CITY OF AUBURN WASHINGTON	**City Council Meeting** **January 4, 2016 - 7:00 PM** **Auburn City Hall** **MINUTES**

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 at Auburn City Hall, 25 West Main Street in Auburn. Mayor Backus led those in attendance in the Pledge of Allegiance.

B. Roll Call

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

Department Directors and staff members in attendance included: Chief of Police Bob Lee, Director of Administration Dana Hinman, City Attorney Daniel B. Heid, Community Development and Public Works Director Kevin Snyder, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Engineering Aide Amber Price, Human Resources and Risk Management Director Rob Roscoe, Planning Services Manager Jeff Dixon, Innovation and Technology Director Paul Haugan, Finance Director Shelley Coleman, and City Clerk Danielle Daskam.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Miss Auburn Scholarship Program Days Proclamation

Mayor Backus to proclaim January 22 and 23, 2016 as Miss Auburn and Miss Auburn's Outstanding Teen Days in the city of Auburn.

Mayor Backus greeted contestants for the Miss Auburn and Miss Auburn's Outstanding Teen scholarship program. Each contestant introduced herself and reported on her sponsor and described her platform. Miss Auburn contestants in attendance included: Heather Haggin sponsored by Auburn Noon Lions, Allison Amador sponsored by Kiwanis of the Valley, Megan Kickner sponsored by the Rotary Club of Auburn, Whitney Van Vleet sponsored by Longhorn Barbecue, Sarah Gleason sponsored by Noon Kiwanis Club of Auburn, Arden McCarthy sponsored by Scotty's General Construction, Angela Suresh sponsored by Gerry Honeysett Construction, Cami Werden sponsored by Don Small and Sons, and Keely Franchini, 2015 Miss Auburn's Outstanding Teen. Miss Auburn's Outstanding Teen contestants in attendance included: Kasidy Love sponsored by Bogey's Public House, Kamsi Onyenna sponsored by Puget Sound Printing, Alexis Florence sponsored by Oddfellas Pub and Eatery, Jhaydee Francisco sponsored by Sound Credit Union, Jayni Bohannon sponsored by Fitchett Benedict and Clark, Nicole Propst sponsored by Cascade Eye and Skin Center, Kaobi Onyenna sponsored by BTC

Insurance, Skylar Erickson sponsored by Waste Management, Jaclyn Seifert sponsored by Auburn Chevrolet, and McKenna Webb sponsored by Molen Orthodontics.

Mayor Backus read a proclamation declaring January 22 and 23, 2016 as Miss Auburn and Miss Auburn's Outstanding Teen Days in the city of Auburn.

III. APPOINTMENTS

A. Election of Deputy Mayor

City Attorney Heid reviewed the process for selecting Deputy Mayor pursuant to Section 12 of the Council Rules of Procedure.

Deputy Mayor Holman nominated Councilmember Largo Wales.

Councilmember Trout nominated Deputy Mayor John Holman; however, Deputy Mayor Holman declined the nomination.

There being no other nominations, Councilmember Wales was elected Deputy Mayor by a majority vote.

B. Arts Commission Appointment

City Council to confirm the appointment of Trudi Moses to the Arts Commission for a three year term to expire January 31, 2018.

Deputy Mayor Wales moved and Councilmember Trout seconded to confirm the appointment of Trudi Moses to the Arts Commission.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Board and Commission Reappointments

City Council to confirm the following board and commission reappointments for three year terms ending December 31, 2018:

<u>Airport Board</u>
John Theisen

<u>Arts Commission</u>
Nancy Colson

<u>Cemetery Board</u>
Arnie Galli

<u>Human Services Committee</u>
JoAnne Walters

<u>Parks & Recreation Board</u>
Vicki Gilthvedt

<u>Planning Commission</u>
Jack Smith
Roger Lee

Salary Commission
Terry Hurlbut

Deputy Mayor Wales moved and Councilmember Holman seconded to confirm the following re-appointments for three year terms ending December 31, 2018: John Theisen to the Airport Board, Nancy Colson to the Arts Commission, Arnie Galli to the Cemetery Board, JoAnne Walters to the Human Services Committee, Vicki Gilthvedt to the Parks and Recreation Board, Jack Smith and Roger Lee to the Planning Commission, and Terry Hurlbut to the Salary Commission.

MOTION CARRIED UNANIMOUSLY. 7-0

IV. AGENDA MODIFICATIONS

Resolution No. 5194 was added to the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Public Hearing for Right-of-Way Vacation V2-15 (Snyder)
City Council to conduct a public hearing on the proposed vacation of right-of-way of 64th Avenue South, south of South 300th Street (Vacation V2-15)

Engineering Aide Amber Price presented the staff report on the request of Schneider Homes for the vacation of right-of-way of the south 137.85 feet of 64th Avenue South, south of 300th Street. The proposed vacation consists of 4,131 square feet of right-of-way bordered on the east and west by parcels owned by the applicant. The applicant proposes to incorporate the right-of-way in the development of the adjoining lots and the preliminary plat of Wyncrest Division II.

The right-of-way was originally deeded to King County to settle a property tax debt in 1963. The property was used as right-of-way by King County and formally converted to right-of-way by the County in 1987. The area was annexed to the City on January 1, 2008.

The application has been reviewed by City staff and utility purveyors, and it has been determined that the right-of-way is no longer necessary to meet the needs of the City. Staff recommends approval of the vacation with reservation of access easements for Puget Sound Energy and Bonneville Power Administration and compensation to the City for the full appraised value of the right-of-way in the amount of $20,700.00.

Public benefit for the vacation includes decreased right-of-way maintenance obligations and increased property tax revenue, as the vacated right-of-way will be incorporated into a building lot.

Councilmember Wagner inquired about how the value of the right-of-way is determined. Ms. Price advised the applicant is required to provide an appraisal by a licensed appraiser that is reviewed and approved by the City Engineer.

Mayor Backus opened the public hearing at 7:25 p.m. There was no public comment and the hearing was closed.

2. Public Hearing for Franchise Agreement No. 13-37, Amendment No. 1 (Snyder)
City Council to conduct a public hearing on the application from T-Mobile West, LLC, 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, repair, relocate and remove its facilities in, on, upon, along and/or across those right(s) -of-way. The purpose of the public hearing is to determine public benefit and impact, applicant compliance, public right-of-way capacity to accommodate the telecommunication system, potential disruption of public right-of way, and present and future use of the public right-of-way.

Engineering Aide Amber Price presented the staff report on the request from T-Mobile West LLC to amend their existing Franchise Agreement No. 13-37 in order to build in the City's right-of-way an additional wireless telecommunications facility adjacent to 11534 SE 318th Place. The applicant proposes to replace the existing 33 foot Puget Sound Energy pole located in the right-of-way of 116th Avenue SE with a new 54 foot pole that they would attached antennas. Ms. Price displayed a rendering of the proposed antenna. Currently there are no height restrictions in the right-of-way. The roadway classification of 116th Avenue SE is residential collector, and the posted speed limit is 25 miles per hour. Zoning in the area is R7 and the land use classification is single family.

Property owners within a 1,000 foot radius of the pole location were notified of the proposed amendment.

Ms. Price reported all permits for the location would be reviewed, approved and managed through the City's permitting processes. The replacement pole is required to be located as far back in the right-of-way as possible so that if, and when, a new sidewalk along the street is constructed, the pole will not have to be relocated and will not impede pedestrian or vehicular traffic.

Two written comments were received from the public for the record: Thomas Pike located at 11533 SE 318th Place expressing opposition to the amendment, and Don Bushell, owner of 31509 117th Place SE, expressing support for the amendment.

Deputy Mayor Wales questioned whether construction of a sidewalk along the area could be a condition of the amendment. Director Snyder and Assistant Director Gaub both indicated it would be a difficult legal nexus to prove the impact of the replacement pole warrants a new sidewalk in the area where a sidewalk does not already exist.

In response to a question from Councilmember Baggett, Assistant Director Gaub reported T-Mobile has received its permit from the Federal Aviation Administration, and the permit does not require a light at the top of the pole.

In response to a question from Councilmember Trout on responsibility for maintenance of the landscape area near the pole, Assistant Director Gaub explained the City Code requires the adjacent property owner to maintain the landscaped area.

Mayor Backus opened the hearing at 7:35 p.m. There was no public comment, and the hearing was closed.

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.

No one from the audience requested to address the Council.

C. **Correspondence**

There was no correspondence for Council 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 recommendations to the City Council, if any.

Councilmember Trout reported on behalf of the Council ad hoc committee that reviews claims and payroll vouchers. Councilmember Trout reported Councilmember DaCorsi and she reviewed claims and payroll vouchers as presented and described on this evening's Consent Agenda and recommend their approval.

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 December 7, 2015 City Council Meeting

B. Minutes of the December 14, 2015 Special City Council Meeting

C. Claims Vouchers (Coleman)
Claims voucher numbers 436561 through 436758 in the amount of $4,817,116.39 and two wire transfers in the amount of $668,673.73 and dated December 21, 2015.

D. Claims Vouchers (Coleman)
2015 claims voucher numbers 436760 through 436926 in the amount of $2,618,709.34 and two wire transfers in the amount of $146,002.97 and dated January 4, 2016.

2016 claims voucher numbers 436759 and 436927 through 436938 in the amount of $92,765.32 and dated January 4, 2016.

E. Payroll Vouchers (Coleman)
Payroll check numbers 536087 through 536125 in the amount of $952,932.59, electronic deposit transmissions in the amount of $1,396,176.60 for a grand total of $2,349,109.19 for the period covering November 26, 2015 to December 16, 2015.

F. Payroll Vouchers (Coleman)
Payroll check numbers 536126 through 536156 in the amount of $667,926.47, electronic deposit transmissions in the amount of $1,373,159.91 for a grand total of $2,041,086.38 for the period covering December 17, 2015 to December 30, 2015.

G. Public Works Project No. CP1208 (Snyder)
City Council approve Change Order No. 2 in the amount of $54,681.35 to Contract No. 14-10 for work on Project No. CP1208 (Sewer Pump Station Improvements)

Deputy Mayor Wales moved and Councilmember DaCorsi seconded to approve the Consent Agenda.

The Consent Agenda includes minutes, claims and payroll vouchers, and Public Works Project No. CP1109 change order.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

A. Ordinance No. 6575, First Reading (Snyder)
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

Councilmember Holman moved and Councilmember Trout seconded to adopt Ordinance No. 6575.

Councilmember Peloza inquired regarding the five points contained in the public comment letter from Mr. Pike. Assistant Director Gaub noted that some of Mr. Pike's comments relate to private property, which is not covered by the franchise agreement. T-Mobile's proposal to locate an equipment building on a separate, privately-owned parcel will go through a separate permitting process.

Councilmember DaCorsi inquired whether any disruption of service will occur with the replacement of the pole. Assistant Director Gaub indicated Puget Sound Energy has not provided information on any potential utility disruption to replace the pole. Councilmember DaCorsi requested that Council be advised of any potential disruption of service.

Councilmember Wagner recommended that the rendering of the pole and antenna, as it appears on Exhibit A2 of the agenda packet, be included as part of the exhibits to the ordinance. Additionally, Councilmember Wagner recommended language added to the ordinance to provide that any change in appearance of the antenna would require an amendment to the ordinance.

Councilmember Wagner moved and Deputy Mayor Wales seconded to amend Ordinance No. 6575 to include Exhibit A2 in the ordinance and add a paragraph providing that any substantial geometric change to the antenna would require approval by the Council.

Councilmember Peloza inquired regarding any electromagnetic emissions from the antenna. Mr. Drew Thatcher, representing T-Mobile, explained the purpose of the antenna is to transmit electromagnetic waves. Mr. Thatcher offered to provide recent information from international organizations that have reviewed potential impact of electromagnetic emissions. Mr. Thatcher stated the exposures are far below the thresholds.

Director Snyder added that the Federal Communications Act of 1996 preclude local governments from consideration of any impact of electromagnetic emissions as it is regulated by the Federal Communications Commission.

Councilmember Wales requested additional information on sidewalks along 116th Street prior to the second reading of the ordinance.

In response to a question from Councilmember Peloza, Assistant Director Gaub reported T-Mobile has two cell towers on the West Hill and AT&T has a 96 foot tower on Auburn Way North.

B. Ordinance No. 6576, First Reading (Snyder)
An Ordinance of the City Council of the City of Auburn Washington, vacating right-of-way of 64th Avenue South, south of South 300th Street, within the City of Auburn, Washington

Deputy Mayor Wales moved and Councilmember Trout seconded to adopt Ordinance No. 6576.

A public hearing on the proposed vacation was held earlier this evening.

C. Ordinance No. 6580, First Reading (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, relating to planning; adopting annual Comprehensive Plan text amendments pursuant to the provisions of RCW Chapter 36.70A

Councilmember DaCorsi moved and Deputy Mayor Wales seconded to adopt Ordinance No. 6580.

Ordinance No. 6580 amends the Comprehensive Plan to include the 2015 City-initiated annual Comprehensive Plan amendments.

D. Ordinance No. 6581, First Reading (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 19.02.115, 19.02.120, 19.02.130 and 19.02.140 of the Auburn City Code relating to school impact fees

Councilmember Holman moved and Councilmember Baggett seconded to adopt Ordinance No. 6581.

Ordinance No. 6581 relates to 2016 revisions of school district impact fees. Auburn City Code requires annual Council review of school impact fees.

E. Ordinance No. 6583, Second Reading (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending Section 19.04.040 of the Auburn City Code, entitled "Assessment of Impact Fees" for the purpose of revising code language to clarify intent

Councilmember Holman noted the ordinance provides for a change in language related to traffic impact fees that would allow applicants to pay the lowest rate in effect between the time that a building permit is submitted and the time the City issues the permit.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. RESOLUTIONS

A. Resolution No. 5193 (Roscoe)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an Agreement between the City of Auburn and the International Association of Machinists and Aerospace Workers District Lodge No. 160

Deputy Mayor Wales moved and Councilmember Peloza seconded to adopt Resolution No. 5193.

Resolution No. 5193 approves a Collective Bargaining Agreement between the City and the International Association of Machinists, Local 160.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5194
A Resolution of the City Council of the City of Auburn, Washington, establishing a moratorium on the allowance, acceptance or processing of applications for business licenses and other licenses, permits and approvals for marijuana/cannabis related businesses and uses

Councilmember Holman moved and Deputy Mayor Wales seconded to adopt Resolution No. 5194.

Councilmember Holman spoke in favor of the moratorium. He noted state law has changed and the potential impact on the City is unknown. A moratorium will give the City adequate time to investigate the implications of the change in state law on the City.

Deputy Mayor Wales spoke in favor of the moratorium and agreed with comments made by Councilmember Holman.

Councilmember DaCorsi spoke in favor of the moratorium. Councilmember DaCorsi pointed out the City's Planning Commission will be holding public hearings on the matter and consider the impacts of the change in State law on the City.

Councilmember Wagner encouraged citizens to contact their legislators and demand the state do their job and ensure adequate regulations are in place.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Resolution No. 5195 (Roscoe)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an Interlocal Agreement for the EHCW VEBA Trust Cooperative

Deputy Mayor Wales moved and Councilmember Holman seconded to adopt Resolution No. 5195.

Resolution No. 5195 approves an Interlocal Agreement with VEBA Trust through Employers Health Coalition of Washington.

MOTION CARRIED UNANIMOUSLY. 7-0

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on their significant City-related activities since the last regular Council meeting.

A. From the Council

Deputy Mayor Wales reported on her attendance on the Solid Waste Advisory Council, which is looking to increase the amount of recycling, particularly in unincorporated King County. Deputy Mayor Wales also reported she participated in the Auburn Food Bank Thanksgiving and Christmas dinners. Deputy Mayor Wales commented on the number of dinners the Food Bank was able to provide through the generosity of the Auburn community.

Councilmember DaCorsi reported he enjoyed participating in several local holiday events, particularly the tree lighting ceremony in the City Hall plaza.

Councilmember Trout reported on her attendance at the tree lighting celebration and other local holiday events.

B. From the Mayor

Mayor Backus reported on the recent Sister City delegation visit from Guanghan, Sichuan Province, China. Mayor Backus also reported she attended a recent Senior Center Coffee Hour with Councilmember Wagner, the Auburn Bus Drivers Christmas Toy Giveaway, and the Auburn Food

Bank and Valley Regional Fire Authority fire fighters toy drive and giveaway.

XIII. EXECUTIVE SESSION

At 8:14 p.m. Mayor Backus recessed the meeting for a five minute intermission and then to executive session for approximately 20 minutes in order to discuss pending litigation pursuant to RCW 42.30.110(1)(i). City Attorney Heid, Human Resources and Risk Management Director Roscoe and Finance Director Coleman attended the executive session. It was indicated no action would follow the executive session.

Mayor Backus reconvened the meeting at 8:39 p.m.

XIV. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:39 p.m.

APPROVED this 19th day of January, 2016.

NANCY BACKUS, MAYOR
for Mayor Backus

Danielle Daskam, City Clerk