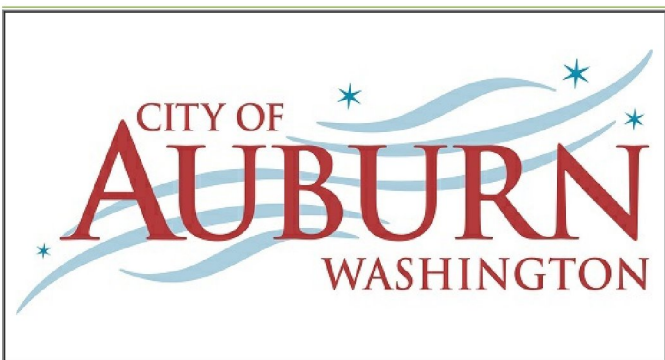


	City Council Meeting February 4, 2019 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

- A. **Pledge of Allegiance**
- B. **Roll Call**

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

- A. Children's Dental Health Month Proclamation
Mayor Backus to proclaim February 2019 as "Children's Dental Health Month" in the city of Auburn.
- B. Goodwill Ambassador Proclamation
Mayor Backus to proclaim the designation of Amanda Enz, Miss Auburn 2019, and Austin Douglas, Miss Auburn's Outstanding Teen 2019, as "Goodwill Ambassadors for the City of Auburn."

III. APPOINTMENTS

- A. Arts Commission Appointments
City Council to approve the following appointments to the Arts Commission. All appointees will serve a three year term to expire on December 31, 2022.

Kelly Gordon
Pat Judd
Pam Smith

(RECOMMENDED ACTION: Move to approve the Arts Commission Appointments).

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

- A. **Public Hearings - (No public hearing is scheduled for this evening.)**
- B. **Audience Participation**

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

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

A. **COUNCIL AD HOC COMMITTEE REPORTS**

1. Finance Ad Hoc Committee (Chair Wales)

VI. **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 May, 22, 2017, November 13, 2017, November 27, 2017, December 11, 2017, March 26, 2018 Study Session
- B. Minutes of the February 17, 2017 Special City Council Meeting
- C. Minutes of the January 22, 2019 Regular Council Meeting
- D. Claims Vouchers (Coleman)
Claim vouchers 452445 through 452586 in the amount of \$2,234,272.01 and six wire transfers in the amount of \$779,667.05 dated February 4, 2019.
- E. Payroll Vouchers (Coleman)
Payroll check numbers 538331 through 538343 in the amount of \$572,118.02, electronic deposit transmissions in the amount of \$1,953,044.89 for a grand total of \$2,525,162.91 for the period covering January 17, 2019 to January 30, 2019.
- F. Setting Public Hearing Date for Franchise Renewal (Gaub)
Set the date of the Public Hearing for renewal of Franchise Agreement No. 13-37 for T-Mobile West, LLC
- G. Brannan Park Baseball Synthetic Turf (Faber)
City Council to award contract for Project CP1817 to Coast to Coast Turf on their bid of \$611,289 for the purchase, base work and installation of synthetic turf at the Brannan Park Baseball Field

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

VII. **UNFINISHED BUSINESS**

VIII. **NEW BUSINESS**

IX. **RESOLUTIONS**

- A. Resolution No. 5403 (Coleman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the transfer of funds for the purpose of making a loan or loans from the sewer fund (fund no. 431) and/or the storm drainage fund (fund no. 432) to the water fund (fund no. 430) for up to a five-year period of time

(RECOMMENDED ACTION: Move to adopt Resolution No. 5403)

X. **MAYOR AND COUNCILMEMBER REPORTS**

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

A. From the Council

B. From the Mayor

XI. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the May, 22, 2017, November 13, 2017, November 27, 2017, December 11, 2017, March 26, 2018 Study Session

Date:

January 30, 2019

Department:

City Council

Attachments:

[05-22-2017 Minutes](#)

[11-13-2017 Minutes](#)

[11-27-2017 Minutes](#)

[12-11-2017 Minutes](#)

[03-26-2018 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Meeting Date: February 4, 2019

Staff:

Item Number: CA.A



**CITY COUNCIL STUDY SESSION AND
SPECIAL FOCUS AREA
MAY 22, 2017 – 5:30 PM
Auburn City Hall
MINUTES**

I. CALL TO ORDER

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

A. Roll Call

Councilmembers present: Deputy Mayor Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, and Yolanda Trout-Manuel. Councilmember Rich Wagner arrived at 5:32 p.m.

Mayor Nancy Backus and the following department directors and staff members present included: Innovation and Technology Director Paul Haugan, Police Commander Steve Stocker, Community Development and Public Works Director Kevin Snyder, Assistant City Attorney Doug Ruth, City Engineer Jacob Sweeting, Traffic Engineer James Webb, Assistant Director of Community Development Services Jeff Tate, Project Engineer Ryan Vondrak, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Director of Administration Dana Hinman, Assistant Director of Innovation and Technology Ashley Riggs, and City Clerk Danielle Daskam.

II. ANNOUNCEMENTS, REPORTS AND PRESENTATIONS

A. NEXUS Presentation on Youth Homelessness (15 Minutes)

Michael Jackson with Nexus Youth and Families spoke about youth homelessness in the Auburn area. He spoke about the need for shelter and providing nutritious food to homeless youth during the day.

Nexus has a 12-bed shelter for homeless children and young adults. He spoke about providing homeless youth hope through education and employment opportunities.

Mr. Jackson spoke briefly about the Indigenous Institute's work on a suicide prevention program in the Native American communities.

Mr. Jackson also spoke briefly about Severson House where youth from the age of 13 to 24 years learn life skills and job skills.

Councilmember Baggett stated the YMCA has transitional housing for young adults coming out of foster care. Mr. Jackson agreed the YMCA program is very similar to services provided by Nexus.

Councilmembers thanked Mr. Jackson for the work he does for the youth of the community.

B. Junior City Council Report on Youth Homelessness (10 Minutes)

Immediately following roll call, the Junior City Council presented their report to the City Council on youth homelessness. Junior City Councilmembers presenting this evening included Sydney Campbell, Jon Kosaka, and Matthew St. George.

Sydney Campbell, chair of the Junior City Council, stated homeless youth face three main issues: basic necessities, knowing how to ask for help, and education.

Junior City Councilmember Jon Kosaka stated some homeless youth lack basic necessities such as food and shelter. This can have a damaging effect on their health and well-being. Often looked down upon by society and are therefore neglected. Being homeless also means lack of access medical services and to proper hygiene such as shower and grooming. Lack of proper hygiene can contribute to lack of opportunity to improve life, such as finding a job.

Junior City Councilmember Matthew St. George spoke about how homeless youth may lack the ability to know how to ask for help. Some of the kids don't live with their parents and may live with a relative or may live on the streets. Some of the kids that need transportation are too shy to ask for help or are too embarrassed about their situation. Some homeless children don't have the paperwork needed to be enrolled in school.

Junior City Council Chair Campbell stated that some of the obstacles homeless youth experience in getting an education is lack of resources to obtain school supplies. If they cannot afford

school supplies, they will be less likely to attend school. Also, homeless youth are unable to participate in sports due to the required fees.

Junior City Councilmembers spoke regarding bullying that homeless youth experience at school.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Deputy Mayor Selection Ad Hoc Committee Report

Councilmember DaCorsi stated the Deputy Mayor Selection Ad Hoc Committee, comprised of himself and Councilmembers Trout-Manuel and Peloza, reviewed several local jurisdictions processes for designating their Deputy Mayor/Council President. The Committee compared the cities of Tukwila, Lacey, Renton, Walla Walla, Federal Way, Puyallup, Burien, SeaTac, and Kent.

Using a PowerPoint, Councilmember DaCorsi and Councilmember Trout-Manuel provided the following information:

Auburn – Mayor/Council form of government

Selects Deputy Mayor annually, nominations by Council, elected by majority vote of Council, and can serve more than one term if elected to do so.

Tukwila – Mayor/Council form of government

Selects Council President annually on a rotation basis by seniority of greatest consecutive years served. Councilmembers may opt out of selection.

Lacey – Council/Manager form of government

Selects Mayor and Deputy Mayor annually, nominations by Council, elected by majority vote.

Renton – Mayor/Council form of government

Selects Council President annually at the second regular Council meeting in November. The Council President is selected from the nominations by Council and upon a majority vote of the Councilmembers present.

Walla Walla – Council/Manager form of government

Walla Walla does not have any written procedures. The Mayor and Mayor Pro Tem are selected at the first regular meeting in January

of even years, nominations by Council, and elected by majority vote.

Federal Way – Mayor/Council form of government

The Deputy Mayor is selected annually by a majority vote.

Puyallup – Council/Manager form of government

The Mayor and Deputy Mayor are selected biennially at the first meeting of the new Council. The Councilmember with the highest number of continuous years on the Council is selected to serve as Mayor, and the Deputy Mayor is selected from nominations by Council and majority vote.

Burien – Council/Manager form of government

The Mayor and Deputy Mayor are elected from the ranks of the Council at the first regular meeting in January. Nominations are made by Council and elected by majority vote.

SeaTac – Council/Manager form of government

The Chairperson/Mayor and Deputy Mayor are selected biennially at the first meeting of the Council by majority vote.

Kent – Mayor/Council form of government

The Council President is elected every two years, nominations by Council and elected by majority vote.

Councilmember Pelosa distributed proposed revisions to section 12.1 of the Council Rules of Procedure in which the title would be changed to “Council President”. The revisions to the Council Rules call for the designation of the Council President on a seniority basis on an annual basis. Seniority would be determined by number of consecutive years served, the number of consecutive years and months served and the number of votes received in the general election. Councilmember Pelosa also reviewed the process when a Councilmember declines the appointment.

Councilmember Pelosa reviewed the Mayor Pro Tem duties and the Council President duties. Mayor Pro Tem Duties: 1) In the event of the absence or incapacitation of the Mayor, the Council President shall become the Mayor Pro Tem and shall perform the duties of the Mayor; 2) The Mayor Pro Tem Shall not have authority to appoint, remove, replace or take other similar action on any director and/or employee of the City; 3) the Mayor Pro Tem shall not have veto authority for actions that may be taken by the

Council; 4) Be aware of City, regional and intergovernmental policies and activities in order to properly execute the role of Mayor.

Council President duties include: 1) The Council President shall serve as the head of the legislative branch of City Government; 2) In cooperation with the Mayor and Special Focus Area groups chairpersons and with assistance from Administration, create and establish agendas for all study sessions; 3) Serve as the chair and presiding officer for all Council study sessions; 4) Preserve the decorum and order at all Council study sessions; 5) Serve as the ex-officio member of Council ad-hoc committees; 6) Serve as the Councilmember overseeing the activities of and providing guidance to the Junior City Council; 7) Assist in new Councilmember training; 8) Serve as the liaison between the City Council and the Mayor and be a conduit between the City Council and the Mayor on issues or concerns of the Council; 9) Facilitate any issue related to Councilmembers conduct and/or actions that may be inappropriate or that may be in violation of the Council Rules of Procedure.

Councilmember Wagner noted ten cities were compared, but only one city selected the Deputy Mayor/Council President on a seniority system. He stated he does not see the value of selecting a Deputy Mayor/Council President on a seniority basis.

Deputy Mayor Wales requested a definition for the absence or incapacitation of the Mayor.

Mayor Backus stated there is a difference between being out of the office on business and being on vacation.

Councilmember Baggett inquired regarding succession should the Mayor be incapacitated for a long term and not able to fulfill the position. Councilmember DaCorsi stated the Deputy Mayor would become the Mayor Pro Tem, until the next general election.

Councilmember Holman noted most of the Council/Mayor forms of government elect their Deputy Mayor/Council President by majority vote rather than by seniority. Councilmember Holman spoke in favor the existing system for selecting Deputy Mayor.

Councilmember Wagner stated seniority is not a good measurement of someone's ability to serve as Deputy Mayor.

Councilmember Pelozo spoke in favor of seniority basis and noted the City of Tukwila process has worked for approximately twenty years.

Councilmember Wagner stated the City of Tukwila is a much smaller city and is not a good comparison.

Councilmember DaCorsi questioned whether existing provisions should include some qualifications as part of the selection process.

Deputy Mayor Wales spoke in favor of the committee's proposal as it avoids competition among the Councilmembers.

Councilmember Baggett stated seniority should not automatically entitle one to the position of Deputy Mayor. He suggested a qualification process.

Councilmember DaCorsi agreed with Councilmember Baggett and spoke about qualifications for Deputy Mayor.

Councilmember Trout-Manuel expressed support for Councilmember Pelozo and the proposed Deputy Mayor selection system.

Councilmember Holman spoke in favor of retaining the existing process.

Deputy Mayor Wales suggested looking at possible qualifications as well as seniority. Deputy Mayor Wales asked the City Attorney to prepare options for Deputy Mayor selection by seniority and have the ad hoc committee pursue possible qualifications.

Councilmember DaCorsi, chair of the ad hoc committee, stated the ad hoc committee would review options for qualifications before it comes back to Council at the June 12th Study Session.

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

At this time, Councilmember Wagner, chair of the Public Works and Community Development Special Focus Area, presided over the following special focus area discussion items.

A. IT Digital Parity Update

Innovation and Technology Director Haugan presented an update on the Council digital parity project.

He asked the Council for guidance on the intended goals for coverage—what percentage of the city coverage is the goal: full city coverage, coverage for all students, or coverage of low-income students based on Auburn School District data. The answers will help determine the project cost projections.

Currently wireless coverage is: five percent of the city in area, six percent of students, eight percent of residents, and 11 percent of low-income students.

Councilmember Pelosa urged Director Haugan to present the costs associated with all the options for WIFI so that Council can make a decision.

Councilmember Wagner stated it appears digital parity will cost \$1.2 million to cover 28 percent of students and \$3 million to provide 80 percent of the students with wireless coverage.

Councilmember Holman stated the goal for achieving digital parity is to give low income students a fair playing field.

Director Haugan reviewed Option 1 for digital parity, which is a five-year plan with funding of \$250,000 per year and focusing on low income in the Auburn School District.

Councilmember Wagner suggested Director Haugan provide costs associated with annual maintenance.

Director Haugan spoke about the Community Connectivity Consortium and its benefits to the City of Auburn.

At 7:18 p.m. the meeting recessed for 10 minutes for a brief intermission. The meeting reconvened at 7:25 p.m.

B. Final Plat Approvals

Assistant Director of Community Development Services Tate presented a proposal to amend the City's final plat approval process.

This year, Senate Bill 5674 was signed into law amending Chapter 58.17 RCW by establishing an option for local government to change final plat approval from a City Council action to an administrative action. Advantages to shifting authority from the City

Council to an administrative action saves the final plat applicant approximately six to eight weeks. This is due to the time it takes to prepare an ordinance, present the final plat at a study session, present the final plat ordinance to Council for adoption, publish the ordinance, and wait the five days after publication for the ordinance to be in effect. The administration action will also save staff time in preparation of the ordinance and agenda items.

Councilmembers indicated interest in pursuing the code change and requested the ordinance appear on the June 12th study session agenda and subsequent Council meeting

C. Capital Project Status Report

Assistant City Engineer Sweeting and Capital Projects Manager Vondrak reviewed the capital projects program.

The Capital Projects Group of Community Development and Public Works is currently managing 34 active capital projects with a total cost of \$62 million. Of these projects, 18 are under construction, 16 are in design, and nine additional projects will enter construction phase this year.

The following projects were reviewed in detail: Project CP1218, the Auburn Way South Corridor Safety Improvements (Muckleshoot Plaza to Dogwood Street); Project C222A, the South 277th Corridor Capacity and Non-motorized Trail Improvements; Project CP1507, Auburn Way North Preservation; Project CP1107, Fulmer Wellfield Improvements; Project CP1415, West Main Street Multi-modal Corridor and ITS Improvements; Project CP1511, M Street SE Improvements (3rd Street SE to East Main); Project CP1522, 30th Street NE Storm Improvements; and Project CP1606, H St SE Extension.

Other projects that will start in 2017 include: Lake Tapps Parkway Preservation, 37th and A Street SE Traffic Signal, 22nd and I Street NE Intersection Improvements, M&O Building Roof Replacement, B Street NW Reconstruction Project, Lea Hill PRV Stations, 2017 Local Street Reconstruction, Auburn Way South - ITS Dynamic Message Sign, and City-wide Sidewalk Repair and Replacement.

Council also discussed Project MS1510, 104th Avenue Building Demolition; Project CP1407, Marchini Meadows; Project CP1416, F Street SE Non-motorized Improvements; Project CP1316, East

Ridge Manor Storm Improvements; Project CP1406, Main Street Signal Upgrades; Project CP1513, 22nd Street NE and I Street NE Intersection Improvements; Project CP1520, B Street NW Reconstruction; and the South Hangar – Row 3 Door Improvements.

D. TIP Update Discussion

Traffic Engineer Webb presented the Council with the first review of the 2018-2023 Transportation Improvement Program. A more detailed review will be presented at the June 12th Council Study Session.

Engineer Webb reviewed the annual TIP update process. He reviewed the two new projects that will be added to the TIP as well as a modification to TIP 14. The new projects include: Auburn Way South (SR164) – Hemlock Street to Poplar Street to extend the five-lane roadway section and A Street Loop – A Street SW to A Street SE, to add a one-way westbound connection with an unsignalized right-turn at A Street SE.

V. OTHER DISCUSSION

Councilmember Pelosa inquired regarding a new overlay on Riverview Drive NE between 14th and 22nd. Assistant Director Gaub stated the new overlay is likely related to levy work by the county and is not Auburn's project.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

Councilmember Pelosa expressed dissatisfaction with the current Special Focus Area schedule. He believes the Special Focus Areas need to meet more often. Councilmember Trout-Manuel concurred.

Councilmember Wagner suggested the Special Focus Area chair and vice chair meet with department directors to go over status of topics for the Special Focus Area portion of study sessions.

Councilmember Trout-Manuel requested the following be placed on the next Human Services Special Focus Area: 1) Grant parameters for 2019-2020; 2) Staff Resources for Regional Domestic Violence Committee.

Councilmember Pelosa requested the following topics on the Municipal Services Special Focus Area: 1) Airport Briefing; 2) District Court Briefing

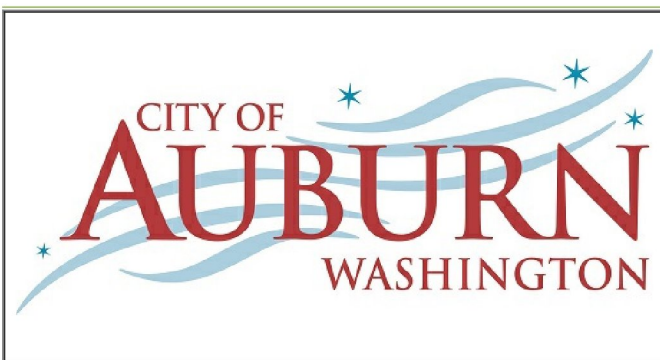
VIII. ADJOURNMENT

There being no further discussion, the meeting adjourned at 9:11 p.m.

APPROVED THIS 3rd DAY OF DECEMBER, 2018.

BILL PELOZA, DEPUTY MAYOR

Shawn Campbell, City Clerk

	City Council Study Session HHS SFA November 13, 2017 - 5:30 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

Councilmember Yolanda Trout-Manuel called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall located at 25 West Main Street in Auburn.

A. Roll Call

Councilmembers present: Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel, and Rich Wagner. Deputy Mayor Largo Wales was excused.

Mayor Nancy Backus and the following department directors and staff were present: City Attorney Daniel B. Heid, Community Development and Public Works Director Kevin Snyder, Director of Engineering Services/City Engineer Ingrid Gaub, Traffic Engineer James Webb, Innovation and Technology Director Paul Haugan, Parks, Arts and Recreation Director Daryl Faber, Finance Director Shelley Coleman, Assistant Finance Director Kevin Fuhrer, Director of Administration Dana Hinman, Human Services Manager Joy Scott, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There was no announcement, report or presentation.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Resolution No. 5317 - Grant Policy Update (10 Minutes) (Coleman)

A Resolution of the City Council of the City of Auburn, Washington, approving the grant management administrative policy

Assistant Finance Director Fuhrer presented Resolution No. 5317. The resolution approves revisions to the City's administrative policies as they relate to grant management.

The City receives federal grant awards which are subject to federal Office of Management and Budget (OMB) uniform guidance. OMB's uniform guidance requires non-federal entities to have certain written policies and

procedures to address the management of grant award funds. Therefore, it is necessary to revise the existing City's administrative policy.

The purpose of the policies and procedures is to ensure that those within the organization who carry out the objectives of the award understand:

- the federal statutes, regulations, and terms and conditions of the award
- how to evaluate and properly monitor compliance
- the steps to take if noncompliance is identified

The revised policy also includes a new section on Code of Conduct.

The resolution will appear before the Council at its next regular meeting for approval.

B. Resolution No. 5326 (30 Minutes) (Coleman)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an addendum to the agreement with the Auburn Valley Humane Society to provide animal licensing services

Finance Director Coleman presented Resolution No. 5326, approving an addendum to the current contract with the Auburn Valley Humane Society (AVHS) to operate an animal shelter and related services. The original agreement was entered into on January 1, 2012, and runs through December 31, 2019.

The City currently administers animal licensing using a third party vendor. The addendum provides for AVHS to undertake animal licensing through the end of their contract. The annual fee for the new contract provision is \$140,250 plus one time costs for set up. Additional variable costs are \$5.55 per license issued.

Councilmember Baggett questioned the cost to the city compared to the current arrangement. Director Coleman responded that the initial cost is a little more, but over the two to three years of the contract the City will come out ahead.

C. Ordinance No. 6664 - Property Tax Levy (15 Minutes) (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, establishing the levy for regular property taxes by the City of Auburn for collection in 2018 for general city operational purposes in the amount of \$21,548,429.00

Finance Director Coleman presented Ordinance No. 6664, which establishes the property tax levy for collection in 2018 in the amount of \$21,548,429.

The 2018 levy is based on preliminary information from King County, and represents a one percent increase of the prior year or an increase over the 2017 levy of \$209,894 not including new construction and the refund levy. The estimated increase on new construction is \$329,502 and the refund

levy is \$19,654. The levy rate per \$1,000 of assessed value is a little over \$2.04.

D. Budget Amendment #4 (Mid-Biennium Correction) (20 Minutes) (Coleman)
Budget Amendment #4 (Mid-Biennium Correction)

Finance Director Coleman presented Ordinance No. 6666, amending the 2017-2018 Biennial Budget.

Director Coleman explained the ordinance represents the fourth budget amendment for the biennial budget and the first budget amendment for 2018. The budget amendment was previously reviewed by Council at the September 25th study session. Changes since the last review include increased costs associated with the Central Parking Garage and restoration of funding for projects for which REET funding was diverted to street preservation projects.

E. Resolution No. 5319 - 2018 Fee Schedule (15 Minutes) (Heid)

A Resolution of the City Council of the City of Auburn, Washington, amending the City of Auburn Fee Schedule to adjust for 2018 fees

City Attorney Heid presented Resolution No. 5319, setting the 2018 Fee Schedule.

Each year, the City reviews the fees for city services to ensure the fees are consistent with the costs to City. Councilmembers reviewed the proposed fee schedule for 2018 and discussed the various changes and updates.

F. Traffic Impact Fee Update (10 Minutes) (Snyder)

Discuss the recommended update to the transportation impact fee program for 2018

Assistant Director of Engineering Services/City Engineer Gaub and Traffic Engineer James Webb presented the 2018 Transportation Impact Fee Update. Assistant Director Gaub explained the impact fee updates are included in Resolution No. 5319, the 2018 Fee Schedule, previously discussed. This presentation provides more detail on the updates to the traffic impact fees.

City Engineer Webb explained the traffic impact fees are updated annually to be consistent with the projects funding needs identified in the adopted 2018-2023 Transportation Improvement Program (TIP).

The update accounts for changes to the project list, updated funding needs, and the portion of each project's cost, which is attributable to new development. The update also accounts for revised growth forecasts developed as part of the Comprehensive Transportation Plan update. These changes will ensure that the collection of impact fees is consistent with the road capacity projects identified in the TIP.

Traffic Engineer Webb reviewed the added and removed TIP projects, the

increase per trip, and the Downtown Urban Center Zone rate. Traffic Engineer Webb also shared how the City's traffic impact fees compare to other jurisdictions in the state.

G. 2018 VRFA Fee Schedule Update (10 Minutes) (Snyder)

Assistant Director of Community Development Services Jeff Tate introduced Assistant Chief Kevin Olson and Assistant Fire Marshal Larry Upton from the Valley Regional Fire Authority (VRFA). Assistant Director Tate reviewed his memorandum in the agenda packet.

The VRFA is a separate municipal agency and provides fire services to Auburn, Algona, and Pacific. While VRFA is a separate entity, VRFA has a role in reviewing development proposals and conducting inspections during the construction process. Since the VRFA was established in 2007, the VRFA has collected fees for reviewing development plans and conducting construction inspections. In Auburn, the VRFA fees are collected by the City and distributed to the VRFA.

The VRFA fees have remained unchanged since 2008. The VRFA's governing board is considering an update to the VRFA fees to be consistent with current costs.

Kevin Olson, Assistant Chief with VRFA, reviewed the changes to the VRFA fee schedule. He noted the proposed fee schedule is a responsible and accurate calculation that represents the true cost of providing Fire Marshal Office services, fire ambulance transports, and public disclosure request processing. Assistant Chief Olson reviewed a sample project and application of the 2018 fee schedule to the project.

H. Ordinance No. 6659 - SODA Relating to New Gross Misdemeanor Violations Concerning Drug-related Activities (15 Minutes) (Heid)

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 1.24.010 of the Auburn City Code and creating a new Chapter 9.24 of the Auburn City Code relating to new gross misdemeanor violations concerning drug-related activities

City Attorney Heid presented Ordinance No. 6659, the Stay Out of Designated Area (SODA) ordinance.

The ordinance proposes to add a new Chapter 9.24 of the City Code and seeks to identify certain areas within the city as being subject to an anti-drug emphasis. Those portions of the city that are identified as anti-drug emphasis areas could be used as an enforcement tool for people engaging in illegal drug activity in certain areas could be ordered to stay out of those areas, and their failing to do so could constitute a public nuisance and a violation of the law. City Attorney Heid referred to similar ordinances from the cities of Tacoma, Lakewood, Marysville, Everett, Bothell, Shoreline, University Place, and Arlington.

City Attorney Heid explained that if a person were convicted of a crime involving illegal drug activity in a certain area of the city that has been

identified as a drug emphasis area, the court order in the violation would include a provision that restricts the violator from returning to that area. Other than where the violator lives within one of the identified drug enforcement areas, it would be advantageous for the City, the police and neighbors to have people restricted from returning to locations where drug activities were occurring.

The proposed ordinance is a valuable tool for the police, prosecutors and courts to address recurring illegal drug activities in certain areas.

Councilmembers discussed the designated SODA areas.

At 6:55 p.m., Councilmember Trout-Manuel recessed the meeting for five minutes for a brief intermission. The meeting reconvened at 7:00 p.m.

I. Frequency of Special Focus Area Meetings (10 Minutes) (Council)

Councilmember Peloza stated he brought the subject up a while ago. He stated that rather than holding special focus areas more often, he urged special focus area chairs to bring an item forward at any time under general discussion. Councilmember Holman agreed.

Councilmember DaCorsi added it is important to allow staff to bring forward items of significance during a general discussion session rather than waiting for a special focus area agenda.

IV. HEALTH AND HUMAN SERVICES DISCUSSION ITEMS

A. Presentation from Bookda Gheisar, King County Immigrant and Refugee Policy & Strategy Analyst and Tim Warden-Hertz, Northwest Immigrant Rights Project (60 Minutes)

Bookda Gheisar, King County Immigrant and Refugee Policy and Strategy Analyst, and Tim Warden-Hertz, Directing Attorney with the Northwest Immigration Rights Project, presented information on advancing equity and opportunity for King County immigrants.

From 2000 to 2010 King County gained more than 200,000 new residents, half of which were foreign-born. New residents speak more than 170 languages. Immigrants have lived and worked all over the world and add diversity to the local economy, political climate and social fabric.

According to the 2000 census, South King County underwent a more dramatic shift in racial makeup than any other part of the Puget Sound region in the past 10 years. New data shows that in City of Bellevue, 39 percent of the city's population is foreign born - almost double the amount in King County as a whole, and nearly triple that of Seattle.

In 2009, King County passed Ordinance 16692 providing that individuals will not be arrested or detained based on any warrant seeking the arrest of

an individual based on their immigration status. The ordinance also states that otherwise required by law, any County office, department, employee, agency, or agent shall not deny access to services to any individual or family based on immigration status.

Inclusion efforts in 2015 included:

- Ordinance 17886, an ordinance that severely limits the ability of US Immigration and Customs Enforcement (ICE) from detaining an individual who is in the custody of King County's Department of Adult and Juvenile Detention. The ordinance restricts the Department of Adult and Juvenile Detention from honoring civil immigration detainers except for individuals who have committed one or more violent crimes.
- Welcoming County
- Voting Rights: Expand from Chinese and Vietnamese to include Spanish and Korean
- Executive declares support for Syrian refugees

In October of 2015 Office of Equity and Social Justice and Council brought together a Task Force of 13 members. The task force members partnered with community based organizations, service providers and government entities to host more than 20 community conversations. Over 500 people participated in conversations throughout the County.

This process concluded in July of 2016 with a final report and recommendations from the Task Force to King County.

A major theme from the task force conversations was the desire to be connected, engaged, healthy and successful. Common barriers that immigrant and refugee communities face are: discrimination, language and culture issues, difficulty understanding and navigating systems, insufficient resources, and invisibility of communities.

Community members proposed changes in the following areas: investing in immigrant and refugee communities, integration and civic engagement, increasing government responsiveness, and addressing issues related to immigration status.

In response to the task force recommendation, King County Executive Constantine created a commission that works to enhance the integration of refugees and immigrants culturally, economically, and civically, in order to strengthen the communities where they live.

The commission supported by a single staff member housed within Office of Equity and Social Justice. There is a specific focus on understanding and addressing challenges faced by communities living in suburban cities and unincorporated areas of the County. The Immigrant and Refugee Commission and Office act as a hub gathering all critical players together to achieve greater impact.

Ms. Gheisar stated that in 2017 many of the County's residents are faced

with the real and potential threat of deportation and heightened racial profiling in the name of immigration enforcement. Others experience explicit discrimination or crimes of hate based on national origin and religion.

King County Executive Constantine and members of the King County Council are establishing a one-time \$1 million fund to create a legal defense fund.

King County funds have supported: a legal defense fund to support the naturalization process and fight deportation, develop and distribute "Know Your Rights" material and training throughout the county, and strengthen information and response hubs operated by nonprofit organizations so that everyone in King County knows where to go for resources, alerts, and opportunities.

Mr. Warden-Hertz, Directing Attorney with the Northwest Immigration Rights Project in Tacoma, reported his organization focuses on legal services for persons detained by Immigration Services. The Tacoma office also provides comprehensive immigration legal services for low-income people in Washington State. The Northwest Immigration Rights Project has four offices in Washington State: Seattle, Tacoma, Wenatchee and Granger.

During the first 100 days of this year, agents with ICE's field office in Seattle arrested 1,070 people in Washington, Oregon, and Alaska — a 33 percent increase over the same time period last year. The number of people arrested with no criminal history rose by more than 360 percent.

Immigration reports show there are 446 immigration court cases that are currently open where the non-citizen is from the Auburn/Federal Way area. Twenty-three of those were filed in the past 90 days.

According to Mr. Warden-Hertz, Washington strives to be a welcoming place for immigrants and refugees. Recent changes in federal immigration policies and practices have caused fear and uncertainty in communities. Questions have been raised by local governments and other entities endeavoring to protect immigrants' rights while appropriately responding to federal authorities.

In April 2017 Washington State Office of the Attorney General, Bob Ferguson, released guidance on immigration enforcement.

Under Federal law, 8 U.S.C. sec. 1373 prohibits cities from limiting communication to federal immigration. Executive orders have tried to label jurisdictions and coerce local cities and local enforcement to be involved in federal immigration enforcement. Federal Courts have enjoined any withholding of funds from local jurisdictions as they are likely unconstitutional under the 10th Amendment. Currently, there is no jurisdiction in Washington State that violates 1373.

Mr. Warden-Hertz spoke about statistics for sanctuary versus non-sanctuary cities.

Ms. Gheisar and Mr. Warden-Hertz responded to questions from Council on the benefits of putting the City's practice in ordinance form.

B. Community Development Block Grant Action Plan Update (15 Minutes) (Hinman)

Director of Administration Hinman introduced the City's new Human Services Manager, Joy Scott. Ms. Scott presented the Community Development Block Grant 2018 Annual Action Plan.

Manager Scott briefly reviewed the Community Development Block Grant (CDBG) program. The CDBG Entitlement Program provides annual grants on a formula basis to entitled cities to develop viable urban communities. Projects must: align with HUD's National Objectives, be eligible under Housing and Urban Development's (HUD) guidelines, and benefit low and moderate income persons.

Manager Scott reviewed examples of eligible activities for CDBG funds and reviewed some of the City's CDBG projects, past and present. She spoke about the ongoing housing repair program, employment training programs, healthcare to under and uninsured Auburn residents, small business assistance, Les Gove Bathroom ADA upgrade, Downtown Business Facade improvements, and Shaughnessy Park improvements.

Manager Scott reviewed the CDBG administrative requirements, including a five year Consolidated Plan, eligibility reviews, Annual Action Plans, Consolidated Annual Performance Evaluation Report (CAPER), annual subrecipient monitoring, financial management, and project management.

Manager Scott provided an overview of the 2018 Action Plan. The expected CDBG funding allocation for 2018 is \$428,078. The funding will be allocated among public services, housing repair, and administration.

Following a public comment period and public hearing, the Action Plan will be presented to Council on December 18th for adoption.

V. OTHER DISCUSSION ITEMS

There was no other discussion.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Councilmember Holman recommended removing the item for Legal Rights for Undocumented Residents in light of the presentation tonight from Northwest Immigration Rights Project.

VIII. ADJOURNMENT

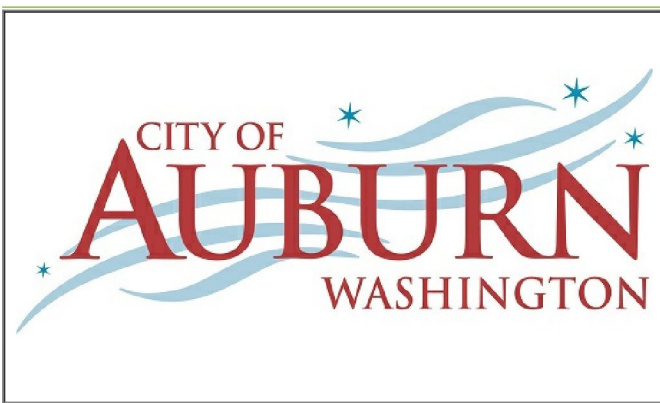
There being no further discussion, the meeting adjourned at 8:22 p.m.

APPROVED this _____ day of _____, 2019.

BILL PELOZA, DEPUTY 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.

	City Council Study Session Finance - Econ Dev SFA November 27, 2017 - 5:30 PM Council Chambers - City Hall 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

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

A. Roll Call

Councilmembers present: Deputy Mayor Largo Wales, Claude DaCorsi, John Holman, Bill Pelozza, Yolanda Trout-Manuel, and Rich Wagner. Councilmember Bob Baggett was excused.

Mayor Nancy Backus and the following department directors and staff members were present: Finance Director Shelley Coleman, Human Resources and Risk Management Director Rob Roscoe, Community Development and Public Works Director Kevin Snyder, Parks, Arts and Recreation Director Daryl Faber, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Police Commander Mike Hirman, City Attorney Daniel B. Heid, Traffic Engineer James Webb, Planning Services Manager Jeff Dixon, Utilities Engineering Manager Lisa Tobin, Director of Administration Dana Hinman, Innovation and Technology Director Paul Haugan, Assistant Director of Community Development Services Jeff Tate, and City Clerk Danielle Daskam.

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

Councilmember Holman announced he is participating in "No-Shave November" to bring awareness to men's health and wellness.

Councilmember Pelozza noted *The Auburn Reporter's* article on retiring Councilmember Rich Wagner.

An additional item regarding Customer Service Dilemmas, was added to the agenda under Item added III.G of the agenda.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Traffic Calming Program Discussion (Snyder) (20 Minutes)

Assistant Director of Engineering Services/City Engineer Gaub and Traffic

Engineer Webb presented information on the Traffic Calming Program, including how traffic calming locations are identified, how staff evaluate potential traffic calming locations, the measures or options that staff consider when traffic calming is appropriate, and a summary of the various traffic calming measures implemented in the last year.

Traffic calming improves safety by reducing speed and changes travel patterns.

The annual budget for traffic calming measures is \$100,000 and is funded with REET2 funds.

Assistant Director Gaub stated the City receives traffic concerns/complaints from a number of sources, including Individual citizens/businesses, neighborhood Homeowner's Associations, and the Auburn Police Department.

The next step is to speak with the individual or group who brought the concern forward, conduct a radar speed study (24 hrs for 7 days), and then evaluate the radar data and the road's characteristics.

Assistant Director Gaub stated the City uses its own guidelines and the National Engineering Standards when evaluating potential traffic calming. The Nationally Accepted Standard is 85th percentile speed. The City's traffic calming thresholds are based on 85th percentile speeds—5 mph over the posted speed limit for local streets and 10 mph over the posted speed limit for arterial and collector streets.

Appropriate next steps can include:

- No action, police enforcement, a neighborhood survey, or installation of traffic calming features, or any combination of these.
- The road's characteristics: classification, layout – potential diversion to a parallel street, roadway alignment and grade, transit route, school bus route, snowplow route, etc.
- Is a neighborhood study needed – if the measure identified has the potential to create noise, inconvenience, or in some other way impact the neighborhood, the neighborhood residents are surveyed to determine what the whole neighborhood wants to do. The process may have started from only one individual's complaint. A majority response from those that do respond and may take several attempts to get sufficient response, at least 50% of the neighborhood being surveyed.

Traffic Engineer Webb discussed the primary traffic calming tools: speed cushions, raised crosswalks, speed feedback signs, road surface changes - high friction surface treatment, traffic islands, and roadway narrowing. Traffic Engineer Webb discussed the pros and cons of each.

Assistant Director Gaub provided a recap of traffic calming measures taken in 2017:

- Conducted 40+ speed studies
- Installed Radar Feedback Signs in three locations
- Installed speed cushions on one local street
- Installed High Friction Surface Treatment in one location on a principal arterial street
- Completed a road diet on one minor arterial street
- Referred 10 areas to Auburn Police for Emphasis on Traffic Enforcement

Councilmember Pelosa recommended a radar speed study on Scenic Drive. Assistant Director Gaub stated radar speed studies have already been conducted, and they have not exceeded the 85th percentile to warrant traffic calming.

Deputy Mayor Wales question whether staff collects post installation data to determine success. Assistant Director Gaub stated it depends on the situation, but provided an example on O Street SE where a post radar speed study revealed a considerable speed reduction.

B. Resolution No. 5330 - Deed Restriction (Snyder) (10 Minutes)

Restrictive Covenant for Mill Creek Restoration Project

Community Development and Public Works Director Snyder presented Resolution No. 5330, authorizing a deed restriction-restrictive covenant for City-owned parcels 1221049037, 1221049038, 1221049039 and 1221049007 as a condition of a Washington State Department of Ecology grant.

In 2014, the City was awarded a \$532,000 Competitive Floodplain Management and Control Grant for the Mill Creek Wetland 5K Ecosystem Restoration Project for the purchase of approximately 21 acres of land comprised of four parcels from William M. Calhoun and Carolyn M. Calhoun. The Washington State Department of Ecology requires the City to execute and record a deed placing a restrictive covenant on the purchased properties. The recorded deed restriction is intended to enable floodplain protection and/or restoration and to prevent future development of the affected parcels of land.

The resolution will appear before Council at its next regular meeting.

C. Ordinance No. 6667 - 2017 Comprehensive Plan Map and Text Amendments (Snyder) (15 Minutes)

Adopting the 2017 Annual Comprehensive Plan map and text amendments

Planning Services Manager Dixon reviewed Ordinance No. 6667 amending the Comprehensive Plan to include 2017 Annual Comprehensive Plan Map and Policy/Text Amendments and four

associated rezones.

At the end of 2015, the City adopted a substantially revised Comprehensive Plan.

Comprehensive Plan amendments can be initiated by the City and by private citizens. This year, the City is initiating nine policy/text amendments and seventeen map amendments. Also, the City received one private-initiated Plan Map amendment.

The City is limited to amending its Comprehensive Plan once a year, except in limited circumstances.

Comprehensive Plan amendments are initially reviewed during a public hearing process before the Planning Commission, who then provides a recommendation to the City Council. The Planning Commission held public hearings on October 18 and November 1, 2017. The Planning Commission recommended approval of all proposed amendments.

Manager Dixon referred to staff report of the agenda packet for a complete description and depiction of the Comprehensive Plan amendments:

- P/T #1 – Auburn School District 2017-2023 Capital Facilities Plan
- P/T #2 – Dieringer School District Capital Facilities Plan 2018-2023
- P/T #3 – Federal Way School District 2018 Capital Facilities Plan
- P/T #4 – Kent School District 2017/2018 – 2022/2023 Capital Facilities Plan
- P/T #5 – City of Auburn 2018-2023 Capital Facilities Plan
- P/T #6 - Remove the discussion of a "Mixed Use" land use designation from the text of the Plan and from the Land Use Map.
- P/T #7 - Add text to add back the R-5, Residential zoning district back in as an implementing zone for the "Single Family" Land Use Designation.
- P/T #8 - Change the title of the land use designation of "Residential Transition" to "Moderate Density Residential".
- P/T #9 - Add the "R-10, Residential" & R-16, Residential" zoning districts back as implementing zones for the "Residential Transition" or if recommended, to the "Moderate Density Residential" Land Use Designation.
- CPM #1 - Remove the "Mixed Use" land use designation remove category from the legend of the Land Use Map.
- CPM #2 - Change the mapped land use designation of a 0.98-acre city-owned park parcel from "Multiple Family Residential" to "Institutional".
- CPM #3 - Change the mapped designation of a group of 4 privately-owned, previously developed parcels from "Downtown Urban Center" to "Light Industrial".
- CPM #4 Change the mapped designation of south part of 2.15-acre, privately-owned, developed parcel from "Residential

Transition" to "Heavy Commercial".

- CPM #5 - Change the mapped land use designation of 3 parcels (2 privately-owned and 1 city-owned) from the "Open Space" to "Downtown Urban Center" land use designation.
- CPM #6 - Change the mapped land use designation (and zoning district) of various city-owned, parks properties from "Open Space" to "Institutional" land use designation.
- CPM #7 - Change the mapped land use designation of 3 Tribal parcels from the "Open Space" to the "Institutional" Land Use designation.
- CPM #8 - Change the mapped land use designation of 2 parcels from "Single Family Residential" to "Light Commercial" and to change the zoning designation from "R5, Residential" to "C1, Light Commercial" to agree.
- CPM #9 - Change the mapped land use designation of 2 privately owned vacant parcels at SE corner of SE 312th ST & 121st PL SE from "Multiple Family Residential" to "Light Commercial".
- CPM #10 - Change the mapped land use designation of a privately owned 0.91-acre parcel near the intersection of 124th AV SE & SE 307th PL from "Multiple Family Residential" to "Single Family Residential".
- CPM #11 - Change the mapped land use designation of a privately-owned, 13.84-acre parcel addressed as 521 - 8TH ST SW. from "Heavy Industrial" to "Light Industrial".
- CPM #12 - Change the mapped land use designation of 7.2-acre private parcel located NW of intersection of Mill Pond DR SE and Kennedy AV SE from "Single Family Residential" to "Multiple Family Residential".
- CPM #13 - Change the mapped land use designation of a group of 10 adjacent parcels located north side of Auburn WY S, east of Academy DR SE from "Single Family Residential" to "Multiple Family Residential".
- CPM #14 - Change the mapped land use designation of 23 parcels located at various locations in downtown from "Institutional" to "Downtown Urban Center".
- CPM #15 - Change the mapped land use designation of numerous parcels within the Lakeland Hills South PUD from "Residential Transition" to "Moderate Density Residential" and "Multiple Family Residential".
- CPM #16 - Change the mapped land use designation of 0.21-acre city-owned stormwater facility on the south side of 35th St SE, from "Institutional" to "Multiple Family Residential".
- CPM #17 - Change the mapped land use designation of an approximately 0.71-acre privately-owned parcel located east of end of B ST SE between 15th and 16th ST SE from "Residential Transition" to "Multiple Family Residential".
- Nexus Youth & Families to change the mapped land use designation of 3 parcels from "Single Family" with a "Residential Transition Overlay" to "Light Commercial" and change the zoning designation from "R-7, Residential" to "C-1, Light Commercial".

The Planning Commission recommends City Council approval of the Comprehensive Plan Amendments P/T #1-9, CPM #1 – 17, and the private map amendment and the related rezone (zoning map amendments) associated with CPM #6, #7, & #8 and associated with the private map amendment.

D. Ordinance No. 6668 - 2018 School Impact Fees (Snyder) (10 Minutes)

Amending Auburn City Code relating to school impact fees

Planning Services Manager Jeff Dixon presented Ordinance No. 6668, amending City Code to adjust school impact fees.

Chapter 19.02 addresses the establishment, calculation, collection and amendment of school impact fees within the school districts that are within the boundaries of the city of Auburn. The four school districts within Auburn are: Auburn, Dieringer, Federal Way, and Kent.

Ordinance No. 6668 will adjust the school impact fees for 2018 based on the Capital Facilities Plans submitted by the school districts.

The Capital Facilities Plans that were approved by each of the school boards contain proposed school impact fees for each of the Districts. The requests for adjustment of the school impact fees are required to be submitted concurrent with the submittal of the Capital Facilities Plans. A separate letter request is only required to be submitted to the City when the fee adjustment is requested to increase.

Per City Code, the City Council is not obligated to accept the fees proposed by the School Districts and may establish fees that the Council determines are more appropriate and consistent with the public's interest in reasonably mitigating school impacts within the affected portion of the city.

Planning Manager Dixon noted the Dieringer School District is requesting increases in both single-family dwellings and multiple family dwellings. The 2018 impact fee for single-family is proposed to be \$3,760 (an increase of \$360) and the impact fee for multiple family dwellings is proposed as \$1,081 (a decrease of \$678). However, in the past the City has adopted fees consistent with those assessed by Pierce County. Pierce County routinely establishes a uniform rate for all districts within their jurisdiction and only makes yearly adjustments based on the Consumer Price Index. Therefore, a lesser school impact of \$3,485 for single family residential and \$1,081 for multiple family residential is recommended.

Planning Manager Dixon noted the Federal Way School District Capital Facilities Plan identifies a significant increase in the single family school impact fee of \$6,842 (a \$3,644 increase) and a multiple family dwelling impact fee of \$20,086 (a \$11,700 increase). Manager Dixon reported the Federal Way School District explained two factors contributed to their

requested changed. The School District stated that for many years no multiple family dwelling developments occurred, so they were using the King County average. Subsequently there were three large multi-family developments that occurred and generated a substantial increase in the student generation rate for the developments.

Councilmembers discussed the regional impact of Federal Way School District's multiple family dwelling school impact fee.

The ordinance will be presented to the City Council on December 4th for action.

E. King County Franchise Fee (Snyder) (10 Minutes)

Utilities Engineering Manager Lisa Tobin presented information on King County's franchise fees. King County passed Ordinance 18403 that requires utility providers with franchise facilities in King County's right-of-way (ROW) to pay an annual fee for use of their ROW. The City of Auburn's water, sewer, and storm utilities each have a few facilities that are in unincorporated King County and within the City's utilities service area.

Manager Tobin illustrated three small areas that affect the City's utilities. The annual fee for the franchise fee is \$2,000 to be shared by the three utilities.

The question before Council is to either pass the fees on to non-City residents who are water and sewer utility customers or pay the fees from the utility operating fund and factor it into the rates for all customers.

Councilmember Holman stated the City Council can annex the areas and avoid the fees from King County. He suggested the City annex the areas. Assistant Director Gaub noted the most southern area is within the Federal Way potential annexation area.

Deputy Mayor Wales suggested Finance Director Coleman provide the estimated cost for the City to be able to bill the customers in the affected areas.

Councilmembers expressed an interest in discussing annexation of the areas and the legality of the fee being assessed by King County.

F. Ordinance No. 6669 - Auburn Poet Laureate (Faber) (10 Minutes)

Amending Auburn City Code relating to the Auburn Poet Laureate

Parks, Arts and Recreation Director Faber presented Ordinance No. 6669, which amends Auburn City Code Section 2.82.02 relating to the Auburn Poet Laureate. The purpose of the amendment is to expand the residency requirement of the Poet Laureate and allow the selection and recruitment of a Poet Laureate to be based on their work, the quality and subject matter, their involvement in the literary community, and how their experiences and sensibilities could relate to Auburn. The residency

requirement is extended to North Pierce County and South King County.

At 6:48 p.m., Deputy Mayor Wales recessed the meeting for a brief intermission. The meeting reconvened at 7:00 p.m.

G. Customer Service Dilemma

Assistant Director of Community Development Services Tate recalled that on August 28, 2017, staff presented Council with an overview of various types of development activities. As part of the presentation, he reviewed typical customer service dilemmas and considerations throughout the development/construction process. City staff have assembled a series of real life customer service dilemmas. The first two customer service dilemmas were discussed on October 9, 2017. Assistant Director Tate stated staff is not necessarily seeking a directive from Council but to initiate a discussion about balancing priorities and competing interests. The following scenarios were discussed:

Scenario 3 dealt with an engineer representing a developer who insists on submitting development plans for a new project although the submittal package is incomplete. Many Councilmembers expressed objection to allow anyone to submit an incomplete development package.

Scenario 4 dealt with a property owner who wishes to convert an older single family residence to an office for an attorney's office. The zoning allows for the conversion but the upgrades and increased parking trigger a requirement that right-of-way improvements must be made. Sidewalks, landscaping, curbs, power lines, and lighting must all be brought up to current code. The City Code does not grant authority to staff to waive the authority. Several Councilmembers commented the Code should be reviewed to potentially allow staff the discretion to deviate from the requirements.

IV. FINANCE AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS

Councilmember Rich Wagner, vice chair of the Finance and Economic Development Special Focus Area, presided over the meeting during discussion of the Special Focus Area items.

A. Third Quarter 2017 Financial Report (Coleman) (30 Minutes)

Finance Director Coleman presented the third quarter 2017 Financial Report.

Through September 2017 General Fund revenue totaled \$47.4 million compared to a budget of \$46.7 million and \$733,000 higher than budget expectations. General Fund expenditures through the third quarter totaled \$47.9 million compared to a year-to-date budget of \$52.5 million, representing an 8.7% favorable variance.

Director Coleman reviewed the following revenues: property tax, sales

and use tax, sales tax on construction, utility tax, cable franchise fee, cable utility tax (new), business licenses, building permits fees, intergovernmental revenue (grants), charges for services, development service fees, culture and recreation, fines and penalties, miscellaneous revenues, real estate excise tax, and pet licensing.

Councilmember Pelosa requested information on the police extra duty contracts.

Councilmember Pelosa questioned the amount of unpaid fines. City Attorney Heid stated the collection of court fines is controlled by King County District Court, which allows payment over a long period of time.

Finance Director Coleman also reviewed the following funds: Fund 102 Capital Project Expenditures, Fund 103 Local Street Fund, Fund 105 Capital Project Expenditures, utility funds, including discussion of water revenue versus water sold, and Cemetery.

B. Ordinance No. 6665 - Budget Amendment No. 3 (Coleman) (15 Minutes)

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6621, the 2017-2018 Biennial Budget, as amended by Ordinance No. 6646 and Ordinance No. 6656, authorizing amendment to the City of Auburn 2017-2018 Budget as set forth in Schedule "A" and Schedule "B"

Finance Director Coleman presented Ordinance No. 6665, amending the 2017-2018 Biennial Budget. The amendment is the third budget amendment for the 2017-2018 biennium and the final amendment for calendar year 2017. All projects/programs are underway and a budget amendment is requested to ensure sufficient budget authority to meet anticipated expenditures by year end.

Director Coleman reported the net impact of the amendment across all funds is \$750,000 with approximately \$500,000 in solid waste for increased roll-off revenue and expenditure to reflect increased quantities. Director Coleman reviewed the summary of proposed budget adjustments.

C. Council Budget Priorities (Coleman) (30 Minutes)

Councilmember Wagner reported he and Councilmember Baggett discussed the agenda item, which is preparatory to the 2019-2020 Budget.

Director Coleman referred to the Council's City-wide goals and priorities. Director Coleman suggested the Council update the goals and priorities to better define them and identify the strategies and activities to achieve them.

Director Coleman stated Mayor Backus would like to schedule a budget workshop to focus on establishing new Council goals, review of the budget document, and long-term planning for operations and capital. Mayor Backus stated the budget workshop will be scheduled for sometime in

February.

V. OTHER DISCUSSION ITEMS

There was no other discussion.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Councilmember Pelosa suggested adding a cemetery update, a Sister Cities update, and a multi-media and website presentation to the matrix.

Councilmember Trout-Manuel suggested adding an update on Court domestic violence filings to the matrix.

Councilmember Holman suggested adding a presentation on the model domestic violence firearms program to the matrix.

Councilmember DaCorsi suggested adding a follow-up on homelessness to the matrix.

VIII. ADJOURNMENT

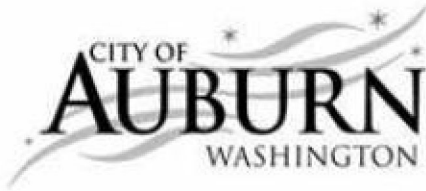
There being no further discussion, the meeting adjourned at 8:40 p.m.

APPROVED this _____ day of _____, 2019.

BILL PELOZA, DEPUTY MAYOR

Shawn Campbell, City Clerk

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**City Council Study Session PWCD SFA
December 11, 2017 - 5:30 PM
Council Chambers - City Hall
MINUTES**

📺 Watch the meeting LIVE!

📺 Watch the meeting video

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

I. CALL TO ORDER

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

A. Roll Call

Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel, and Rich Wagner.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technology Director Paul Haugan, City Attorney Daniel B. Heid, Community Development and Public Works Director Kevin Snyder, Police Commander Mike Hirman, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Parks Planning and Development Manager Jamie Kelly, Traffic Engineer James Webb, Assistant City Engineer Jacob Sweeting, Capital Projects Manager Ryan Vondrak, Street Systems Engineer Jai Carter, Code Enforcement Officer George Winner, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

Deputy Mayor Wales announced she would like to add discussion of Deputy Mayor transition and whether the Council will hold a study session meeting on December 26th.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

There was no item under general discussion.

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

Councilmember Rich Wagner, chair of the Public Works and Community Development Special Focus Area, presided over the meeting during discussion of the Special Focus Area items.

A. Discussion of Digital Parity Goal (Haugan)(15 Minutes)

Innovation and Technology Director Haugan updated the Council on Council Goas G2: Increase Internet Access to Achieve Digital Parity by

2020.

Director Haugan referred to the recap of work accomplished in 2016-2017 included in the agenda packet, but stated his focus this evening is on Council's goals for coverage. The recap reported major infrastructure to include unconnected parts of the City through partnerships. Project locations for 2018 include: Auburn High School, Cascade High School, Lea Hill Elementary, and Olympic Middle School.

Focusing on coverage goals of Council, Director Haugan referred to a cost estimate sheet included in the Council packet. The target coverage goal has been broadband coverage for low income students. The 80 percent coverage target equates to approximately 54 percent of residents. Budget estimates equates to \$2.7 million for the target audience, and \$6.2 million for 80 percent of all residents. Implementation timeline is anywhere from five to ten years.

Director Haugan asked Council for their consideration of coverage goals and how much of budget the Council wants to allocate to the effort.

In response to a questions from Council, Director Haugan stated approximately 3,000 users access the broadband on a daily basis. Access Auburn is not available for entertainment features. The City partners with Wave Broadband, Zayo, and Verizon to provide broadband services.

Councilmember Holman stated Council's original goal was to benefit low income students and it should be kept that way. He spoke in favor of the goal of 80 percent of low-income students.

Councilmember Pelozo expressed concern about the funding costs while there are funding needs for homelessness, roads and other issues.

Deputy Mayor Wales stated Council needs to address other primary responsibilities of the City before a decision is made on the level of broadband coverage.

Councilmember DaCorsi spoke in favor of focusing on coverage for 80 percent of low income students. Deputy Mayor Wales and Councilmember Trout-Manuel agreed.

Councilmember Pelozo stated he would also like to see an option for 50 percent of target coverage.

Director Haugan stated funding would be considered during the 2019-2020 budget process.

B. Centers Designation Overview (Snyder)(10 Minutes)

Assistant Director of Community Development Services Tate, Assistant

Director of Engineering Services/City Engineer Gaub, and Brian Parry, Senior Policy Analyst with Sound Cities Association presented Council with information regarding the Puget Sound Regional Council (PSRC) centers designation.

The term "centers designation" or "regional centers" has been in place and utilized in regional planning for the last thirty years. The current framework includes two types of centers: regional growth centers and regional manufacturing and industrial centers. Auburn has one PSRC regional growth center in the downtown area. Auburn does not have a regional manufacturing industrial center.

The City uses the center designation in its applications to PSRC for regional and countywide federal grant funds in the Surface Transportation Program and the Congestion Mitigation and Air Quality Program. Having a designated center allows the City to be more competitive in the grant process.

An area designated as a center carries several requirements and objectives related to the type of designation. These include: establishing growth targets, adopting land use policies and regulations that are consistent with growth targets, implementing capital facilities and transportation plans that emphasize public investment in these areas, and evaluating how these areas are performing relative to adopted policies and strategies.

PSRC is currently working through an effort to update the "centers framework" which outlines updated criteria for designation of the various different types of centers and evaluating the performance of a center. The effort is expected to conclude in 2018.

Councilmember Holman reporting the PSRC Growth Management Policy Board has eliminated any tiering options.

C. Capital Project Status Report and 2017 Year End Summary (Snyder)(10 Minutes)

Assistant Director of Engineering Services/City Engineer Gaub, Assistant City Engineer Jacob Sweeting, and Capital Projects Manager Ryan Vondrak presented the capital projects status report and the 2017 year end summary of capital projects.

Assistant Director Gaub reviewed the accomplishments of 2017. In 2017, the City advertised for bid 20 significant construction projects and continued five other capital projects from 2016. The combined projects totaled over \$31 million in capital construction expenditures, including over 30 lane miles of new pavement, 6,500 linear feet of utilities, and four miles of sidewalks.

Councilmembers reviewed the Capital Project Status Report and discussed the following projects: Project CP1502 37th Street SE and A

Street Traffic Signal, Project CP1317 Water Meter and Billing System Improvements, Project CP1701 Auburn Way South Dynamic Message Sign, Project CP1408 South Hangar Row 3 Door Improvements, MS1716 37th Street NE and I Street NE Curb Ramp Improvements, Project CP1705 Auburn Way South Sidewalk Improvements, and CP1513 22nd and I Street NE Intersection Improvements.

D. Resolution 5323, Amendment to the Transit Service Direct Financial Partnership Agreement (Snyder)(5 Minutes)

Assistant Director of Engineering Services/City Engineer Gaub and Traffic Engineer James Webb presented Resolution No. 5323, approving the fourth amendment to the Transit Service Direct Financial Partnership Agreement.

In 2008, the City entered the original agreement to provide additional transit service within the city, and in 2010 implemented the Lakeland Hills-Auburn Sounder Station Shuttle Service (Route 497). The fourth amendment provides increased shuttle service on Route 497 to meet increased weekday trains.

The agreement splits the costs of the Route 497 shuttle service three ways between the City, King County Metro, and Pierce Transit. The additional costs to the City to provide the service is \$29,472 for 2018.

In 2016, the annual ridership of Route 497 was at 67,250 boardings. Through October of 2017, the annual ridership was already at 65,372 boardings.

E. Resolution No. 5335, Interlocal Agreement regarding SCATBd (Snyder)(10 Minutes)

Mayor Backus followed up on Council discussion held on October 23, 2017, regarding the South King County Area Transportation Board (SCATBd) Interlocal Agreement revisions.

The Board is comprised of elected officials representing South King County jurisdictions for the purpose of information sharing, consensus building and coordinating to resolve transportation issues, identifying priorities, making recommendations, and promoting transportation plans and programs that benefit the South King County area. The revised agreement provides two additional jurisdictions with voting rights on Sound Transit issues, while the two additional jurisdictions area outside the Sound Transit area. Concerns have been expressed about jurisdictions outside the Sound Transit area voting on Regional Transit Authority issues, and Mayor Backus indicated a further revised interlocal may be forthcoming.

The current interlocal agreement expires December 31, 2017. The changes to the interlocal agreement provide clarifying language as to the role of SCATBd and various entities' voting rights. The proposed interlocal will run through 2019 with the ability to extend through 2021.

The resolution approving the interlocal agreement will be presented to Council at a future meeting.

F. 118th Avenue SE Roadway (Snyder)(10 Minutes)

Assistant Director of Engineering Services/City Engineer Gaub presented information on 118th Avenue SE Roadway. She recalled that last August, the City received a petition regarding 118th Avenue SE from South 304th Street northward to the end of the existing road. The petition was submitted by 18 of the 34 properties that access 118th Avenue SE and 29 residents of the City of Kent. The petition requests the City consider re-building a portion of the roadway.

The street was originally built by King County. It was a dead end road until 2008 when the Bridges Development was connected under permits by King County and the City of Kent. The street was annexed to the City of Auburn in 2008.

The roadways classifications are as follows: residential collector from SE 304th Street to SE 302nd Street; and local residential from SE 302nd Street to SE 296th Place, however, this section should be re-classified to a residential collector as this is how it operates.

Crash history along 118th since 2008 includes three crashes (2 were single vehicle crashes). None involved pedestrians or bicycles.

Roadway Pavement Conditions are 82 and 95. The street is not a candidate for preservation work.

The City has received complaints of street racing and speeding in the area.

In response to the complaints, the City has installed additional signage, reduced the speed limit to 25 MPH, installed 20 MPH warning speed signage (where appropriate), installed additional pavement markings, added a speed radar sign on southbound lanes, and a speed radar sign on northbound side is in process.

Police enforcement from September 2014 to August 2017 included 84 traffic infractions and 16 criminal traffic citations. The area is a known area for emphasis patrols and speed enforcement.

Assistant Director Gaub discussed the work suggested by the petitioners. The work requested would include the following: reconstruction of approximately 400 feet of roadway, construction of retaining walls, reconstruction of approximately seven private driveways. The project would not include widening, sidewalks, drainage, curb and gutter, and lighting. The estimated cost would be \$842,000. The project would not be eligible for preservation funds or traffic impact fees.

Director Gaub proposed the following next steps: continue Police emphasis patrols and speed enforcement, continue to monitor incidents/speed, and evaluate effectiveness of traffic calming measures.

The meeting recessed at 7:06 p.m. for a seven-minute intermission. The meeting reconvened at 7:13 p.m.

G. Development Regulations Update, Round 2 (Snyder)(15 Minutes)

Assistant Director of Engineering Services/City Engineer Gaub and Assistant Director of Community Development Services Tate presented the Council with information on code updates and development regulations.

Assistant Director Tate explained that Mayor Backus had directed staff to put together potential code amendments intended to eliminate or ease some of the challenges that developers and City staff face when reviewing development proposals and at the same time gain greater efficiency and flexibility without compromising the greater objectives that the code was intending to achieve. On May 8, 2017, staff presented the initial list of potential code changes to City Council. Assistant Director Tate directed the Council's attention to the list of potential code changes contained in the agenda packet.

Assistant Director Tate asked for feedback on the list and process. He stated staff would like to come to Council a couple times a year to update code.

There was discussion regarding the first item of the matrix relating to residential density and the new items on the list starting with construction job shacks, fee assessment and collection, DUC standards, fence height, landscape maintenance bonds, and threshold for SEPA categorical exemptions.

H. Lea Hill Road & 104th Avenue Park - Future Plans (Snyder)(15 Minutes)

Assistant Director of Engineering Services/City Engineer Gaub and Parks Planning and Development Manager Jamie Kelly presented information on future plans for Lea Hill Road and 104th Avenue Park. Assistant Director Gaub spoke about the potential roadway improvements along the Lea Hill Road/8th Street NE corridor, and Manager Kelly reviewed the future plans for the park at 104th Avenue SE.

Manager Kelly, using a PowerPoint slide of the park area reviewed the preliminary plan for the park. The cost estimate for developing the park is \$1.7 million. Potential funding sources include grants from the state under Recreation and Conservation Office for water access and local park construction, and the land water and conservation fund for playgrounds and picnic shelters. Park impact fees would provide the City match for any grants. The park area is 14 acres, and 20 to 30 parking spaces are planned. Access to the park will be via 104th Avenue SE.

Deputy Mayor Wales requested a report from staff regarding park maintenance responsibilities.

Assistant Director Gaub reviewed the Lea Hill Road corridor project. The project will be developed in three segments:

- Segment 1 – R Street NE to 105th PI SE
- Segment 2 - 105th PI SE to 112th Ave SE
- Segment 3 – 112th Ave SE to 124th Ave SE

The roadway will be widened to four lanes with pedestrian and bike facilities. Intersection improvements will be constructed to address capacity and safety. The project will require the closure of 102nd Avenue SE from Lea Hill Road/8th Street NE and an alternative access to 104th Ave SE.

The estimated cost is \$30 million. The City has been purchasing right-of-way properties as they become available.

I. 2018 Arterial and Local Street Selection (Snyder)(10 Minutes)

Assistant Director of Engineering Services/City Engineer Gaub and Street Systems Engineer Jai Carter presented a review of the 2018 arterial and local street preservation projects scheduled for 2018 in the amount of \$7.3 million.

Engineer Carter reviewed the grant funded 2018 reconstruction projects: 277th Street Preservation, 15th Street NW/NE Preservation, and West Valley Highway between SR 18 off ramp and Peasley Canyon Road.

Local street reconstruction projects for 2018 are: South 286th Street, 122nd Avenue South, K Street NE, and 17th Street NE.

Deputy Mayor Wales inquired about the gravel road on 25th Street SE near Cedar Lanes Park. Assistant Director Gaub stated earlier Public Works Committee recommendation was to use reconstruction for paved roads and not construction of new roads such as the gravel road. Construction of the road would require acquisition of properties and installation of all utilities.

Engineer Carter reported the 2018 Citywide Patch and Overlay Project will include all of the non-grant funded arterial preservation streets as well as the local streets that are to receive a thin overlay.

Councilmember DaCorsi suggested Council review new projects in more detail and have Council prioritize the projects.

Councilmember Trout-Manuel suggested an ad hoc committee to review new projects and make a recommendation to staff.

Councilmembers DaCorsi, Trout-Manuel and Baggett volunteered to serve on the ad hoc committee.

J. Planning Commission Recommendation – Amending Title 18 as it Relates to Calculating Residential Densities (Snyder)(20 Minutes)

Assistant Director of Community Development Services Tate presented the Planning Commission's recommendation on amendments to Title 18 related to calculating residential densities.

Assistant Director Tate reported the Planning Commission held a hearing on September 6th and subsequently made a recommendation that the City Council amend various sections of Title 18 as they relate to the methodology used to calculate residential densities when subdividing land. The Planning Commission voted in favor of all but one of staff's recommended code changes.

The first change relates to a shift from utilizing "Net Site Area" methodology to a "Gross Site Area" methodology. The net site area meant that areas of land must be removed from a property before determining the potential number of lots that can be created through a subdivision. A shift to gross site area establishes a simple and predictable formula for calculating density. Density output is based on the raw acreage of the land. Critical area regulations must still be adhered to, roads and sidewalk designed accordingly, minimum lot sizes achieved, minimum lot widths adhered to, setbacks met, coverage limits complied with, and all other development standards addressed.

The next change allows for the administrative decision to waive the requirement to meet minimum density when a lot is encumbered by critical areas, conservation easements, utility easements, or other encumbrances that make it impractical to meet the density requirement.

The recommendation also allows the exemption of short subdivisions (9 lot subdivisions or less) from the requirement to meet minimum density.

The Planning Commission also recommended eliminating the requirement that all subdivisions adhere to a "Minimum Average Lot Area."

Staff made a recommendation to the Planning Commission that they consider reducing the minimum lot size in the R5 zone from 6,000 square feet to 4,500 square feet. The rationale for this modification is to create more flexibility in the design of residential communities and more opportunity to achieve a zoning designation's intended density. Staff indicated that the singular effect of this change would be a potential reduction in the size of a back yard. The Planning Commission did recommend approval of the lot size reduction for the R5 zone.

In response to a question from Councilmembers, Assistant Director Tate

indicated the City is unable to meet most of its growth targets right now. There are a fair number of 5-10 acre properties in the City that can be developed.

Deputy Mayor Wales stated there are many people who do not want to care for a yard or need a large yard.

Councilmembers spoke about adapting to the times and transitioning from a suburban area to a more metropolitan city. Councilmembers indicated a willingness to consider a reduction in lot size in the R5 zone.

K. Dangerous Dogs (Lee)(10 Minutes)

Police Commander Mike Hirman and Code Enforcement Officer (former Animal Control Officer) George Winner reviewed potentially dangerous and dangerous dog regulations and designations.

In 2016, the number of animal service calls were 1,883 and so far in 2017 there are 1,649 calls. In 2016, 186 animal related reports and investigations were conducted, and so far in 2017, 160 reports have been completed.

There are currently 372 dogs that have registered with the City exclusively due to the dog's breed. Of the 372 registrations, 216 are pit bull terriers or a mix of the breed. There are currently 13 dogs that are registered with the City as Designated Potentially Dangerous and 12 Dangerous Dog registrations.

Commander Hirman reported that currently both Animal Control Officer positions are vacant and applicants are being recruited.

The Animal Control Officers do not followup on all potentially dangerous dogs based on breed. Having to followup on 372 registered dogs would be very time consuming. Pro-active measure in the future could be in the form of more community awareness and education as to the dangerous dog ordinance and its requirements.

Councilmember Peloza stated the City needs a program to followup on dangerous dogs.

V. OTHER DISCUSSION ITEMS

There was no other discussion.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Councilmember Wagner suggested adding the READY Program to the matrix under Health and Human Services.

Councilmember Pelozza stated the items for Sister Cities, Cemetery, and Multimedia will be held on January 8, 2018.

Deputy Mayor Wales suggested cancelling the December 26th study session. There was no objection from Councilmembers.

It was noted that the selection of Deputy Mayor will be conducted at the January 2, 2018 meeting.

VIII. ADJOURNMENT

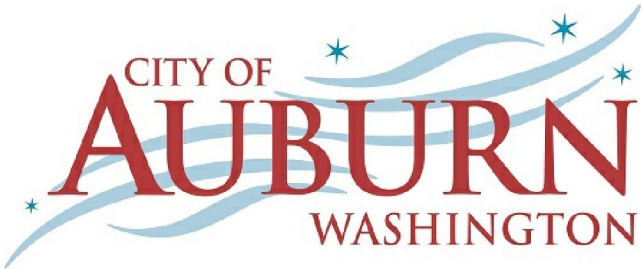
There being no further discussion, the meeting adjourned at 9:28 p.m.

APPROVED this _____ day of January, 2019.

BILL PELOZA, DEPUTY 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.

	City Council Study Session HHS SFA March 26, 2018 - 5:30 PM Council Chambers - City Hall 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

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

A. Roll Call

Councilmembers present: Deputy Mayor Bob Baggett, Larry Brown, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel and Largo Wales.

Mayor Nancy Backus and the following department directors and staff members were present: Director of Human Resources and Risk Management Rob Roscoe, Assistant Police Chief Mark Callier, Director of Finance Shelley Coleman, Director of Public Works Ingrid Gaub, Assistant Director of Public Works Randy Bailey, Engineering Manager Lisa Tobin, Community Healthcare Consultant Pat Bailey, City Attorney Daniel Heid, Real Property Analyst Josh Arndt, Economic Development Manager Doug Lien, Director of Parks & Recreation Daryl Faber, Director of Administration Dana Hinman Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There was no announcement, report or presentation.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Private Service Line Warranty Program (30 Minutes) (Gaub)

Manager Tobin and Dennis Lyon with the National League of Cities Service presented Council with an update on the Private Service Line Warranty Program. Manager Tobin explained the responsibility of the City and homeowner when service lines need repaired, cost of typical sewer and water repairs and recapped Councils concerns using the City logo, potential increase in claims against the City and reluctance sharing customer contact information.

Mr. Lyon covered the program benefits; helps address aging infrastructure, no cost for the municipality to participate, free public awareness campaign, educates homeowners about their lateral line

responsibilities and all repairs performed to code by local licensed contractors. Mr. Lyon also discussed what the coverage includes, their marketing approach, other municipal partners and the program successes.

Council discussed how the contractors are vetted, Mayor Baker of the City of Kenmore endorses the program and believe that this program would be a great benefit to the residents and should be brought forward for consideration.

B. Ordinance No. 6680 - Budget Amendment No. 5 (15 Minutes) (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6621, the 2017-2018 Biennial Budget Ordinance, as amended by Ordinance No. 6646, Ordinance No. 6656, Ordinance No. 6665, and Ordinance No. 6666, authorizing amendment to the City of Auburn 2017-2018 Budget as set forth in Schedule "A" and Schedule "B"

Director Coleman presented Council Budget Amendment No. 5 to the 2017-2018 biennium budget. The amendment will carry forward capital projects and other contract budgets that were not completed in 2017 and to establish budget spending authority for new programs and other changes in 2018.

Council discussed the increased revenues for the Parks Department, the increased budget for the central parking garage, the proposal for a new vehicle for Animal Control and early replacement of a sewer truck.

C. Economic Development Update (20 Minutes) (Hinman)

This item was moved to after the Health and Human services section of the agenda.

Senior Partner Jeff Marchell and Senior Consultant Caroline Alexander with TIP Strategies and Matt Anderson with Heartland presented Council with an update on the Ten-Year Economic Development Strategic Plan. Mr. Marchell reviewed the national trends with the U.S. unemployment rate, retail and online retail sales, construction rate and priorities for 2018. Ms. Alexander reviewed trends in Auburn for jobs, unemployment, retail trade, manufacturing, construction, expected industry growth and commuters. Mr. Anderson discussed the market assessment, industrial rental rate, vacancy trends, market capacity, industrial and office development opportunity areas, recruitment focus and efforts, organization structure and budget, and implementation progress.

Councilmember Wales suggested the City look at additional annexation areas.

IV. HEALTH AND HUMAN SERVICES DISCUSSION ITEMS

A. Healthy Auburn Update (15 Minutes) (Hinman)

Consultant Bailey and Director Hinman provided Council with the Blue

Ribbon Committee 2017-2018 annual update and reviewed the strategy matrix, accomplishments and goals related to behavioral and mental health issues including; 100% of Auburn Pharmacies stock Narcan/Naloxone, presented R.E.A. D.Y. Program (Real Emergency Aid Depends on You) to 500 people in Auburn, sent 35 powerpoint presentations to other organizations, posted the R.E.A.D.Y. Program on Facebook and YouTube and translated the program into Spanish, created Healthier by the Minute videos, an annual vaccination program, breast feeding campaign and other programs related to healthy weight, child health, prevention and treatment of chronic disease, and programs for special populations including; aging and veterans.

Council discussed watching the R.E.A.D.Y. Program DVD, having a mental health and veterans care center in Auburn, requested a report on how many people need housing and mental health assistance, and having Narcan available in schools.

Councilmember Trout-Manuel called for a recess at 7:25 p.m. and the meeting reconvened at 7:30 p.m.

B. CDBG 2017 Consolidated Annual Performance Evaluation Report (CAPER) (10 Minutes) (Hinman)

Director Hinman and Manager Scott presented Council with the year end Community Development Block Grant (CDBG) report, reviewed the 2017 Consolidated Annual Performance and Evaluation Report (CAPER), and discussed HUD's reporting requirements to receive CDBG funds and future goals to preserve and provide affordable housing, economic development and public services.

Councilmember Brown asked if the CDBG funds will continue to be funded with the Federal budget and was advised by Manager Scott that it will be the same as previous years.

V. OTHER DISCUSSION ITEMS

Councilmember Trout-Manuel advised Council that Judge Tucker would like to come do a presentation on May 14, 2018 on King County District Court fees.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Council discussed the Matrix, no changes were made.

VIII. ADJOURNMENT

There being no further discussion, the meeting adjourned at 8:55 p.m.

APPROVED this 4th day of February, 2019.

BILL PELOZA, DEPUTY 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 17, 2017 Special City Council Meeting

Department:
City Council

Attachments:
[02-17-2017 Minutes](#)

Date:
January 30, 2019

Budget Impact:
Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Meeting Date: February 4, 2019

Staff:

Item Number: CA.B



Special City Council Meeting
February 17, 2017 - 2:00 PM
Council Chambers
MINUTES

I. CALL TO ORDER

Mayor Nancy Backus called the special meeting to order at 2:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main

ROLL CALL

City Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, and Rich Wagner. Councilmember Bill Peloza arrived at 2:40 p.m. Councilmember Yolanda Trout-Manuel was excused.

II. DISCUSSION ITEMS

A. Economic Development Strategic Plan

1. Strategic Plan Summary
2. Workshop Format
3. 2017 Retail Activity and Update
4. Review of Goals
5. Prioritize Strategies and Budget Alignment

Economic Development Manager Lein introduced Jeff Marcell from TIP Strategies and Aaron Farmer from The Retail Coach.

Mr. Marcell explained the priorities for the first two years include formalizing departmental involvement in strategies, hiring consultants or position partner organizations for tasks and hiring additional staff. Each area will have four focus areas; delivery, product, place and messaging. Each focus area has multiple strategies to help implement it and each strategy has multiple tasks. Not all tasks will take the same time or resources, a portion of some tasks are being completed currently by staff while others are not. If the City chooses to allocate no addition resources or staffing the Ten Year Economic Development Strategic Plan will only be partially achievable.

Mr. Marcell stated Retail Coach suggests the City have a retail focus area that includes Auburn Way South, Auburn Way North, Robertson Group property, Lakeland Hills, the downtown area and the Outlet Collection area. The City will need to identify retailers and shoppers for each focus area. Retail Coach has identified a retail gap that identifies sales leakage (when auburn residents purchase

products and services outside the city). The City can use this information to work with developers to recruit the needed businesses.

Councilmember DaCorsi asked if there is a plan to tie the retail focus areas together or keep them separate. Mr. Farmer stated since the City of Auburn has to provide consumers something that appeals to them in order to bring the people to the areas, they recommend looking for ways to tie the retail focus areas together.

Mr. Farmer reviewed the primary retail trade area and the secondary trade area. Councilmember Wagner stated he believes the City should use a larger area to attract more businesses.

Mr. Farmer stated the City will need to use the data regarding the median age of the residents to find businesses to serve those demographics. Currently residents are spending \$1.5 billion outside the City. He stated as a municipality the City will have to recruit the businesses. The Retail Coach is focusing on developer recruitment and retailer development.

Councilmember Wagner stated he does not want to ignore the internet sales. Mr. Farmer explained only about 10% of all retail sales are online the remaining 90% of sales are at brick and mortar locations.

Mr. Marcell reviewed to componets of the Strategic Plan. He started with the Strategic Opportunity areas; delivery, product, place and messaging. The performance indicators include the tax base, market and employment.

Councilmember DaCorsi asked about a city slogan. Mr. Marcell explained a slogan does not have a great return on investment.

Deputy Mayor Wales stated the slogan "More Then You Imagined" works well for the parks department. If the City is going to have a slogan, then there may need to be more than one.

Manager Lein explained that the department directors met and focused on the four areas of the plan and broke each area down into tasks. The four focus areas are delivery, product, place and messaging. He explained that each focus area has multiple strategies and each strategy has multiple tasks. Not all tasks will take the same amount of time or resources. Some tasks can be accomplished with existing staff and some will take additional employees. If the City does not hire the additional staff the Ten Year Economic Development Strategic Plan is only partially achievable as adopted.

Mr. Marcell shared the approach for implementation support for the first two years. Including formalizing departmental involvement in strategies, hiring consultants or partners for tasks the City should not do on its own and hiring additional staff.

Mr. Marcell explained the opportunity areas designated within the plan; Delivery - a comprehensive service delivery system that actively identifies and advances economic development opportunities in Auburn; Product - an inventory of sites, a business climate and a physical environment that foster business growth and ensure a resilient employment base; Place - attractive gateways, impression corridors and destinations that define the character of Auburn and Messaging - a coordinated marketing and branding campaign that elevates Auburn's reputation among internal and external audiences. They discussed the recommended approach for each opportunity area and the requirements for implementation.

Mayor Backus stated she has asked staff to bring forward the funds required for the additional staff for Council's consideration.

Councilmember Wagner stated he believes it would help to have a person whose job is to provide customer advocacy.

Deputy Mayor Wales stated she thought a portion of the business development position should be dedicated to help business owners work with the City.

Councilmember DaCorsi asked how the City of Auburn generates business tourism. Mr. Marcell explained his company will go out and introduce the business community to Auburn.

Mr. Marcell explained the next steps for his office will be to provide the TIP Workshop Outcome report including budget recommendations, department evaluations and implementation contractors and partners, an ongoing plan for implementation and action refinement plan and a year-end check in and performance matrix update and adjustments.

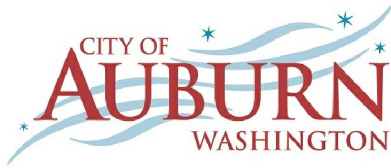
III. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 3:46 p.m.

APPROVED THE _____ DAY OF SEPTEMBER,
2017.

NANCY BACKUS, MAYOR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:
Minutes of the January 22, 2019 Regular Council Meeting

Department:
Administration

Attachments:
[01-22-2019 Minutes](#)

Date:
January 31, 2019
Budget Impact:
Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:

Background Summary:

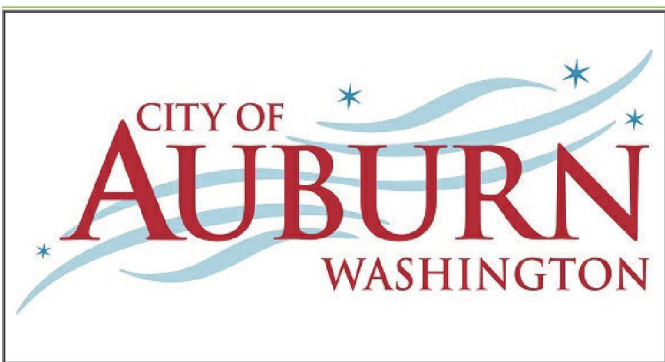
Reviewed by Council Committees:

Councilmember:

Meeting Date: February 4, 2019

Staff:

Item Number: CA.C

	City Council Meeting January 22, 2019 - 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

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 in Auburn.

B. Roll Call

Councilmembers present: Deputy Mayor Bill Peloza, Bob Baggett, Larry Brown, Claude DaCorsi, John Holman, Yolanda Trout-Manuel.
Councilmember Largo Wales was excused.

Department directors and staff members present included: Assistant City Attorney Kendra Comeau, Director of Finance Shelley Coleman, Police Chief Bill Pierson, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Director of Parks, Art and Recreation Daryl Faber and City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

There were no announcements, proclamations or presentations.

III. APPOINTMENTS

A. Auburn Tourism Board

City Council to confirm the appointments to the Auburn Tourism Board for new three-year terms to expire December 31, 2021:

- Kacie Bray
- Edgar Vidal

Deputy Mayor Peloza moved and Councilmember Trout seconded to approve the appointment to the Auburn Tourism Board.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Junior City Council

City Council to confirm the following appointments to the Junior City Council for new two-year terms to expire August 31, 2020:

- Addyson Jones
- Waylon Menzia

Deputy Mayor Peloza moved and Councilmember Holman seconded to approve the appointments to the Auburn Junior City Council.

MOTION CARRIED UNANIMOUSLY. 6-0

C. Board and Commission Reappointments

City Council to confirm the reappointments of the following boards and commission members for new three-year terms expiring December 31, 2021:

Auburn Lodging Tax Advisory Committee

Andy Cho

Business Improvement Area Committee of Ratepayers

Kelly Gordon

Darren Jones

Ronnie Roberts

Cemetery Board

Arnie Galli

Human Services Committee

Dana Riel

JoAnne Walters

Junior City Council

Brandon Berend

Diego Izquierdo

Parks and Recreation Board

Wayne Osborne

Planning Commission

Roger Lee

Dimitri Moutzouris

Phillip Stephens

Transportation Advisory Board

Jeanette Miller

Ronald Riley

White River Valley Historical Society

Gordy Nishimoto

Deputy Mayor Peloza moved and Councilmember Holman seconded to approve the Board and Commission reappointments.

MOTION CARRIED UNANIMOUSLY. 6-0

IV. AGENDA MODIFICATIONS

There was no modification to the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings - (No public hearing is scheduled for this evening.)

B. Audience Participation

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

Waylan Menzia, 719 R St SE, Auburn

Mr. Menzia thanked Council for his appointment to the Junior City Council.

Bob Zimmerman, 33029 46th Place S, Auburn

Mr. Zimmerman spoke about the City's definition of a safe building.

Jose Laris, 3710 A Street SE, Auburn

Mr. Laris stated he is being overcharged for his water. He expressed his concern with the group tenant water billing charges from the mobile home park.

Mayor Backus stated the City could try to schedule a meeting with a representative from the City, a representative from the residents and the owners of the park to try to help find a resolution.

Carlos Ramia, 3710 A Street SE, Auburn

Mr. Ramierz spoke about his water bill at the mobile home park, the lack of communication and poor treatment from the owner of the mobile home park.

Maria Carvajai, 3710 A Street SE, Auburn

Ms. Carvajai spoke about her concerns regarding her water bill, and the renewal of her lease, and the communication with the management of the mobile home park.

Sherry Richwine, 4508 A Street SE, Auburn

Ms. Richwine stated the owner of her mobile home park refuses to do repairs and the City is going to condemn the trailers and she will be homeless.

Director Tate explained this mobile home park is in two jurisdictions, the City of Pacific and the City of Auburn. The City of Pacific is the jurisdiction that is in the process of condemning the mobile homes.

Sochi Makovich, 5054 38th Ave NE, Seattle

Ms. Makovich works for Washington Can. She explained she had been working with the tenants of the mobile home park. She suggested the City require more transparency from property owners.

C. Correspondence

There was no correspondence for Council to review.

VI. 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.

Councilmember DaCorsi, chair of the Finance ad hoc committee, reported he and Councilmember Wales have reviewed the claims and payroll vouchers described on the Consent Agenda this evening and recommended their approval.

Deputy Mayor Peloza, chair of the Council Seating ad hoc committee, reported he and Councilmembers Brown and Baggett recommend the seating chart provided under unfinished business.

VII. CONSENT AGENDA

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

A. Minutes of the August 28, 2017, September 11, 2017, September 25, 2017, October 9, 2017, October 23, 2017, January 22, 2018, January 29, 2018, December 10, 2018 and January 14, 2019 Study Session

B. Minutes of the December 17, 2018 Regular Council Meeting

C. Claims Vouchers (Coleman)

2018 Vouchers:

Claim voucher numbers 451949 and 451952 through 452146 in the amount of \$1,198,049.25 and two wire transfers in the amount of \$152,475.69 and dated January 7, 2019.

Claim voucher numbers 452171 and Voucher 452173 through 452337 in the amount of \$3,346,621.94 and one wire transfer in the amount of \$572,798.73 and dated January 22, 2019.

2019 Vouchers:

Claim voucher numbers 451950 through Voucher 451951 and Voucher #452147 through voucher number 452170, in the amount of \$1,650,367.41 and one wire transfer in the amount of \$574,380.46 dated January 7, 2019.

Claim voucher numbers 452172 and 452338 through 452444, in the amount of \$670,045.72 and one wire transfer in the amount of \$15,823.08 and dated January 22, 2019.

D. Payroll Vouchers (Coleman)

2018 Payroll Vouchers:

Payroll check numbers 538278 through 538293 in the amount of \$563,500.93, electronic deposit transmissions in the amount of \$1,881,807.97 for a grand total of \$2,445,308.90 for the period covering December 13, 2018 to January 2, 2019.

2019 Vouchers:

Payroll check numbers 538294 through 538330 in the amount of \$254,165.76, electronic deposit transmissions in the amount of \$1,963,800.99 for a grand total of \$2,217,966.75 for the period covering January 3, 2019 to January 16, 2019.

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

MOTION CARRIED UNANIMOUSLY. 6-0

VIII. UNFINISHED BUSINESS

A. Seating Assignments for City Council Meetings

Approval of 2019 Seating Chart for Council Regular Meetings

Deputy Mayor Peloza moved and Councilmember DaCorsi seconded to adopt the seating arraignment.

MOTION CARRIED UNANIMOUSLY. 6-0

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

A. Ordinance No. 6710 (Gross)

An Ordinance of the City Council of the City of Auburn, Washington, relating to criminal offenses, adopting the crime of identity theft, and amending Chapter 9.62 of the Auburn City Code

Councilmember Holman moved and Deputy Mayor Peloza seconded to adopt Ordinance No. 6710.

MOTION CARRIED UNANIMOUSLY. 6-0

XI. RESOLUTIONS

A. Resolution No. 5395 (Tate)

A Resolution of the City Council of the City of Auburn, Washington, endorsing use of the 2019 Valley Regional Fire Authority Fee Schedule as adopted by the VRFA Board of Governance

Councilmember DaCorsi moved and Councilmember Brown seconded to adopt Resolution No. 5395.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Resolution No. 5401 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to accept federal grant funds to be administered through the Washington State Department of Transportation

Councilmember DaCorsi moved and Councilmember Holman seconded to adopt Resolution No. 5401.

MOTION CARRIED UNANIMOUSLY. 6-0

C. Resolution No. 5404

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute a collective bargaining agreement between the City of Auburn and the Auburn Police Management Association for 2019-2021

Councilmember Brown moved and Councilmember Holman seconded to adopt Resolution No. 5405.

MOTION CARRIED UNANIMOUSLY. 6-0

D. Resolution No. 5405

A Resolution of the City Council of the City of Auburn Washington, authorizing the Mayor to execute a collective bargaining agreement between the City of Auburn and International Association of Machinists and Aerospace Workers, Local 160 for 2019-2021

Councilmember Homan moved and Councilmember DaCorsi seconded to approve Resolution No. 6405.

Councilmember Brown recused himself from the vote.

MOTION CARRIED UNANIMOUSLY. 5-0

XII. MAYOR AND COUNCILMEMBER REPORTS

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

A. From the Council

Deputy Mayor Peloza reported he attended the King County Regional Policy Committee Meeting.

Councilmember Holman reflected on Dr. Martin Luther King's legacy.

Councilmember Trout-Manuel reported she attended a workshop for the King County Domestic Violence Initiative Committee.

Councilmember DaCorsi reported he attended the King County Regional Transit Committee Meeting.

Councilmember Baggett reported he attended the Marshallese Cultural event, Tacoma Pierce County Board of Health Meeting, Wellfound Mental Health Hospital ribbon cutting.

B. From the Mayor

Mayor Backus reported she testified before the Ways and Means Committee on Streamlined Sales Tax, she attended the Sound Cities Association Board meeting, the Allenmore Wellfound Hospital opening, the Microsoft announcement from Cross Roads Youth Theater regarding affordable housing and the Miss Auburn Scholarship program.

XIII. CLOSED SESSION

Mayor Backus recessed to a closed session at 8:12 p.m. pursuant to RCW 42.30.140(4) relating to collective bargaining agreements. Assistant City Attorney Comeau, Chief Pierson, Director Martinson, and Manager Barber attended the session.

Mayor Backus reconvened the meeting at 8:45 p.m.

Mayor Backus added Resolution No. 5404 and Resolution No. 5405 to the Agenda.

XIV. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:50 p.m.

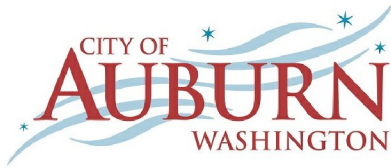
Approved this 4th day of February, 2019.

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:

Claims Vouchers (Coleman)

Date:

January 30, 2019

Department:

City Council

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers

Background Summary:

Claim vouchers 452445 through 452586 in the amount of \$2,234,272.01 and six wire transfers in the amount of \$779,667.05 dated February 4, 2019.

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

Coleman

Meeting Date: February 4, 2019

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Coleman)

Date:

January 30, 2019

Department:

City Council

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers

Background Summary:

Payroll check numbers 538331 through 538343 in the amount of \$572,118.02, electronic deposit transmissions in the amount of \$1,953,044.89 for a grand total of \$2,525,162.91 for the period covering January 17, 2019 to January 30, 2019.

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

Coleman

Meeting Date: February 4, 2019

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Setting Public Hearing Date for Franchise Renewal (Gaub)

Date:

January 28, 2019

Department:

Public Works

Attachments:

[Draft Ordinance No. 6709](#)

[Franchise Agreement No. 13-37 Ordinance No.](#)

[6491](#)

[Ordinance No. 6575](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council sets the date of the Public Hearing for renewal of Franchise Agreement No. 13-37 for T-Mobile West, LLC.

Background Summary:

City Council sets the date of the public hearing for renewal of Franchise Agreement No. 13-37 for T-Mobile West, LLC for February 19, 2019 at 7:00 pm in Council Chambers.

T-Mobile West, LLC has applied for renewal to their existing Franchise Agreement to continue to operate within the City's rights of way a wireless telecommunications system at specific locations within the City. Per Auburn City Code Chapter 20.06.140 a public hearing shall be held prior to granting or denying renewal of a Franchise Agreement.

Draft Ordinance No. 6709, Franchise Agreement No. 13-37 Ordinance No. 6491, and Ordinance No. 6575 are attached as back up documentation.

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

Gaub

Meeting Date: February 4, 2019

Item Number:

CA.F

ORDINANCE NO. 6 7 0 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE RENEWAL OF ORDINANCE NO. 6491 AND ORDINANCE NO. 6575 FOR T-MOBILE WEST LLC, FRANCHISE AGREEMENT NO. 13-37 FOR A WIRELESS TELECOMMUNICATIONS SYSTEM

WHEREAS, on February 18, 2014, the City Council adopted Ordinance No. 6491, granting a site specific wireless telecommunications franchise to T-Mobile West LLC; and,

WHEREAS, on January 19, 2016, the City Council adopted Ordinance No. 6575, amending Ordinance No. 6491 and adding an additional wireless site location to T-Mobile West LLC's franchise agreement,

WHEREAS, T-Mobile West LLC wishes to renew said Franchise Agreement for an additional five year term; and

WHEREAS, following proper notice, the City Council held a public hearing on T-Mobile West LLC's request for renewal of Ordinance No. 6491 and Ordinance No. 6575, at which time representatives of T-Mobile West LLC and interested residents were heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

WHEREAS, based upon the foregoing recital clauses and from information presented at such public hearing and from facts and circumstances developed or discovered through independent study and investigation, the City Council now deems it appropriate and in the best interest of the City and its residents that the

renewal of Ordinance No. 6491 and Ordinance No. 6575 be granted to T-Mobile West LLC.

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

Section 1. The City approves T-Mobile West LLC's application for renewal for one five-year period as provided for in Section 3 of Ordinance No. 6491, a copy of which is attached as Exhibit A, under the conditions set forth in this Ordinance. Such five-year renewal period will commence on the effective date of this Ordinance.

Section 3. T-Mobile West LLC will, within thirty (30) days after the effective date of this Ordinance, file with the City, a fully executed Statement of Acceptance of this Ordinance, which written acceptance will be Exhibit B, attached and incorporated by this reference.

Section 4. This Ordinance supersedes Ordinance No. 6491 and Ordinance No. 6575 to the extent that it contains terms and conditions that change, modify, delete, add to, supplement or otherwise amend the terms and conditions of Ordinance No. 6491 and Ordinance No. 6575. All other provisions of Ordinance No. 6491 and Ordinance No. 6575 remain unchanged and in full force and effect.

Section 5. Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 6. 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 7. 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, City Clerk

APPROVED AS TO FORM:

Steven Gross, City Attorney

Published: _____

EXHIBIT "B"

STATEMENT OF ACCEPTANCE

T-Mobile West LLC., for itself, its successors and assigns, hereby accepts and agrees to be bound by all lawful terms, conditions and provisions of the Franchise Agreement, Ordinance No. 6491 and Ordinance No. 6575, attached hereto and incorporated herein by this reference as amended by Ordinance No. 6709.

T-Mobile West LLC
12920 SE 38th Street
Bellevue, WA 98006

By: _____ Date: _____
Name:
Title:

STATE OF _____)
)ss.
COUNTY OF _____)

On this ____ day of _____, 2019, before me the undersigned, a Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared, _____ of _____, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

Signature

NOTARY PUBLIC in and for the State of _____
_____, residing at _____
MY COMMISSION EXPIRES: _____

Draft Ordinance No. 6709
T-Mobile Franchise Agreement Renewal
December 19, 2018
Page 4 of 4

ORDINANCE NO. 6491

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, GRANTING TO T-MOBILE WEST LLC, A DELAWARE LIMITED LIABILITY COMPANY, A FRANCHISE FOR TELECOMMUNICATIONS

WHEREAS, T-Mobile West LLC, a Delaware limited liability company("Grantee") has applied to the City of Auburn ("City") for a non-exclusive Franchise for the right of entry, use, and occupation of certain public right(s)-of-way within the City, expressly to install, construct, erect, operate, maintain, modify, repair, relocate and remove its facilities in, on, over, under, along and/or across those right(s)-of-way ("Franchise"); and

WHEREAS, with respect to some of these facilities, they were previously installed the public rights of ways with the permission of King County, which managed those right(s)-of-way prior to the annexation of those rights of way into the City of Auburn; and

WHEREAS, following proper notice, the City Council held a public hearing on Grantee's request for a Franchise, at which time representatives of Grantee and interested citizens were heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

WHEREAS, with respect to those facilities previously installed by authorization of King County, this agreement supersedes and replaces all agreements between Grantee and King County; and

WHEREAS, based upon the foregoing recital clauses, and from information presented at such public hearing, and from facts and circumstances developed or discovered through independent study and investigation, the City Council in compliance with RCW 35.99 now deems it appropriate and in the best interest of the City and its inhabitants that the franchise be granted to Grantee.

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

Section 1. Grant of Right to Use Franchise Area

A. Subject to the terms and conditions stated herein, pursuant to RCW 35.99 the City grants to the Grantee general permission to enter, use, and occupy the public right(s)-of-way of the City. However, Grantee shall not extend its occupation of the public rights of way beyond the two facilities that presently

occupy the rights of way as specified in Exhibit "A", attached hereto and incorporated by reference (the "Franchise Area"), without having first obtained an amendment to this agreement and site specific permits from the City authorizing Grantee to install telecommunications equipment at such other locations than specified in Exhibit "A".

B. This Franchise does not authorize the use of the public rights of ways for any facilities or services other than for wireless telecommunications facilities.

C. This Franchise is non-exclusive and does not prohibit the City from entering into other agreements, including Franchises, impacting the Franchise Area, unless the City determines that entering into such agreements interferes with Grantee's rights set forth herein.

D. Except as explicitly set forth herein, this Franchise does not waive any rights that the City has or may hereafter acquire with respect to City rights-of-way. This Franchise shall be subject to the power of eminent domain, and in any proceeding under eminent domain, Grantee acknowledges that the City has the power of eminent domain and that Grantee's remedies in the event of the exercise of such power are set forth in RCW 35.99 and other applicable law.

E. The City reserves the right to change, regrade, relocate, abandon, or vacate any public right-of-way. If, at any time during the term of this Franchise, the City vacates any portion of the rights of way containing Grantee Facilities, the City shall reserve an easement for public utilities within that vacated portion, pursuant to RCW 35.79.030, within which the Grantee may continue to operate any existing Grantee Facilities under the terms of this Franchise for the remaining period set forth under Section 3.

F. The Grantee agrees that its use of the Franchise Area shall at all times be subordinated to and subject to the City and the public's need for municipal infrastructure, travel, and access to the Franchise Area, except as may be otherwise required by law.

Section 2. Notice

A. Except as defined in the respective filing and emergency work provisions of Sections 5 and 7 herein, all notices, requests, demands and other communications shall be in writing and are effective three (3) days after deposit in the U.S. mail, certified and postage paid, or upon receipt if personally delivered or sent by next-business-day delivery via a nationally recognized overnight courier to the addresses set forth below. City or Grantee may from time to time

designate any other address for this purpose by providing written notice to the other party effective thirty (30) days after the provision thereof.

City: City of Auburn
Engineering Aide, Transportation
25 West Main Street
Auburn, WA 98001-4998
Telephone: (253) 931-3010; Fax: (253) 931-3048

with a copy to: City Clerk
City of Auburn
25 West Main Street
Auburn, WA 98001-4998

Grantee: T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006
Attention: Lease Compliance/ City of Auburn Franchise

B. Any changes to the above-stated Grantee information shall be sent to the City, referencing the title of this agreement.

C. The above-stated voice and fax telephone numbers shall be staffed at least during normal business hours, Pacific time zone.

Section 3. Term of Agreement

A. This Franchise shall run for a period of five (5) years, from the date of execution specified in Section 5.

B. **Renewal Option of Term:** The Grantee may renew this Franchise for an additional five (5) year period upon submission and approval of the application specified under ACC 20.06.130, as it now exists or is amended, within the timeframe set forth therein (currently 240 to 180 days prior to expiration of the then-current term), which approval shall not be unreasonably withheld, conditioned or delayed. Any materials submitted by the Grantee for a previous application may be considered by the City in reviewing a current application, and the Grantee shall only submit those materials reasonably deemed necessary by the City to address changes in the Grantee Facilities or Grantee Services, or to reflect specific reporting periods mandated by the ACC.

C. Failure to Renew Franchise – Automatic Extension. If the Parties fail to formally renew this Franchise prior to the expiration of its term or any extension thereof, the Franchise automatically continues month to month until renewed or until either party gives written notice at least one hundred eighty (180) days in advance of the intent not to renew the Franchise.

Section 4. Definitions

For the purpose of this agreement:

“ACC” means the Auburn City Code.

“Emergency” means a condition of imminent danger to the health, safety and welfare of persons or property located within the City including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots, acts of terrorism or wars.

“Maintenance or Maintain” shall mean examining, testing, inspecting, repairing, maintaining, modifying and/or replacing the existing Grantee Facilities or any part thereof as required and necessary for safe operation.

“Relocation” means permanent movement of Grantee facilities required by the City, and not temporary or incidental movement of such facilities, or other revisions Grantee would accomplish and charge to third parties without regard to municipal request.

“Rights-of-Way” means the surface and the space above and below streets, roadways, highways, avenues, courts, lanes, alleys, sidewalks, and easements, owned or controlled by the City.

Section 5. Acceptance of Franchise

A. This Franchise, and any rights granted hereunder, shall not become effective for any purpose unless and until Grantee files with the City Clerk (1) the Statement of Acceptance, attached hereto as Exhibit “D,” and incorporated by reference, (2) all verifications of insurance coverage specified under Section 15, and (3) the financial guarantees specified in Section 16 (collectively, “Franchise Acceptance”). The date that such Franchise Acceptance is filed with the City Clerk shall be the effective date of this Franchise.

B. Should the Grantee fail to file the Franchise Acceptance with the City Clerk within thirty (30) days after the effective date of the ordinance approving the Franchise, the City’s grant of the Franchise will be null and void.

Section 6. Construction and Maintenance

A. The Grantee shall apply for, obtain, and comply with the terms of all permits required under ACC Chapter 12.24 for any work done upon Grantee Facilities. Grantee shall comply with all applicable City, State, and Federal codes, rules, regulations, and orders in undertaking such work, which shall be done in a thorough and proficient manner.

B. Grantee agrees to coordinate its activities with the City and all other utilities located within the public right-of-way within which Grantee is undertaking its activity.

C. The City expressly reserves the right to prescribe how and where Grantee Facilities shall be installed within the public right-of-way and may from time to time, pursuant to the applicable sections of this Franchise, require the removal, relocation and/or replacement thereof in the public interest and safety in compliance with applicable law.

D. Before commencing any work involving excavation within the public right-of-way, the Grantee shall comply with the One Number Locator provisions of RCW Chapter 19.122 to identify existing utility infrastructure.

E. Tree Trimming. Upon prior written approval of the City and in accordance with City ordinances, Grantee shall have the authority to reasonably trim trees upon and overhanging streets, public rights-of-way, and places in the Franchise Area so as to prevent the branches of such trees from coming in physical contact with the Grantee Facilities. Grantee shall be responsible for debris removal from such activities. If such debris is not removed within twenty-four (24) hours of completion of the trimming, the City may, at its sole discretion, remove such debris and charge Grantee for the cost thereof. This section does not, in any instance, grant automatic authority to clear vegetation for purposes of providing a clear path for radio signals. Any such general vegetation clearing will require an additional and separate approval from the City.

Section 7. Access, Repair and Emergency Work

In the event of an emergency, the Grantee may commence such repair and emergency response work as required under the circumstances, provided that the Grantee shall notify the City telephonically during normal business hours (at 253-931-3010 and during non-business hours at 253-876-1985) as promptly as possible, before such repair or emergency work commences, and in writing as soon thereafter as possible. Such notification shall include the Grantee's emergency contact phone number for the corresponding response activity. For

any emergency or after normal business hour issues involving the Grantee's facilities which requires the Grantee's immediate response the City shall contact the Grantee at their network operations center telephonically at 888-662-4662, which is operated 24 hours a day, seven days a week. The City may commence emergency response work, at any time, without prior written notice to the Grantee, but shall notify the Grantee in writing as promptly as possible under the circumstances of the nature of the emergency and the actions taken to address it.

Section 8. Damages to City and Third-Party Property

Grantee agrees that if any of its actions under this Franchise impairs or damages any City property, survey monument, or property owned by a third-party, Grantee will restore, at its own cost and expense, said property to a safe condition. Such repair work shall be performed and completed pursuant to City Code..

Section 9. Location Preference and Interference

A. Any structure, equipment, appurtenance or tangible property of a utility, other than the Grantee's, which was installed, constructed, completed or in place prior in time to Grantee's application for a permit to construct or repair Grantee Facilities under this Franchise shall have preference as to positioning and location with respect to the Grantee Facilities. However, to the extent that the Grantee Facilities are completed and installed prior to another utility's submittal of a permit for new or additional structures, equipment, appurtenances or tangible property, then the Grantee Facilities shall have such priority. These rules governing preference shall continue in the event of the necessity of relocating or changing the grade of any City road or right-of-way. A relocating utility shall not necessitate the relocation of another utility that otherwise would not require relocation. This Section shall not apply to any City facilities or utilities that may in the future require the relocation of Grantee Facilities. Such relocations shall be governed by Section 11.

B. Grantee shall maintain a minimum underground horizontal separation of five (5) feet from City water facilities and ten (10) feet from above-ground City water facilities; provided, that for development of new areas, the City, in consultation with Grantee and other utility purveyors or authorized users of the Public Way, will develop guidelines and procedures for determining specific utility locations.

Section 10. Grantee Information

A. Grantee agrees to supply, at no cost to the City, any information reasonably requested by the City to coordinate municipal functions with

Grantee's activities and fulfill any municipal obligations under state law. Said information shall include, at a minimum, as-built drawings of Grantee Facilities, installation inventory, and maps and plans showing the location of existing or planned facilities within the Rights-of-Way. Said information may be requested either in hard copy or electronic format, compatible with the City's data base system, as now or hereinafter existing, including the City's geographic information Service (GIS) data base. Grantee shall keep the City informed of its long-range plans for coordination with the City's long-range plans.

B. The parties understand that Washington law limits the ability of the City to shield from public disclosure any information given to the City. Accordingly, the City agrees to notify the Grantee of requests for public records related to the Grantee, and to give the Grantee a reasonable amount of time to obtain an injunction to prohibit the City's release of records.

C. Grantee shall indemnify and hold harmless the City for any loss or liability for fines, penalties, and costs (including attorneys fees) imposed on the City because of non-disclosures requested by Grantee under Washington's open public records act, provided the City has notified Grantee of the pending request and has given Grantee ten working days to obtain an injunction to prohibit the City's release of records.

Section 11. Relocation of Grantee Facilities

A. Except as otherwise so required by law, Grantee agrees to relocate, remove, or reroute its facilities as ordered by the City Engineer at no expense or liability to the City, except as may be required by RCW Chapter 35.99 in the event the Franchise Area is required for use by the City in performance of its municipal services. In such event, City will give Grantee prior written notice of the need for such relocation of the Franchise Area. Notwithstanding the foregoing however, and pursuant to the provisions of Section 14, Grantee agrees to protect and save harmless the City from any customer or third-party claims for service interruption or other similar losses in connection with any such change, relocation, abandonment, or vacation of the right-of-way(s).

B. If a readjustment or relocation of the Grantee Facilities is necessitated by a request from a party other than the City, that party shall pay the Grantee the actual costs thereof.

Section 12. Abandonment and or Removal of Grantee Facilities

A. Within one hundred and eighty days (180) of Grantee's permanent cessation of use of the Grantee Facilities, or any portion thereof, the Grantee shall, at the City's discretion, remove the affected facilities, or, with the City's

written permission, abandon in place such facilities whereupon they will transfer to the City in their AS IS and WHERE IS condition without need of execution of any further documentation formalizing the transfer, and without representation or warranty of any kind or nature provided the Grantee shall provide to the City drawings, maps or other documentation about said facilities to the reasonable satisfaction of the City. Following such transfer, Grantee shall no longer be responsible for any liability, maintenance, repair or removal obligations related to or arising from the transferred facilities.

B. The parties expressly agree that this Section shall survive the expiration, revocation or termination of this Franchise.

Section 13. Undergrounding

A. The parties agree that this Franchise does not limit the City's authority under federal law, state law, or local ordinance, to require the undergrounding of utilities that can be installed underground.

B. Whenever the City requires the undergrounding of aerial utilities in the Franchise Area, the Grantee shall underground those portions of Grantee Facilities that can be installed underground in the manner specified by the City Engineer at no expense or liability to the City, except as may be required by RCW Chapter 35.99 or other applicable law. Where other utilities are present and involved in the undergrounding project, Grantee shall only be required to pay its fair share of common costs borne by all utilities it utilizes, in addition to the costs specifically attributable to the undergrounding of Grantee Facilities. Common costs shall include necessary costs for common trenching and utility vaults. Fair share shall be determined in comparison to the total number and size of all other utility facilities being undergrounded and the use thereof by all applicable parties

Section 14. Indemnification and Hold Harmless

A. The Grantee shall defend, indemnify, and hold the City and its officers, officials, agents, employees, and volunteers harmless from any and all costs, claims, injuries, damages, losses, suits, or liabilities of any nature including attorneys' fees to the extent caused by Grantee's performance under this Franchise, except to the extent such costs, claims, injuries, damages, losses, suits, or liabilities are caused by the negligence of the City, its agents, contractors, employees or invitees. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Grantee and the

City, its officers, officials, employees, and volunteers, the Grantee's liability hereunder shall be only to the extent of the Grantee's negligence.

B. The Grantee shall hold the City harmless from any liability for any damage or loss to the Grantee Facilities caused by maintenance and/or construction work performed by, or on behalf of, the City within the Franchise Area or any other City road, right-of-way, or other property, except to the extent any such damage or loss is directly caused by the negligence or intentional misconduct of the City, its agents, contractors, employees or invitees performing such work.

C. The Grantee acknowledges that neither the City nor any other public agency with responsibility for firefighting, emergency rescue, public safety or similar duties within the City has the capability to provide trench, close trench or confined space rescue. The Grantee, and its agents, assigns, successors, or contractors, shall make such arrangements as Grantee deems fit for the provision of such services. The Grantee shall hold the City harmless from any liability arising out of or in connection with any damage or loss to the Grantee for the City's failure or inability to provide such services, and, pursuant to the terms of Section 14(A), the Grantee shall indemnify the City against any and all third-party costs, claims, injuries, damages, losses, suits, or liabilities based on the City's failure or inability to provide such services.

D. Acceptance by the City of any work performed by the Grantee shall not be grounds for avoidance of this section.

E. It is further specifically and expressly understood that the indemnification provided herein constitutes the Grantee's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this agreement with respect to acts or events occurring prior thereto.

Section 15. Insurance

A. The Grantee shall procure and maintain for the duration of this Franchise, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Grantee, its agents, representatives, or employees in the amounts and types set forth below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles with a minimum combined single limit for

bodily injury and property damage of \$1,000,000 per accident. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$1,000,000 products-completed operations aggregate limit. Coverage shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, and personal injury liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse, or underground property damage. The City shall be named as an additional insured under the Grantee's Commercial General Liability insurance policy with respect to the work performed under this Franchise using ISO Additional Insured Endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

3. Professional Liability insurance with limits no less than \$1,000,000 per claim carried by all licensed professionals employed or retained by Grantee to perform services under this Franchise.

4. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

B. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability, and Commercial General Liability insurance:

1. The Grantee's insurance coverage shall be primary insurance with respect to claims alleging Grantee's negligence. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Grantee's insurance and shall not contribute with it.

2. The Grantee's insurance shall be endorsed to state that coverage shall not be cancelled by either party except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

C. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A-:VII.

D. **Verification of Coverage.** Grantee shall furnish the City with documentation of insurer's A.M. Best rating and with original certificates and a copy of amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

E. Grantee shall have the right to self-insure any or all of the above-required insurance. Any such self insurance is subject to approval by the City.

F. Grantee's maintenance of insurance as required by this Franchise shall not be construed to limit the liability of Grantee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 16. Performance Security

The Grantee shall provide the City with a bond, or other financial guarantee in a form and substance reasonably acceptable to the City, in the amount of Fifty Thousand Dollars (\$50,000) running for, or renewable for, the term of this Franchise. In the event Grantee shall fail to substantially comply with any one or more of the provisions of this agreement within the applicable cure or grace period, then there shall be recovered jointly and severally from the principal and any surety of such financial guarantee any damages suffered by City as a direct result thereof, including but not limited to staff time, material and equipment costs, compensation or indemnification of third parties, and the cost of removal or abandonment of facilities hereinabove described. Grantee specifically agrees that its failure to comply with the terms of Section 19 shall constitute damage to the City in the monetary amount set forth therein. Such a financial guarantee shall not be construed to limit the Grantee's liability to the guarantee amount, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 17. Successors and Assignees

A. All the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors, assigns of, and independent contractors of the Grantee, and all rights and privileges, as well as all obligations and liabilities of the Grantee shall inure to its successors, assignees and contractors equally as if they were specifically mentioned herein wherever the Grantee is mentioned.

B. This Franchise shall not be leased, assigned or otherwise alienated without the express prior consent of the City by ordinance. The foregoing

notwithstanding, Grantee may assign this Franchise in whole or in part without the need for the City's consent to any entity that controls, is controlled by, or is under common control with Grantee, or to any entity resulting from any merger or consolidation with Grantee, or to any partner of Grantee or to any partnership in which Grantee is a general partner, or to any person or entity that acquires all of the assets of Tenant as a going concern.

C. For any assignment requiring City consent, Grantee and any proposed assignee or transferee shall provide and certify the following to the City not less than sixty (60) days after the proposed date of transfer: (a) Complete information setting forth the nature, term and conditions of the proposed assignment or transfer (redacted for any financial terms); (b) All information reasonably required by the City of an applicant for a Franchise with respect to the proposed assignee or transferee; and, (c) An application fee which shall be set by the City, plus any other costs actually and reasonably incurred by the City in processing, and investigating the proposed assignment or transfer.

D. Prior to the City's consideration of a request by Grantee to consent to a Franchise assignment or transfer, the proposed Assignee or Transferee shall file with the City a written promise to unconditionally accept all terms of the Franchise, effective upon such transfer or assignment of the Franchise. The City is under no obligation to undertake any investigation of the transferor's state of compliance and failure of the City to insist on full compliance prior to transfer does not waive any right to insist on full compliance thereafter.

E. Upon assignment, Grantee shall be relieved of all liabilities and obligations hereunder accruing thereafter and City shall look solely to the assignee for performance under this agreement and all such obligations accruing thereafter hereunder provided such assignee accepts all such obligations in writing within thirty (30) days of the date of assignment and is of substantially similar financial strength or credit worthiness as Grantee.

Section 18. Dispute Resolution

A. In the event of a dispute between the City and the Grantee arising by reason of this Agreement, the dispute shall first be referred to the operational officers or representatives designated by Grantor and Grantee to have oversight over the administration of this Agreement. The officers or representatives shall meet within thirty (30) calendar days of either party's request for a meeting, whichever request is first, and the parties shall make a good faith effort to achieve a resolution of the dispute.

B. If the parties fail to achieve a resolution of the dispute in this manner, either party may then pursue any available judicial remedies. This

Franchise shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case, and such fees shall be included in the judgment.

Section 19. Enforcement and Remedies

A. If the Grantee shall willfully violate, or fail to comply with any of the provisions of this Franchise through willful or unreasonable negligence, or should it fail to heed or comply with any notice given to Grantee under the provisions of this agreement, the City may, at its discretion, provide Grantee with written notice to cure the breach within thirty (30) days of notification. If the City determines the breach cannot be cured within thirty (30) days, the City may specify a longer cure period, and condition the extension of time on Grantee's submittal of a plan to cure the breach within the specified period, commencement of work within the original thirty day cure period, and diligent prosecution of the work to completion. If the breach is not cured within the specified time, or the Grantee does not comply with the specified conditions, the City may, at its discretion, either (1) revoke the Franchise with no further notification, or (2) claim damages of Two Hundred Fifty Dollars (\$250.00) per day against the financial guarantee set forth in Section 16 for every day after the expiration of the cure period that the breach is not cured.

B. Should the City determine that Grantee is acting beyond the scope of permission granted herein for Grantee Facilities and Grantee Services, the City reserves the right to cancel this Franchise and/or require the Grantee to apply for, obtain, and comply with all applicable City permits, franchises, or other City permissions for such actions, and if the Grantee's actions are not allowed under applicable federal and state or City laws, to compel Grantee to cease such actions.

Section 20. Compliance with Laws and Regulations

A. This Franchise is subject to, and the Grantee shall comply with all applicable federal and state or City laws, regulations and policies (including all applicable elements of the City's comprehensive plan), in conformance with federal laws and regulations, affecting performance under this Franchise. Furthermore, notwithstanding any other terms of this agreement appearing to the contrary, the Grantee shall be subject to the police power of the City to adopt and enforce general ordinances necessary to protect the safety and welfare of the general public in relation to the rights granted in the Franchise Area.

B. The City reserves the right at any time to amend this Franchise to conform to any hereafter enacted, amended, or adopted federal or state statute or regulation relating to the public health, safety, and welfare, if required by such statute or regulation, or relating to roadway regulation, or a City Ordinance enacted pursuant to such federal or state statute or regulation upon providing Grantee with thirty (30) days written notice of its action setting forth the full text of the amendment and identifying the statute, regulation, or ordinance requiring the amendment. Said amendment shall become automatically effective upon expiration of the notice period unless, before expiration of that period, the Grantee makes a written call for negotiations over the terms of the amendment. If the parties do not reach agreement as to the terms of the amendment within thirty (30) days of the call for negotiations, the City may enact the proposed amendment, by incorporating the Grantee's concerns to the maximum extent the City deems possible, or Grantee may terminate this agreement without further liability or penalty subject to its prompt removal of the Grantee Facilities in compliance with applicable terms herein.

C. The City may terminate this Franchise upon thirty (30) days written notice to the Grantee, if the Grantee fails to comply with such amendment or modification within such thirty (30) day period.

Section 21. License, Tax and Other Charges

This Franchise shall not exempt the Grantee from any future license, tax, or charge which the City may hereinafter adopt pursuant to authority granted to it under state or federal law for revenue or as reimbursement for use and occupancy of the Franchise Area.

Section 22. Consequential Damages Limitation

Notwithstanding any other provision of this agreement, in no event shall either party be liable for any special, incidental, indirect, punitive, reliance, consequential or similar damages.

Section 23. Severability

If any portion of this Franchise is deemed invalid, the remainder portions shall remain in effect provided the provision deemed invalid is not a material term to this agreement.

Section 24. Titles

The section titles used herein are for reference only and should not be used for the purpose of interpreting this Franchise.

Section 25. Implementation.

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

Section 26. Termination.

Grantee shall have the right to terminate this agreement with respect to an individual Franchise Area authorized hereunder, without penalty, upon one hundred twenty (120) days prior written notice. In such event, all applicable fees and/or costs set forth herein shall be equitably adjusted as of the effective date of termination

Section 27. 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: FEB 18 2014
PASSED: FEB 18 2014
APPROVED: FEB 18 2014


NANCY BACKUS, MAYOR

ATTEST:

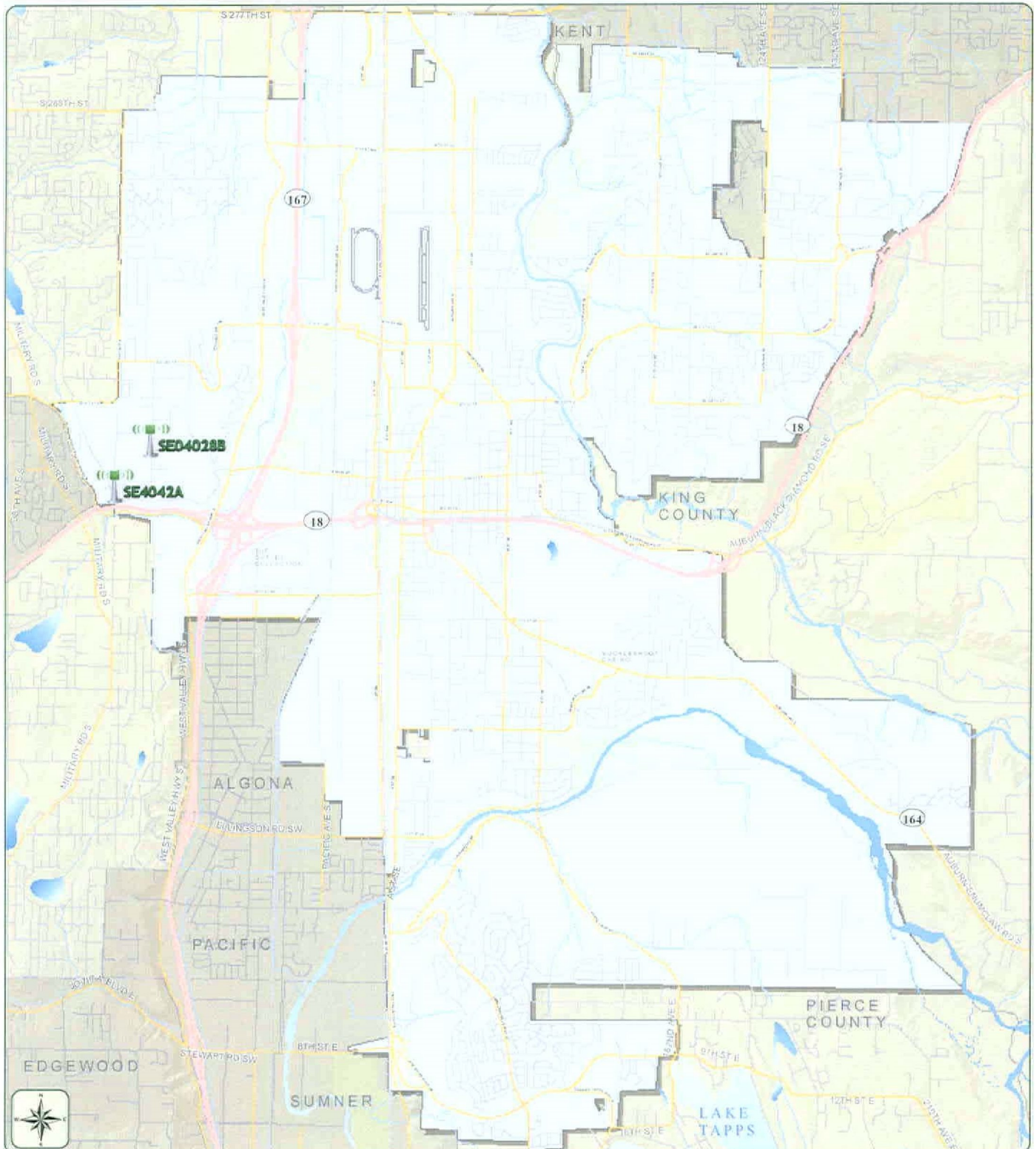

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: February 24, 2014 in the Seattle Times

Exhibit "A" - T-Mobile Franchise Area



Ordinance No. 6491
Exhibit A
February 11, 2014
Page 1 of 1

T Mobile Facilities



Hydrology



Political Boundaries



Transportation



Printed On: 11/27/2013
Map ID: 4317

From this shows only general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn is not responsible for any errors or omissions in this map.

EXHIBIT "B"

GRANTEE FACILITIES

EXISTING T-MOBILE FACILITIES IN CITY OF AUBURN ROW

Site ID: SE4042A, "Peasley Canyon"

Location:
33043 46th Place South
Auburn, WA 98001

Description: Telecommunications Facility consisting of above ground radio equipment cabinets located in a 12'x17' cedar wood fence enclosure in the Right-of-Way (ROW), with antennas collocated on an existing 88' above-ground wooden utility pole in the ROW with connecting underground conduit.

Site ID: SE04028B, Mountain View Cemetery/PR

Location:
5605 S 324th Place
Auburn WA 98001

Description: Telecommunication Facility consisting of antennas located on an existing 75' above-ground wood utility pole in the Right of Way with connecting underground conduit to the radio equipment cabinets located on adjacent private property.

EXHIBIT "C"

GRANTEE SERVICES

SERVICES PROVIDED BY T-MOBILE WITHIN THE CITY OF AUBURN:

Telecommunications Services authorized by the Federal Communications Commission; including but not limited to the following:

THE TRANSMISSION, AMPLIFICATION AND RECEPTION OF RADIO COMMUNICATION SIGNALS, INCLUDING BUT NOT LIMITED TO THOSE RELATED TO:

- VOICE,
- DATA,
- IMAGES AND VIDEO
- E-911/EMERGENCY ACCESS
- 3-G AND 4-G

EXHIBIT "D"

STATEMENT OF ACCEPTANCE

T-Mobile West LLC, A Delaware limited liability company, for itself, its successors and assigns, hereby accepts and agrees to be bound by all lawful terms, conditions and provisions of the Franchise attached hereto and incorporated herein by this reference.

T-Mobile West LLC
A Delaware limited liability company

By: [Signature] Date: 3/6/14
Name: Jay Noceto
Title: PNW Area Director, Engineering & Operations

[Signature]

3/4/14

STATE OF WASHINGTON

COUNTY OF KING)ss.
)

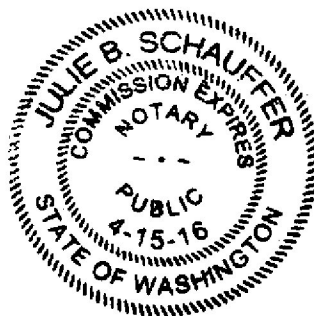
On this 6th day of March, 2014, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Jay Noceto of T-Mobile West LLC, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

[Signature]
Signature

[Signature]
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle

MY COMMISSION EXPIRES: 4/15/16



ORDINANCE NO. 6575

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6491 AND THE T-MOBILE WEST, LLC FRANCHISE NO.13-37 TO ADD AN ADDITIONAL LOCATION

WHEREAS, On February 18, 2014, the City Council adopted Ordinance No. 6491, granting a wireless communications franchise to T-Mobile West, LLC ("Grantee"); and,

WHEREAS, T-Mobile West LLC wishes to add an additional site within the City; and

WHEREAS, following proper notice, the City Council held a public hearing on the Grantee's request for an Amendment to Franchise Agreement No. 13-37, at which time representatives of Grantee and interested citizens were heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

WHEREAS, based upon the foregoing recital clauses and from information presented at such public hearing and from facts and circumstances developed or discovered through independent study and investigation, the City Council in compliance with RCW 35.99 now deems it appropriate and in the best interest of the City and its inhabitants that the Amendment to Franchise Agreement No. 13-37 be granted to the Grantee.

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

Ordinance No. 6575
Franchise Agreement No. 13-37, Amendment No. 1
January 13, 2016
Page 1 of 7

Section 1. Exhibits A and B of Ordinance No. 6491 are hereby replaced with Exhibits A and B, attached hereto and incorporated herein by this reference, and a new Exhibit B-2 and Exhibit D-1 are added as Exhibits to Ordinance No. 6491, which additional Exhibits are also attached hereto and incorporated herein by this reference.

Section 2. All other provisions of Ordinance No. 6491 shall remain unchanged and in full force and effect.

Section 3. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 4. 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.

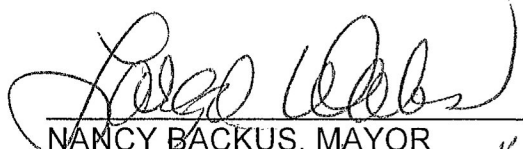
Section 5. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

FIRST READING: JAN -4 2016

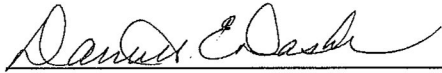
SECOND READING: JAN 19 2016

PASSED: JAN 19 2016

APPROVED: JAN 19 2016


NANCY BACKUS, MAYOR
for Mayor Backus

ATTEST:



Danielle E. Daskam, City Clerk

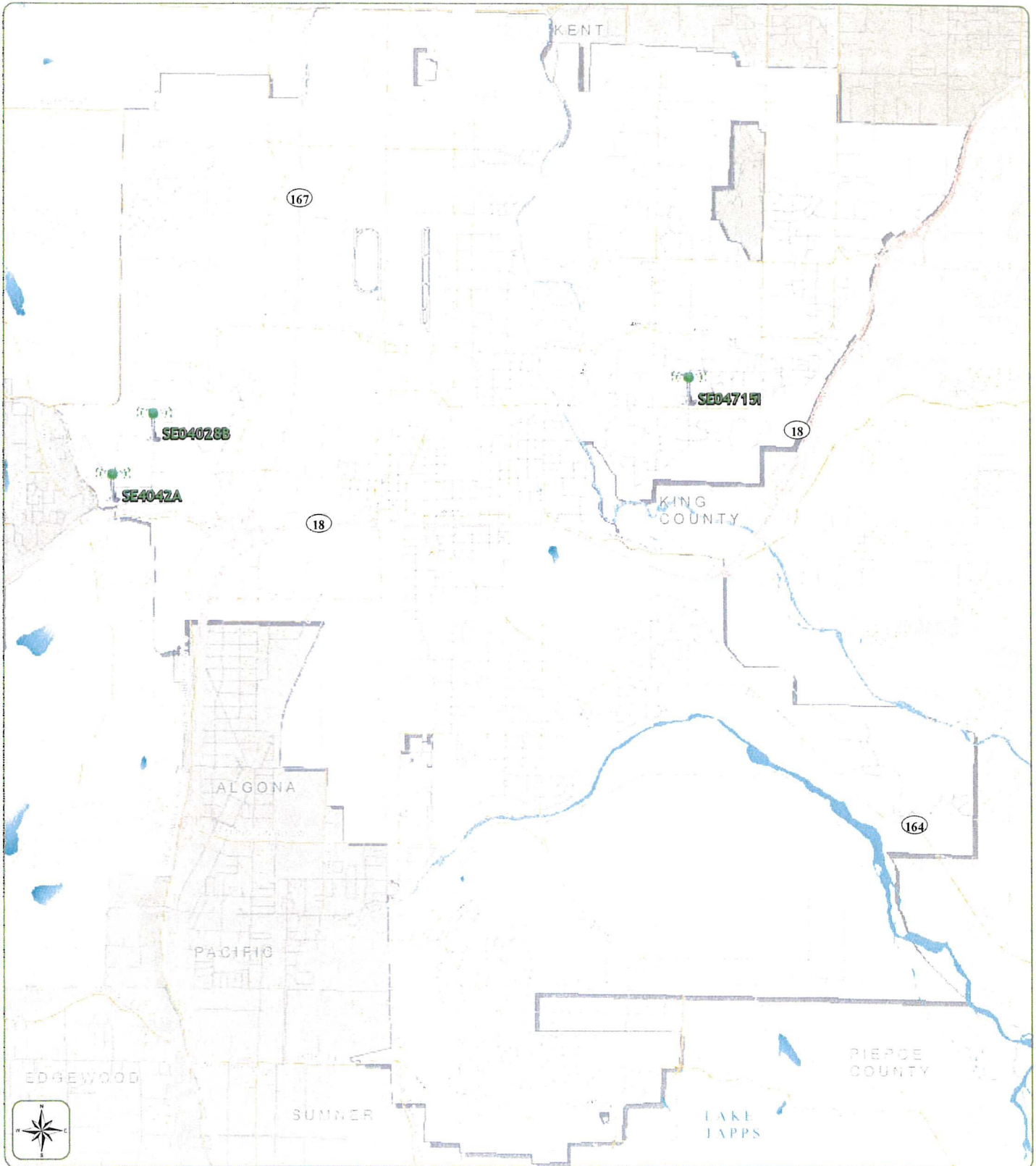
APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: January 25, 2016 in *The Seattle Times*

Exhibit "A" - T-Mobile Franchise Area



T-Mobile Facilities

- SE040288
- SE4042A
- SE047151

Hydrology

- Streams
- Lakes and Rivers

Political Boundaries

- City of Auburn
- Surrounding Cities
- King and Pierce Counties

Transportation

- Arterials
- Highways
- Locals

EXHIBIT "B"

GRANTEE FACILITIES

EXISTING T-MOBILE FACILITIES IN CITY OF AUBURN ROW

- Site ID: SE4042A, "Peasley Canyon"
Location: 33043 46th Place South
Auburn, WA 98001
Description: Telecommunications Facility consisting of above ground radio equipment cabinets located in a 12'x17' cedar wood fence enclosure in the Right-of-Way (ROW), with antennas collocated on an existing 88' above-ground wooden utility pole in the ROW with connecting underground conduit.
- Site ID: SE04028B, Mountain View Cemetery/PR
Location: 5605 S 324th Place
Auburn, WA 98001
Description: Telecommunications Facility consisting of antennas located on an existing 75' above-ground round wood utility pole in the Right of Way with connecting underground conduit to the radio equipment cabinets located on adjacent private property.

NEW T-MOBILE FACILITIES IN CITY OF AUBURN ROW

- Site ID: SE04715I, Lea Hill
Location: 11534 SE 318th Place
Auburn, WA 98092
Description: Telecommunications Facility consisting of antennas located on a new utility replacement pole in the Right of Way with connecting underground conduit to ground equipment located on private property.

For Site SE04715I, the Grantee shall submit substantial changes to the City Engineer to ensure the antennas are in substantial conformance with the depiction in Exhibit B-2 and in compliance with the Federal Telecommunications Act of 1996. For the purposes of this franchise, substantial changes shall be considered to be an increase in the height of the antennas by 10% or more, or an increase in the width of the antennas by 25% or more.

EXHIBIT "B"

GRANTEE FACILITIES

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EXHIBIT "D-1"

STATEMENT OF ACCEPTANCE

T-Mobile West LLC, a Delaware limited liability company, for itself, its successors and assigns, hereby accepts and agrees to be bound by all lawful terms, conditions and provisions of the Franchise attached hereto and incorporated herein by this reference.

T-Mobile West LLC,
a Delaware limited liability company

By: [Signature]
Name: PHILIP HANKINS
Title: PNW Area Director, Engineering & Operations

Date: 1/26/16

T-Mobile Legal Approval By:

[Signature]
Name: Kelly Dunham

1/19/16

STATE OF WASHINGTON)
)ss.
COUNTY OF KING)

On this 26 day of January, 2016, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, Philip Hankin of T-Mobile West LLC, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

[Signature]
Signature

Priscilla Finch
NOTARY PUBLIC in and for the State of
WA, residing at Bothell WA

MY COMMISSION EXPIRES: 1/6/2019

Ordinance No. 6575
Franchise Agreement No. 13-37, Amendment No. 1
January 13, 2016
Page 7 of 7



STATE OF WASHINGTON)
)ss.
COUNTIES OF KING AND PIERCE)

I, Shawn Campbell, the duly appointed, qualified Deputy City Clerk of the City of Auburn, a Municipal Corporation and Code City, situate in the counties of King and Pierce, State of Washington, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 6575 of the Ordinance of the City of Auburn, entitled "AN ORDINANCE."

I certify that said Ordinance No. 6575 was duly passed by the Council and approved by the Mayor of the said City of Auburn, on the 19th day of January, 2016.

I further certify that said Ordinance No. 6575 was published as provided by law in the Seattle Times, a daily newspaper published in the City of Auburn, and of general circulation therein, on the 25th day of January, 2016.

Witness my hand and the official seal of the City of Auburn, this 2nd day of February, 2016.


Shawn Campbell, Deputy City Clerk
City of Auburn



AGENDA BILL APPROVAL FORM

Agenda Subject:

Brannan Park Baseball Synthetic Turf (Faber)

Date:

January 29, 2019

Department:

Parks/Art and Recreation

Attachments:

[Coast to Coast Certified Proposal](#)
[location map](#)

Budget Impact:**Administrative Recommendation:**

Approve contract for CP1817

Background Summary:

This project allows for the installation of AstroTurf on the extended infield of the Brannan Park Baseball field. The City of Auburn received a grant from the State of Washington Recreation Conservation Office (RCO) in an amount of \$218,100 as well as King County, in an amount of \$75,000, to assist in funding this project. Total Contract allowance is \$611,268.90. The City of Auburn portion is being funded through Park Impact Fees. Brannan Park is the site of Auburn Parks only full size baseball field. This project will greatly increase play as field conditions will greatly improve, especially during the wetter months.

This project authorizes the purchase and installation of approximately 33,150 square feet of AstroTurf at Brannan Park Baseball Field. Includes Synthetic Turf, Base Work, and Drainage. Project to be completed by Coast to Coast Turf and purchased through the National IPA Cooperative Contract #R162201

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

Faber

Meeting Date: February 4, 2019

Item Number:

CA.G



Quotation For:

Brannan Park

Synthetic Turf Infield

www.c2cturf.com

www.astroturf.com



RE: CERTIFIED PROPOSAL NUMBER - R162201-WA-19366 - Brannan Park

Dear Auburn Parks and Recreation:

Thank you for your consideration in accessing and potentially utilizing a National IPA cooperative contract. Each contract in the National IPA portfolio has been competitively solicited and publicly awarded by a government/education entity.

For those contracts that utilize proposals, particularly contracts for facility and construction projects, we have implemented the National IPA Certified Proposal Number (CPN) system, a proposal registration program. This new system will track transactions from the initial proposal stage to the completion of each project, and provide consistency and faster service for your agency. It will also allow us to assist you with verification of contract compliance and consistency.

THE CPN PROCESS

Awarded contract suppliers register your project with National IPA and receive a CPN. That CPN (noted above) should be prominently displayed on proposal(s) utilizing the cooperative contract. The CPN will also alert our dedicated and experienced National IPA team, who will work to support you and the awarded supplier during the process.

Your National IPA representative is Shelley Andrews can be contacted at shelley.andrews@nationalipa.org or 509-998-1503.

Thank you for your participation with National IPA.

Sincerely,

The National IPA Team



October 8, 2018

To Daryl and Jamie,

Coast to Coast Turf (WA License # **COASTCT863lt**), an authorized distributor of AstroTurf is pleased to submit the following budget proposal purchase through National IPA Cooperative Contract #R162201 for approximately 33,150 square feet of AstroTurf Diamond Series RBI Synthetic Turf , Base Work and Drainage at Brannan Park in Auburn Washington.

Synthetic Turf:

Infield – Approximately 33,150 Sq Ft:

<u>AstroTurf Diamond Series OPS Infield-</u>	<u>\$168,000.00</u>
<u>ERA Game Mound and 6 Velcro Inserts-</u>	<u>\$6,200.00</u>
<u>ERA Batter's Box Velcro Inserts (4 Sets)-</u>	<u>\$4,000.00</u>
<u>ERA Catchers Box Velcro Inserts (4 Sets)-</u>	<u>\$4,000.00</u>

10' Outfield Apron – Approximately 2,570 Sq Ft:

<u>RootZone Diamond Blend-</u>	<u>\$12,000.00</u>
--------------------------------	--------------------

Synthetic Turf Inclusions:

- Samples, submittal information, and shop drawings as required
- Visual inspection of the sub-base constructed by others
- **AstroTurf Diamond Series OPS**
 - **1 5/8" RootZone Diamond Blend 52 Ounce – Green Turf**
 - **1 1/8" RootZone Diamond I 52 Ounce – Brown Turf**
 - **ERA RootZone Diamond 80 Ounce Velcro Inserts– Pitcher, Batters Boxes, Catchers Boxes**
- Installation of **AstroTurf Diamond Series OPS** by manufacturer-certified crews
- All seams to be Glued
- All inlays to be installed using hotmelt
- An infill of Sand and Ambient SBR at the manufacturer-approved weight and ratio for **AstroTurf Diamond Series OPS**
- Payment and performance bonds
- Inlaid Markings:
 - Baseball
- Velcro Pitchers Inserts – 6 ERA RootZone 80 Ounce
- Velcro Batters Box Inserts – 4 ERA RootZone 80 Ounce
- Velcro Catchers box Inserts – 4 ERA RootZone 80 ounce
- AstroTurf standard 8 year warranty
- Wages as appropriate in the State of Washington (Prevailing Wage Rates)
- Cleanup and disposal of our debris into dumpsters

Base Work:

Site work Construction approximately 32,120 SF

- General conditions
- Mobilize and demobilize construction site.
- Construct haul road.
- TESC
- Provide temporary fencing and maintain.
- Remove and replace areas of existing fence and restore to same for construction.
- Excavate and dispose of soils off site.
- Supply and install collector drain system.
- Supply and install a 4" perforated piping drain lateral system.
- Supply and install synthetic turf attachment for the perimeter of the synthetic turf.
- Supply and install 140-N geotextile fabric.
- Furnish, fine grade and compact a 6" depth of crushed permeable base course.
- Furnish, fine grade and compact a 2" depth of crushed permeable top course.
- Furnish and install 1 set of bases, plates and anchors.
- Restore natural grass sod.

Lump sum of \$337,743.00

Additional 10' Outfield Apron approximately 2,570 SF

- Excavate sod and dispose.
- Supply and install permeable aggregates to the specifications above.

Lump Sum of \$23,756.00

This proposal excludes the following:

1. Protection or repair of damage to concrete and asphalt at access road.
2. Flagging, traffic control and traffic control plans.
3. Engineering, engineering fees, taxes, permits, and permit fees.
4. Handling or disposing of any contaminated, unsuitable, or hazardous materials.
5. Special inspections.
6. Removal of bedrock, digging through bedrock, export and disposal of bedrock.

Proposal includes bonds, prevailing wages and filing fees.

Proposal excludes architecture designing, structural engineering, permits, bonds, WA St Sales Tax, and/or any not specifically mentioned above.

Proposal is valid for 90 days.

Regards,

Steve Webb

President - Coast to Coast Turf

Direct: (509) 953-1607

Email: steve@coasttocoastturf.com

Website: www.coasttocoastturf.com

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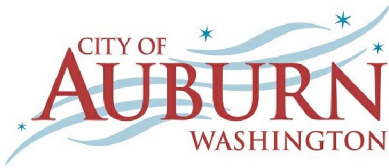


BRANNAN FIELD #1
INFIELD AREA

Printed Date: 4/27/2016
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AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5403 (Coleman)

Date:

January 29, 2019

Department:

Finance

Attachments:

[Resolution No. 5403](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Resolution No. 5403

Background Summary:

The water fund has approximately \$8.2 million of identified project costs in the 6-year capital facility plan in which bond funding is suitable. In addition, the 2019/2020 biennial budget contemplates approximately \$7.2 million in bond issuances as a capital project funding source.

The proposed interfund loan authorization will utilize capital reserves in the storm and sewer funds for a period up to 5 years. Principal and interest repayment will occur following the subsequent issuance of bonds. Interest on the loan will be assessed at the current rate of return on investments held in the Washington State Local Government Investment Pool (LGIP).

The recommendation to utilize an interfund loan for the commencement of these capital undertakings is founded on three issues.

First, the rate of interest on a bond issue will likely exceed the rate of return on the LGIP. By leveraging an interfund loan, a benefit is derived on both sides of the equation. Total interest cost will be lower and the City pays itself rather than a third-party bondholder for this period of time.

Second, several factors can influence and extend the duration of a project (i.e. bid climate, availability of project management staff, weather). If bonds are issued on the front end, this not only drives up interest costs but it also creates pressure to meet federal arbitrage spend down requirements for any bond issues in excess of \$5 million.

Lastly, an interfund loan provides an opportunity to orchestrate the timing, type and amount of bond issuance. Substantial savings in the form of real dollars and staff time can be achieved through bank private placement and bond issuance amounts less than \$5 million. These vehicles eliminate costly regulatory requirements (Securities and Exchange Commission, Internal Revenue Service) and issue costs (bond rating agency review, official statement preparation).

Reviewed by Council Committees:

Councilmember:

Meeting Date: February 4, 2019

Staff:

Item Number:

Coleman

RES.A

RESOLUTION NO. 5403

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING A LOAN OR LOANS FROM THE SEWER FUND (FUND NO. 431) AND/OR THE STORM DRAINAGE FUND (FUND NO. 432) TO THE WATER FUND (FUND NO. 430) FOR UP TO A FIVE-YEAR PERIOD OF TIME

WHEREAS, the issuance of revenue bonds is planned as a funding source for carrying out certain Water Fund capital projects during the 2019 – 2024 period as identified in the adopted Capital Facilities Plan; and

WHEREAS, interfund loans can serve as a short-term financing mechanism to hedge bond arbitrage issues and spend down requirements; and

WHEREAS, the Sewer Fund and Storm Drainage Fund have sufficient funds from which to transfer monies in an amount not to exceed FIVE MILLION AND NO/100 DOLLARS (\$5,000,000.00) for the purpose of making loans to cover capital project expenses of the Water Fund; and

WHEREAS, if a loan is made from the Sewer Fund or the Storm Drainage Fund to the Water Fund, the loan will be repaid at the current rate of investment return of the Washington State Local Government Investment Pool on the outstanding balance during the term of the loan; and

WHEREAS, revenue bond issuances are planned for during the 2019 – 2024 period for the purpose of repaying the interfund loan balances.

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

Section 1. The Mayor or Mayor's designee is authorized to transfer funds from the Sewer Fund and/or the Storm Drainage Fund to the Water Fund when there are insufficient funds available to cover authorized capital expenses in an amount not to exceed FIVE MILLION AND NO/100 DOLLARS (\$5,000,000.00). Any loan will be repaid with an interest rate commensurate with the rate of investment return of the Washington State Local Government Investment Pool in effect on the date of the transfer. This authority is effective from February 1, 2019 through December 31, 2024.

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 _____, 2019.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney