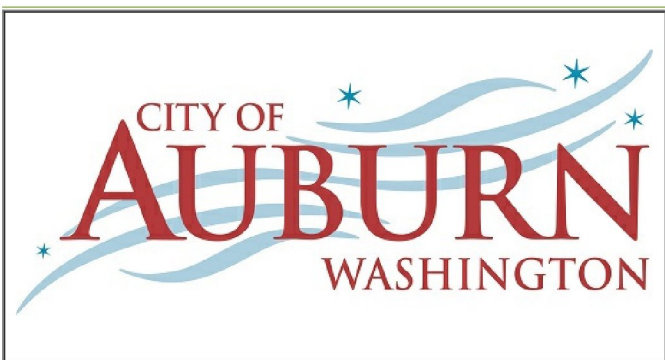


	City Council Meeting February 21, 2023 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

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 City Council Meeting scheduled for Tuesday February 21, 2023 at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

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: 253 215 8782

Toll Free: 877 853 5257

Zoom: <https://us06web.zoom.us/j/85028696627>

A. Pledge of Allegiance

IV. Roll Call

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

VI. AGENDA MODIFICATIONS

VII. 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.

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. Correspondence - (There is no correspondence for Council review.)

VIII. 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)
2. Mayoral Benefits and Leave Compensation Review Ad Hoc Committee (Chair Baldwin)

IX. 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 January 17, 2023 Special Study Session Meeting
- B. Minutes of the January 23, 2023 Special City Council Meeting

- C. Minutes of the February 6, 2023 Regular City Council Meeting
- D. Minutes of the February 13, 2023 Regular Study Session Meeting
- E. Claims Voucher (Thomas)
Claims voucher list dated February 21, 2023 which includes voucher number 471035 through 471175, in the amount of \$2,798,322.62 and three wire transfers in the amount of \$614,422.88
- F. Payroll Voucher (Thomas)
Payroll check numbers 539468 through 539471 in the amount of \$78,120.60, electronic deposit transmissions in the amount of \$2,603,408.97 for a grand total of \$2,681,529.57 for the period covering February 2, 2023 to February 15, 2023

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

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ORDINANCES

- A. Ordinance No. 6899 (Thomas)
An Ordinance establishing the local sales and use tax rate for local revitalization financing for 2023

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6899.)

- B. Ordinance No. 6901 (Tate)
An Ordinance for a Site-Specific Rezone of one parcel from R-5, Residential Zone - Five Dwelling Units Per Acre to I, Institutional

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6901.)

- C. Ordinance No. 6903 (Gaub)
An Ordinance amending Chapter 2.94 of the Auburn City Code related to the City's Transportation Advisory Board

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6903.)

- D. Ordinance No. 6904 (Gaub)
An Ordinance amending Chapter 12.12 of the Auburn City Code relating to Public Sidewalk Areas to Address Artificial Turf

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6904.)

XIII. RESOLUTIONS

A. Resolution No. 5698 (Thomas)

A Resolution authorizing the transfer of funds for the purpose of making loans from the general fund and/or the cumulative reserve fund to funds sustained by grants, fees, or tax credits between February 2023 and February 2024

(RECOMMENDED ACTION: Move to adopt Resolution No. 5698.)

B. Resolution No. 5702 (Thomas)

A Resolution authorizing the Mayor to execute an agreement between the City of Auburn and King County to implement the 2023-2024 Waste Reduction and Recycling Grant Program and to accept and expend program grant funds

(RECOMMENDED ACTION: Move to adopt Resolution No. 5702.)

XIV. MAYOR AND COUNCILMEMBER REPORTS

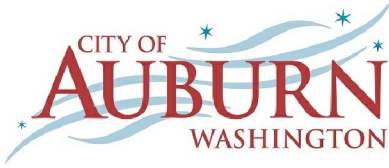
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

XV. 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:

Minutes of the January 17, 2023 Special Study Session Meeting

Date:

February 14, 2023

Department:

City Council

Attachments:

[01-17-2023 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

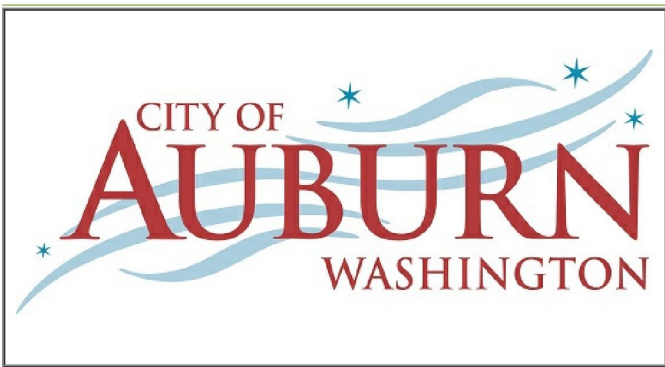
Revised Budget: \$0

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

Meeting Date: February 21, 2023

Staff:

Item Number: CA.A

	City Council Study Session January 17, 2023 - 5:30 PM SPECIAL MEETING Council Chambers MINUTES 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

II. PUBLIC PARTICIPATION

A. Public Participation

The City Council Meeting was held in person and virtually.

B. Roll Call

Councilmembers present: Deputy Mayor James Jeyaraj, Kate Baldwin, Larry Brown, and Yolanda Trout-Manuel. Councilmember Bob Baggett and Councilmember Mulenga were excused.

Department directors and staff members present include: City Attorney Kendra Comeau, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Finance Jamie Thomas, Business Systems Analyst Chrissy Malave, and Deputy City Clerk Hannah Scholl.

III. AGENDA MODIFICATIONS

There were no modifications to the agenda.

IV. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. Ad-Hoc Council Vacancy Committee Presentation (Council)

Deputy Mayor Jeyaraj thanked Council and staff for all their dedication and hard work with the Ad Hoc Process.

Councilmember Trout-Manuel provided a presentation on the Ad Hoc Committee process including the review process, scoring process, and their recommendation of selecting the top five highest scoring applicants.

City Attorney Comeau provided Council with the overall 2023 Auburn City Council Vacancy Ad Hoc progression including the law, history, neighboring City processes, formation of the Ad Hoc Committee, requirements, application procedures, interview process, and the term of the position.

Council discussed what the blind process entails, training prior to reviewing, the scoring matrix, and the interview process.

Deputy Mayor asked Council for consensus to move the top five scoring applicants forward for interviews, consensus from the Council was received.

Deputy Mayor requested staff to send out interview invitation letters to the top five applicants, and requested Council submit two interview questions to the City Clerk.

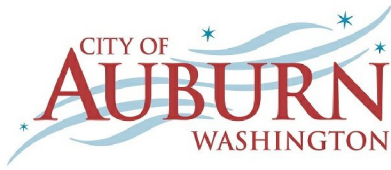
V. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:44 p.m.

APPROVED this 21st day of February, 2023.

JAMES JEYARAJ, DEPUTY MAYOR Hannah Scholl, 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:

Minutes of the January 23, 2023 Special City Council Meeting

Department:

City Council

Attachments:

[01-23-2023 Minutes](#)

Date:

February 14, 2023

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

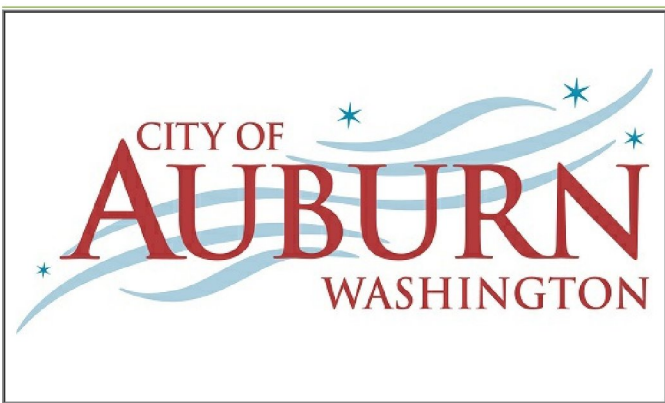
Revised Budget: \$0

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

Meeting Date: February 21, 2023

Staff:

Item Number: CA.B

	City Council Meeting January 23, 2023 - 5:30 PM SPECIAL MEETING 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

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 City Council Meeting was held in person and virtually.

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street and led those in attendance in the Pledge of Allegiance.

IV. Roll Call

Councilmembers present: Deputy Mayor James Jeyaraj, Kate Baldwin, Larry Brown, Robyn Mulenga, and Yolanda Trout-Manuel. Councilmember Bob Baggett arrived via Zoom at 5:46 p.m.

Department directors and staff members present included:
City Attorney Kendra Comeau, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Director of Parks Daryl Faber, Director of Finance Jamie Thomas, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Community Development Jeff Tate, Business Systems Analyst Jonathan Barbano, and City Clerk Shawn Campbell.

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. Tamil Heritage Month

Mayor Backus to proclaim January 2023 as "Tamil Heritage Month" in the City of Auburn

Mayor Backus proclaimed January 2023 as Tamil Heritage Month in the City of Auburn.

Meena Arun and Arun Kumar thanked the Mayor and Council for recognizing Tamil Heritage Month and shared how people can find more information regarding Tamil.

VI. APPOINTMENTS

A. Auburn Junior City Council

City Council to approve the reappointment of Waylon Menzia to the Auburn Junior City Council for a six month term expiring June 30, 2023

Deputy Mayor Jeyaraj moved and Councilmember Mulenga seconded to reappoint Waylon Menzia to the Auburn Junior City Council for a six month term to expire on June 30, 2023.

MOTION CARRIED UNANIMOUSLY. 5-0

B. Transportation Advisory Board

City Council to approve the reappointments of Dennis Grad and Riley Patterson to the Transportation Advisory Board for a three year term expiring December 31, 2025

City Council to approve the reappointment of Waylon Menzia to the Transportation Advisory Board for a six month term expiring June 30, 2023

Councilmember Brown moved and Councilmember Trout-Manuel seconded to reappoint Dennis Grad and Riley Patterson to the Transportation Advisory Board for a three year term to expire on December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 5-0

Deputy Mayor Jeyaraj moved and Councilmember Mulenga seconded to reappoint Waylon Menzia to the Transportation Advisory Board for a six month term expiring June 30, 2023.

MOTION CARRIED UNANIMOUSLY. 5-0

C. Auburn Lodging Tax Advisory Committee

City Council to approve the reappointment of Bob Fraser to the Auburn Lodging Tax Advisory Committee for a three year term expiring December 31, 2025

Councilmember Trout-Manuel moved and Councilmember Mulenga seconded to reappoint Bob Fraser to the Auburn Lodging Tax Advisory Committee for a three year term to expire on December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 5-0

D. Auburn Tourism Board

City Council to approve the reappointments of Malia Dale, Pearl Serrano and Ronnie Roberts to the Auburn Tourism Board for a three year term expiring December 31, 2025

Councilmember Brown moved and Councilmember Mulenga seconded to reappoint Malia Dale, Pearl Serrano, and Ronnie Roberts to the Auburn Tourism Board for a three year term to expire on December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 6-0

E. Auburn Cemetery Board

City Council to approve the appointment of Tim Pierce to the Auburn Cemetery Board for a three year term expiring December 31, 2025

City Council to approve the reappointments of Judi Roland and Robert Rakos to the Auburn Cemetery Board for a three year term expiring December 31, 2025

Councilmember Mulenga moved and Councilmember Trout-Manuel seconded to appoint Tim Pierce to the Auburn Cemetery Board for a three year term to expire on December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 6-0

Councilmember Baldwin moved and Councilmember Brown seconded to reappoint Judi Roland and Robert Rakos to the Auburn Cemetery Board for a three year term to expire on December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 6-0

F. Urban Tree Board

City Council to approve the reappointment of Brooksie Hall to the Urban Tree Board for a three year term expiring December 31, 2025

Councilmember Brown moved and Councilmember Trout-Manuel seconded to reappoint Brooksie Hall to the Urban Tree Board for a three year term to expire on December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 6-0

VII. AGENDA MODIFICATIONS

Under item XIV.A Interviews and Selection, applicant No.12 was removed from the agenda and replaced with applicant No. 6.

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 2503 R St SE

Ms. Haugen expressed concerns regarding vacation pay for elected officials.

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 Baggett)

Councilmember Baggett, Chair of the Finance ad hoc committee, reported he and Councilmember Baldwin have reviewed the claims and payroll vouchers described on the agenda this evening and recommended their approval.

2. Councilmember Vacancy Ad Hoc Committee (Chair Baggett)

Councilmember Trout-Manuel, Co-Chair of the Councilmember Vacancy ad hoc committee, reported that the committee met with staff, reviewed applications through a blind interview process, and selected the top five highest scoring applicants based off a point system matrix.

Director of Equity and Inclusion Goodson-Moore provided an overview of the anti-bias online training, applicant eligibility requirements, the redaction and blind screening process, matrix and scoring process, notification process, and the committees recommendation to move the sixth highest scoring applicant up due to one of the previously selected candidates withdrawing their application.

Councilmember Trout-Manuel moved and Deputy Mayor Jeyaraj seconded to move the sixth ranked applicant into an interview slot due to an applicant removing their name from consideration.

MOTION CARRIED UNANIMOUSLY. 6-0

Director of Equity and Inclusion Goodson-Moore selected the

applicants names at random to determine the order of interviews.

City Attorney Comeau explained the voting and selection process that will occur after the interviews are complete.

Council disclosed if they have had interactions with any candidates related to the position, they discussed the scoring matrix, and the interview questions.

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 December 12, 2022, City Council Study Session Meeting

B. Minutes of the December 19, 2022, City Council Meeting

C. Claims Voucher (Thomas)

Claims voucher list dated January 3, 2023 which includes voucher number 470679, in the amount of \$119,508.72 and one wire transfer in the amount of \$12,182.10

Claims voucher list dated January 17, 2023 which includes voucher numbers 470680 through 470868, in the amount of \$7,424,881.22 and one wire transfer in the amount of \$753,284.53

Claims voucher list dated January 17, 2023 which includes voucher numbers 470869 through 470889, in the amount of \$5,039,992.53 and two wire transfers in the amount of \$663,623.69

D. Payroll Voucher (Thomas)

Payroll check numbers 539454 through 539458 in the amount of \$692,381.52, electronic deposit transmissions in the amount of \$2,290,888.85 for a grand total of \$2,983,270.37 for the period covering December 15, 2022 to December 28, 2022

Payroll check numbers 539460 through 539465 in the amount of \$80,717.31, electronic deposit transmissions in the amount of \$2,448,624.52, also a special payroll for our Sick Leave Cash out with electronic deposit transmission in the amount of \$26,639.76 for a grand total of \$2,555,981.59 for the period covering December 29, 2022 to January 11, 2023

Deputy Mayor Jeyaraj 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. 5696 (Comeau)

A Resolution authorizing the Mayor to terminate the existing lease and enter into a lease agreement with Spanaflight, LLC at the Auburn Municipal Airport

Deputy Mayor Jeyaraj moved and Councilmember Brown seconded to approve Resolution No. 5696.

MOTION CARRIED UNANIMOUSLY. 6-0

XIV. INTERVIEWS AND SELECTION

A. Interviews of Councilmember Candidates

All candidates were asked to wait outside of Chambers and were escorted when it was their turn to interview. Councilmembers asked the applicants the same questions, in the same order for each interview. The Council interviewed; Katherine Kelly Murray, Cheryl Rakes, Clinton Taylor, Tracey Turner, and Ofa Langi.

B. Executive Session

Mayor Backus adjourned into an executive session at 7:45 p.m. per RCW 42.30.110(1)(h) to discuss the qualifications of a candidates for appointment to elective office for 30 minutes. City Attorney Comeau, and Director of Equity and Inclusion Goodson-Moore were required to attend. There is anticipated action after the executive session.

C. Selection of Councilmember to Fill Vacant Council Seat

The City Council will select a new Councilmember to fill the vacant position by a majority vote

Mayor Backus reconvened the meeting at 8:15 p.m.

Mayor Backus thanked the candidates for their interest in the position and thanked Council and staff for their hard work throughout the entire process. She restated the voting process and asked Council for their votes.

Katherine Kelly Murray received zero votes.
Cheryl Rakes received four votes.
Clinton Taylor received zero votes.
Tracy Turner received zero votes.
Ofa Langi received two votes.

By majority vote of the Council, Cheryl Rakes was selected to fill the Vacant Council Seat.

XV. 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

No reports.

B. From the Mayor

No reports.

XVI. ADJOURNMENT

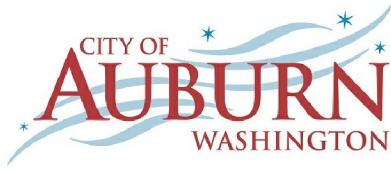
There being no further business to come before the Council, the meeting was adjourned at 8:20 p.m.

APPROVED this 21st day of February, 2023.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the February 6, 2023 Regular City Council Meeting

Department:

City Council

Attachments:

[02-06-2023 Minutes](#)

Date:

February 14, 2023

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

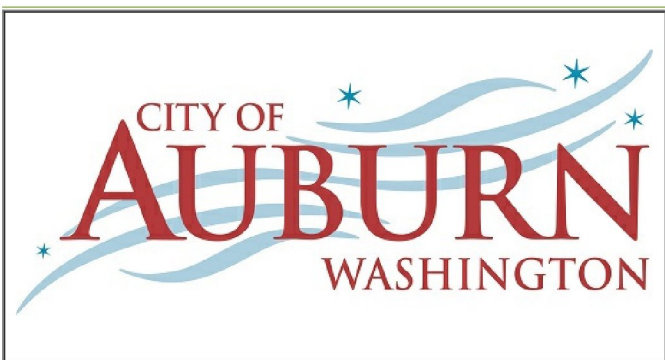
Revised Budget: \$0

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

Meeting Date: February 21, 2023

Staff:

Item Number: CA.C

	City Council Meeting February 6, 2023 - 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

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 City Council Meeting was held in person and virtually.

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street and led those in attendance in the Pledge of Allegiance.

IV. Roll Call

Councilmembers present: Deputy Mayor James Jeyaraj, Bob Baggett, Kate Baldwin, Larry Brown, Robyn Mulenga, Cheryl Rakes, and Yolanda Trout-Manuel.

Department directors and staff members present included:
City Attorney Kendra Comeau, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Director of Finance Jamie Thomas, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Innovation and Technology David Travis, Business Systems Analyst Chrissy Malave, and City Clerk Shawn Campbell.

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. Black History Month

Mayor Backus to proclaim February 2023 as "Black History Month" in the City of Auburn

Mayor Backus proclaimed February 2023 as Black History Month in the City of Auburn.

LaTricia Kinlow and Pastor LaShund Lambert, members of the Police Advisory Committee, accepted the proclamation and thanked the Mayor and Council for the proclamation. Pastor Lambert encouraged everyone to remember the reasons for this month all year long. Ms. Kinlow asked everyone to read Doctor King's Letter from the Birmingham Jail.

B. Police Promotional Ceremony (Caillier)

Police Chief Caillier introduced Matt Wilkinson and Chris Burger. Officer Wilkinson was promoted to Sergeant. and Sergeant Burger was promoted to Commander. Sergeant Wilkinson and Commander Burger recited the Police Officer Oath.

Mayor Backus recessed the meeting for 10 minutes at 7:08 p.m.

Mayor Backus reconvened the meeting at 7:18 p.m.

VI. APPOINTMENTS

A. Transportation Advisory Board

City Council to approve the appointment of Ajay Ganesan to the Transportation Advisory Committee - Bicycling Community Representative position for a three year term expiring December 31, 2025

Councilmember Trout-Manuel moved and Councilmember Baggett seconded to appoint Ajay Ganesan to the Transportation Advisory Committee - Bicycling Community Representative position for a three year term expiring December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Auburn Arts Commission

City Council to approve the appointments of Tracy Taylor-Turner and Tracy Gallaway to the Auburn Arts Commission for a three year term expiring December 31, 2025

Councilmember Trout-Manuel moved and Councilmember Brown seconded to appoint Tracy Taylor-Turner and Tracy Gallaway to the Auburn Arts Commission for a three year term expiring December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 7-0

VII. AGENDA MODIFICATIONS

There were no modifications 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.

Ernest Commodore 34620 4th PL SW Federal Way 98023
Mr. Commodore expressed frustration regarding the Community Center being closed.

Bob Durrigan 104 S. 325th PL Federal Way 98003
Mr. Durrigan invited everyone to attend the 19th Annual Special Needs Youth Fishing Derby on Saturday April 29, 2023, at Mill Pond Park.

Liem Allen 2120 62nd Loop SE Auburn 98092
Mr. Allen and members of Troop 401 invited Mayor and Council to attend their Troops 100th Anniversary Event.

Linda Redmond 2704 18th ST SE Auburn 98002
Ms. Redmond shared information regarding Black History, and recommended a gluten free YouTube video.

Doctor Commodore 109 S Division ST Auburn 98001
Doctor Commodore shared that she recently launched her business to heal trauma for Black, Indigenous, and People of Color (BIPOC) girls. She requested additional funding for her program.

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 Baldwin, Chair of the Finance ad hoc committee, reported she and Councilmember Baggett have 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. Claims Voucher (Thomas)

Claims voucher list dated February 6, 2023 which includes voucher number 470890 through 471034, in the amount of \$3,573,355.74 and six wire transfers in the amount of \$918,385.73

B. Payroll Voucher (Thomas)

Payroll check numbers 539466 through 539467 in the amount of \$615,569.73, electronic deposit transmissions in the amount of \$2,386,621.43 for a grand total of \$3,002,191.16 for the period covering January 12, 2023 to February 1, 2023

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

MOTION CARRIED UNANIMOUSLY. 7-0

XI. UNFINISHED BUSINESS

There was no unfinished business.

XII. NEW BUSINESS

Councilmember Baldwin and Deputy Mayor Jeyaraj moved to create an ad hoc committee to review benefits and leave compensation for the Mayoral position.

This committee will:

- *work with staff to gather both historic and comparative data*
- *evaluate current ordinance*
- *establish appropriate legal span of control*
- *develop options for revising the existing ordinance language*
- *present our findings back to council in study session when next steps may be taken as determined by council*

Council discussed asked how the ad hoc committee would be selected and which staff members the committee will work with.

MOTION CARRIED UNANIMOUSLY. 7-0

XIII. RESOLUTIONS

A. Resolution No. 5699 (Gaub)

A Resolution authorizing the Mayor to execute and administer agreements accepting grants from the Washington State Department of Transportation and Federal Highway Administration for 6 Projects:

- 1) E Valley Highway Widening
- 2) R Street SE And 21st Street SE Roundabout

- 3) 2023 City Safety Pedestrian Crossing Enhancements
- 4) A Street Loop
- 5) C Street SW Preservation (W Main St to GSA Signal), and
- 6) Lake Tapps Parkway/Sumner-Tapps Hwy E Preservation

Councilmember Brown moved and Councilmember Baggett seconded to approve Resolution No. 5699.

MOTION CARRIED UNANIMOUSLY. 7-0

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

Councilmember Baggett reported he attended the Pierce County Board of Health meeting.

Councilmember Baldwin reported she attended the Cities and Schools meeting,

B. From the Mayor

Mayor Backus reported she attended the South Correction Entity (SCORE) Board meeting, and a meeting with the North Auburn Businesses. She reported she is working with the Washington State Legislators on proposed legislation.

XV. ADJOURNMENT

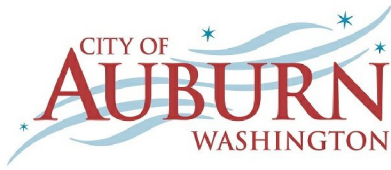
There being no further business to come before the Council, the meeting was adjourned at 8:04 p.m.

APPROVED this 21st day of February, 2023.

NANCY BACKUS, MAYOR

Shawn Campbell, 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:

Minutes of the February 13, 2023 Regular Study Session Meeting

Date:

February 14, 2023

Department:

City Council

Attachments:

[02-13-2023 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

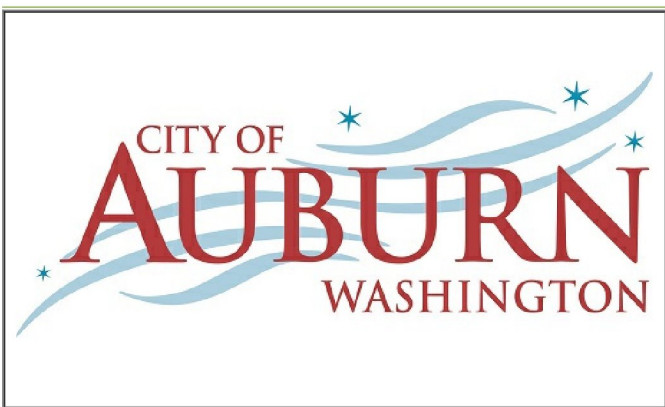
Revised Budget: \$0

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

Meeting Date: February 21, 2023

Staff:

Item Number: CA.D

	City Council Study Session Muni Services SFA February 13, 2023 - 5:30 PM City Hall Council Chambers AGENDA 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

II. PUBLIC PARTICIPATION

A. Public Participation

The City Council Meeting was held in person and virtually.

B. Roll Call

Councilmembers present: Deputy Mayor James Jeyaraj, Bob Baggett, Kate Baldwin, Larry Brown, Robyn Mulenga, Cheryl Rakes, and Yolanda Trout-Manuel.

Department directors and staff members present include: City Attorney Kendra Comeau, Senior Staff City Attorney Harry Boesche, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Assistant Director of Engineering Services Jacob Sweeting, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Community Development Jeff Tate, Director of Human Resources & Risk Management Candis Martinson, Director of Innovation and Technology David Travis, Director of Finance Jamie Thomas, Senior Project Engineer Matt Larson, Senior Project Engineer Jeffrey Bender, Senior Planner Dinah Reed, Senior Transportation Planner Cecile Malik, Business Systems Analyst Chrissy Malave, and City Clerk Shawn Campbell.

1. Executive Session

Deputy Mayor adjourned into an executive session at 5:31 p.m. per RCW 42.56.110(1)(i) to discuss litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency for 30 minutes. City Attorney Comeau, Senior City Attorney Boesche, Director of Human Resources Martinson, and Appointed Special City Attorney Charlotte Archer will be required to attend. There is no anticipated action after the executive session.

Deputy Mayor extended the executive session by 15 minutes.

Deputy Mayor reconvened the meeting at 6:16 p.m.

III. AGENDA MODIFICATIONS

There were no modifications to the agenda.

IV. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. PAC Update (Caillier) (20 Minutes)

Josh Zumsted, a member of the Police Advisory Committee (PAC), provided Council with an update on his experience with PAC. He reviewed his ride along experience, the perception of safety in the community, the initiative the Committee is interested in moving forward, community engagement, police recruitment, challenges facing the community, and sharing information throughout the community.

B. End of Year Capital Projects Status Report (Gaub) (15 Minutes)

Engineer Larson provided Council with an overview of the 2022 end of year Capital Project Status Report. He reviewed the Capital Projects completed in 2022, the Academy Pump Station 1 Replacement project, 2nd Street SE Preservation project, 4th Street SE preservation project, how Council can stay informed on current projects, and the Capital Projects that are currently started. He stated in 2023 they will be working on the Coal Creek Springs Transmission Main Replacement project, A Street Loop project, and the Runway and Taxiway improvement and RAS Grading project.

Council discussed working over the Coal Creek Spring, improvements on 4th Street, and the Academy Pump Station project.

C. Engineering Design Standards (Gaub) (10 Minutes)

Assistant Director Sweeting provided Council with an overview of the 2023 Engineering Design Standards update. He reviewed how the Standards are created, the Downtown Street Trees Design Standards, and the sidewalk landscape strips.

Council discussed the timeframe for updates, responsibility for updates, rocks in the landscaping strips, and tree grates.

V. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6899 (Thomas) (10 Minutes)

An Ordinance establishing the local sales and use tax rate for local revitalization financing for 2023

Director Thomas provided Council with an overview of Ordinance No. 6899

which establishes the local sales and use tax rate for local revitalization financing for 2023. She explained how the fee is established and where the funds are expended.

Council discussed how the percentage is calculated, and where the Promenade is located.

B. Ordinance No. 6901 (Tate) (10 Minutes)

An Ordinance for a site-specific rezone of one parcel from R-5, Residential Zone - Five Dwelling Units per acre to I, Institutional

Senior Planner Reed provided Council with an overview of Ordinance No. 6901 regarding the Rezone for the Green River College. She reviewed the site, the current zoning and rezone approval criteria.

Council discussed the College's need to rezone.

C. Ordinance No. 6903 (Gaub) (5 Minutes)

An Ordinance amending Chapter 2.94 of the Auburn City Code (ACC) related to the City's Transportation Advisory Board

Senior Planner Malik provided Council with an overview of Ordinance No. 6903 which amends Chapter 2.94 of the Auburn City Code related to the City's Transportation Advisory Board. She reviewed the history of the Transportation Advisory Board, the proposed changes, and the next steps.

D. Ordinance No. 6904 (Gaub) (5 Minutes)

An Ordinance amending Chapter 12.12 of the Auburn City Code (ACC) relating to Public Sidewalk Areas to address Artificial Turf

Assistant Director Sweeting provided Council with an overview of Ordinance No. 6904 which amends Chapter 12.12 of the Auburn City Code relating to public sidewalk areas to address artificial turf.

Council discussed the design standards for turf allowed.

E. Resolution No. 5698 (Thomas) (10 Minutes)

A Resolution authorizing the transfer of funds for the purpose of making loans from the general fund and/or the cumulative reserve fund to funds sustained by grants, fees, or tax credits between February 2023 and February 2026

Director Thomas provided Council with an overview of Resolution No. 5698 regarding allowing a fund transfer for cashflow purposes.

The Council requested to be updated if a Fund Balance Transfer is necessary.

VI. MUNICIPAL SERVICES DISCUSSION ITEMS

A. Ordinance No. 6889 (Martinson) (10 Minutes)

An Ordinance amending Section 2.03.020 of the Auburn City Code (ACC) related to the salary and employment benefits for the City Mayor position

Director Martinson provided Council with an overview of Ordinance No. 6889 and Ordinance 6890 regarding salary and employment benefits for the City Mayor position and employee leave. She reviewed the history of the two Ordinances to date, and the staff recommendation for both Ordinances. She explained the changes to Ordinance 6890 will only be the State Mandated benefits in the Code and the remaining benefits will be kept in City Policy.

B. Ordinance No. 6890 (Martinson) (10 Minutes)

An Ordinance amending and repealing certain Sections within Articles II and III of Auburn City Code (ACC) Chapter 2.63 related to vacation, leave and insurance coverage for City employees, and adding new Sections to ACC Chapter 2.63 related to employee leave

See Ordinance No. 6889.

Deputy Mayor updated the Special Focus Area (SFA) Chairs.

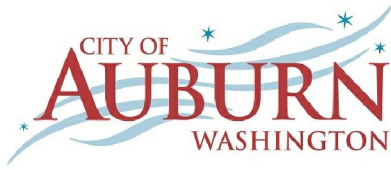
VII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:30 p.m.

APPROVED this 21st day of February, 2023.

JAMES JEYARAJ, DEPUTY MAYOR Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Voucher (Thomas)

Date:

February 14, 2023

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 February 21, 2023 which includes voucher number 471035 through 471175, in the amount of \$2,798,322.62 and three wire transfers in the amount of \$614,422.88.

Reviewed by Council Committees:

Councilmember: Baldwin

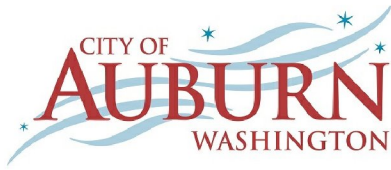
Staff:

Thomas

Meeting Date: February 21, 2023

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Voucher (Thomas)

Date:

February 14, 2023

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 539468 through 539471 in the amount of \$78,120.60, electronic deposit transmissions in the amount of \$2,603,408.97 for a grand total of \$2,681,529.57 for the period covering February 2, 2023 to February 15, 2023.

Reviewed by Council Committees:

Councilmember: Baldwin

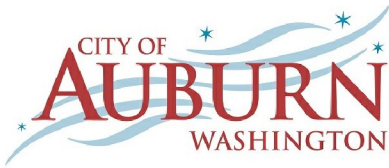
Staff:

Thomas

Meeting Date: February 21, 2023

Item Number:

CA.F



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6899 (Thomas)

Date:

February 6, 2023

Department:

Finance

Attachments:

[Ordinance No. 6899 LRF Sales Tax](#)

Budget Impact:

\$250,000 per year for 25 years beginning in 2010

Administrative Recommendation:

City Council to adopt Ordinance No. 6899.

Background for Motion:

Ordinance No. 6899 levies a 0.0157% sales tax credit against the state sales tax for local revitalization financing.

Background Summary:

Ordinance No. 6899 levies a 0.0157% sales tax credit against the state sales tax for local revitalization financing. SB 5045 authorizing the tax credit was passed by the state legislature during the 2009 regular session. The intent of the legislation was to provide financial assistance to cities to assist with financing public improvements in an identified revitalization area to promote community and economic development.

The City first applied for the use of local revitalization financing on August 11, 2009 and the Department of Revenue approved the City's application on September 16, 2009, authorizing up to \$250,000 per year for the local revitalization program (Promenade capital improvements).

In 2010, the City issued \$7.24 million in bonds for the purpose of funding capital improvements for the Promenade. In October 2020, the City refunded the remaining portion of these bonds by issuing LTGO Bonds. The balance of the 2020 bonds at the end of 2022 was \$3.69 million, and have a December 1, 2034 maturity date. Funds from REET2 funds, combined with EDA grants and interest earnings, are used to pay the annual debt service costs of the local revitalization project. The tax credit is available to the City for up to 25 years. 2022 will be the fourteenth year that the City has asked the State for the tax credit. As provided by the state, in order for the City to continue receiving the tax credit, the City must request this each year by ordinance.

Based upon historical taxable retail sales, the above rate of 0.0157% is estimated to generate \$250,000 for local revitalization funding during the State's fiscal year, July 1, 2023 to June 30, 2024.

Reviewed by Council Committees:

Councilmember: Baldwin

Staff: Thomas

Meeting Date: February 21, 2023

Item Number: ORD.A

ORDINANCE NO. 6899

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, ESTABLISHING
THE LOCAL SALES AND USE TAX RATE FOR
LOCAL REVITALIZATION FINANCING FOR 2023

WHEREAS, The City of Auburn ("City") enacted Ordinance No. 6301 on April 19, 2010, which established a local sales and use tax as provided for in Section 39.14.510 of the Revised Code of Washington ("RCW"); and,

WHEREAS, this tax is imposed in order to pay the debt service on Local Revitalization Financing bonds in accordance with Chapter 39.104 RCW; and,

WHEREAS, Chapter 39.104 RCW provides that the City shall, from time to time, adjust the tax rate so that it is set at the rate reasonably necessary to receive the state contribution over 10 months, in accordance with RCW 82.14.510(3); and

WHEREAS, the Local Sales and Use Tax Rate is set at a rate to generate approximately \$250,000 between July 1, 2023 through June 30, 2024, for Local Revitalization Financing.

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

Section 1. The sales and use tax rate initially established in Section 3.2 of Ordinance No. 6301, and most recently amended by Ordinance No. 6849, is hereby amended to 0.0157%, effective July 1, 2023.

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

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application 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 4. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

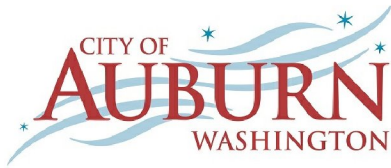
ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6901 (Tate)

Date:

February 14, 2023

Department:

Community Development

Attachments:

[Ordinance No. 6901](#)

[Exhibit A to Ordinance 6901 - Hearing Examiner](#)

[Decision](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to approve Ordinance No. 6901.

Background for Motion:

Ordinance No. 6901 changes the zoning map designation of King County Parcel No. 0921059229 from R-5 Residential – Five Dwelling Units per Acre to I, Institutional, in response to an application from Green River College.

Background Summary:

Staff presented Ordinance No. 6901 to City Council at the Study Session on February 13, 2023. City Council allowed the matter to move forward for council action.

Zoning map change (Rezone) of an approximately 1.71 acre / 74,488 square foot (sf) developed parcel from "R-5, Residential Zone – Five Dwelling Units per Acre" to the "I, Institutional zone" owned by Green River College.

On January 18, 2023 the Hearing Examiner held a public hearing, and on January 23, 2023 issued a written recommendation to City Council that the Green River College site-specific rezone be adopted with one condition. No public comments were received during the public comment period.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Tate

Meeting Date: February 21, 2023

Item Number:

ORD.B

ORDINANCE NO. 6901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, FOR A SITE SPECIFIC REZONE OF ONE PARCEL FROM R-5, RESIDENTIAL ZONE - FIVE DWELLING UNITS PER ACRE TO I, INSTITUTIONAL

WHEREAS, the property was annexed to the City of Auburn in 2007 under the Lea Hill Annexation by Ordinance No. 6121 with a Comprehensive Plan designation established "Institutional" at the time of annexation; and

WHEREAS, Ordinance No. 6121 established the zoning of the property as R-5 Residential – Five Dwelling Units per Acre at the time of annexation; and

WHEREAS, Connor Davidge, of SSW Architecture, Applicant's Representative, on behalf of Green River College submitted a site-specific rezone application on November 18, 2022 for King County Parcel No. 0921059229; and

WHEREAS, the project is exempt from SEPA review in accordance with WAC 197-11-800(6)(c); and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of public hearing, the City of Auburn Hearing Examiner conducted a public hearing, heard public testimony, and took evidence and exhibits into consideration; and

WHEREAS, on January 23, 2023 the City of Auburn Hearing Examiner recommended approval of the site-specific rezone application with one condition, and made and entered Findings of Fact and Conclusions of Law based thereon in support of that recommendation, as set forth in the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner attached hereto, marked as Exhibit "A" and

incorporated herein by this reference; and

WHEREAS, the City Council concurs with the Findings of Fact and Conclusions of Law of the Hearing Examiner; and

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

Section 1. Adoption of the Hearing Examiner's Findings of Fact and Conclusions of Law. The City Council adopts the Findings of Fact and Conclusions of Law based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council, as set forth in the "Findings of Fact, Conclusions of Law and Recommendation for the Green River College Rezone, City File Number REZ22-0001, dated January 23, 2023", attached hereto, marked as Exhibit "A".

Section 2. Approval. The City Council adopts and approves the request to change the zoning of King County Parcel No. 0921059229 from R-5, Residential – Five Dwelling Units per Acre to I, Institutional.

Section 3. Constitutionality or Invalidity. If any section, subsection clause or phase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 5. Recordation. Upon the passage, approval and publication of this

Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Auditor's Division.

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____

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6 **BEFORE THE HEARING EXAMINER FOR THE CITY OF AUBURN**

7 Phil Olbrechts, Hearing Examiner

8 RE: Green River College

9 Rezone
10 REZ22-0001

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND RECOMMENDATION.**

11
12 **INTRODUCTION**

13 Green River College has requested a rezone to reclassify approximately 1.71 acres
14 from R-5 (Residential 5 dwelling units per acre) to I (Institutional) at 31715 124th
15 Avenue. As discussed in the Conclusions of Law below, the City Council is arguably
16 legally mandated to approve the rezone because the proposed I zoning district is the
17 only appropriate implementing zone of the underlying Institutional comprehensive
18 plan map designation. Beyond that, the rezone serves public health, safety and
19 welfare by enhancing the ability of Green River College to provide educational
20 services at nominal or no adverse impact to the surrounding community. The rezone
21 site is currently occupied by a vacated 5,950 square foot daycare center. The College
22 intends to convert the use of that building to administrative support services and
23 continuing education for its instructors.

24
25 **ORAL TESTIMONY**

26 Diana Reed, Auburn City Planner, summarized the staff report. The hearing
27 examiner inquired about worst case uses such as sports fields authorized by the
28 rezone should the rezone be approved. Ms. Reed acknowledged that uses such as
29 sports fields could be authorized without a conditional use permit if the rezone were
30 approved, but emphasized that the Applicant has permit applications on file to just
31 use the property for administrative support and instructor continuing education.

32 Jeff Dixon, planning services manager, noted that the project site is only 1.7 acres in
33 size, so that limits the type of uses that could be conceivably added to the site. The
34 site is also surrounded to the north and west by a city park that has sports fields,
35 recreational equipment and picnic areas.

1 Steve Starling, on behalf of GRC, in response to examiner questions noted that the
2 existing daycare building has been vacant for more than two years.

3 4 **EXHIBITS**

5 Exhibits 1-5 listed at page 7 of the January 4, 2023 staff report were admitted into the
6 record during the January 18, 2023 public hearing. The staff's PowerPoint
7 presentation was admitted as Exhibit 6 after close of the hearing upon agreement of
8 all hearing participants (City and Applicant).

9 **FINDINGS OF FACT**

10 **Procedural:**

11 1. Applicant. The applicant on behalf of Green River College is Connor
12 Davidge, Architectural Designer, SSW Architects, 901 Fifth Avenue, Ste. 3100,
13 Seattle, WA 98164.

14 2. Hearing. The Hearing Examiner conducted a hearing on the application at
15 5:30 p.m. at Auburn City Hall in the Council Chambers on January 18, 2023.

16 **Substantive:**

17 3. Site/Proposal Description. Green River College (GRC) has requested a
18 rezone to reclassify approximately 1.71 acres from R-5 (Residential 5 dwelling units
19 per acre) to I (Institutional) at 31715 124th Avenue. The project site has an existing
20 5,950 square foot wood frame building constructed in 1998. The subject property
21 is rectangular in shape, approximately 264 ft. in width (east to west) and 280 ft. in
22 length (north to south). It is relatively flat and has no critical areas.

23 GRC seeks to change the use of the rezone site from a daycare to office space for
24 Human Resources staff and to continuing education space for the professors and
25 instructors of GRC. The facility is not intended to be used as classrooms for students
attending GRC. The rezone will allow a "college/university/public use" in the
existing facility. Other uses allowed within the I (Institutional) zoning district that
could potentially be proposed are included in ACC 18.35.030 Table of Uses.
However, GRC has already submitted an Administrative Use permit application
(ADM22-0003) to change the use of the existing building into the intended offices
and faculty continuing education facility.

Access is from two points to the east of the building, both off 124th Avenue SE. The
frontage is improved with a sidewalk leading to a large parking area served by GRC
on the parcel directly south that contains the Trades & Technology buildings for the
campus. The subject site shows 19 parking spaces with two ADA compliant spaces.

1 4. Characteristics of the Area. The subject property is located directly north
2 of the Green River College Trades & Technology building and the central campus,
3 east and south of a city park, and west of a single-family residential neighborhood

4 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.
5 The intended change in use is limited to college administrative staff and instructors.
6 This type of use in such a small building will likely not make any material difference
7 in terms of impacts to neighbors than the previous daycare use, although that use has
8 been vacated for more than two years.

9 It must be recognized that approval of the rezone without conditions does not bind
10 GRC to its anticipated administrative/continuing education use. GRC would have the
11 legal right at any point in the future to add any use authorized in the Institutional
12 zoning district, such as scholastic sports fields, none of which apparently requires a
13 conditional use permit. However, as pointed out by Mr. Dixon, the project site is
14 only 1.7 acres in size and is bounded to the north and west by a city park and to the
15 south by the Green River College Trades & Technology Building. Any "worst-case"
16 uses authorized in the I district for such a small parcel would likely be very limited in
17 intensity. The only residences that could be affected by use of the project site are
18 residences located across 124 Ave SE, which appears to be a four-lane road. The
19 project site also has no critical (environmentally sensitive) areas. For all these
20 reasons, the proposed rezone is not found to create any significant adverse impacts to
21 the surrounding community or to the environment.

22 CONCLUSIONS OF LAW

23 Procedural:

24 1. Authority of Hearing Examiner. ACC 18.68.030(A)(1) grants the Hearing
25 Examiner with the authority to review and make a recommendation on rezone
requests to the City Council.

Substantive:

2 2. Zoning Designation. The property is currently zoned R-5 Residential.

3 3. Case Law Review Criteria and Application. As with many local
4 jurisdictions, the Auburn City Code does not include any criteria for rezone
5 applications. Washington appellate courts have imposed some rezone criteria. Those
6 courts require that the proponents of a rezone establish that conditions have
7 substantially changed since the original zoning and that the rezone must bear a
8 substantial relationship to the public health, safety, morals or welfare. *See Ahmann-*
9 *Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the

1 Comprehensive Plan, a showing that a change of circumstances has occurred is not
2 required. Id. at 112.

3 No change of circumstances is required for approval of the rezone because the rezone
4 implements the comprehensive plan. The current comprehensive plan map
5 designation for the subject parcel is Institutional. The only appropriate implementing
6 zone for the Institutional comprehensive plan designation is the I zone¹. Given that
7 RCW 36.70A.120 requires the City to "...perform its activities...in conformity with
8 its comprehensive plan...", the City Council is arguably legally mandated to approve
9 the rezone.

10 The public health, safety and welfare criterion is easily met. As determined in
11 Finding of Fact No. 5, the proposal will not create any significant adverse impacts.
12 The proposal also furthers public health, safety and welfare by implementing the
13 following comprehensive plan policies as outlined in the staff report:

- 14 • *LU-89: The primary purpose of this designation is to address public needs while
15 taking advantages of synergies with the adjacent areas where they are sited.*

16 *Staff Analysis: The proposed rezone which allows the future change of use of the
17 subject property supports this policy by enhancing the level of expertise of
18 professors and instructors at Green River College by providing a Teaching and
19 Learning center for them. The use will make an existing building a better
20 resource for Green River College.*

- 21 • *LU-90: Innovative strategies to integrate the uses and sites into the areas where
22 they are sited is encouraged. These strategies should maximize use of the site
23 while minimizing fiscal impacts to adjacent areas.*

24 *Staff Analysis: The proposed rezone which allows the proposed change of use
25 supports this policy. The existing building is proposed to have interior renovations
and exterior landscaping upgrades. In addition, a walking path from the existing
building is proposed to create a more walkable environment to the campus on
the parcels to the south. The impacts to adjacent areas are expected to be less
than the former use of a daycare center with numerous drop-offs.*

26 RECOMMENDATION

27 The Hearing Examiner recommends approval of REZ22-0001 subject to the
28 following staff recommended condition:

29 ¹ The City's comprehensive plan, p. LU-14, identifies the implementing zone for the I
30 comprehensive plan map designation as I and "Landing Field." The 1.7-acre parcel
cannot be reasonably used for any authorized "Landing Field" use as that zoning
designation is limited to the City's municipal airport and surrounding areas.

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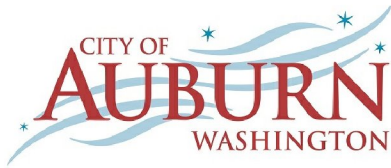
The application submitted under ADM22-0003 for an administrative use permit to authorize the change of use to the existing building on the subject parcel may only be issued after the end of the appeal period for rezone, REZ22-0001.

Dated this 23rd² day of January, 2023.

Phil Olbrechts

Phil Olbrechts,
City of Auburn Hearing Examiner

² This recommendation was originally issued on January 18, 2023. However, after issuance the parties agreed upon admission of Exhibit 6 and this recommendation was then revised to reflect that addition in addition to some other minor grammatical revisions.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6903 (Gaub)

Date:

February 15, 2023

Department:

Public Works

Attachments:

[Ordinance No. 6903](#)

[Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council introduce and adopt Ordinance No. 6903, amending Chapter 2.94 of the Auburn City Code relating to the Auburn Transportation Advisory Board.

Background for Motion:

The purpose of the amendment is to update this code section to match current procedures and practices and to ensure full representation the community, in its diversity, consistent with the City's Diversity, Equity, and Inclusion (DEI) goals.

Background Summary:

Ordinance No. 6903 amends Chapter 2.94 of Auburn City Code, relating to the Auburn Transportation Advisory Board (TAB). This City code was last updated in 2015 and since then, some code sections have become outdated and require updating to match current procedures and practices. Additionally, language is being proposed to ensure full representation of the community, in its diversity, consistent with the City's Diversity, Equity, and Inclusion (DEI) goals.

The code amendments proposed with Ordinance 6903 were presented and discussed with the City Council during the February 13, 2023 City Council Study Session.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: February 21, 2023

Item Number:

ORD.C

ORDINANCE NO. 6903

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 2.94 OF THE AUBURN CITY CODE RELATED TO THE CITY'S TRANSPORTATION ADVISORY BOARD

WHEREAS, among its other functions, the City's Public Works Department evaluates and addresses transportation-related issues within the City;

WHEREAS, to assist the Department and City staff with this function, the City has enacted Chapter 2.94 of the Auburn City Code (ACC);

WHEREAS, this Code chapter creates a City Transportation Advisory Board (TAB) to advise the mayor, city council, and city staff regarding public transportation issues within the City, and establishes the appointment and composition of TAB membership, the general operations of the TAB, and the role of the TAB within the City;

WHEREAS, a review of ACC 2.94 reveals that language within the Chapter should be amended: (1) to ensure a full representation of the Auburn community on the TAB; (2) to promote the City's diversity, equity and inclusion (DEI) goals in TAB role and membership; (3) to clarify the TAB's role in transportation issues affecting the City; and (4) to generally update the Chapter's language for clarity and precision.

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

Section 1. Amendment of City Code. Chapter 2.94 of the Auburn City Code is hereby amended to read as set forth in Exhibit A to this Ordinance.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

EXHIBIT A—ORD. 6903

2.94.030 Appointment.

Membership on the board is intended to represent diverse community interests and backgrounds ~~a broad cross section of the community~~. The board shall consist of 15 ~~m~~Members and shall be comprised of:

- A. One representative from the Auburn school district.
- B. One representative from Green River College.
- C. One representative from the Auburn Area Chamber of Commerce.
- D. One representative from the ~~Auburn Downtown Association~~Downtown Auburn Cooperative.
- E. One representative from the Muckleshoot Indian Tribe.
- F. One high School student representative.
- G. Minimum of one, but no more than two, representatives of each of the following:
 - Local business(s)
 - Cyclists
 - Senior (55+) residents
 - Persons living with disabilities
 - Transit users
- H. Minimum of one, but no more than three, other transportation users who reside within the City of Auburn.
- ~~F. Two local business representatives.~~
- ~~G. One bicycling community representative.~~
- ~~H. One high school student representative.~~
- ~~I. One senior citizen representative.~~
- ~~J. Three citizens at large selected to maximize geographical representation.~~
- ~~K. One Americans with Disabilities Act (ADA) accessibility advocacy group representative.~~
- ~~L. One transit users group representative.~~

Organization and school representatives shall be initially recommended to the mayor by the organizations and school district; provided, that a high school student representative does not need to be recommended by the school district and may apply on their own.

In its application process, the City will seek to achieve diverse Board representation to reflect the diversity of the Auburn community.

2.94.050 Officers – Meetings.

A. ~~A~~Biannually, the board members shall elect a chairperson and vice-chairperson from among the members of the board who shall serve for ~~two~~a one-year terms. The board shall meet at least one time per quarter and as needed to perform the duties of the board and to fulfill the role of being an advisory body to the city council.

B. It shall be the duty of the chairperson to preside over all meetings of the board. The vice-chairperson shall preside at all meetings where the chairperson is absent. Minutes shall be kept and meeting agendas prepared in coordination between members of the board and staff members. A majority of the members of the committee shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to make recommendation motions to the city council.

C. All board meetings shall be staffed by the ~~community development and~~ public works department.

D. All board meetings shall be conducted in accordance with Robert's Rules of Order or any other meeting procedures or guidelines authorized by the city of Auburn.

2.94.060 Role of the board.

The board is a community advisory-only body that serves as the community's voice and reviews, discusses and advises on transportation-related projects and programs as requested by the mayor, city council and/or city staff. The board ~~shall~~may provide input in the following key areas:

A. Review and advise the mayor and city council on the city's six-year ~~T~~ransportation ~~i~~mprovement ~~P~~rogram (TIP).

B. Review and advise the mayor and city council on ~~short-term and long-term strategies and approaches for prioritization and funding for street maintenance and preservation.~~the ADA Transition Plan for Facilities in the Public ROW.

C. Review and advise the mayor and city council on updates to the city's ~~C~~omprehensive ~~T~~ransportation ~~P~~lan.

~~D.— Review and advise the mayor, community development and public works director and city engineer on program approaches and funding options and alternatives for the city's local Save Our Streets (SOS) program.~~

~~E.— Review and advise the mayor, community development and public works director, city engineer and the assistant director for maintenance and operations on program approaches and funding options and alternatives for the city's arterial streets preservation program.~~

~~F.— Review and advise the community development and public works director and city engineer on the city's functional street classification system.~~

~~G.— Review and advise the mayor and city council on planning, funding and implementation efforts and programs for increased walkability throughout the city.~~

~~H~~D. Review and advise the mayor, ~~and~~ city council, and city staff on public transit issues affecting the city.

~~I~~E. Review and advise the mayor, city council and city staff on transportation issues affecting all people, including persons with disabilities, the aging community and elementary, middle and high school students underserved and under-represented communities.

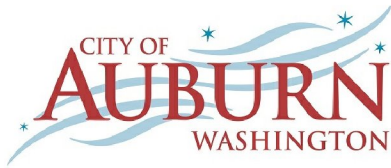
~~J~~F. Review and advise and city staff on transportation issues affecting non-motorized road users. ~~in the development, implementation and ongoing monitoring and updating of a citywide pedestrian and bicycle master plan.~~

~~K~~G. Assist city staff, mayor and city council in promoting public awareness and education on a broad range of transportation issues.

~~L~~H. Represent the Transportation user group that they were appointed to represent by providing input that reflects the concerns, visions, and ideas of each group and gather input from other users within the group to share with the board. Act as ambassadors to residents and businesses on transportation-related issues and opportunities.

2.94.080 Annual reports of progress.

~~The board chairperson and/or vice-chairperson shall annually~~An annual report shall be provided to the city council ~~a report~~ on progress made in carrying out the board's responsibilities. Additional reports may be submitted when deemed appropriate by the board or when requested by the city council.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6904 (Gaub)

Date:

February 15, 2023

Department:

Public Works

Attachments:

[Ordinance No. 6904](#)

[Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council introduce and adopt Ordinance No. 6904.

Background for Motion:

This ordinance amends the City Code to address maintenance responsibilities associated with allowing artificial turf to be placed in landscape strips.

Background Summary:

Chapter 12.12 of the Auburn City Code provides for improvement and maintenance responsibilities related to sidewalk areas along either side of any street. Sidewalk areas include the landscaped areas that, in many cases, lie between the curb and the sidewalk, and are referred to as landscape strips. The current provisions of Chapter 12.12 ACC do not address artificial turf within landscape strips.

Ordinance 6904 includes revisions to Chapter 12.12 ACC to address maintenance, repair, and replacement responsibilities associated with artificial turf and was discussed at the February 13, 2023 Council Study Session.

Upcoming revisions to the Engineering Design Standards to remove the prohibition of artificial turf were also discussed with the City Council at the February 13, 2023 Council Study Session. The revised Engineering Design Standards that will take effect after this code amendment is completed will include standards that address aesthetics, permeability, quality, environmental, and other requirements for artificial turf placed in landscape strips.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: February 21, 2023

Item Number:

ORD.D

ORDINANCE NO. 6904

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 12.12 OF THE CITY CODE RELATING TO PUBLIC SIDEWALK AREAS TO ADDRESS ARTIFICIAL TURF

WHEREAS, Chapter 12.12 of the Auburn City Code provides for improvement and maintenance responsibilities related to the area of the sidewalk along either side of any street within the City, including landscape strips; and

WHEREAS, the current provisions of Chapter 12.12 ACC do not address artificial turf within landscape strips; and

WHEREAS, revisions of Chapter 12.12 ACC to address maintenance, repair, and replacement responsibilities are necessary to address artificial turf.

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

Section 1. Amendment to City Code. Chapter 12.12 of the Auburn City Code is amended to read as shown on Exhibit A.

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

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application 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 4. 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:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____

Chapter 12.12

PUBLIC SIDEWALKS

12.12.232 Maintenance responsibility.

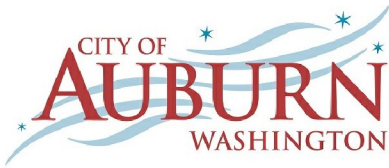
The maintenance of the area of the sidewalk along either side of any street shall be the duty, burden and expense of the abutting property owner. Maintenance shall include removal of debris, moss, snow and ice, cleaning of sidewalks, maintenance of vegetation, including but not limited to maintenance of vegetation consistent with sight distance and vegetation clearances in accordance with any other city code, and maintaining barriers or fences along the sidewalk where the sidewalk is elevated more than two feet above the abutting property. Artificial turf in the sidewalk, as defined by ACC 12.02.020(B), shall be the responsibility of the abutting property owner to maintain. Artificial turf shall be maintained in a condition free of holes, tears, bulging, rippling and rough edges. (Ord. 6672 § 1, 2018.)

12.12.234 Repair and replacement responsibility.

The repair and/or replacement of sidewalk including the repair and/or replacement of artificial turf, as defined by ~~this section~~ Chapter 12.12 ACC, shall be the responsibility of the abutting property owner unless determined otherwise by the city engineer. If a property owner believes the damaged sidewalk and/or sidewalk needing replacement is/are the city's or someone else's responsibility, the property owner must notify the city engineer in writing with sufficient documentation of the cause of the damage and justification of why the repair and/or replacement should not be considered the responsibility of the abutting property owner.

Damage caused to the sidewalk by vegetation located on private property, lack of regular maintenance by the abutting property owner, or damage that is in any way caused by the abutting property owner shall be the responsibility of the private property owner to repair subject to Chapter 12.66 ACC. (Ord. 6672 § 1, 2018.)

Unless an emergency situation exists as determined by the City, the City or other permitted entity will seek to provide notice to the abutting property owner prior to conducting work that may impact the artificial turf a minimum of 3 business days in advance of the work and request that the property owner remove, at their own expense, the artificial turf prior to the commencement of the work. If the property owner does not remove the artificial turf within the timeframe requested, the City or other permitted entity may remove the artificial turf and place it on the abutting property. The City or other permitted entity conducting the work is not responsible for damage to the artificial turf and is not responsible for resetting the turf. The abutting property owner shall reset the removed artificial turf or restore the impacted sidewalk area per City Engineering Design Standards within 3 business days of receiving notice of the completion of any work performed in the landscape strip.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5698 (Thomas)

Date:

February 6, 2023

Department:

Finance

Attachments:

[Resolution No. 5698](#)

Budget Impact:**Administrative Recommendation:**

City Council to Approve Resolution No. 5698.

Background for Motion:

Resolution No. 5698 authorizes the transfer of funds for the purpose of making loans as necessary to funds sustained by grants, fees, or tax credits between February 2023 and February 2026.

Background Summary:

City financial management policies, which are approved as part of the Biennial Budget, provide for issuance of interfund loans with approval from Council. Interfund loans provide operational flexibility to cover authorized expenditures, such as when the City is awaiting reimbursement of expenses from a grant.

Council approval of Resolution No. 5698 will authorize the City's Finance Department to prepare an interfund loan, if and when it may be needed. Many of the City's funds are solely supported by grants, fees, or tax credits and sometimes there is a delay in getting costs reimbursed timely. In the event a fund needs additional cash flow, due to the timing of reimbursements, this resolution will allow the Finance Department to initiate an unbudgeted transfer from the General Fund and/or the Cumulative Reserve Fund to the fund requiring temporary cash flow support. These transfers will only be allowed in the event:

1. The fund requiring funding is supported by grants, fees, or tax credits and is awaiting reimbursement from these funding sources; and
2. The authority is limited to \$2.5 million per fund.
3. The transferred money will be immediately returned to the General Fund and/or Cumulative Reserve fund once the reimbursement has been received.

Council authorization is requested to enable the aforementioned flexibility in managing the City's short-term funding needs. This resolution is an extension of Resolution 5498 which expires February 2023. Like the previous legislation, this resolution is effective for 3 years

through February 2026, at which time its authority will lapse.

Reviewed by Council Committees:

Councilmember: Baldwin

Staff: Thomas

Meeting Date: February 21, 2023

Item Number: RES.A

RESOLUTION NO. 5698

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING LOANS FROM THE GENERAL FUND AND/OR THE CUMULATIVE RESERVE FUND TO FUNDS SUSTAINED BY GRANTS, FEES, OR TAX CREDITS BETWEEN FEBRUARY 2023 AND FEBRUARY 2026

WHEREAS, there may be insufficient funds available from time to time during the period February 2023 to February 2026 in a fund or funds supported by grants, fees, and/or tax credits to cover authorized expenditures prior to reimbursement from federal, state and local grant monies, which have been approved for allocation to the City and for which contracts have been executed, or the collection of user fees, or the receipt of tax credits from the State of Washington; and

WHEREAS, the General Fund and/or the Cumulative Reserve Fund contain sufficient funds for the transfer funds in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$2,500,000.00) for the purpose of making loans to cover authorized expenditures in funds sustained by grants, fees, or tax credits; and

WHEREAS, in the event a loan is made from the General Fund (Fund No. 001) and/or the Cumulative Reserve Fund (Fund No. 122) to a fund sustained by a grant, fee or tax credits, the loan shall be interest free.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES AS FOLLOWS:

Section 1. **Purpose.** During the time period February 2023 to February 2026, the Finance Director is authorized to transfer funds from the General Fund and/or the Cumulative Reserve fund to a fund sustained by grants, fees, or tax credits, for the purpose of making an interest free loan to the fund when there are insufficient funds available in the fund to cover authorized expenditures while the City waits for federal, state and local grant monies which have been approved for allocation to the City and for which contracts have been executed, or for the collection of user fees, or for the receipt of tax credits. Any transfer of funds for this purpose shall be in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$2,500,000.00) per fund per year.

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

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

Dated and Signed: _____

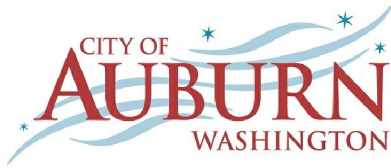
NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5702 (Thomas)

Date:

February 10, 2023

Department:

Finance

Attachments:

[Resolution No. 5702](#)

[Exhibit A Res 5702 KC WWR & recycling Grant](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Resolution No. 5702.

Background for Motion:

Resolution No. 5702 is for a \$75,861.00 grant from King County for the City's 2023-2024 Waste Reduction & Recycling Grant Program.

Background Summary:

King County requests to enter into an interlocal agreement with the City of Auburn for the 2023-2024 Waste Reduction and Recycling (WRR) Grant Program. King County has appropriated \$75,861.00 for the City to promote waste reduction and recycling to businesses, residents, and schools.

The grant funding will be used to support the following: Community Yard Sale, classroom presentations, milk dispenser pilot programs in Auburn schools, outreach at City-sponsored events, recycling collection events, and outreach related to the 2022 Organics Management Law.

This WRR Grant provides a 25% match to Department of Ecology's Solid Waste Financial Assistance Grant.

Reviewed by Council Committees:

Councilmember: Baldwin

Staff:

Thomas

Meeting Date: February 21, 2023

Item Number:

RES.B

RESOLUTION NO. 5702

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF AUBURN AND KING COUNTY TO IMPLEMENT THE 2023-2024 WASTE REDUCTION AND RECYCLING GRANT PROGRAM AND TO ACCEPT AND EXPEND PROGRAM GRANT FUNDS

WHEREAS, King County and the City of Auburn have adopted the King County Solid Waste Management Plan, which includes recycling and waste reduction goals; and

WHEREAS, in order to help meet these goals, the King County Solid Waste Division has established a Waste Reduction and Recycling Grant Program for the suburban cities; and

WHEREAS, this program provides funding to further the development of local waste reduction and recycling for Auburn businesses and residents.

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

Section 1. The Mayor is authorized to execute an Agreement between the City and King County for the 2023-2024 Waste Reduction and Recycling Grant Program which agreement will be in substantial conformity with the agreement attached as Exhibit A, and to accept and expend, within budgeted amounts, program grant funds in the amount of \$75,861.00.

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

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

Dated and Signed this _____ day of _____, 2023.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

EXHIBIT A

INTERAGENCY AGREEMENT FOR 2023 and 2024

Between

KING COUNTY and the CITY OF AUBURN

This two-year Interagency Agreement “Agreement” is executed between King County, a Charter County and political subdivision of the State of Washington, and the City of Auburn, a municipal corporation of the State of Washington, hereinafter referred to as "County" and "City" respectively. Collectively, the County and City will be referred to as “Party” or “Parties.”

PREAMBLE

King County and the City of Auburn adopted the 2019 King County Comprehensive Solid Waste Management Plan (Comp Plan), which includes waste reduction and recycling goals. In order to help meet these goals, the King County Solid Waste Division has established a waste reduction and recycling grant program for the cities that operate under the Comp Plan. This program provides funding to further the development and/or enhancement of local waste reduction and recycling projects and for broader resource conservation projects that integrate with waste reduction and recycling programs and services. This grant program does not fund household hazardous waste collection activities. Program eligibility and grant administration terms are discussed in the Grant Guidelines, attached to this Agreement as Exhibit B and incorporated herein by reference. Grant funding for this program is subject to the budget approval process of the King County Council.

Grant funding approved by the King County Council is available to all King County cities that operate under the Comp Plan. The City will spend its grant funds to fulfill the terms and conditions set forth in the scope of work, which is attached hereto as Exhibit A and incorporated herein by reference. The County expects that any information and/or experience gained through the grant program by the City will be shared with the County and other King County cities.

I. PURPOSE

The purpose of this Agreement is to define the terms and conditions for funding to be provided to the City by the County for waste reduction and recycling programs and/or services as outlined in the scope of work and budget attached as Exhibit A.

II. RESPONSIBILITIES OF THE PARTIES

The responsibilities of the Parties to this Agreement shall be as follows:

A. The City

1. Funds provided to the City by the County pursuant to this Agreement shall be used to provide waste reduction and recycling programs and/or services as outlined in Exhibit A. The total amount of funds available from this grant in 2023 and 2024 shall not exceed **\$75,861.00**.
2. This Agreement provides for distribution of 2023 and 2024 grant funds to the City. However, grant funds are not available until January 1, 2023.
3. During this two-year grant program, the City will submit a minimum of two (2), but no more than eight (8), progress reports to the County in a form determined by the County. Reports must be signed by a City official. These reports will include:
 - a. a description of each activity accomplished pertaining to the scope of work; and
 - b. reimbursement requests with both a Budget Summary Report Form, which is attached hereto as Exhibit D and incorporated herein by reference, and an Expense Summary Form, which is attached hereto as Exhibit E and incorporated herein by reference, unless the City has a spreadsheet similar to the Expense Summary Form already in use, in which case the City is free to use that spreadsheet instead of the Expense Summary Form. The City will submit the form or similar spreadsheet and not submit backup documentation for grant expenses. If backup documentation is submitted, SWD will not retain it. The City shall maintain this documentation in its records.

If the City chooses to submit up to the maximum of eight (8) progress reports and requests for reimbursement during the two-year grant program, they shall be due to the County on the last day of the month following the end of each quarter (April 30, July 31, October 31, January 31), except for the final progress report and request for reimbursement, which shall be due by March 21, 2025.

If the City chooses to submit the minimum of two progress reports and requests for reimbursement during the two-year grant program, they shall be due to the County by March 15, 2024 and March 21, 2025.

Regardless of the number of progress reports the City chooses to submit, in order to secure reimbursement, the City must provide in writing to the County by the 5th working day of January 2024 and January 2025, the dollar amount of outstanding expenditures for which the City has not yet submitted a reimbursement request.

4. If the City accepts funding through this grant program for the provision of waste reduction and recycling programs and projects for other incorporated areas of King County, the City shall explain the relationship with the affected adjacent city or cities that allows for acceptance of this funding and the specifics of the proposed programs and projects within the scope of work document related thereto.
5. The City shall be responsible for following all applicable Federal, state, and local laws, ordinances, rules, and regulations in the performance of work described herein. The City assures that its procedures are consistent with laws relating to public contract bidding procedures, and the County neither incurs nor assumes any responsibility for the City's bid, award, or contracting process.
6. During the performance of this Agreement, neither the City nor any Party subcontracting under the authority of this Agreement shall discriminate on the basis of race, color, sex, religion, nationality, creed, marital status, sexual orientation, age, or presence of any sensory, mental, or physical handicap in the employment or application for employment or in the administration or delivery of or access to services or any other benefits under this Agreement as defined by King County Code, Chapter 12.16.
7. During the performance of this Agreement, neither the City nor any Party subcontracting under the authority of this Agreement shall engage in unfair employment practices as defined by King County Code, Chapter 12.18. The City shall comply fully with all applicable federal, state, and local laws, ordinances, executive orders and regulations that prohibit such discrimination. These laws include, but are not limited to, RCW Chapter 49.60 and Titles VI and VII of the Civil Rights Act of 1964.
8. The City shall use recycled paper for the production of all printed and photocopied documents related to the fulfillment of this Agreement. The City shall use both sides of paper sheets for copying and printing and shall use recycled/recyclable products wherever practical.
9. The City shall maintain accounts and records, including personnel, financial, and programmatic records, and other such records as may be deemed necessary by the County, to ensure proper accounting for all project funds and compliance with this Agreement. All such records shall sufficiently and properly reflect all direct and indirect costs of any nature expended and service provided in the performance of this Agreement.

These records shall be maintained for a period of six (6) years after termination hereof unless permission to destroy them is granted by the Office of the State Archivist in accordance with RCW Chapter 40.14. These accounts shall be subject to inspection, review, or audit by the County and/or by federal or state officials as so authorized by law.

10. The City shall maintain a record of the use of any equipment that costs more than \$1,000 and is purchased with grant funds from King County for a total period of three (3) years. The records shall be compiled into a yearly evaluation report, a copy of which shall be submitted to King County by March 31 of each year through the year 2025.

11. The City agrees to credit King County on all printed materials provided by the County, which the City is duplicating, for distribution. Either King County's name and logo must appear on King County materials (including fact sheets, case studies, etc.), or, at a minimum, the City will credit King County for artwork or text provided by the County as follows: "artwork provided courtesy of King County Solid Waste Division" and/or "text provided courtesy of King County Solid Waste Division."
12. The City agrees to submit to the County copies of all written materials which it produces and/or duplicates for local waste reduction and recycling projects which have been funded through the waste reduction and recycling grant program. Upon request, the City agrees to provide the County with a reproducible copy of any such written materials and authorizes the County to duplicate and distribute any written materials so produced, provided that the County credits the City for the materials.
13. The City will provide the King County Project Manager with the date and location of each Recycling Collection Event provided by the City, as well as copies of any printed materials used to publicize each event, as soon as they are available but no later than thirty (30) days prior to the event. If there is any change in the date or the location of an event, the City will notify the County a minimum of thirty (30) days prior to the event. If the event brochure is required for admission to the City's event, the City is exempt from having to provide the brochure to King County.
14. If the City accepts funding through this grant program for the provision of recycling collection events for adjacent areas of unincorporated King County, the City shall send announcements of the events to all residences listed in the agreed upon areas listed in Exhibit A. The announcements and all other printed materials related to these events shall acknowledge King County as the funding source.
15. This project shall be administered by Joan Nelson, Utility Services Billing Manager, or designee.

B. The County:

1. The County shall administer funding for the waste reduction and recycling grant program. Funding is designated by the city and is subject to the King County Council's budget approval process. Provided that the funds are allocated through the King County Council's budget approval process, grant funding to the City will include a base allocation of \$10,000 per year with the balance of funds to be allocated according to the City's percentage of King County's residential and employment population. However, if this population based allocation formula calculation would result in a city receiving less than \$10,000 per year, that city shall receive an additional allocation that would raise their total grant funding to \$10,000 per year.

2. Within forty-five (45) days of receiving a request for reimbursement from the City, the County shall either notify the City of any exceptions to the request which have been identified or shall process the request for payment. If any exceptions to the request are made, this shall be done by written notification to the City providing the reason for such exception. The County will not authorize payment for activities and/or expenditures which are not included in the scope of work and budget attached as Exhibit A, unless the scope has been amended according to Section V of this Agreement. King County retains the right to withhold all or partial payment if the City's report(s) and reimbursement request(s) are incomplete (i.e., do not include proper documentation of expenditures and/or adequate description of each activity described in the scope of work for which reimbursement is being requested), and/or are not consistent with the scope of work and budget attached as Exhibit A.
3. The County agrees to credit the City on all printed materials provided by the City to the County, which the County duplicates, for distribution. Either the City's name and logo will appear on such materials (including fact sheets, case studies, etc.), or, at a minimum, the County will credit the City for artwork or text provided by the City as follows: "artwork provided courtesy of the City of Auburn and/or "text provided courtesy of the City of Auburn."
4. The County retains the right to share the written material(s) produced by the City which have been funded through this program with other King County cities for them to duplicate and distribute. In so doing, the County will encourage other cities to credit the City on any pieces that were produced by the City.
5. The waste reduction and recycling grant program shall be administered by Lucy Auster, Project Manager, King County Solid Waste Division, or designee.

III. DURATION OF AGREEMENT

This Agreement shall become effective on either January 1, 2023 or the date of execution of the Agreement by both the County and the City, if executed after January 1, 2023, and shall terminate on June 30, 2025. The City shall not incur any new charges after December 31, 2024. However, if execution by either Party does not occur until after January 1, 2023, this Agreement allows for disbursement of grant funds to the City for County-approved programs initiated between January 1, 2023 and the later execution of the Agreement provided that the City complies with the reporting requirements of Section II.A of the Agreement.

IV. TERMINATION

- A. This Agreement may be terminated by King County, in whole or in part, for convenience without cause prior to the termination date specified in Section III, upon thirty (30) days advance written notice.
- B. This Agreement may be terminated by either Party, in whole or in part, for cause prior to the termination date specified in Section III, upon thirty (30) days advance written notice. Reasons for termination for cause may include but not be limited to: nonperformance; misuse of funds; and/or failure to provide grant related reports/invoices/statements as specified in Section II.A.3. and Section II.A.4.
- C. If the Agreement is terminated as provided in this section: (1) the County will be liable only for payment in accordance with the terms of this Agreement for services rendered prior to the effective date of termination; and (2) the City shall be released from any obligation to provide further services pursuant to this Agreement.
- D. Nothing herein shall limit, waive, or extinguish any right or remedy provided by this Agreement or law that either Party may have in the event that the obligations, terms and conditions set forth in this Agreement are breached by the other Party.

V. AMENDMENTS

This Agreement may be amended only by written agreement of both Parties. Amendments to scopes of work will only be approved if the proposed amendment is consistent with the most recently adopted King County Comprehensive Solid Waste Management Plan. Amendments will only be approved if the proposed change(s) is (are) consistent with and/or achieves the goals stated in the scope and falls within the activities described in the scope. Funds may be moved between tasks in the scope of work, attached as Exhibit A, upon written notification by the City to King County.

VI. HOLD HARMLESS AND INDEMNIFICATION

The City shall protect, indemnify, and hold harmless the County, its officers, agents, and employees from and against any and all claims, costs, and/or issues whatsoever occurring from actions by the City and/or its subcontractors pursuant to this Agreement. The City shall defend at its own expense any and all claims, demands, suits, penalties, losses, damages, or costs of any kind whatsoever (hereinafter "claims") brought against the County arising out of or incident to the City's execution of, performance of, or failure to perform this Agreement. Claims shall include but not be limited to assertions that the use or transfer of any software, book, document, report, film, tape, or sound reproduction or material of any kind, delivered hereunder, constitutes an infringement of any copyright, patent, trademark, trade name, and/or otherwise results in unfair trade practice.

VII. INSURANCE

- A. The City, at its own cost, shall procure by the date of execution of this Agreement and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with performance of work pursuant to this Agreement by the City, its agents, representatives, employees, and/or subcontractors. The minimum limits of this insurance shall be \$1,000,000 general liability insurance combined single limit per occurrence for bodily injury, personal injury, and property damage. If the policy has an aggregate limit, a \$2,000,000 aggregate shall apply. Any deductible or self-insured retentions shall be the sole responsibility of the City. Such insurance shall cover the County, its officers, officials, employees, and agents as additional insureds against liability arising out of activities performed by or on behalf of the City pursuant to this Agreement. A valid Certificate of Insurance and additional insured endorsement is attached to this Agreement as Exhibit C, unless Section VII.B. applies.
- B. If the Agency is a Municipal Corporation or an agency of the State of Washington and is self-insured for any of the above insurance requirements, a written acknowledgement of self-insurance is attached to this Agreement as Exhibit C.
- C. If the Agency is a Municipal Corporation or an agency of the State of Washington and is a member of the Washington Cities Insurance Authority (WCIA), a written acknowledgement/certification of current membership is attached to this Agreement as Exhibit C.

VIII. ENTIRE CONTRACT/WAIVER OF DEFAULT

This Agreement is the complete expression of the agreement of the County and City hereto, and any oral or written representations or understandings not incorporated herein are excluded. Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of breach of any provision of this Agreement shall not be deemed to be waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of this Agreement unless stated to be such through written approval by the County, which shall be attached to the original Agreement.

IX. TIME IS OF THE ESSENCE

The County and City recognize that time is of the essence in the performance of this Agreement.

X. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Agreement is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

XI. NOTICE

Any notice required or permitted under this Agreement shall be deemed sufficiently given or served if sent to the King County Solid Waste Division and the City at the addresses provided below:

Lucy Auster, Project Manager, or a provided designee
King County Solid Waste Division
Department of Natural Resources and Parks
Lucy.auster@kingcounty.gov

If to the City:

Joan Nelson, Utility Billing Services Manager, or a provided designee
City of Auburn
25 West Main Street
Auburn, WA 98001

IN WITNESS WHEREOF this Agreement has been executed by each Party on the date set forth below:

City of Auburn

Nancy Backus, Mayor
City of Auburn

Date

King County

BY _____
Pat D. McLaughlin, Director
Solid Waste Division

For Dow Constantine, King County Executive

Date