAL AWARD DATE	SUBAWARD PERIOD OF PERFORMANCE START DATE	SUBAWARD PERIOD OF PERFORMANCE END DATE
12/6/21	01/01/2024	09/30/2024
TOTAL GRANT AWARD COMMITTED TO THIS ENTITY	SUBAWARD BUDGET PERIOD START DATE	SUBAWARD BUDGET PERIOD END DATE
\$10,000	01/01/2024	09/30/2024
TOTAL FEDERAL FUNDS OBLIGATED TO THIS ENTITY	RESEARCH & DEVELOPMENT	INDIRECT COST RATE
\$120,436	N	N
FEDERAL AWARDDING AGENCY	PASS-THROUGH ENTITY	PASS-THROUGH AWARDDING OFFICIAL
DOJ/OJP/OJJDP	Seattle Police Department (Seattle, City of)	Brian G. Maxey brian.maxey@seattle.gov
AWARD PROJECT DESCRIPTION: The National Internet Crimes Against Children (ICAC) Task Force Program, consists of state and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases. Each State and local task force that is part of the national program shall: 1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of the task force; 2) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children; 3) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children; 4) develop multijurisdictional, multiagency partnerships and responses to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses; 5) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force; 6) establish or adopt investigative and prosecution standards consistent with established norms, to which such task force shall comply; 7) investigate, and seek prosecution on tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigate leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community; 8) develop procedures for handling seized evidence for ICAC task force lead agencies and affiliate agencies; 9) maintain reports required by OJJDP and other reports and records as determined by the Attorney General; and, 10) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.		

INDEMNIFICATION AND HOLD HARMLESS

City of Auburn shall defend, indemnify, and hold the City harmless from and against all claims, demands, losses, damages or costs, including but not limited to damages arising out of bodily injury or death to persons and damage to property, caused by or resulting from:

- The sole negligence or willful misconduct of City of Auburn, its officials, officers, employees, and agents;
- The concurrent negligence of City of Auburn, its officials, officers, employees, or agents but only to the extent of the negligence of City of Auburn, its officials, officers, employees, and agents;
- The negligent performance of non-performance of the contract by City of Auburn; and

Company waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless the City and its officials, agents, and employees.

INSURANCE

The City of Auburn agrees that it will maintain premises operations and vehicle liability insurance in force with coverages and limits of liability typically maintained by consultants performing work of a scope and nature similar to that called for under this Agreement, but in no event less than the coverages and/or limits required by Washington state law. Such insurance shall include "The City of Seattle" as an additional insured for primary and non-contributory limits of liability. Workers compensation insurance shall also be maintained if required by Washington state law.

TERMINATION

Either party may terminate this Agreement without recourse by the other party upon written notice to terminate. Notice of termination shall be given by the party terminating this Agreement to the other, not fewer than fifteen (15) business days prior to the effective date of termination.

AGENCY CONTACTS

Contact between the Parties regarding Agreement administration will be between the representatives of each Party or their designee as follows:

City of Auburn	Seattle Police Department
Name: Commander Chris Burger	Name: Kelly Crouch
Phone: 253-931-3080	Phone: 206.386.9140
Email: cburger@auburnwa.gov	Email: Kelly.crouch@seattle.gov

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the latest day and year written below.

CITY OF AUBURN

SEATTLE POLICE DEPARTMENT

Name: _____ Date _____
Title: _____

Brian G. Maxey _____ Date _____
Chief Operating Officer