	<p style="text-align: center;">City Council Meeting November 6, 2017 - 7:00 PM Auburn City Hall AGENDA Watch the meeting LIVE!</p> <p style="text-align: center;">Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.</p>
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I. CALL TO ORDER

A. Pledge of Allegiance

B. Roll Call

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Proclamation - Entrepreneurship Week

Mayor Backus to proclaim November 13-19, 2017 as Entrepreneurship Week in the city of Auburn.

B. Proclamation - Small Business Saturday

Mayor Backus to proclaim Saturday, November 25, 2017, as Small Business Saturday in the city of Auburn.

C. Proclamation - GIS Day

Mayor Backus to proclaim November 15, 2017 as GIS Day in the city of Auburn.

D. Introduction of Special Guests From Tamba, Japan

III. APPOINTMENTS

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing on Ordinance No. 6658 and Intent to Modify the Business Improvement Area (BIA) Special Assessment

City Council to conduct a hearing on the proposed modification to the exemptions to the BIA special assessment to address itinerant businesses, home occupations, large-scale nonprofit organizations, and nested businesses.

(RECOMMENDED ACTION: City Council conduct the public hearing. For further action on this item, see Ordinance No. 6658.)

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.)

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.

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 June 27, 2016 and July 11, 2016 Study Session Meetings
- B. Minutes of the October 16, 2017 Regular City Council Meeting
- C. Claims Vouchers
Claims vouchers 446223 through 446443 in the amount of \$1,905,669.29 and eight wire transfers in the amount of \$691,615.12 and dated November 6, 2017.
- D. Payroll Vouchers
Payroll check numbers 537565 through 537586 in the amount of \$432,492.71, electronic deposit transmissions in the amount of \$1,806,549.00 for a grand total of \$2,239,041.71 for the period covering October 12, 2017 to November 1, 2017.
- E. Call for Public Hearing - 2018 Property Tax Levy Public Hearing
City Council to call for a public hearing to be held on November 20, 2017, to receive public comments and suggestions with regard to possible increases in property taxes.
- F. Call for Public Hearings - Mid-Biennial Review and Modification of the 2017-2018 Biennial Budget
City Council to call for public hearings to be held November 20 and December 4, 2017 to receive public comments and suggestions with regard to the proposed modifications to the 2017-2018 Biennial Budget, including revenue estimates and possible increases in property taxes.
- G. Public Works Project No. CP1406
City Council award Contract No. 17-28 to West Coast Signal, Inc. on their low bid of \$448,492.50 for Project No. CP1406, Main Street Signal Upgrades project.
- H. Public Works Project No. CP1417
City Council approve Final Pay Estimate No. 5 to Contract No. 16-04 to R.L. Alia in the amount of \$10,883.00 and accept construction of Project No. CP1417, West Hill Springs Improvements Project.
- I. Public Works Project No. CP1511
City Council approve Final Pay Estimate No. 3 to Contract No. 17-12 in the amount of \$488,335.14 and accept construction of Project No. CP1511, M Street SE

Improvements.

(RECOMMENDED ACTION: City Council approve the Consent Agenda.)

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. ORDINANCES

A. Ordinance No. 6658

An Ordinance of the City Council of the City of Auburn, Washington, creating a new chapter of the Auburn City Code related to the Auburn Business Improvement Area

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6658.)

XI. RESOLUTIONS

A. Resolution No. 5320

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 Auburn Symphony Orchestra for tourism promotion services

(RECOMMENDED ACTION: City Council adopt Resolution No. 5320.)

B. Resolution No. 5324

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an Interlocal Agreement between the City of Auburn and the City of Federal Way relating to the leasing of Auburn property for joint police task-force

(RECOMMENDED ACTION: City Council adopt Resolution No. 5324.)

C. Resolution No. 5325

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to accept state grant funds from the King County Flood Control District for the 37th Street NW Flood Control Project

(RECOMMENDED ACTION: City Council adopt Resolution No. 5325.)

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**

B. **From the Mayor**

XIII. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:
Public Hearing on Ordinance No. 6658 and Intent to Modify the
Business Improvement Area (BIA) Special Assessment

Date:
October 31, 2017

Department:
Administration

Attachments:

[Ordinance No. 6658](#)

[Ordinance No. 4293](#)

[Ordinance No. 6097](#)

Budget Impact:
\$0

Administrative Recommendation:

City Council conduct the public hearing. For further action on this item, see Ordinance No. 6658.

Background Summary:

In 1988 the City Council established a Business Improvement Area (BIA) for downtown Auburn. The purpose of the BIA is to generate economic activity by, among other things, providing security for public spaces and sponsoring public events in the downtown area. To accomplish these purposes, a special assessment is levied against businesses in the BIA. The 1988 Ordinance also created exemptions from the special assessments. Since that time, the Ordinance and its exemptions, have become outdated; resulting in years of inactivity. Recently, business owners in the downtown area have begun efforts to revitalize the BIA. To that end, modifications of the provisions of the BIA are needed. The BIA Committee of Rate Payers has recommended the City Council adopt Ordinance No. 6658 to address needed modifications. The proposed Ordinance No. 6658 would create a Chapter within the City Code for the BIA and modify the exemptions to the BIA special assessment. Revised Code of Washington 35.87A.140 requires a public hearing for any modification.

Reviewed by Council Committees:

Councilmember:

Staff:

Hinman

Meeting Date: November 6, 2017

Item Number:

PH.1

ORDINANCE NO. 6 6 5 8

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, CREATING A
NEW CHAPTER OF THE AUBURN CITY CODE
RELATED TO THE AUBURN BUSINESS
IMPROVEMENT AREA**

WHEREAS, the Auburn City Council adopted Ordinance No. 4293 in 1988, after publishing notice of the Council's intent in Resolution 1866 and holding a public hearing on July 5, 1988; and

WHEREAS, Ordinance No. 4293 established a Business Improvement Area (BIA), and levied special assessments on certain businesses within the geographic boundary of the BIA; and

WHEREAS, Ordinance No. 4293 established a Committee of Rate Payers, made up of representatives of businesses within the geographic boundary of the BIA, for the purpose of developing recommendations to the City Council for the use of funds generated by the special assessment; and

WHEREAS, the City Council modified Ordinance No. 4293 in 2007, upon the recommendation of the Committee of Rate Payers, through Ordinance No. 6097, to make the rate of special assessment uniform amongst all assessed businesses; and

WHEREAS, the Committee of Rate Payers has reviewed the status of the BIA and recommended certain modifications to better facilitate economic development within downtown Auburn, including the modification of existing exemptions to the special assessments levied within the geographic boundary of the BIA; and

WHEREAS, the City adopted Resolution No. 5314, stating its intention to modify the BIA special assessment rate on October 16, 2017 and

WHEREAS, the City has held a duly noticed public hearing, pursuant to RCW 35.87A.140, and considered the testimony provided therein; and

WHEREAS, the provisions for other boards and commissions of the City of Auburn have been established within the Auburn City Code; and

WHEREAS, establishing provisions within the Auburn City Code for the BIA, including the structure and responsibilities of the Committee of Rate Payers and the rate and application of special assessments, will ensure that all applicable law can be found within a single place, a Chapter of the City Code, instead of spread across multiple Ordinances in multiple decades; and

WHEREAS, the City finds that updating the provisions of the BIA, including modification of the exemptions to the special assessment rate, and establishing said updates within the Auburn City Code will promote the public health, safety, and welfare of the residents of Auburn.

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

Section 1. New Chapter to City Code.

That a new Chapter 2.98

of the Auburn City Code is created to read as follows:

**CHAPTER 2.98
AUBURN BUSINESS IMPROVEMENT AREA**

Sections:

- 2.98.010 Business Improvement Area Created.
- 2.98.020 Special Assessment of Businesses Within BIA Boundary.
- 2.98.030 Purpose of BIA and Special Assessment Expenditures.
- 2.98.040 Committee of Rate Payers created.
- 2.98.050 Membership.
- 2.98.060 Appointment.
- 2.98.070 Officers – Meetings.
- 2.98.080 Compensation.
- 2.98.090 Role and Responsibilities of the Committee.
- 2.98.100 Annual reports of progress.

2.98.010 Business Improvement Area Created.

A. There is created, pursuant to RCW 35.87A, a Parking and Business Improvement Area (BIA) is hereby created with a boundary as follows:

Beginning at the intersection of Auburn Way North and 5th Street NE; thence eastward along the alley lying between and paralleling 6th Street NE and Park AV, for a distance of 200 feet from the centerline of Auburn Way North; thence south, paralleling Auburn Way North and at a distance of 200 feet from the centerline of Auburn Way North, to 1st Street NE; thence eastward along 1st Street NE to "E" Street NE; thence southward along "E" Street NE to East Main Street; thence eastward along Main Street to "F" Street SE; thence southward along "F" Street SE to 2nd Street SE; thence westward along 2nd Street SE to the mid-block point between "D" Street SE and Auburn Way South; thence southward to the Burlington Northern Railroad tracks; thence westward along the Burlington Northern Railroad tracks to "A" Street SE; thence northward along "A" Street SE to 3rd Street SE; thence westward along 3rd Street SE and SW to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 1st Street SW projected; thence westward along 1st Street SW to "D" Street SW; thence northward along "D" Street SW and NW for a distance of 200 feet from the centerline of West Main Street; thence eastward, paralleling Main Street and at a distance of 200 feet from the centerline of West Main Street, to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 3rd Street NW; thence eastward along 3rd Street NW and NE to "B" Street NE; thence northward along "B" Street NE for a distance of 200

feet from the centerline of 3rd Street NE; thence eastward, paralleling 3rd Street NE and at a distance of 200 feet from the centerline of 3rd Street NE, to the alley running in a north/south direction and lying east of "B" Street NE and west of Auburn AV; thence northward along the alley to 5th Street NE; thence eastward along 5th Street NE to Auburn Way North, which is the beginning point (when a street or alley is named, the area boundary is the centerline of the right-of-way).

B. Businesses within the Auburn Central Business District Parking and Business Improvement Area shall be subject to special assessments authorized by RCW 35.87A.010.

2.98.020 Special Assessment of Businesses Within BIA Boundary.

A. To finance the activities authorized in ACC 2.98.030, there is levied and shall be collected an annual special assessment upon the businesses in the area, determined as follows:

1. All businesses operating within the BIA boundary shall pay a special assessment equal to the usable square footage, excluding any basement space, owned or occupied by said business multiplied by a factor of \$0.15.

2. No business shall be assessed less than \$150.00 nor more than \$1,500.00 per year.

B. No special assessments shall be levied upon or collected from:

1. Organizations to which a charitable contribution may be made under the United States Internal Revenue Code, 26 U.S.C. § 170, with five (5) or fewer full-time employees.

2. Governmental agencies and offices.

3. Businesses that occupy or use any leasable area within the geographic boundary of the BIA for a period of less than twenty days (20) per year.

4. Businesses that are owned by, or are a subsidiary, or affiliate of another business entity that is subject to the special assessment, and are located wholly within the assessed business.

5. Businesses authorized by Auburn City Code Chapter 18.60.

6. Businesses operating within a city-sponsored business incubator or business accelerator.

7. Businesses not required to obtain a business license under Title 5 of the Auburn City Code.

C. Special assessments for businesses that own, but do not occupy, any leasable area shall be reduced by a pro-rata amount based on the square footage leased by any other assessed business.

D. New businesses commencing within the BIA area shall pay an initial annual assessment that is pro-rated based on the time remaining in the year.

2.98.030 Purpose of BIA and Special Assessment Expenditures.

A. The purpose of the BIA is to aid in general economic development and neighborhood revitalization within the BIA boundary, and to facilitate the cooperation of merchants, businesses, and residential property owners for the benefit of trade, economic vitality, and liveability.

B. Assessment expenditures are limited to the following purposes:

1. The acquisition, construction or maintenance of parking facilities for the benefit of the neighborhood within the BIA boundary;

2. Decoration of any place within the BIA boundary;

3. Sponsorship or promotion of public events which are to take place on, or in, public places within the BIA boundary;

4. Furnishing of music in any public place within the BIA boundary;

5. Providing professional management, planning, and promotion for the neighborhood within the BIA boundary;

6. Providing maintenance and security for common, public spaces within the BIA boundary; or

7. Providing transportation services for the benefit of the neighborhood within the BIA boundary.

2.98.040 Committee of Rate Payers created.

There is created an advisory committee to be known as the Committee of Rate Payers (the Committee). The purpose of the Committee is to serve in an advisory capacity to the City Council.

2.98.050 Membership.

A. There shall be not more than seven (7) members of the Committee who shall be appointed by the mayor and confirmed by the city council, and who shall serve at the pleasure of the city council; provided that the mayor may appoint up to four (4) additional members to serve as alternates in the event of a Committee member's absence.

B. The members shall be owners or operators of businesses located within the BIA boundary and shall be selected to represent the variety of business types and geographic locations included within the BIA boundary.

2.98.060 Appointment.

A. Committee members shall be appointed to a three (3) year term.

B. Upon the resignation of a Committee member, removal by the City Council, or expiration of a Committee members term, the Committee shall make recommendations to the City Council and the City Council shall make an appointment to fill the vacancy.

C. The Committee, upon four (4) unexcused absences, may recommend the removal of any Committee member to the City Council.

2.98.070 Officers – Meetings.

A. At the first regular meeting of each year, the Committee members shall elect a chairperson and vice-chairperson from among the members of the Committee.

B. It shall be the duty of the chairperson to preside over all meetings of the Committee. The vice-chairperson shall preside at all meetings where the chairperson is absent.

C. Minutes shall be kept and meeting agendas prepared in coordination between members of the Committee and staff members. A majority of the members of the Committee shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to make recommendations to the city council.

D. All Committee meetings shall be staffed by City of Auburn personnel to support and assist the Committee.

E. All Committee meetings shall be conducted in accordance with the Committee's adopted rules for the transaction of business, and Robert's Rules of Order or any other meeting procedures or guidelines authorized by the City of Auburn shall be used for any subject not addressed within the Committee's adopted rules of procedure.

2.98.080 Compensation.

The members of the Committee shall serve without compensation except for reasonable travel expenses associated with the performance of the Committee member's duties.

2.98.090 Role and Responsibilities of the Committee.

A. The Committee shall, by resolution, fix the time and place within the City for regular meetings, and hold additional meetings as the chairperson or a majority of the Committee deems necessary.

B. The Committee shall adopt rules for the transaction of business and keep a record of its resolutions, transactions, findings, and determinations. These records shall be public and open to inspection.

C. The Committee shall consider proposals for economic development and neighborhood revitalization projects and programs consistent with the purposes listed in 2.98.030, provide for public input and submit comments in a timely manner to the Mayor and City Council, including an analysis of the extent to which the Committee's recommendations will improve economic development or downtown revitalization.

2.98.100 Annual reports of progress.

The Committee chairperson and/or vice-chairperson shall annually provide to the city council a report on progress made in carrying out the Committee's responsibilities. Additional reports may be submitted when

deemed appropriate by the Committee or when requested by the city council.

Section 2. Superseding of Original Ordinance. Ordinance No. 4293 and Ordinance No. 6097 are hereby superseded by this Ordinance.

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.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to read 'Daniel B. Heid', is written over a horizontal line.

Daniel B. Heid, City Attorney

Published: _____

ORDINANCE NO. 4 2 9 3

AN ORDINANCE ESTABLISHING AN AUBURN CENTRAL BUSINESS DISTRICT PARKING AND BUSINESS IMPROVEMENT AREA; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS UPON BUSINESSES WITHIN THE AREA, THE DEPOSIT OF REVENUES IN A SPECIAL FUND, AND EXPENDITURES THEREFROM: PROVIDING FOR AN IMPLEMENTING AGREEMENT.

WHEREAS, the BIA Advisory Committee, a group of business people, has worked for two years to identify solutions to problems that affect the viability of businesses in Auburn's central business district, resulting in the recommendation to establish a Parking and Business Improvement Area (hereinafter referred to as "the BIA"); and

WHEREAS, the purpose of the BIA is to aid development of the central business district and facilitate merchant and business cooperation to improve trade; and

WHEREAS, the owners and/or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with the City of Auburn (called "the City") to establish a BIA pursuant to RCW Chapter 35.87A, which is filed in C.F. 292469, and pursuant thereto, the City Council adopted a Resolution, entitled "Declaring an intention to establish an Auburn Central Business District Parking and Business Improvement Area; and fixing a date and place for a hearing thereon."; and

WHEREAS, as provided by Resolution 1866 (published in the Auburn Globe News, June 24, 1988), the City Council held a public hearing thereon on July 5, 1988 at 7:30 p.m. in the City Council Chambers, Auburn City Hall, 25 West Main, Auburn. At the conclusion of the hearing, the City Council voted to establish the area as proposed;

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

Ordinance No. 4293
Page One
6/29/88

1 Section 1. District Established. As authorized by RCW Chapter 35.87A,
2 there is hereby established an Auburn Central Business District Parking and
3 Business Improvement Area within the boundaries described below and as shown
4 on the map attached as "Exhibit A" (when a street or alley is named, the area
5 boundary is the centerline of the right-of-way):

6 Beginning at the intersection of Auburn Way North and 5th
7 Street NE; thence eastward along the alley lying between and
8 paralleling 6th Street NE and Park AV, for a distance of 200
9 ft from the centerline of Auburn Way North; thence south,
10 paralleling Auburn Way North and at a distance of 200 ft
11 from the centerline of Auburn Way North, to 1st Street NE;
12 thence eastward along 1st Street NE to "E" Street NE; thence
13 southward along "E" Street NE to East Main Street; thence
14 eastward along Main Street to "F" Street SE; thence south-
15 ward along "F" Street SE to 2nd Street SE; thence westward
16 along 2nd Street SE to the mid-block point between "D"
17 Street SE and Auburn Way South; thence southward to the
18 Burlington Northern Railroad tracks; thence westward along
19 the Burlington Northern Railroad tracks to "A" Street SE;
20 thence northward along "A" Street SE to 3rd Street SE;
21 thence westward along 3rd Street SE and SW to the Burlington
22 Northern Railroad tracks; thence northward along the
23 Burlington Northern Railroad tracks to 1st Street SW
24 projected; thence westward along 1st Street SW to "D" Street
25 SW; thence northward along "D" Street SW and NW for a
26 distance of 200 ft from the centerline of West Main Street;
27 thence eastward, paralleling Main Street and at a distance
28 of 200 ft from the centerline of West Main Street, to the
29 Burlington Northern Railroad tracks; thence northward along
30

31 -----
32 Ordinance No. 4293
Page Two
6/29/88

1 the Burlington Northern Railroad tracks to 3rd Street NW;
2 thence eastward along 3rd Street NW and NE to "B" Street NE;
3 thence northward along "B" Street NE for a distance of 200
4 ft from the centerline of 3rd Street NE; thence eastward,
5 paralleling 3rd Street NE and at a distance of 200 feet from
6 the centerline of 3rd Street NE, to the alley running in a
7 north/south direction and lying east of "B" Street NE and
8 west of Auburn AV; thence northward along the alley to 5th
9 Street NE; thence eastward along 5th Street NE to Auburn Way
10 North, which is the beginning point.

11 Businesses within the Auburn Central Business District Parking and Business
12 Improvement Area shall be subject to special assessments authorized by RCW
13 35.87A.010.

14 Section 2. Special Assessments. To finance the activities authorized in
15 Section 3, there is levied and shall be collected a special assessment upon
16 the businesses in the area, determined as follows:

- 17 A. Any Retail business operating within the area, as determined by the
18 Planning Director of the City of Auburn, shall pay a special
19 assessment equal to the net leasable area of the business, excluding
20 any basement space, multiplied by a factor of \$0.15. No retail busi-
21 ness shall be assessed more than \$1,500.00 nor less than \$150.00 per
22 year. As determined by the Planning Director, a retail business
23 shall be defined as any business which is engaged in selling merchan-
24 dise for personal or household consumption and rendering services
25 incidental to the sale of the goods (businesses that sell products
26 only to institutional or industrial users and to other wholesalers,
27 and businesses that sell merchandise for use exclusively by business
28 establishments, are classified as wholesale businesses). Businesses
29

1 included in this category are generally similar to businesses
2 classified as retail under the most recent edition of the U.S.
3 Standard Industrial Classification Manual (SIC codes 52-59).

4 B. Any Service business operating within the area, as determined by the
5 Planning Director of the City of Auburn, shall pay a special
6 assessment equal to the net leasable area of the business, excluding
7 any basement space, multiplied by a factor of \$0.05. No service
8 business shall be assessed more than \$1,200.00 nor less than \$50.00
9 per year. As determined by the Planning Director, a service business
10 shall be defined as any business which is engaged in providing a ser-
11 vice for individuals, business and government establishments, and
12 other organizations. This category includes (but is not limited to)
13 hotels and lodging places; establishments providing personal, busi-
14 ness, repair, and amusement services; health, legal, engineering, and
15 other professional services; educational institutions; membership
16 organizations; and establishments providing finance, insurance, and
17 real estate services. Businesses included in this category are
18 generally similar to those classified as service; finance, insurance,
19 and real estate; or certain transportation and utility businesses
20 under the most recent edition of the U.S. Standard Industrial
21 Classification Manual (SIC codes 41, 47, 48, 49, 60-89).

22 C. A business which can demonstrate to the Planning Director of the City
23 of Auburn that there is approximately a 50% split (plus or minus 10%)
24 between the square footage devoted to the retail versus service acti-
25 vities of that business, shall be eligible for a special Combined
26 Assessment Rate which is the average of the retail and service
27 assessment rates detailed in A and B above. Such a request for a
28 Combined Assessment Rate must be filed with the Planning Director of
29 the City of Auburn at least five (5) working days prior to the date
30

1 that the assessment is due to be paid to the City. Said request must
2 be made each year that the business wishes to be assessed at the
3 Combined Assessment Rate. The business which is determined by the
4 Auburn Planning Director to qualify for such Combined Assessment Rate
5 shall pay a special assessment equal to the net leasable area of the
6 business, excluding any basement space, multiplied by the Combined
7 Assessment Rate.

8 No special assessments shall be levied upon and collected from:

- 9 (1) Organizations to which a charitable contribution may be made under
10 the United States Internal Revenue Code, 26 USC S 170(c);
11 (2) Sponsors of and concessionaires at public events, and vendors or
12 entertainers in streets and parks, who engage in business in the area
13 less than 30 days per year;
14 (3) Governmental agencies and offices.
15 (4) Wholesale or industrial businesses.

16 A new business entering the BIA shall pay an initial assessment that is
17 pro-rated based on the time remaining in the current BIA budget year.

18 Thereafter the assessment shall be the same as for other businesses in the
19 BIA.

20 Section 3. Deposit and Use of Revenues. There is hereby established in
21 the city Treasury a separate Fund, designated the Business Improvement Area
22 Fund (called "the Fund"). The following monies shall be deposited in the Fund
23 for the Auburn Central Business District Parking and Business Improvement Area
24 account:

- 25 a. All revenues from special assessments levied under this ordinance;
26 b. All net income to the BIA from public events financed with special
27 assessments;
28 c. Gifts and donations for the Fund; and
29
30

31 -----
32 Ordinance No. 4293
Page Five
6/29/88

1 d. Interest and all other income from the investment of Fund cash
2 balances.

3 Expenditures from the Fund shall be made upon vouchers drawn by the Finance
4 Director for uses within the general scope of:

- 5 (1) Business retention and recruitment;
6 (2) Marketing to encourage people to use shops and services in the BIA
7 area;
8 (3) Special events and promotions;
9 (4) Improving the security and maintenance of the pedestrian environment;
10 (5) Enhancing the aesthetic appearance of the BIA area.

11 Section 4. Administration. The Director of the Planning and Community
12 Development Department (called "the Planning Director") shall enter into a
13 contract with the Auburn Chamber of Commerce or similar business association
14 to administer the operation of the BIA. The Committee of Rate Payers shall
15 have the opportunity to review and comment on the contract before it is
16 approved by the City. If no such organization is willing or available to
17 administer the BIA, the City may be the administrator. The Planning Director
18 shall initially contract with the Auburn Chamber of Commerce to administer the
19 projects and activities undertaken by the BIA. The contract shall be renewed
20 annually, at the option of both the City and the Auburn Chamber of Commerce.

21 An annual report detailing the projects and activities conducted during the
22 previous year, an evaluation of program successes and shortcomings, and the
23 proposed programs and budget for the ensuing year shall be submitted to the
24 Planning Director on or before June 1st of each year. The annual report and
25 budget shall be initially prepared by the contractor. The annual report and
26 budget must be reviewed and approved by the Committee of Rate Payers prior to
27 their being submitted by the Committee to the Planning Director. The
28 Committee of Rate Payers shall also submit a report containing an evaluation
29 by the Committee on the performance of the contractor during the previous
30 year.

31 -----
32 Ordinance No. 4293
Page Six
6/29/88

1 The Planning Director shall prepare a report to the Mayor for recommen-
2 dation to the City Council. The report shall include the annual report and
3 budget submitted by the Committee of Rate Payers and any comments thereon by
4 the Planning Director. The Planning Director shall obtain the approval of the
5 established Committee of Rate Payers if the Planning Director recommends any
6 changes in assessment rates or district boundaries for the BIA.

7 The Planning Director shall then arrange for a public hearing before the
8 City Council and publish notice. Upon conclusion of the public hearing, the
9 City Council shall consider for approval the BIA budget for the ensuing year.

10 Section 5. Committee of Rate Payers. The City shall appoint a Committee
11 of Rate Payers (called "the Committee"), comprised of 11 persons, who are
12 owners or operators of businesses located within the business improvement area
13 and whose businesses will be subject to assessments as provided for in this
14 ordinance. The membership of the Committee of Rate Payers shall be selected
15 to represent the variety of business types and geographic locations included
16 in the business improvement area. The Committee shall elect one of its mem-
17 bers to serve as chairman for a one year term. The 11 members of the
18 Committee shall be initially appointed as follows; three (3) to one-year
19 terms, four (4) to two-year terms, and four (4) to three-year terms. After
20 these initial terms, all subsequent Committee member terms shall run for a
21 period of three (3) years. Upon resignation of a Committee member, removal of
22 a Committee member from the Committee, or expiration of a Committee member's
23 term, the BIA Rate Payers shall make recommendations to the City which shall
24 make an appointment to fill the expired or unexpired term. The Committee of
25 Rate Payers, upon an affirmative vote of 2/3 of the Committee members, may
26 request that the City remove a Committee member from the Committee.

1 Section 6. Collection of Special Assessments. The City of Auburn
2 Department of Finance (called "the Finance Department") shall bill and receive
3 the special assessments due. The Finance Department is authorized to bring an
4 action to collect any unpaid assessments in the proper court as a civil
5 action.

6 Section 7. Interest on Delinquent Assessments. Delinquent special
7 assessments shall bear interest at the rate of 12 percent (12%) per annum.
8 Assessments thereof when delinquent, in addition to such interest, shall
9 accrue penalties of 12%.

10 Section 8. Commencement of Assessments. Assessments shall commence as of
11 the date of adoption of this ordinance.

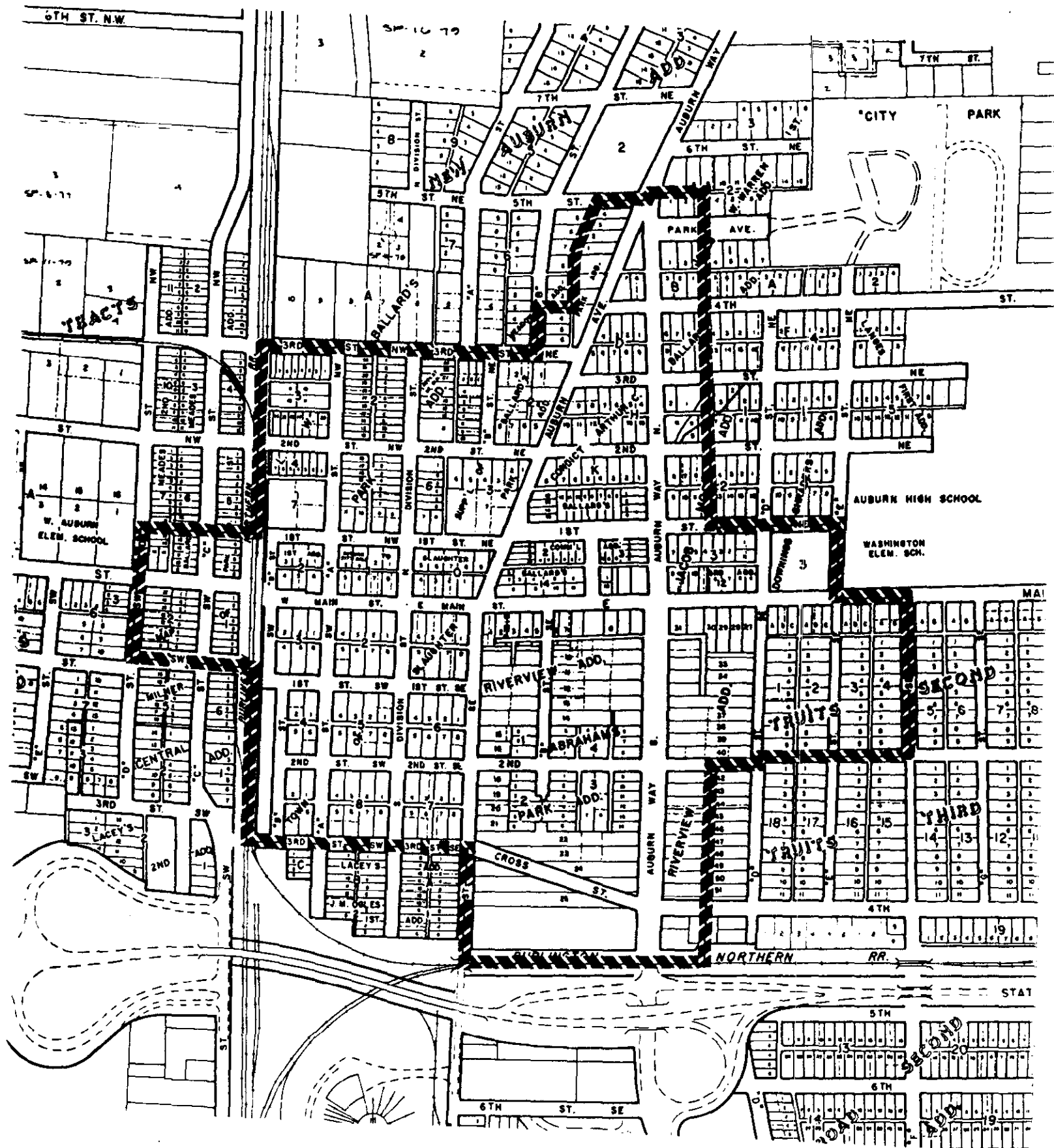
12 Section 9. Ratification. The execution of a contract with the Auburn
13 Chamber of Commerce to inaugurate the program and administer the projects and
14 activities during the initial implementation period pursuant to the authority
15 and prior to the effective date of this ordinance is hereby ratified and
16 confirmed.

17 Section 10. Contract Authorization. The Mayor shall be authorized by
18 separate Resolution approved by City Council to execute a contract to admi-
19 nister the operation of the BIA.

20 Section 11. Implementation. The Mayor is hereby authorized to implement
21 such administrative procedures as may be necessary to carry out the directions
22 of this legislation.

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31 -----
31 Ordinance No. 4293
32 Page Eight
32 6/29/88

EXHIBIT "A"



ORDINANCE NO. 6 0 9 7

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
ORDINANCE NO 4293, SECTION 2, PARAGRAPH B
REGARDING THE AMOUNT OF ASSESSMENTS
FOR BUSINESSES WITHIN THE BUSINESS
IMPROVEMENT AREA

WHEREAS, the City Council of the City of Auburn, Washington, established an Auburn Central Business District Parking and Business Improvement Area and provided for levying special assessments on businesses within that designated area, and provided for deposit and expenditure of revenues therefore, in Ordinance No. 4293, adopted July 5, 1988.

WHEREAS, since the time of the adoption of said Ordinance No. 4293, the needs of the Business Improvement Area have, by cost and inflation, outpaced the current dollars provided in said Ordinance; and

WHEREAS, it is appropriate that the assessments provided for in Ordinance No. 4293, Section 2, Paragraph B, be amended and increased to be more reflective of the needs and to be more representative of the proportionate measure of costs intended to be covered when the Business Improvement Area was established.

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

Section 1. That Ordinance No. 4293, Section 2, Paragraph B, is and the same hereby is amended to read as follows:

B. Any Service business operating within the area, as determined by the Planning Director of the City of Auburn, shall pay a special assessment equal to the net leasable area of the business, excluding any basement space, multiplied by a factor of ~~\$0.05~~\$0.15. No service business shall be assessed more than ~~\$1,200.00~~\$1,500.00 nor less than ~~\$50.00~~\$150.00 per year. As determined by the Planning Director, a service business shall be defined as any business which is engaged in providing a service for individuals, business and government establishments, and other organizations. This category includes (but is not limited to) hotels and lodging places; establishments providing personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations; and establishments providing finance, insurance, and real estate services. Businesses included in this category are generally similar to those classified as service; finance, insurance, and real estate; or certain transportation and utility businesses under the most recent edition of the U.S. Standard industrial Classification Manual (SIC codes 41, 47, 48, 49, 60—89).

Section 2. That all other provisions of Ordinance No. 4293 shall remain unchanged.

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

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

DATED and SIGNED this 21st day of May, 2007.

MAY 21 2007

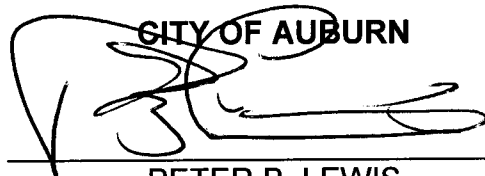
INTRODUCED: _____

MAY 21 2007

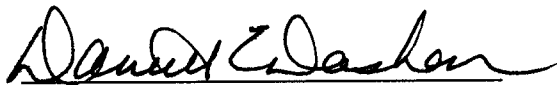
PASSED: _____

MAY 21 2007

APPROVED: _____

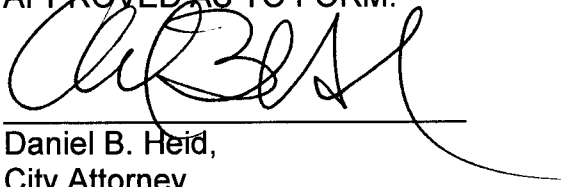

CITY OF AUBURN
PETER B. LEWIS
MAYOR

ATTEST:


Danielle E. Daskam,
City Clerk

Published: 5-24-2007

APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to read 'Daniel B. Heid', is written over a horizontal line.

Daniel B. Heid,
City Attorney

Published: 5-24-2007



AGENDA BILL APPROVAL FORM

Agenda Subject:
Minutes of the June 27, 2016 and July 11, 2016 Study Session
Meetings

Date:
October 22, 2017

Department:
Administration

Attachments:
[6-27-2016 Study Session Minutes](#)
[July 11, 2017 Study Session Minutes](#)

Budget Impact:
\$0

Administrative Recommendation:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: November 6, 2017

Item Number: CA.A



City Council Study Session
June 27, 2016 - 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 at Auburn City Hall, 25 West Main Street in Auburn.

A. Roll Call

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

Mayor Nancy Backus and the following Department Directors and staff members present: City Attorney Daniel B. Heid, Assistant Police Chief William Pierson, Administrative Assistant Sue Van Slyke, Community Development and Public Works Director Kevin Snyder, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Environmental Services Manager Jenna Leonard, Director of Administration Dana Hinman, Innovation and Technology Director Paul Haugan, Director of Human Resources and Risk Management Rob Roscoe, Finance Director Shelley Coleman and Deputy City Clerk Shawn Campbell.

II. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6608 (20 Minute Presentation/10 Minute Q&A) (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6533, the 2015-2016 Biennial Budget Ordinance, as amended by Ordinance No. 6558, Ordinance No. 6563, Ordinance No. 6570, Ordinance No. 6571, Ordinance No. 6580, and Ordinance No. 6592, authorizing amendment to the City of Auburn 2015-2016 Budget as set forth in Schedule "A" and Schedule "B"

Director Coleman presented Budget Amendment No. 6. She explained the primary reason for this budget amendment is to bring forward the actual beginning fund balance after the 2015 year end has been completed. There are also funds that have been moved from one fund to another, additional funding for the Council Chambers Remodel and recognition of received grant funds.

Councilmember Wagner questioned if the funds transferred from the sidewalk repair fund will be used for sidewalks. Assistant Director Gaub stated the funds will be used for the sidewalk portion of the M Street project.

Councilmember Baggett requested an explanation of the University of Washington Livable City Pilot Program. Manager Leonard explained that the University of Washington is starting a pilot program called The Livable City Program. The University of Washington program will focus on one city. The city and the university will select various projects for the students and faculty to focus on. The students will spend approximately 40,000 hours working on those projects. The program would run from September 2016 to June 2017. There will be students from various disciplines and departments. The program as a whole will be under one master agreement but there will be individual scopes of work for each project.

B. Resolution No. 5238 (10 Minute Presentation/10 Minute Q&A) (Snyder)

A Resolution of the City Council of the City of Auburn, Washington approving a logo for the Auburn Municipal Airport

Director Snyder presented a proposed new logo for the Auburn Municipal Airport. He stated Multimedia Design Technician Sarah St. George has worked with staff and the Airport Advisory Board to come up with the proposed logo.

Councilmember Wagner asked why the logo includes the word municipal. Director Snyder explained there is a historical relevance and pride attached to the word municipal. Also it signifies that the airport is a government run airport.

Deputy Mayor Wales stated she is concerned about fading of the words across the bottom. Director Snyder explained this design will primarily be for print and digital. If the City puts up a free standing sign they will adjust it.

C. Animal Control Policies (10 Minute Presentation/10 Minute Q&A) (Lee)

Discussion of Ordinance No. 6304 as it pertains to dangerous and potentially dangerous dogs.

Assistant Chief Pierson explained the proposed ordinance has two separate areas one is potentially dangerous dogs and the other is dangerous dogs. The potentially dangerous dogs are designated by breeds that have been determined by prior council as potentially dangerous. There is a designation of potentially dangerous by act if a dog bites a human or another animal, acts in a menacing fashion or has been aggressive in the past. For a dog to be declared as a

dangerous dog the animal has to have killed or inflicted severe injury on a human or animal, previously been deemed potentially dangerous and allowed to roam free.

If a dog has been declared dangerous or potentially dangerous by the Animal Control Officer the dog owner has the right to appeal that declaration. The first appeal is to the Assistant Chief of Police. After the hearing the Assistant Chief makes a ruling. The dog owner can appeal that decision to the Hearing Examiner. The Hearing Examiner decision is final.

If a dog has been deemed potentially dangerous or dangerous there are rules and fees for each designation the dog owner must comply with. If the owner does not comply they are issued citations for each item.

Councilmember Baggett asked at what point does the city order the dog to be euthanized. Assistant Chief Pierson stated if the owner complies with the requirements set by code they will be able to keep their dog.

D. Traffic School Presentation (10 Minute Presentation/10 Minute Q&A) (Lee)

Discussion on establishing a Traffic School with the Auburn Police Department to promote traffic safety within the City of Auburn.

Assistant Chief Pierson and Administrative Assistant Van Slyke presented Council with the proposal for Traffic School. The intent of the school is to provide education to those who receive a citation. The advantages for the citizen is that the class allows the driver to keep a clean driving record, keep insurance cost down and learn the laws. The advantage to the City is that the class keeps drivers educated and increase compliance with the traffic laws.

Councilmember Trout-Manuel asked what ages this program serve. Assistant Chief Pierson stated it will be offered to all drivers.

Deputy Mayor Wells stated this class is consistent with the City's philosophy of education.

E. Resolution No. 5240 (10 Minute Presentation/10 Minute Q&A) (Heid)

A Resolution of the City Council of the City of Auburn, Washington, amending the City Council Rules of Procedure as adopted by Ordinance No. 5802 and amended by Resolution Numbers 4282, 4429, 4467, 4615, 4686, 4740, 4813, 4909, 5105, 5112, 5115 and 5217

City Attorney Heid stated the issue of how a City Council meeting is cancelled has come forward from time to time. Typically the mayor

or deputy mayor has cancelled the meeting. The Council Rules currently state it needs to be by vote of the Council. The proposed resolution would make the rules in line with the common practice.

III. **ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 6:20 p.m.

APPROVED THIS _____ DAY OF _____, 2017.

Largo Wales, Deputy Mayor

Shawn Campbell, Deputy City Clerk



City Council Study Session
July 11, 2016 - 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 of Auburn City Hall located at 25 West Main Street in Auburn.

A. Roll Call

City Councilmembers present: Deputy Mayor Wales, Claude DaCorsi, John Holman, Bill Peloza, and Yolanda Trout-Manuel. Councilmember Rich Wagner arrived at 5:35 p.m. Councilmember Bob Baggett was excused.

City officials and department directors present included: Mayor Nancy Backus, Director of Administration Dana Hinman, Innovation and Technology Director Paul Haugan, Community Development and Public Works Director Kevin Snyder, City Attorney Daniel B. Heid, Parks, Arts and Recreation Director Daryl Faber, Human Resources and Risk Management Director Rob Roscoe, Assistant City Attorney Jessica Leiser, Environmental Services Manager Chris Andersen, Assistant Director of Engineering Services Ingrid Gaub, Assistant Director of Innovation and Technology Ashley Riggs, Innovation and Technology Administrative Assistant Meghan Tillman, GIS/Database Specialist Alice Pence, Environmental Planner Jenna Leonard, Environmental Assistant Maggie Gipson, and City Clerk Danielle Daskam.

II. AGENDA MODIFICATIONS

Item F an Update on Digital Parity was added to the agenda. The agenda materials were distributed to Council earlier today.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

- A. Auburn Youth Council Presentation (10 Minute Presentation/5 Minute Q&A) (Faber)
The Auburn Youth Council will inform City Council of their mission and accomplishments of the past year.

Recreation Program Coordinator Kjerstin Lange provided a brief overview of the Auburn Youth Council with the assistance of Recreation Leader Abby Schirrick and Youth Council

member Vanessa Anderson.

The Auburn Youth Council was established in 1993 and is a community volunteer/leadership program for youth in grades 6 through 12, including private and home-schooled students. There is rolling enrollment for the Youth Council. The Youth Council fosters a love for volunteering and public service and provides an opportunity for students to meet other students from other schools.

The current Auburn Youth Council consists of 35 active members. The Youth Council members participate in City activities including: S'more Than You Imagined, Halloween Harvest, Kids Day, Santa Parade, PetPalooza, and the Fourth of July Festival. The Youth Council members also provide volunteer services to the Auburn Food Bank, the Auburn School District, and other volunteer opportunities. This year the Youth Council provided 856 hours of volunteer service to the community.

The Youth Council also raises funds and uses the funds to grant back into the community and has purchased new cat beds for the Auburn Valley Humane Society, purchased bike helmets for youth, and adopted families and teenagers during the holidays.

- B. Socrata Presentation (15 Minute Presentation/10 Minute Q & A) (Haugan)
Discussion of the Socrata system and its applicable uses for public information.

Assistant Director of Innovation and Technology Riggs reviewed Socrata, a company that provides a web portal for open data and transparency. Socrata is responsive to the Council's and Mayor's strategic goals for increased efficiencies and transparency. Socrata enables citizen engagement and provides information for residents. Some of the information the residents will be able to access using the Socrata portal include:

- 311 work orders and related data
- Geospatial and mapping data
- Public safety data, such as neighborhood crime statistics, parking violations and moving vehicle violations
- Health and Inspectional Services Division information
- Budget and government expenditure information

- C. Unmanned Aerial Vehicle (UAV) Program Presentation (15 Minute Presentation/10 Minute Q&A) (Haugan)
Discussion of the UAV Program and policies to operate drones for civil use.

Assistant Director Riggs, GIS Database Specialist Pence and Administrative Assistant Tillman presented Council with the

Unmanned Aerial Vehicle Program. They reviewed the FAA regulations, City requirements to have an Unmanned Aerial Vehicle Program including adopting an administrative policy and standard operating procedures, operator training, maintenance of the equipment and flight logs. The City hired a consultant who is an expert on implementing a successful drone program and managing the risk. With the drone program the City will be able to view hard to reach areas, have aerial images and video, use drones for search and rescue, inspections, environmental analysis, public safety and more.

- D. Police Towing Practices (15 Min Presentation/10 Min Q&A) (Lee)
Discussion of the Auburn Police Department's towing practices; rotation process, annual review, tow payment method.

Assistant Chief Pierson presented information on the City's tow policies. In August of 2010 the Council approved a resolution authorizing the Police Department to enter into contracts with tow companies establishing a tow rotation. The City tow policy is guided by Washington State Patrol policy 6.14 regarding towing of a vehicle. The City's tow rotation is managed by Valley Communications. The police department is requesting more cars to be towed than in previous years due to the new AFIS technology that helps identify stolen vehicles.

- E. Potential City Projects for University of Washington Livable City Year Program (15 Minute Presentation/10 Minute Q&A) (Snyder)
Discussion of the potential City projects for University of Washington Livable City Year Program.

Planner Leonard presented Council with a program from the University of Washington regarding Climate and Sustainability Leadership. She explained this is one possible program the City could partner with the University of Washington for the livable City program. She explained there are various projects for the program that the University is currently reviewing.

- F. Council Strategic Goal 2

Director Haugan presented Council with a progress update on Council Strategic Goal No. 2 - Achieving Digital Parity. Staff has requested funds to hire a consultant to help explore establishing an internet utility. Staff has made progress in leveraging public technology infrastructure to provide wireless internet to the public. The Auburn Municipal Airport is now connected to the City network and fiber optics have been installed. The City is working with five partners to discuss revenue streams and infrastructure expansion.

IV. EXECUTIVE SESSION

At 6:42 p.m., Deputy Mayor Wales recessed the meeting to executive session for approximately fifteen minutes in order to discuss pending/potential litigation. City Attorney Heid, Assistant City Attorney Leister, Human Resources and Risk Management Director Roscoe, and Director of Administration Hinman attended the executive session. At 6:58 p.m., the executive session was extended an additional five minutes. No action was anticipated following the executive session.

Deputy Mayor Wales reconvened the meeting at 7:07 p.m.

V. **ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 7:07 p.m.

APPROVED THIS _____ DAY OF _____, 2017.

LARGO WALES, DEPUTY MAYOR Dani Daskam, City Clerk

□

AGENDA BILL APPROVAL FORM

Agenda Subject:
Minutes of the October 16, 2017 Regular City Council Meeting

Date:
October 31, 2017

Department:
Administration

Attachments:
[Minutes](#)

Budget Impact:
\$0

Administrative Recommendation:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: November 6, 2017

Item Number: CA.B



CITY COUNCIL MEETING MINUTES

October 16, 2017 7:00 PM

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, and led those in attendance in the Pledge of Allegiance.

B. Roll Call

City 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: Finance Director Shelley Coleman, City Attorney Daniel B. Heid, Police Commander Mike Hirman, Innovation and Technology Director Paul Haugan, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Assistant Director of Community Development Services Jeff Tate, Director of Administration Dana Hinman, Community Development and Public Works Director Kevin Snyder, Parks, Arts and Recreation Director Daryl Faber, and City Clerk Danielle Daskam.

II. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS

A. Proclamation for Soroptimist International of Auburn

Mayor Backus to proclaim October 17, 2017 as Soroptimist International of Auburn's 70th Year Anniversary

Mayor Backus read and presented a proclamation commemorating the 70th anniversary of the Soroptimist International of Auburn. Soroptimist members in attendance included: Judi Roland, Nancy Colson, Cheryl Sallee, Janice Nelson, and Cheryl Workman

B. Pierce Transit Update by Pierce Transit Commissioner Nancy Henderson

Dr. Nancy Henderson, Vice Chair of the Pierce Transit Board of Commissioners and Steilacoom Town Councilmember, updated the Council on the activities of Pierce Transit. Pierce Transit includes 13 towns and cities within Pierce County.

According to 2016 data, Pierce Transit has 37 local routes, 178 buses, 8.6 million boardings, shuttle transit and van pools. Route 497, a feeder route to the Sounder Station, serves an average of 300 weekly boardings. Dr. Henderson spoke about regional connections with Metro, Sound Transit, and Kitsap Transit. Dr. Henderson reviewed transit funding from local sales tax (77%), fares (13%), grants and other/advertising. Dr. Henderson stated the financial outlook for Pierce Transit is on the upswing, and increased revenue is being used to increase service hours. Pierce Transit recently completed a comprehensive route analysis, which resulted in a restructuring of the service network and 35,000 service hours were added. Dr. Henderson also spoke about transit safety including Pierce Transit's dedicated police force, installation of cameras on buses, and a pilot project for collision avoidance technology. Dr. Henderson also spoke about public/private partnerships and Pierce Transit's major initiatives.

Councilmember Wagner questioned Pierce Transit's fare recovery level of 13 percent. Dr. Henderson agreed it is a typical recovery level, but Pierce Transit would like to see the rate at 18 percent.

In response to a question from Councilmember Pelosa, Dr. Henderson stated the operational cost for a fixed route is approximately \$6.00 per trip while the shuttle is \$55.00 per trip. The fare box recovery is 13 percent.

C. Pierce County Prosecuting Attorney Update

Pierce County Prosecutor Mark Lindquist provided a brief update to the City Council on public safety.

Pierce County Prosecutor Mark Lindquist provided an update on three public safety initiatives: high priority offender program, elder abuse team, and the gang unit.

The HPO (high priority offender program) is a data driven program whereby prosecutors use data and technology to identify the worst

offenders. Pierce County is the first entity on the west coast of the United States to implement the HPO program.

The Pierce County elder abuse team was formed to protect elders and vigorously prosecute those who take advantage of vulnerable adults.

Pierce County Prosecutor Lindquist spoke about Pierce County's gang unit and efforts to prosecute members of violent street gangs.

III. APPOINTMENTS

There was no appointment for Council consideration.

IV. AGENDA MODIFICATIONS

Additional information regarding Resolution No. 5322 was distributed prior to the meeting.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

No public hearing was 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

Jeff Oliphant, PO Box 1294, Auburn

Mr. Oliphant spoke regarding Resolution No. 5322. Mr. Oliphant urged the Council adopt Resolution No. 5322 with a recommendation for Site 1 as the preferred site for the Sound Transit parking garage. He stated Site 1 has the greatest flexibility and lowest cost. He also stated Site 1 is the only site that has the ability to be constructed larger than the Sound Transit mandate.

Bob Zimmerman, 33029 46th Place South, Auburn

Mr. Zimmerman spoke about his neighbor who built a wall in 2010, which he believes was not built to code. Mr. Zimmerman contended the City is not enforcing the code standards.

Virginia Haugen 2503 R Street SE, Auburn

Ms. Haugen spoke about the road work on R Street SE, which at times, prevents northbound access to her property. She stated she is upset that she and her neighbors were not notified of the

closure. Ms. Haugen also stated she has a truckload of old campaign signs she has picked up as trash.

Mayor Backus stated that staff members left three message for Ms. Haugen about the intermittent closure of R Street SE. Prior notice of the intermittent closures was provided to residents.

Councilmember Holman moved and Councilmember Trout-Manuel seconded to allow Jeff Oliphant to speak a second time during audience participation. MOTION CARRIED UNANIMOUSLY. 7-0

Jeff Oliphant

Mr. Oliphant spoke regarding Resolution No. 5314, setting the date for a hearing on the intent to update and modify the provisions governing the Auburn Business Improvement Area. Mr. Oliphant spoke about the value of parking in the downtown area and the means to fund additional parking to serve the downtown area.

C. Correspondence

There was no correspondence for Council review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

Councilmember Baggett, chair of the Finance ad hoc committee that reviews claims and payroll vouchers, reported he and Councilmember Wagner reviewed the payroll vouchers and electronic deposits in the approximate amount of \$2.1 million and claims vouchers and wire transfers in the amount of approximately \$7.5 million for the periods September 28, 2017 to October 11, 2017 and October 16, 2017, respectively. The ad hoc committee recommends approval of the claims and payroll vouchers as described on the Consent Agenda.

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 October 2, 2017 Regular Meeting

B. Minutes of the June 13, 2016 and March 13, 2017 Study Sessions

C. Claims Vouchers

Claims voucher numbers 446017 through 446222 in the amount of \$7,060,417.47 and one wire transfer in the amount of \$445,040.68 and dated October 16, 2017.

D. Payroll Vouchers

Payroll check numbers 537545 through 537564 in the amount of \$235,812.26 and electronic deposit transmissions in the amount of \$1,909,901.87 for a grand total of \$2,145,714.13 for the period covering September 28, 2017, to October 11, 2017.

E. Public Works Project No. CP1502

City Council award Contract No. 17-20 to Road Construction Northwest, Inc. on their low bid of \$656,280.00 for Project No. CP1502, "A" Street SE and 37th Street SE Traffic Signal

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

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS**A. Resolution No. 5314**

A Resolution of the City Council of the City of Auburn, Washington, stating its intent to update and modify the provisions governing the Auburn Business Improvement Area, including the exemptions to the special assessment and setting a public hearing therefor

Deputy Mayor Wales moved and Councilmember Holman seconded to adopt Resolution No. 5314.

Councilmember Wagner requested that all referenced resolutions and ordinances be included in November 6, 2017 agenda packet.

MOTION CARRIED UNANIMOUSLY. 7-0

IX. NEW BUSINESS

Councilmember Holman reported the Sound Cities Association Public Issues Committee brought forward their proposed legislative agenda for 2018, which needs to be discussed by the City Council at the next study session.

Mayor Backus reported she sent an email to Councilmembers earlier today requesting Councilmembers forward their comments regarding the City's 2018 legislative agenda to her for inclusion in the next study session agenda packet.

X. ORDINANCES

A. Ordinance No. 6660

An Ordinance of the City Council of the City of Auburn, Washington, approving an area wide rezone for properties zoned Environmental Park to Light Industrial

Councilmember Holman moved and Councilmember DaCorsi seconded to adopt Ordinance No. 6660.

Councilmember Holman stated the ordinance rezones the Environmental Park Zone to M1 to be consistent with the Comprehensive Plan.

Councilmember Wagner stated he is disappointed the City is moving away from the green zone concept brought forward by previous Council. Councilmember Wagner stated incentives were never developed for the zone. He stated he is agreeable to rezoning the Environmental Park Zone located south of West Main Street, but not the zone on the north side of Main Street.

Mayor Backus recalled that during discussion of the rezone at the last Council study session, Council was agreeable to the rezone in order to reconcile the zoning to the Comprehensive Plan designation and eliminate any inconsistency between the zoning map and the Comprehensive Plan. Additionally, Council discussed revisiting the Environmental Park Zone next year during the Comprehensive Plan update.

Deputy Mayor Wales recommended a study session to discuss incentives, or have the Planning Commission take the lead, to look at other areas for incentives that would have a larger and quicker return.

Councilmember Wagner stated downtown has already benefited from downtown investments and incentives.

Councilmember Holman applauded prior Councils' vision for the creation of the Environmental Park Zone. He noted that in the ten years of the zone's existence nothing has come of it. Councilmember Holman stated his greatest concern is that the Comprehensive Plan and zoning map are inconsistent at this time.

Councilmember DaCorsi agreed with Councilmember Holman's comments and suggested Council review incentives city-wide in the future.

Councilmember Pelozo recommended Council move forward and adopt Ordinance No. 6660 and revisit the issue of incentives later.

Councilmember Wagner moved to insert the following verbiage to Ordinance No. 6660:

"The Council directs the Mayor to prioritize evaluation of the area of the former Environmental Park (EP) Zone north of West Main Street with heavy emphasis on incentives.

Motion was seconded by Councilmember Pelozo.

Councilmember Wagner noted there is no time limit associated with the directive.

MOTION TO AMEND CARRIED UNANIMOUSLY. 7-0

MOTION TO ADOPT ORDINANCE NO. 6660, AS AMENDED, CARRIED UNANIMOUSLY. 7-0

XI. RESOLUTIONS

A. Resolution No. 5321

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an Interlocal Agreement with King County Metro for constructing reinforced sidewalk section for bus stop shelters along Auburn Way South as part of Auburn Way South Corridor Safety Improvements, Muckleshoot Plaza to Dogwood St SE

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5321.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5322

A Resolution of the City Council of the City of Auburn, Washington, recommending to the Sound Transit Board of Directors its preferred parking garage site in downtown Auburn for the Auburn Station Access Improvement Project and encouraging Sound Transit's

serious consideration of unsolicited proposals for the construction of said site

Deputy Mayor Wales moved to adopt Resolution No. 5322 identifying Site 1 as the preferred location. Councilmember DaCorsi seconded the motion.

Councilmember DaCorsi stated he is not in favor of spending additional costs and expressed concern with traffic impacts. He stated he is in favor of Site 1.

Councilmember Pelosa moved to amend the Resolution to add the following paragraph to the recitals:

“WHEREAS, the City Council includes the following condition on this recommendation: (1) A comprehensive traffic study must be completed, (2) proposed congestion and safety mitigation measures must be identified and (3) the costs of those mitigation measures must be professionally estimated, to a +/- 20% level of accuracy, for both Site 1 (former Mel’s Hardware location) and Site 2 (current Agrishop Ace Hardware location), the results of which will become a key consideration in the site selection; and”

The motion was seconded by Councilmember Wagner.

Councilmember Pelosa spoke in favor of the amendment. He stated no traffic mitigation study has been performed for either site.

Deputy Mayor Wales spoke regarding a vision for the future and suggested a partnership for possibly more parking spaces.

Councilmember Baggett agreed with the proposed amendment.

Councilmember Holman spoke in favor of the amendment and expressed concern with traffic impact in the vicinity of the hospital emergency entrance.

Deputy Mayor Wales stated she realizes that traffic data is needed for a backup site, but she does not want to provide Sound Transit with the backup.

Councilmember DaCorsi stated a parking garage anywhere in the downtown will be impactful. He suggested a traffic congestion study for the downtown core.

Deputy Mayor Wales agreed with Councilmember DaCorsi's suggestion for a traffic study for the entire downtown.

Councilmember Trout-Manuel agreed with Councilmember DaCorsi's comments.

Councilmember Wagner moved to amend the amendment to include the following language and to read in part: "(1) A comprehensive traffic study must be completed in cooperation with city technical transportation staff,..."

Councilmember Holman seconded the motion.

Director Snyder stated that Sound Transit's next steps require that they undertake a comprehensive traffic study, and the City would be significantly involved in both setting the scope for the traffic study and working directly with Sound Transit as they prepare the information and in the review process.

Director Snyder explained that once the Sound Transit Board selects a site, Sound Transit will pay for the cost of the traffic study for the selected site. The City would be expected to pay and undertake a traffic study for a second alternative site.

Councilmember DaCorsi suggested striking Site 2 from the amendment.

Upon further discussion, Councilmember Wagner retracted his motion to amend the amendment (amendment number 2). Councilmember Holman concurred.

Councilmember DaCorsi moved and Councilmember Wagner seconded to amend the amendment to read:

"WHEREAS, the City Council includes the following condition on this recommendation: 1) a comprehensive traffic study must be completed in cooperation with Auburn technical staff; 2) proposed congestion and safety mitigation measures must be identified; and 3) the costs of these mitigation measures must be professionally estimated to a +/- 20% level of accuracy for ~~both Site One (former Mel's Hardware location), and Site 2 (current Agrishop Ace Hardware location)~~, upon completion and analyses of traffic studies, the City Council reserves the right to request additional

studies, the results of which will become a key consideration in the site selection.”

MOTION CARRIED UNANIMOUSLY. 7-0

MOTION ON THE AMENDMENT, AS AMENDED, CARRIED UNANIMOUSLY. 7-0

MOTION TO ADOPT RESOLUTION NO. 5322, AS AMENDED, CARRIED UNANIMOUSLY. 7-0

XII. MAYOR AND COUNCILMEMBER REPORTS

A. From the Council

Councilmember Pelosa reported on discussions at the Regional Policy Committee meeting relating to the veterans, seniors, and vulnerable populations levy that is on the ballot for the November 7th election.

Councilmember Baggett reported on the Emergency Management Advisory Committee meeting where discussion was centered around dam safety. Councilmember Baggett reminded this coming Thursday the City will be participating in the 2017 Great Shake Out earthquake drill.

Councilmember Holman reported on his attendance at the Puget Sound Regional Council Growth Management Policy Committee meeting where the Committee reviewed the draft of the Centers framework resolution. Councilmember Holman also reported on his attendance at the Sound Cities Association Public Issues Committee where the proposed 2018 Legislative Agenda was discussed. Councilmember Holman also reported on his attendance at the Puget Sound Regional Council's project selection task force.

Councilmember Wagner reported on his attendance at a meeting of the Puget Sound Regional Council Transportation Policy Board meeting where discussion focused on the Transportation 2020 Update.

Councilmember DaCorsi reported on his attendance at the King County Regional Transit Committee meeting where action was taken on three proposed ordinances: 1) relating to elimination of

the zone and peak fare differential pricing and replacement with a flat adult fare of \$2.75 and increase the cap on the Human Services Ticket Program and a reduction in the cost of the Orca card; 2) an ordinance to increase the total discount subsidy for transit tickets for the Human Services Ticket Program, and 3) an ordinance that would allow the fee for the Regional Reduced Fare Permit (RRFP) for seniors and people with disabilities to be no more than \$3. Councilmember DaCorsi also reported on his attendance at the Association of Washington Cities Board of Directors meeting where the key discussion was centered on 2018 legislative priorities.

B. From the Mayor

Mayor Backus reported on her attendance at a Town Hall meeting at Green River College with Governor Inslee on environment and climate issues. Mayor Backus also reported on a meeting with the Transportation for America group. Mayor Backus reminded Council that she requested Council's input for membership on Sound Cities Association committees.

XIII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:14 p.m.

APPROVED THE _____ DAY OF NOVEMBER, 2017.

NANCY BACKUS, MAYOR

Danielle Daskam, City Clerk

City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

Internet: <http://www.auburnwa.gov>



AGENDA BILL APPROVAL FORM

Agenda Subject:
Claims Vouchers

Date:
November 1, 2017

Department:
Administration

Attachments:
No Attachments Available

Budget Impact:
\$0

Administrative Recommendation:
City Council approve Claims Vouchers.

Background Summary:

Claims vouchers 446223 through 446443 in the amount of \$1,905,669.29 and eight wire transfers in the amount of \$691,615.12 and dated November 6, 2017.

Reviewed by Council Committees:

Councilmember:

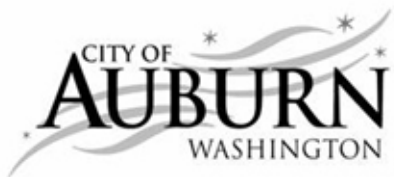
Staff:

Coleman

Meeting Date: November 6, 2017

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:
Payroll Vouchers

Date:
November 1, 2017

Department:
Administration

Attachments:
No Attachments Available

Budget Impact:
\$0

Administrative Recommendation:
City Council approve payroll vouchers.

Background Summary:

Payroll check numbers 537565 through 537586 in the amount of \$432,492.71, electronic deposit transmissions in the amount of \$1,806,549.00 for a grand total of \$2,239,041.71 for the period covering October 12, 2017 to November 1, 2017.

Reviewed by Council Committees:

Councilmember:

Staff:

Coleman

Meeting Date: November 6, 2017

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Call for Public Hearing - 2018 Property Tax Levy Public Hearing

Date:

November 1, 2017

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council to call for a public hearing to receive public comments and suggestions with regard to possible increases in property taxes.

Background Summary:

This public hearing provides an opportunity for any citizens to make comments or suggestions regarding revenue estimates and possible increases in property taxes.

Reviewed by Council Committees:

Councilmember:

Staff:

Coleman

Meeting Date: November 6, 2017

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Call for Public Hearings - Mid-Biennial Review and Modification of
the 2017-2018 Biennial Budget

Date:

November 1, 2017

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council to call for public hearings to be held November 20 and December 4, 2017 to receive public comments and suggestions with regard to the proposed modifications to the 2017-2018 Biennial Budget, including revenue estimates and possible increases in property taxes.

Background Summary:

This is the initial public hearing held prior to the review of the 2017-2018 mid-biennial budget correction. This provides an opportunity for any citizens to make comments or suggestions prior to publication of the mid-biennial correction. Another public hearing will be held on December 4, 2017, after publication of the mid-biennial budget correction and prior to its adoption.

Reviewed by Council Committees:

Councilmember:

Meeting Date: November 6, 2017

Staff:

Item Number:

Coleman

CA.F



AGENDA BILL APPROVAL FORM

Agenda Subject:
Public Works Project No. CP1406

Date:
October 25, 2017

Department:
CD & PW

Attachments:
[Budget Status Sheet](#)
[Bid Tab Summary](#)
[Vicinity Map](#)

Budget Impact:
\$139,633.00

Administrative Recommendation:

City Council award Contract No. 17-28 to West Coast Signal, Inc. on their low bid of \$448,492.50 for Project No. CP1406, Main Street Signal Upgrades project.

Background Summary:

This Contract provides for reconstruction of the existing traffic signal system at the C Street NW and W Main Street intersection. The new traffic signal will provide protected left-turn phasing for C Street and additional safety related to the railroad pre-emption. The project also includes street lighting improvements, new sidewalk ramps, and Intelligent Transportation System (ITS) upgrades.

The City received 6 responsive bids and the low bid was approximately 2% below the engineer's estimate. Staff has performed reference checks and other verifications to determine that West Coast Signal, Inc. meets the responsible bidding criteria and recommends award.

Construction is anticipated to begin in February 2017, due to time required for procurement of signal poles, and is expected to last approximately 2 months.

Budget considerations:

Although the bids were lower than the engineer's estimate, a budget adjustment of \$139,633.00 will be required to fund the project. The needed funds will be covered through traffic mitigation fees and available 102 fund monies and accounted for in an upcoming budget amendment.

Reviewed by Council Committees:

Councilmember:
Meeting Date: November 6, 2017

Staff: Snyder
Item Number: CA.G

BUDGET STATUS SHEET

Project No: CP1406	Project Title: Main Street Signal Upgrades
Project Manager: Kevin Thompson	

Initiation Date: __3/20/14__

Advertisement Date: __9/26/17__

Award Date: _____

- ☐ Update for 100% PS&E

☐ Permission to Advertise

☒ Contract Award

☐ Change Order Approval

☐ Contract Final Acceptance

Date: October 24, 2017

The "Future Years" column indicates the projected amount to be requested in future budgets.

Funds Budgeted (Funds Available)

Funding	Prior Years	2017	2018	Future Years	Total
102 Fund - Unrestricted		0	320,000	0	320,000
124 Fund - Traffic Mitigation Fees	26,856	91,291	58,710	0	176,856
Total	26,856	91,291	378,710	0	496,856

Estimated Cost (Funds Needed)

Activity	Prior Years	2017	2018	Future Years	Total
Design Engineering - City Costs	26,856	24,198	0	0	51,054
Design Engineering - Consultant Costs		67,093	0	0	67,093
Construction Contract Bid		0	448,493	0	448,493
Authorized Construction Contingency (10%)		0	44,849	0	44,849
Construction Engineering - Consultant		0	10,000	0	10,000
Construction Engineering - City Costs		0	15,000	0	15,000
Total	26,856	91,291	518,342	0	636,489

102/124 Arterial Street Budget Status

	Prior Years	2017	2018	Future Years	Total
*102/124 Funds Budgeted ()	(26,856)	(91,291)	(378,710)	0	(496,856)
102/124 Funds Needed	26,856	91,291	518,342	0	636,489
*102/124 Fund Project Contingency ()	0	0	0	0	0
102/124 Funds Required	0	0	139,633	0	139,633

* (#) in the Budget Status Sections indicates Money the City has available.

**BID TABULATION
BID TOTALS SUMMARY**

Project Name: CP1406, Main Street Signal Upgrades, Contract 17-28
Prepared by: City of Auburn
Bid Date: 10/12/17

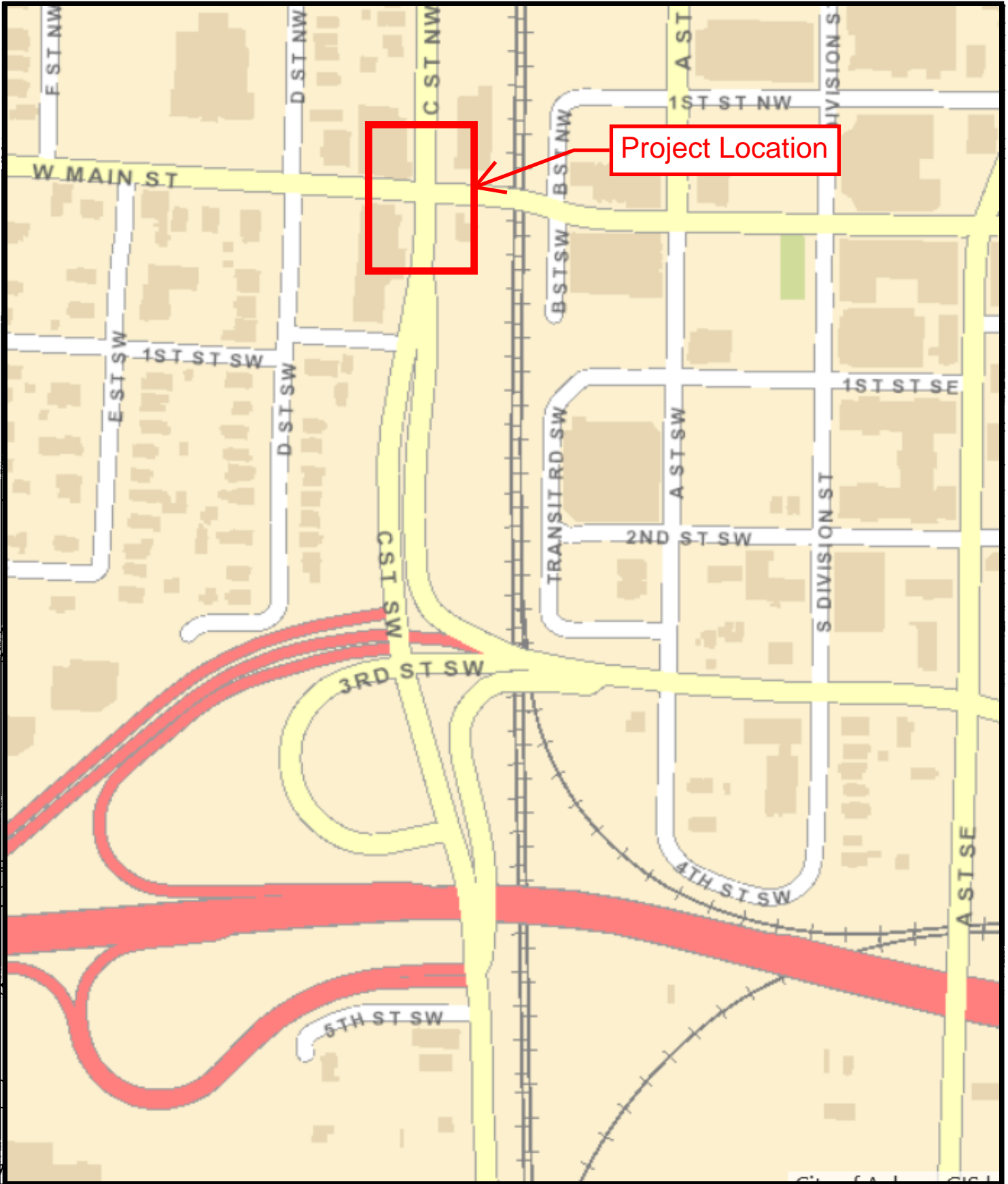
ENGINEER'S ESTIMATE:	\$	456,460.00		
AVERAGE BASIC BID AMOUNT:	\$	492,338.84		
BASIC BID SPREAD AMOUNT:	\$	96,487.50	Basic BID Amount	Spread \$

LOW BIDDER:	West Coast Signal, Inc.	\$	448,492.50	-\$7,967.50	-1.75%
Second Bidder:	Northeast Electric LLC	\$	470,054.00	\$13,594.00	2.98%

Basic BID (No Tax Applicable)

West Coast Signal, Inc.	\$	448,492.50
Northeast Electric LLC	\$	470,054.00
Titan Earthwork	\$	479,486.52
Transportation Systems, Inc.	\$	504,310.00
Totem Electric of Tacoma	\$	506,710.00
Road Construction Northwest,	\$	544,980.00

NOTE: An evaluation of whether a bidder is responsible or non-responsible was only made for the low bidder. This does not indicate, one way or the other, how other bidders would be considered if they were the low bidder.





AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP1417

Date:

October 30, 2017

Department:

CD & PW

Attachments:

[Final Pay Estimate](#)

[Vicinity Map](#)

[CP1417 Budget Status Sheet](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council approve Final Pay Estimate No. 5 to Contract No. 16-04 to R.L. Alia in the amount of \$10,883.00 and accept construction of Project No. CP1417, West Hill Springs Improvements Project.

Background Summary:

The purpose of this project was to improve the City's West Hill Springs Facility and bring it to City standards for source reliability, water quality, and system control/monitoring per recommendations resulting from the sanitary survey conducted by the Department of Health in September 2012 and from the City's 2009 Comprehensive Water System Plan. Major project improvements included the installation of a City provided flow meter and vault, installation of an automatic shutdown/control valve and piping, chlorine analyzer, SCADA system upgrades, and site restoration.

The final contract amount is within the authorized contingency for the project and a project budget contingency of \$110,473.00 remains in the 460 Water Fund.

Reviewed by Council Committees:

Councilmember:

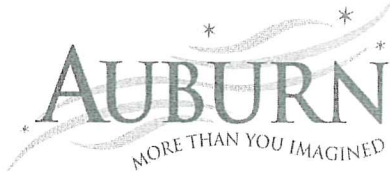
Staff:

Snyder

Meeting Date: November 6, 2017

Item Number:

CA.H



Construction Contract Final Payment No. 16-04/#5

Project Name: West Hill Springs Improvements
Date: 10/19/17

Project Number: CP1417
Contract # 16-04
Status: Approved
Pay Period: 09.21.2017 - 10.20.2017
Retainage Option: City Held

To Contractor:
R.L. ALIA

Cost Summary

Original Contract Value (A):	\$289,643.38
Contract Change Orders (B):	\$ 0.00
Current Contract Value (A+B):	\$289,643.38
Amount Earned to Date (C):	\$323,802.17
Amount Previously Invoiced Including Retainage (D):	\$312,919.17
Amount Earned this Period Including Retainage (C-D):	\$10,883.00
Previous Retainage Amount Held (E):	\$14,246.79
Current Period Retainage Amount (F):	\$ 494.68
Total Retainage Held (E+F):	\$14,741.47
Progress Payment Amount Less Retainage (C-D-F) :	\$10,388.32
Total Contract Amount Spent Percentage	111.79 %

By signing below, the Contractor agrees and affirms to the following: "I have reviewed and approved this final pay estimate. I agree that it is a true and correct statement showing all monies due me from the City of Auburn under this contract; that I have carefully examined the final pay estimate and understand it and that I hereby release the City of Auburn from any and all claims of whatsoever nature which I may have, arising out of this contract, which are not set forth in this estimate."

Contractor:

Inspector:

Project Manager:

City Engineer:

By: GARY PANKIEWILZ
VP

By: Dave Rosell

By: Luis Barba

By: _____

Signed: [Signature]

Signature: [Signature]

Signature: [Signature]

Signature: _____

Date: 10-25-17

Date: 10-30-17

Date: 10/30/17

Date: _____

City Of Auburn
CP1417

16-04/#5

16-04
West Hill Springs Improvements

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
001	A	Minor Changes	Egadj	\$ 1.00	5,000.00	343.6400	\$ 343.64	\$ 0.00	10827.5800	\$10,827.58	216.55
002	A	Record Drawings	LS	\$2,000.00	1.00	1.0000	\$2,000.00	\$ 0.00	1.0000	\$2,000.00	100
003	A	Utility Potholing	EA	\$1,000.00	2.00	0.0000	\$ 0.00	\$ 0.00	7.0000	\$7,000.00	350.0
004	A	SPCC Plan	LS	\$ 500.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 500.00	100
005	A	Mobilization	LS	\$25,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$25,000.00	100
006	A	Traffic Control Supervisor	LS	\$1,000.00	1.00	0.1000	\$100.00	\$ 0.00	1.0000	\$1,000.00	100
007	A	Traffic Control Labor - Flagging (Min. Bid \$39.00 per hour)	HR	\$ 39.00	96.00	0.0000	\$ 0.00	\$ 0.00	80.0000	\$3,120.00	83.33
008	A	Cleaning and Grubbing	LS	\$15,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$15,000.00	100
009	A	Removal of Cement Concrete Flat Work	SY	\$ 30.00	15.00	0.0000	\$ 0.00	\$ 0.00	22.5000	\$ 675.00	150.0
010	A	Removal of Structures & Obstructions	LS	\$13,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$13,000.00	100
011	A	Remove and Reset Fence	LF	\$ 15.00	30.00	0.0000	\$ 0.00	\$ 0.00	60.0000	\$ 900.00	200
012	A	Removal of Curb and Gutter	LF	\$ 15.00	40.00	0.0000	\$ 0.00	\$ 0.00	10.0000	\$150.00	25.00
013	A	Roadway Excavation Incl. Haul	CY	\$200.00	4.00	0.0000	\$ 0.00	\$ 0.00	4.0000	\$ 800.00	100
014	A	Shoring or Structure Excavation Class B	SF	\$ 0.10	2,305.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
015	A	Crushed Surfacing Top Course	TN	\$ 40.00	50.00	0.0000	\$ 0.00	\$ 0.00	157.2600	\$6,290.40	314.52
016	A	Crushed Surfacing Base Course	TN	\$ 40.00	115.00	0.0000	\$ 0.00	\$ 0.00	324.1200	\$12,964.80	281.84
017	A	HMA Cl. 1/2-inch PG 64-22	TN	\$250.00	14.00	0.0000	\$ 0.00	\$ 0.00	40.7900	\$10,197.50	291.36
018	A	HMA Cl. 1-inch PG 64-22	TN	\$250.00	5.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
019	A	Asphalt Cold Patch	TN	\$100.00	7.00	0.0000	\$ 0.00	\$ 0.00	15.1300	\$1,513.00	216.14
020	A	Planning Bituminous Pavement	SY	\$ 50.00	50.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
021	A	PVC Drain Pipe, 6-inch Diam.	LF	\$100.00	95.00	0.0000	\$ 0.00	\$ 0.00	106.0000	\$10,600.00	111.58
022	A	PVC Drain Pipe, 4-inch Diam.	LF	\$100.00	150.00	0.0000	\$ 0.00	\$ 0.00	131.0000	\$13,100.00	87.33
023	A	Connect to Existing Catch Basin	EA	\$2,500.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$2,500.00	100
024	A	Gravel Backfill for Foundations	TN	\$ 30.00	3.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
025	A	Gravel Backfill for Pipe Zone Bedding	TN	\$ 40.00	41.00	0.0000	\$ 0.00	\$ 0.00	30.1000	\$1,204.00	73.41
026	A	Imported Pipe Trench Backfill	TN	\$ 40.00	44.00	0.0000	\$ 0.00	\$ 0.00	259.9900	\$10,399.60	590.89
027	A	Special Class 52 Ductile Iron Pipe for Water Main 10 in. Diam.	LF	\$140.00	150.00	0.0000	\$ 0.00	\$ 0.00	135.0000	\$18,900.00	90.0
028	A	Special Class 52 Ductile Iron Pipe for Water Main 24 in. Diam.	LF	\$ 350.00	16.00	0.0000	\$ 0.00	\$ 0.00	16.0000	\$5,600.00	100
029	A	Connect to Existing Water Main	EA	\$3,000.00	2.00	0.0000	\$ 0.00	\$ 0.00	3.0000	\$9,000.00	150.0
030	A	Gate Valve 10-inch Diam.	EA	\$2,000.00	4.00	0.0000	\$ 0.00	\$ 0.00	4.0000	\$8,000.00	100
031	A	Install City Provided Butterfly	EA	\$2,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$2,000.00	100

Period Dates
Begin: 09.21.2017
End: 10.20.2017
2 of 3

City Of Auburn
CP1417
16-04/#5

16-04
West Hill Springs Improvements

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
		Valve 24-inch Diam.									
032	A	Temporary Water Pollution/Erosion Control	EqAdj	\$ 1.00	5,000.00	0.0000	\$ 0.00	\$ 0.00	2479.4400	\$2,479.44	49.59
033	A	Roadside Restoration	EqAdj	\$ 1.00	3,000.00	0.0000	\$ 0.00	\$ 0.00	1831.0500	\$1,831.05	61.04
034	A	Cement Concrete Traffic Curb and Gutter	LF	\$ 30.00	40.00	0.0000	\$ 0.00	\$ 0.00	10.5000	\$ 315.00	26.25
035	A	Cement Concrete Sidewalk	SY	\$ 30.00	23.00	0.0000	\$ 0.00	\$ 0.00	22.5000	\$ 675.00	97.83
036	A	Paint Line	LF	\$ 7.00	30.00	0.0000	\$ 0.00	\$ 0.00	41.0000	\$ 287.00	136.67
037	A	Shutoff Valve Vault Assembly	LS	\$50,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$50,000.00	100
038	A	Meter Vault Assembly (City Supplied Equipment)	LS	\$15,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$15,000.00	100
039	A	Spring Hatch Lid Assembly (City Supplied Equipment)	LS	\$3,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$3,000.00	100
040	A	Chlorine Residual Analyzer and Vault	LS	\$9,000.00	1.00	0.0500	\$ 450.00	\$ 0.00	1.0000	\$9,000.00	100
041	A	Water System Electrical, Complete	LS	\$20,000.00	1.00	0.3500	\$7,000.00	\$ 0.00	1.0000	\$20,000.00	100
5001	A	Schedule A Sales Tax	LS	\$25,128.88	1.00	0.0000	\$ 989.36	\$ 0.00	0.0000	\$28,972.80	115.30
A		ROW LEFT INTENTIONALLY BLANK									

Period Dates
Begin: 09.21.2017
End: 10.20.2017
3 of 3

West Hill Springs-Project Site

Printed Date: 10/20/2017

Map Created by City of Auburn eGIS

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

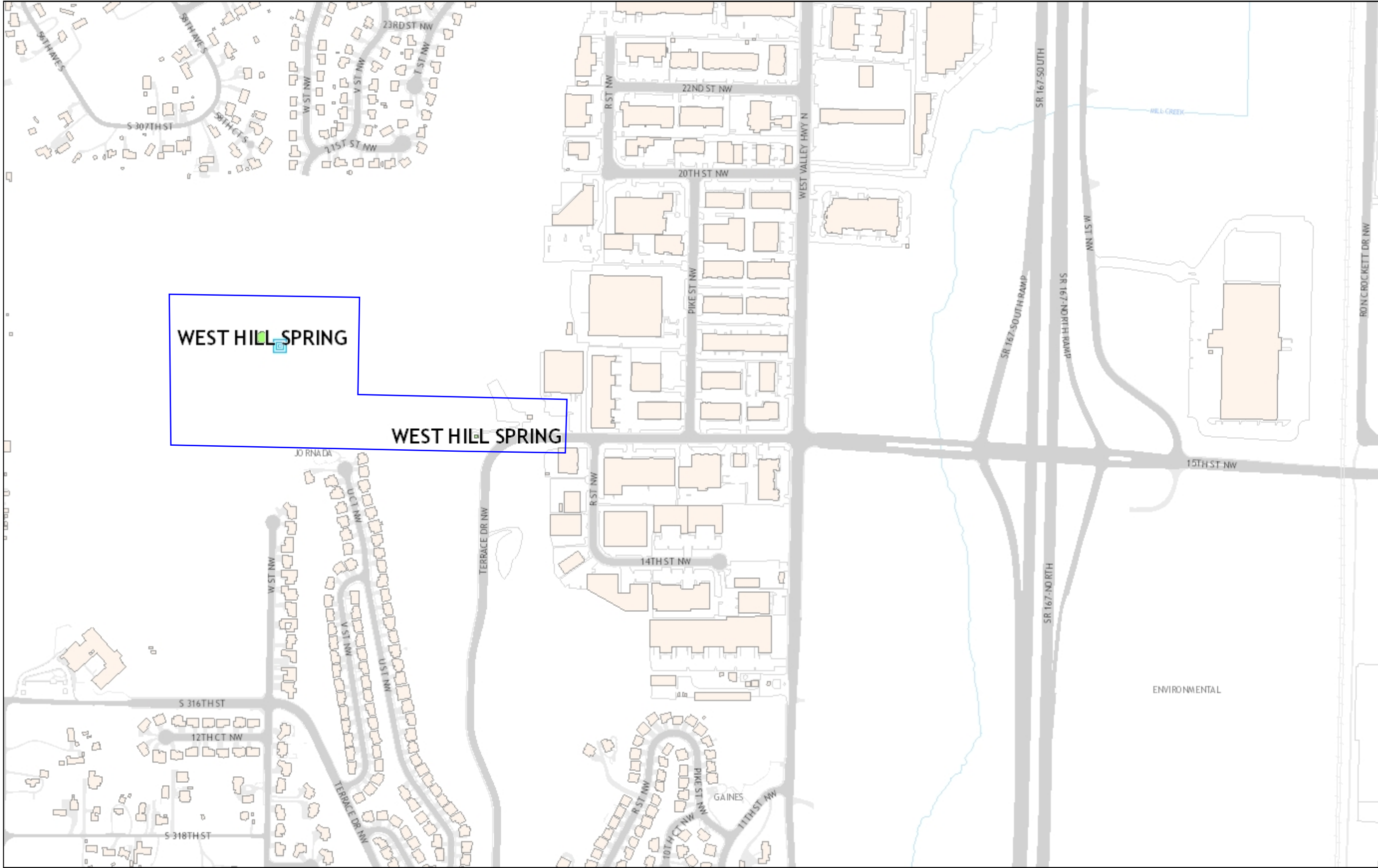
Imagery Date: May 2015

Legend

COA Water Springs

Notes

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BUDGET STATUS SHEET

Project No: CP1417

Project Title: West Hill Springs Improvements

Project Manager: Luis Barba

Initiation Date: 11/10/2014

Advertisement Date: 11/17/2016

Award Date: 12/19/2016

- ☐ Project Update

☐ Permission to Advertise

☐ Carry Forward

☐ Change Order Approval

☒ Contract Final Acceptance

Date: October 19, 2017

The "Future Years" column indicates the projected amount to be requested in future budgets.

Funds Budgeted (Funds Available)

Funding	Prior Years	2014 (Actual)	2015 (Actual)	2016 (Actual)	2017	Total
460 Fund - Water Repair and Replacements		511	8,096	112,740	483,653	605,000
Total		511	8,096	112,740	483,653	605,000

Estimated Cost (Funds Needed)

Activity	Prior Years	2014 (Actual)	2015 (Actual)	2016 (Actual)	2017	Total
Design Engineering - City Costs		511	8,096	20,729		29,336
Design Engineering - Consultant Costs				86,755		86,755
Other/Misc-Water				2,653		2,653
Permits				1,056		1,056
Construction Contract Bid					289,643	289,643
Line Item Changes					34,159	34,159
Construction Engineering - Consultant Costs					11,002	11,002
Construction Engineering - City Costs				1,547	38,000	39,547
Construction Engineering - Other					376	376
Total		511	8,096	112,740	373,180	494,527

460 Water Budget Status

	Prior Years	2014 (Actual)	2015 (Actual)	2016 (Actual)	2017	Total
*460 Funds Budgeted ()		(511)	(8,096)	(112,740)	(483,653)	(605,000)
460 Funds Needed		511	8,096	112,740	373,180	494,527
*460 Fund Project Contingency ()		0	0	(0)	(110,473)	(110,473)
460 Funds Required		0	0	0	0	0

* (#) in the Budget Status Sections indicates Money the City has available.

AGENDA BILL APPROVAL FORM

Agenda Subject:
Public Works Project No. CP1511

Date:
October 25, 2017

Department:
CD & PW

Attachments:

[Budget Status Sheet](#)

[Final Pay Estimate No. 3](#)

[Vicinity Map](#)

Budget Impact:
\$0

Administrative Recommendation:

City Council approve Final Pay Estimate No. 3 to Contract No. 17-12 in the amount of \$488,335.14 and accept construction of Project No. CP1511, M Street SE Improvements.

Background Summary:

The M Street SE Improvements (3rd Street SE to East Main Street) project constructed roadway and utility improvements on M Street SE from 3rd Street SE to East Main Street. Project improvements included new asphalt concrete pavement, cement concrete sidewalks and curb and gutter, installation of new storm drainage and sanitary sewer pipes, new water services, and ITS improvements.

A project budget contingency of \$245,831.00 remains in the 462 Storm Fund.

A project budget contingency of \$265,923.00 remains in the 460 Water Fund.

A project budget contingency of \$159,513.00 remains in the 461 Sewer Fund.

A project budget contingency of \$101,792.00 remains in the 102/105 Traffic Fund.

Reviewed by Council Committees:

Councilmember:

Staff:

Snyder

Meeting Date: November 6, 2017

Item Number:

CA.I

BUDGET STATUS SHEET

Project No: CP1511	Project Title: M Street SE Improvements (3rd St SE to East Main St)
Project Manager: K. Thompson	Date: October 24, 2017

Advertisement Date: April 20, 2017
Award Date: May 15, 2017

- ☐ Project Update

☐ Advertisement

☐ Contract Award

☐ Change Order Approval

☒ Contract Final Acceptance

The "Future Years" column indicates the projected amount to be requested in future budgets.

Funds Budgeted (Funds Available)

Funding	2015 (Actual)	2016 (Actual)	2017	Total
462 Storm Fund	38,312	7,899	618,441	664,652
460 Water Fund	3,046	8,819	469,135	481,000
461 Sewer Fund	3,283	13,136	399,764	416,183
102/105 Traffic Fund	1,877	18,250	511,750	531,877
Total	46,518	48,104	1,999,090	2,093,712

Estimated Cost (Funds Needed)

Activity	2015 (Actual)	2016 (Actual)	2017	Total
Design Engineering - City Costs	46,518	48,104	134,239	228,861
Construction Contract Bid			1,583,398	1,583,398
Line Item Changes			(357,366)	(357,366)
Construction Consultant - Testing			5,055	5,055
Construction Engineering - City Costs			73,410	73,410
Total	46,518	48,104	1,438,736	1,533,358

462 Storm Budget Status

	2015 (Actual)	2016 (Actual)	2017	Total
*462 Funds Budgeted ()	(38,312)	(7,899)	(618,441)	(664,652)
462 Funds Needed	38,312	7,899	372,610	418,821
*462 Fund Project Contingency ()	0	0	(245,831)	(245,831)
462 Funds Required	0	0	0	0

* (#) in the Budget Status Sections indicates Money the City has available.

460 Water Budget Status

	2015 (Actual)	2016 (Actual)	2017	Total
*460 Funds Budgeted ()	(3,046)	(8,819)	(469,135)	(481,000)
460 Funds Needed	3,046	8,819	203,212	215,077
*460 Fund Project Contingency ()	0	0	(265,923)	(265,923)
460 Funds Required	0	0	0	0

* (#) in the Budget Status Sections indicates Money the City has available.

461 Sewer Budget Status

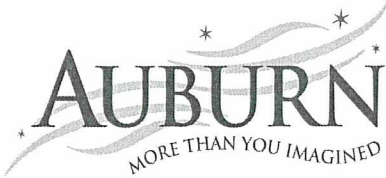
	2015 (Actual)	2016 (Actual)	2017	Total
*461 Funds Budgeted ()	(3,283)	(13,136)	(399,764)	(416,183)
461 Funds Needed	3,283	13,136	240,251	256,670
*461 Fund Project Contingency ()	0	0	(159,513)	(159,513)
461 Funds Required	0	0	0	0

* (#) in the Budget Status Sections indicates Money the City has available.

102/105 Traffic Budget Status

	2015 (Actual)	2016 (Actual)	2017	Total
*102/105 Funds Budgeted ()	(1,877)	(18,250)	(511,750)	(531,877)
102/105 Funds Needed	1,877	18,250	409,958	430,085
*102/105 Fund Project Contingency ()	0	0	(101,792)	(101,792)
102/105 Funds Required	0	0	0	0

* (#) in the Budget Status Sections indicates Money the City has available.



Construction Contract Final Payment No. 17-12/#3

Project Name: M Street SE Improvements - 3rd St SE
to East Main St
Date: 9/21/17

Project Number: CP1511

Contract # 17-12

Status: Approved

Pay Period: 08.21.2017 - 09.20.2017

Retainage Option: Bond in Lieu

To Contractor:

Active Construction, Inc.

Cost Summary

Original Contract Value (A): \$1,583,397.89

Contract Change Orders (B): \$ 0.00

Current Contract Value (A+B): \$1,583,397.89

Amount Earned to Date (C): \$1,226,031.82

Amount Previously Invoiced Including Retainage (D): \$737,696.67

Amount Earned this Period Including Retainage (C-D): \$488,335.14

Previous Retainage Amount Held (E): \$ 0.00

Current Period Retainage Amount (F): \$ 0.00

Total Retainage Held (E+F): \$ 0.00

Progress Payment Amount Less Retainage (C-D-F) : \$488,335.14

Total Contract Amount Spent Percentage 77.43 %

By signing below, the Contractor agrees and affirms to the following: "I have reviewed and approved this final pay estimate. I agree that it is a true and correct statement showing all monies due me from the City of Auburn under this contract; that I have carefully examined the final pay estimate and understand it and that I hereby release the City of Auburn from any and all claims of whatsoever nature which I may have, arising out of this contract, which are not set forth in this estimate."

Contractor:

Inspector:

Project Manager:

City Engineer:

By: MARINA NALL

By: David B. Russell

By: Kenn Thompson

By: _____

Signed: Marina Nall

Signature: David B. Russell

Signature: Kenn Thompson

Signature: _____

Date: 10/10/2017

Date: 10/10/2017

Date: 10/10/17

Date: _____

17-12/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
001	A	Minor Change	Est	\$ 1.00	10,000.00	0.0000	\$ 0.00	\$ 0.00	6840.5900	\$6,840.59	68.41
002	A	Record Drawings (Min. Bid \$500.00)	LS	\$ 500.00	1.00	1.0000	\$ 500.00	\$ 0.00	1.0000	\$ 500.00	100
003	A	SPCC Plan	LS	\$ 150.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 150.00	100
004	A	Utility Potholing	EA	\$ 350.00	20.00	0.0000	\$ 0.00	\$ 0.00	11.0000	\$3,850.00	55.00
005	A	Incentive Payment	Calc	\$ 1.00	10,000.00	10000.0000	\$10,000.00	\$ 0.00	10000.0000	\$10,000.00	100
006	A	Mobilization	LS	\$25,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$25,000.00	100
007	A	Traffic Control Supervisor	LS	\$ 1.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 1.00	100
008	A	Pedestrian Traffic Control	LS	\$ 250.00	1.00	0.5000	\$ 125.00	\$ 0.00	1.0000	\$ 250.00	100
009	A	Traffic Control Labor - Flagging (Min. Bid \$39.00 per hour)	HR	\$ 77.00	220.00	0.0000	\$ 0.00	\$ 0.00	265.5000	\$20,443.50	120.68
010	A	Construction Signs Class A	SF	\$ 32.00	160.00	8.0000	\$ 256.00	\$ 0.00	126.5000	\$4,048.00	79.06
011	A	Sequential Arrow Sign	Day	\$ 28.00	5.00	24.0000	\$ 672.00	\$ 0.00	80.0000	\$2,240.00	1600
012	A	Portable Changeable Message Sign	Day	\$ 43.00	60.00	60.0000	\$2,580.00	\$ 0.00	240.0000	\$10,320.00	400
013	A	Outside Agency Uniformed Police Flagging Labor	Est	\$ 1.00	2,500.00	1283.6100	\$1,283.61	\$ 0.00	1283.6100	\$1,283.61	51.34
014	A	Removal of Structures and Obstructions	LS	\$2,500.00	1.00	1.0000	\$2,500.00	\$ 0.00	1.0000	\$2,500.00	100
015	A	Roadway Excavation Incl. Haul	CY	\$ 38.00	480.00	0.0000	\$ 0.00	\$ 0.00	510.0000	\$19,380.00	106.25
016	A	Shoring and Extra Excavation Class B	SF	\$ 0.01	13,900.00	10938.0000	\$ 109.38	\$ 0.00	10938.0000	\$ 109.38	78.69
017	A	Crushed Surfacing Base Course	TON	\$ 37.00	490.00	0.0000	\$ 0.00	\$ 0.00	453.5200	\$16,780.24	92.56
018	A	HMA Cl. 1/2-inch PG 64-22	TON	\$ 80.00	270.00	270.0000	\$21,600.00	\$ 0.00	270.0000	\$21,600.00	100
019	A	HMA Cl. 1-inch PG 64-22	TON	\$ 73.00	400.00	400.0000	\$29,200.00	\$ 0.00	400.0000	\$29,200.00	100
020	A	Asphalt Cold Patch	TON	\$ 135.00	20.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
021	A	Planing Bituminous Pavement	SY	\$ 35.00	30.00	0.0000	\$ 0.00	\$ 0.00	30.0000	\$1,050.00	100
022	A	Solid Wall PVC Storm Pipe, SDR-35, 12 In. Diam.	LF	\$ 68.00	133.00	0.0000	\$ 0.00	\$ 0.00	133.0000	\$9,044.00	100
023	A	Solid Wall PVC Storm Pipe, SDR-35, 21 In. Diam.	LF	\$ 86.00	943.00	0.0000	\$ 0.00	\$ 0.00	943.0000	\$81,098.00	100
024	A	Storm Sewer Television Inspection	LF	\$ 1.00	1,076.00	0.0000	\$ 0.00	\$ 0.00	1076.0000	\$1,076.00	100
025	A	Manhole 48-inch Diam. Type 1	EA	\$4,000.00	4.00	0.0000	\$ 0.00	\$ 0.00	4.0000	\$16,000.00	100
026	A	Manhole 60-inch Diam. Type 3	EA	\$6,000.00	1.00	0.1000	\$ 600.00	\$ 0.00	1.0000	\$6,000.00	100
027	A	Catch Basin Type 1	EA	\$1,750.00	6.00	0.0000	\$ 0.00	\$ 0.00	6.0000	\$10,500.00	100
028	A	Pipe Foundation Material	TON	\$ 20.00	560.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
029	A	Pipe Zone Bedding	TON	\$ 28.00	1,700.00	0.0000	\$ 0.00	\$ 0.00	958.9700	\$26,851.16	56.41

Period Dates
Begin: 08.21.2017
End: 09.20.2017
2 of 7

City Of Auburn
CP1511

17-12
M Street SE Improvements - 3rd St SE to East Main St

17-12/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
030	A	Select Pipe Trench Backfill	TON	\$ 11.50	220.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
031	A	Imported Pipe Trench Backfill	TON	\$ 22.50	4,600.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
032	A	Controlled Density Fill (CDF) for Trench Backfill	CY	\$ 225.00	25.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
033	A	Controlled Density Fill (CDF) for Filling Pipe	CY	\$ 225.00	25.00	10.5000	\$2,362.50	\$ 0.00	10.5000	\$2,362.50	42.00
034	A	Temporary Water Pollution/Erosion Control	Est	\$ 1.00	5,000.00	1303.4900	\$1,303.49	\$ 0.00	1303.4900	\$1,303.49	26.07
035	A	TESC Plan	LS	\$ 150.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 150.00	100
036	A	Inlet Protection	EA	\$ 200.00	13.00	0.0000	\$ 0.00	\$ 0.00	13.0000	\$2,600.00	100
037	A	Precast Curb with Delineators	LF	\$ 32.00	102.00	100.0000	\$3,200.00	\$ 0.00	100.0000	\$3,200.00	98.04
038	A	Raised Pavement Marker Type 2	EA	\$ 11.00	64.00	133.0000	\$1,463.00	\$ 0.00	133.0000	\$1,463.00	207.81
039	A	Paint Line	LF	\$ 1.00	850.00	1002.0000	\$1,002.00	\$ 0.00	1002.0000	\$1,002.00	117.88
040	A	Plastic Crosswalk Line	SF	\$ 4.50	120.00	120.0000	\$ 540.00	\$ 0.00	120.0000	\$ 540.00	100
041	B	Minor Change	Est	\$ 1.00	5,000.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
042	B	Record Drawings (Min. Bid \$500.00)	LS	\$ 500.00	1.00	1.0000	\$ 500.00	\$ 0.00	1.0000	\$ 500.00	100
043	B	SPCC Plan	LS	\$ 150.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 150.00	100
044	B	Utility Potholing	EA	\$ 350.00	15.00	0.0000	\$ 0.00	\$ 0.00	14.0000	\$4,900.00	93.33
045	B	Incentive Payment	Calc	\$ 1.00	10,000.00	1.0000	\$10,000.00	\$ 0.00	1.0000	\$10,000.00	100
046	B	Mobilization	LS	\$25,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$25,000.00	100
047	B	Traffic Control Supervisor	LS	\$ 1.00	1.00	0.5000	\$ 0.50	\$ 0.00	1.0000	\$ 1.00	100
048	B	Pedestrian Traffic Control	LS	\$ 250.00	1.00	0.5000	\$ 125.00	\$ 0.00	1.0000	\$ 250.00	100
049	B	Traffic Control Labor - Flagging (Min. Bid \$39.00 per hour)	HR	\$ 77.00	220.00	67.0000	\$5,159.00	\$ 0.00	169.0000	\$13,013.00	76.82
050	B	Construction Signs Class A	SF	\$ 27.00	160.00	0.0000	\$ 0.00	\$ 0.00	118.5000	\$3,199.50	74.06
051	B	Sequential Arrow Sign	Day	\$ 28.00	5.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
052	B	Portable Changeable Message Sign	Day	\$ 43.00	60.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
053	B	Outside Agency Uniformed Police Flagging Labor	Est	\$ 1.00	2,500.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
054	B	Removal of Structures and Obstructions	LS	\$2,500.00	1.00	0.5000	\$1,250.00	\$ 0.00	1.0000	\$2,500.00	100
055	B	Roadway Excavation Incl. Haul	CY	\$ 38.00	320.00	0.0000	\$ 0.00	\$ 0.00	350.0000	\$13,300.00	109.38
056	B	Shoring and Extra Excavation Class B	SF	\$ 0.01	8,600.00	0.0000	\$ 0.00	\$ 0.00	6032.0000	\$ 60.32	70.14
057	B	Crushed Surfacing Base Course	TON	\$ 32.00	320.00	0.0000	\$ 0.00	\$ 0.00	402.2700	\$12,872.64	125.71
058	B	Crushed Surfacing Top Course	TON	\$ 90.00	10.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0

Period Dates
Begin: 08.21.2017
End: 09.20.2017
3 of 7

City Of Auburn
CP1511

17-12
M Street SE Improvements - 3rd St SE to East Main St

17-12/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
059	B	HMA Cl. 1/2-inch PG 64-22	TON	\$ 80.00	180.00	180.0000	\$14,400.00	\$ 0.00	180.0000	\$14,400.00	100
060	B	HMA Cl. 1-inch PG 64-22	TON	\$ 73.00	270.00	57.1600	\$4,172.68	\$ 0.00	57.1600	\$4,172.68	21.17
061	B	Asphalt Cold Patch	TON	\$ 135.00	20.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
062	B	Manhole 48 In. Diam. Type 1	EA	\$5,000.00	3.00	0.3000	\$1,500.00	\$ 0.00	3.0000	\$15,000.00	100
063	B	Abandon Existing Manhole	EA	\$ 800.00	3.00	3.0000	\$2,400.00	\$ 0.00	3.0000	\$2,400.00	100
064	B	Pipe Foundation Material	TON	\$ 18.00	950.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
065	B	Pipe Zone Bedding	TON	\$ 28.00	220.00	0.0000	\$ 0.00	\$ 0.00	396.9400	\$11,114.32	180.43
066	B	Select Pipe Trench Backfill	TON	\$ 11.50	110.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
067	B	Imported Pipe Trench Backfill	TON	\$ 22.50	1,200.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
068	B	Controlled Density Fill (CDF) for Filling Pipe	CY	\$ 225.00	15.00	10.5000	\$2,362.50	\$ 0.00	10.5000	\$2,362.50	70.0
069	B	PVC Sanitary Sewer Pipe, SDR-35, 8 In. Diam.	LF	\$ 51.00	823.00	0.0000	\$ 0.00	\$ 0.00	848.0000	\$43,248.00	103.04
070	B	PVC Sanitary Sewer Pipe, SDR-35, 6 In. Diam.	LF	\$ 97.00	250.00	0.0000	\$ 0.00	\$ 0.00	250.0000	\$24,250.00	100
071	B	Sanitary Sewer Television Inspection	LF	\$ 1.50	823.00	-800.0000	-\$1,200.00	\$ 0.00	848.0000	\$1,272.00	103.04
072	B	Sewer Cleanout	EA	\$1,300.00	10.00	0.0000	\$ 0.00	\$ 0.00	10.0000	\$13,000.00	100
073	B	Temporary Water Pollution/Erosion Control	Est	\$ 1.00	2,500.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
074	B	Roadside Restoration	Est	\$ 1.00	7,500.00	1146.9200	\$1,146.92	\$ 0.00	1146.9200	\$1,146.92	15.29
075	B	Raised Pavement Marker Type 2	EA	\$ 11.00	13.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
076	B	Paint Line	LF	\$ 1.00	492.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
077	B	Plastic Crosswalk Line	SF	\$ 4.50	20.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
078	B	Plastic Stop Line	LF	\$ 9.00	28.00	33.0000	\$ 297.00	\$ 0.00	33.0000	\$ 297.00	117.86
079	C	Minor Change	Est	\$ 1.00	5,000.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
080	C	Record Drawings (Min. Bid \$500.00)	LS	\$ 500.00	1.00	1.0000	\$ 500.00	\$ 0.00	1.0000	\$ 500.00	100
081	C	SPCC Plan	LS	\$ 150.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 150.00	100
082	C	Utility Potholing	EA	\$ 300.00	20.00	0.0000	\$ 0.00	\$ 0.00	10.0000	\$3,000.00	50.0
083	C	Incentive Payment	Calc	\$ 1.00	10,000.00	1.0000	\$10,000.00	\$ 0.00	1.0000	\$10,000.00	100
084	C	Mobilization	LS	\$25,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$25,000.00	100
085	C	Traffic Control Supervisor	LS	\$ 1.00	1.00	0.5000	\$ 0.50	\$ 0.00	1.0000	\$ 1.00	100
086	C	Pedestrian Traffic Control	LS	\$ 250.00	1.00	0.5000	\$ 125.00	\$ 0.00	1.0000	\$ 250.00	100
087	C	Traffic Control Labor - Flagging (Min. Bid \$39.00 per hour)	HR	\$ 77.00	220.00	67.0000	\$5,159.00	\$ 0.00	67.0000	\$5,159.00	30.45
088	C	Construction Signs Class A	SF	\$ 28.00	160.00	8.0000	\$ 224.00	\$ 0.00	126.5000	\$3,542.00	79.06
089	C	Sequential Arrow Sign	Day	\$ 28.00	5.00	8.0000	\$ 224.00	\$ 0.00	8.0000	\$ 224.00	160.0

Period Dates
Begin: 08.21.2017
End: 09.20.2017
4 of 7

City Of Auburn
CP1511

17-12
M Street SE Improvements - 3rd St SE to East Main St

17-12/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
090	C	Portable Changeable Message Sign	Day	\$ 43.00	60.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
091	C	Roadway Excavation Incl. Haul	CY	\$ 38.00	260.00	0.0000	\$ 0.00	\$ 0.00	290.0000	\$11,020.00	111.54
092	C	Shoring and Extra Excavation Class B	SF	\$ 0.45	600.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
093	C	Crushed Surfacing Base Course	TON	\$ 48.00	40.00	0.0000	\$ 0.00	\$ 0.00	89.0700	\$4,275.36	222.68
094	C	Crushed Surfacing Top Course	TON	\$ 90.00	60.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
095	C	HMA Cl. 1/2-inch PG 64-22	TON	\$ 85.00	50.00	33.7000	\$2,864.50	\$ 0.00	33.7000	\$2,864.50	67.40
096	C	HMA Cl. 1-inch PG 64-22	TON	\$ 68.00	40.00	40.0000	\$2,720.00	\$ 0.00	40.0000	\$2,720.00	100
097	C	Planing Bituminous Pavement	SY	\$ 18.00	230.00	0.0000	\$ 0.00	\$ 0.00	230.0000	\$4,140.00	100
098	C	Pipe Foundation Material	TON	\$ 20.00	50.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
099	C	Pipe Zone Bedding	TON	\$ 28.00	70.00	0.0000	\$ 0.00	\$ 0.00	13.0100	\$ 364.28	18.59
100	C	Select Pipe Trench Backfill	TON	\$ 11.50	80.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
101	C	Controlled Density Fill (CDF) for Filling Pipe	CY	\$ 225.00	15.00	10.5000	\$2,362.50	\$ 0.00	10.5000	\$2,362.50	70.0
102	C	Plug or Cap Water Main	EA	\$ 500.00	2.00	0.0000	\$ 0.00	\$ 0.00	2.0000	\$1,000.00	100
103	C	Hydrant Assembly	EA	\$10,500.00	2.00	0.0000	\$ 0.00	\$ 0.00	2.0000	\$21,000.00	100
104	C	Water Service Connection ¾ In. Meter with 1 In. Diam. Service Line	EA	\$1,900.00	23.00	0.0000	\$ 0.00	\$ 0.00	23.0000	\$43,700.00	100
105	C	Temporary Water Pollution/Erosion Control	Est	\$ 1.00	5,000.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
106	C	Roadside Restoration	Est	\$ 1.00	25,000.00	3823.0600	\$3,823.06	\$ 0.00	3823.0600	\$3,823.06	15.29
107	C	Cement Conc. Traffic Curb and Gutter	LF	\$ 29.00	620.00	5.0000	\$ 145.00	\$ 0.00	605.0000	\$17,545.00	97.58
108	C	Cement Conc. Driveway Entrance Type 2 Residential	SY	\$ 78.00	100.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
109	C	Cement Concrete Driveway Approach	SY	\$ 78.00	20.00	11.0000	\$ 858.00	\$ 0.00	11.0000	\$ 858.00	55.00
110	C	Cement Conc. Sidewalk	SY	\$ 48.00	450.00	442.5000	\$21,240.00	\$ 0.00	442.5000	\$21,240.00	98.33
111	D	Minor Change	Est	\$15,000.00	1.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
112	D	Record Drawings (Min. Bid \$500.00)	LS	\$ 500.00	1.00	1.0000	\$ 500.00	\$ 0.00	1.0000	\$ 500.00	100
113	D	SPCC Plan	LS	\$ 150.00	1.00	0.0000	\$ 0.00	\$ 0.00	1.0000	\$ 150.00	100
114	D	Incentive Payment	Calc	\$ 1.00	10,000.00	10000.0000	\$10,000.00	\$ 0.00	10000.0000	\$10,000.00	100
115	D	Mobilization	LS	\$129,566.04	1.00	1.0000	\$129,566.04	\$ 0.00	1.0000	\$129,566.04	100
116	D	Traffic Control Supervisor	LS	\$ 1.00	1.00	0.5000	\$ 0.50	\$ 0.00	1.0000	\$ 1.00	100
117	D	Pedestrian Traffic Control	LS	\$ 250.00	1.00	0.5000	\$ 125.00	\$ 0.00	1.0000	\$ 250.00	100

Period Dates
Begin: 08.21.2017
End: 09.20.2017
5 of 7

City Of Auburn
CP1511

17-12
M Street SE Improvements - 3rd St SE to East Main St

17-12/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
118	D	Traffic Control Labor - Flagging (Min. Bid \$39.00 per hour)	HR	\$ 77.00	220.00	67.0000	\$5,159.00	\$ 0.00	67.0000	\$5,159.00	30.45
119	D	Construction Signs Class A	SF	\$ 23.00	160.00	8.0000	\$ 184.00	\$ 0.00	126.5000	\$2,909.50	79.06
120	D	Sequential Arrow Sign	Day	\$ 28.00	5.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
121	D	Portable Changeable Message Sign	Day	\$ 43.00	60.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
122	D	Roadway Excavation Incl. Haul	CY	\$ 30.00	940.00	0.0000	\$ 0.00	\$ 0.00	969.5000	\$29,085.00	103.14
123	D	Crushed Surfacing Base Course	TON	\$ 37.00	750.00	0.0000	\$ 0.00	\$ 0.00	1380.8100	\$51,089.97	184.11
124	D	Crushed Surfacing Top Course	TON	\$ 90.00	50.00	0.0000	\$ 0.00	\$ 0.00	63.3200	\$5,698.80	126.64
125	D	HMA Cl. 1/2-inch PG 64-22	TON	\$ 85.00	500.00	500.0000	\$42,500.00	\$ 0.00	500.0000	\$42,500.00	100
126	D	HMA Cl. 1-inch PG 64-22	TON	\$ 73.00	690.00	690.0000	\$50,370.00	\$ 0.00	690.0000	\$50,370.00	100
127	D	Asphalt Cold Patch	TON	\$ 135.00	20.00	0.0000	\$ 0.00	\$ 0.00	4.2800	\$ 577.80	21.40
128	D	Commercial HMA	TON	\$ 160.00	20.00	16.0900	\$2,574.40	\$ 0.00	16.0900	\$2,574.40	80.45
129	D	Planing Bituminous Pavement	SY	\$ 7.00	570.00	0.0000	\$ 0.00	\$ 0.00	598.9000	\$4,192.30	105.07
130	D	Adjust Manhole	EA	\$ 550.00	2.00	2.0000	\$1,100.00	\$ 0.00	2.0000	\$1,100.00	100
131	D	Temporary Water Pollution/Erosion Control	Est	\$ 1.00	5,000.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
132	D	Roadside Restoration	Est	\$ 1.00	20,000.00	3058.4500	\$3,058.45	\$ 0.00	3058.4500	\$3,058.45	15.29
133	D	Cement Conc. Traffic Curb and Gutter	LF	\$ 28.00	550.00	0.0000	\$ 0.00	\$ 0.00	600.0000	\$16,800.00	109.09
134	D	Cement Conc. Driveway Entrance Type 2 Residential	SY	\$ 80.00	60.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
135	D	Cement Conc. Driveway Entrance Type 5 Residential	SY	\$ 80.00	100.00	128.3000	\$10,264.00	\$ 0.00	128.3000	\$10,264.00	128.30
136	D	Cement Concrete Driveway Approach	SY	\$ 160.00	5.00	11.2000	\$1,792.00	\$ 0.00	11.2000	\$1,792.00	224.00
137	D	Cement Conc. Sidewalk	SY	\$ 48.00	400.00	338.5000	\$16,248.00	\$ 0.00	338.5000	\$16,248.00	84.63
138	D	ITS Complete	LS	\$21,500.00	1.00	1.0000	\$21,500.00	\$ 0.00	1.0000	\$21,500.00	100
139	D	Permanent Signing	LS	\$4,000.00	1.00	1.0000	\$4,000.00	\$ 0.00	1.0000	\$4,000.00	100
140	D	Plastic Crosswalk Line	SF	\$ 4.00	80.00	80.0000	\$ 320.00	\$ 0.00	80.0000	\$ 320.00	100
141	D	Plastic Traffic Arrow	EA	\$ 63.00	5.00	4.0000	\$ 252.00	\$ 0.00	4.0000	\$ 252.00	80.0
5001	A	Schedule A Sales Tax	LS	\$48,664.60	1.00	0.0000	\$7,929.70	\$ 0.00	0.0000	\$33,873.65	69.61
5002	B	Schedule B Sales Tax	LS	\$29,906.15	1.00	0.0000	\$4,211.36	\$ 0.00	0.0000	\$21,840.99	73.03
5003	C	Schedule C Sales Tax	LS	\$25,151.60	1.00	0.0000	\$5,024.56	\$ 0.00	0.0000	\$18,473.87	73.45
5004	D	Schedule D Sales Tax	LS	\$ 0.00	1.00	0.0000	\$ 0.00	\$ 0.00	0.0000	\$ 0.00	0
A		ROW LEFT INTENTIONALLY BLANK									
B		ROW LEFT INTENTIONALLY									

Period Dates
Begin: 08.21.2017
End: 09.20.2017
6 of 7

City Of Auburn
CP1511

17-12
M Street SE Improvements - 3rd St SE to East Main St

17-12/#3

ITEM NO.	SCHEDULE	ITEM DESCRIPTION	UNITS	CONTRACT		THIS PERIOD		VALUE OF MATERIALS STORED	TOTAL		% EST. QTY.
				UNIT COST	QUANTITY	QUANTITY	COST		TOTAL QUANTITY	TOTAL COST	
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C		ROW LEFT INTENTIONALLY BLANK									
D		ROW LEFT INTENTIONALLY BLANK									

Period Dates
Begin: 08.21.2017
End: 09.20.2017
7 of 7

CP1511 - M Street SE Improvements

Printed Date: 5/6/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015



0.5 0 0.3 0.5 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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



AGENDA BILL APPROVAL FORM

Agenda Subject:
Ordinance No. 6658

Date:
October 12, 2017

Department:
Administration

Attachments:

[Ordinance No. 6658](#)
[ORD 4293](#)
[Ordinance No. 6097](#)

Budget Impact:
\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6658.

Background Summary:

In 1988 the City Council established a Business Improvement Area (BIA) for downtown Auburn. The purpose of the BIA is to generate economic activity by, among other things, providing security for public spaces and sponsoring public events in the downtown area. To accomplish these purposes, a special assessment is levied against businesses in the BIA. The 1988 Ordinance also created exemptions from the special assessments. Since that time, the Ordinance and its exemptions, have become outdated; resulting in years of inactivity. Recently, business owners in the downtown area have begun efforts to revitalize the BIA. To that end, modifications of the provisions of the BIA are needed. The BIA Committee of Rate Payers has recommended the City Council adopt Ordinance No. 6658 to address needed modifications. The proposed Ordinance No. 6658 would create a Chapter within the City Code for the BIA and modify the exemptions to the BIA special assessment. Revised Code of Washington 35.87A.140 requires a public hearing for any modification.

Reviewed by Council Committees:

Councilmember:

Staff:

Hinman

Meeting Date: November 6, 2017

Item Number:

ORD.A

ORDINANCE NO. 6 6 5 8

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, CREATING A
NEW CHAPTER OF THE AUBURN CITY CODE
RELATED TO THE AUBURN BUSINESS
IMPROVEMENT AREA**

WHEREAS, the Auburn City Council adopted Ordinance No. 4293 in 1988, after publishing notice of the Council's intent in Resolution 1866 and holding a public hearing on July 5, 1988; and

WHEREAS, Ordinance No. 4293 established a Business Improvement Area (BIA), and levied special assessments on certain businesses within the geographic boundary of the BIA; and

WHEREAS, Ordinance No. 4293 established a Committee of Rate Payers, made up of representatives of businesses within the geographic boundary of the BIA, for the purpose of developing recommendations to the City Council for the use of funds generated by the special assessment; and

WHEREAS, the City Council modified Ordinance No. 4293 in 2007, upon the recommendation of the Committee of Rate Payers, through Ordinance No. 6097, to make the rate of special assessment uniform amongst all assessed businesses; and

WHEREAS, the Committee of Rate Payers has reviewed the status of the BIA and recommended certain modifications to better facilitate economic development within downtown Auburn, including the modification of existing exemptions to the special assessments levied within the geographic boundary of the BIA; and

WHEREAS, the City adopted Resolution No. 5314, stating its intention to modify the BIA special assessment rate on October 16, 2017 and

WHEREAS, the City has held a duly noticed public hearing, pursuant to RCW 35.87A.140, and considered the testimony provided therein; and

WHEREAS, the provisions for other boards and commissions of the City of Auburn have been established within the Auburn City Code; and

WHEREAS, establishing provisions within the Auburn City Code for the BIA, including the structure and responsibilities of the Committee of Rate Payers and the rate and application of special assessments, will ensure that all applicable law can be found within a single place, a Chapter of the City Code, instead of spread across multiple Ordinances in multiple decades; and

WHEREAS, the City finds that updating the provisions of the BIA, including modification of the exemptions to the special assessment rate, and establishing said updates within the Auburn City Code will promote the public health, safety, and welfare of the residents of Auburn.

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

Section 1. New Chapter to City Code.

That a new Chapter 2.98

of the Auburn City Code is created to read as follows:

**CHAPTER 2.98
AUBURN BUSINESS IMPROVEMENT AREA**

Sections:

- 2.98.010 Business Improvement Area Created.
- 2.98.020 Special Assessment of Businesses Within BIA Boundary.
- 2.98.030 Purpose of BIA and Special Assessment Expenditures.
- 2.98.040 Committee of Rate Payers created.
- 2.98.050 Membership.
- 2.98.060 Appointment.
- 2.98.070 Officers – Meetings.
- 2.98.080 Compensation.
- 2.98.090 Role and Responsibilities of the Committee.
- 2.98.100 Annual reports of progress.

2.98.010 Business Improvement Area Created.

A. There is created, pursuant to RCW 35.87A, a Parking and Business Improvement Area (BIA) is hereby created with a boundary as follows:

Beginning at the intersection of Auburn Way North and 5th Street NE; thence eastward along the alley lying between and paralleling 6th Street NE and Park AV, for a distance of 200 feet from the centerline of Auburn Way North; thence south, paralleling Auburn Way North and at a distance of 200 feet from the centerline of Auburn Way North, to 1st Street NE; thence eastward along 1st Street NE to "E" Street NE; thence southward along "E" Street NE to East Main Street; thence eastward along Main Street to "F" Street SE; thence southward along "F" Street SE to 2nd Street SE; thence westward along 2nd Street SE to the mid-block point between "D" Street SE and Auburn Way South; thence southward to the Burlington Northern Railroad tracks; thence westward along the Burlington Northern Railroad tracks to "A" Street SE; thence northward along "A" Street SE to 3rd Street SE; thence westward along 3rd Street SE and SW to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 1st Street SW projected; thence westward along 1st Street SW to "D" Street SW; thence northward along "D" Street SW and NW for a distance of 200 feet from the centerline of West Main Street; thence eastward, paralleling Main Street and at a distance of 200 feet from the centerline of West Main Street, to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 3rd Street NW; thence eastward along 3rd Street NW and NE to "B" Street NE; thence northward along "B" Street NE for a distance of 200

feet from the centerline of 3rd Street NE; thence eastward, paralleling 3rd Street NE and at a distance of 200 feet from the centerline of 3rd Street NE, to the alley running in a north/south direction and lying east of "B" Street NE and west of Auburn AV; thence northward along the alley to 5th Street NE; thence eastward along 5th Street NE to Auburn Way North, which is the beginning point (when a street or alley is named, the area boundary is the centerline of the right-of-way).

B. Businesses within the Auburn Central Business District Parking and Business Improvement Area shall be subject to special assessments authorized by RCW 35.87A.010.

2.98.020 Special Assessment of Businesses Within BIA Boundary.

A. To finance the activities authorized in ACC 2.98.030, there is levied and shall be collected an annual special assessment upon the businesses in the area, determined as follows:

1. All businesses operating within the BIA boundary shall pay a special assessment equal to the usable square footage, excluding any basement space, owned or occupied by said business multiplied by a factor of \$0.15.

2. No business shall be assessed less than \$150.00 nor more than \$1,500.00 per year.

B. No special assessments shall be levied upon or collected from:

1. Organizations to which a charitable contribution may be made under the United States Internal Revenue Code, 26 U.S.C. § 170, with five (5) or fewer full-time employees.

2. Governmental agencies and offices.

3. Businesses that occupy or use any leasable area within the geographic boundary of the BIA for a period of less than twenty days (20) per year.

4. Businesses that are owned by, or are a subsidiary, or affiliate of another business entity that is subject to the special assessment, and are located wholly within the assessed business.

5. Businesses authorized by Auburn City Code Chapter 18.60.

6. Businesses operating within a city-sponsored business incubator or business accelerator.

7. Businesses not required to obtain a business license under Title 5 of the Auburn City Code.

C. Special assessments for businesses that own, but do not occupy, any leasable area shall be reduced by a pro-rata amount based on the square footage leased by any other assessed business.

D. New businesses commencing within the BIA area shall pay an initial annual assessment that is pro-rated based on the time remaining in the year.

2.98.030 Purpose of BIA and Special Assessment Expenditures.

A. The purpose of the BIA is to aid in general economic development and neighborhood revitalization within the BIA boundary, and to facilitate the cooperation of merchants, businesses, and residential property owners for the benefit of trade, economic vitality, and liveability.

B. Assessment expenditures are limited to the following purposes:

1. The acquisition, construction or maintenance of parking facilities for the benefit of the neighborhood within the BIA boundary;

2. Decoration of any place within the BIA boundary;

3. Sponsorship or promotion of public events which are to take place on, or in, public places within the BIA boundary;

4. Furnishing of music in any public place within the BIA boundary;

5. Providing professional management, planning, and promotion for the neighborhood within the BIA boundary;

6. Providing maintenance and security for common, public spaces within the BIA boundary; or

7. Providing transportation services for the benefit of the neighborhood within the BIA boundary.

2.98.040 Committee of Rate Payers created.

There is created an advisory committee to be known as the Committee of Rate Payers (the Committee). The purpose of the Committee is to serve in an advisory capacity to the City Council.

2.98.050 Membership.

A. There shall be not more than seven (7) members of the Committee who shall be appointed by the mayor and confirmed by the city council, and who shall serve at the pleasure of the city council; provided that the mayor may appoint up to four (4) additional members to serve as alternates in the event of a Committee member's absence.

B. The members shall be owners or operators of businesses located within the BIA boundary and shall be selected to represent the variety of business types and geographic locations included within the BIA boundary.

2.98.060 Appointment.

A. Committee members shall be appointed to a three (3) year term.

B. Upon the resignation of a Committee member, removal by the City Council, or expiration of a Committee members term, the Committee shall make recommendations to the City Council and the City Council shall make an appointment to fill the vacancy.

C. The Committee, upon four (4) unexcused absences, may recommend the removal of any Committee member to the City Council.

2.98.070 Officers – Meetings.

A. At the first regular meeting of each year, the Committee members shall elect a chairperson and vice-chairperson from among the members of the Committee.

B. It shall be the duty of the chairperson to preside over all meetings of the Committee. The vice-chairperson shall preside at all meetings where the chairperson is absent.

C. Minutes shall be kept and meeting agendas prepared in coordination between members of the Committee and staff members. A majority of the members of the Committee shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to make recommendations to the city council.

D. All Committee meetings shall be staffed by City of Auburn personnel to support and assist the Committee.

E. All Committee meetings shall be conducted in accordance with the Committee's adopted rules for the transaction of business, and Robert's Rules of Order or any other meeting procedures or guidelines authorized by the City of Auburn shall be used for any subject not addressed within the Committee's adopted rules of procedure.

2.98.080 Compensation.

The members of the Committee shall serve without compensation except for reasonable travel expenses associated with the performance of the Committee member's duties.

2.98.090 Role and Responsibilities of the Committee.

A. The Committee shall, by resolution, fix the time and place within the City for regular meetings, and hold additional meetings as the chairperson or a majority of the Committee deems necessary.

B. The Committee shall adopt rules for the transaction of business and keep a record of its resolutions, transactions, findings, and determinations. These records shall be public and open to inspection.

C. The Committee shall consider proposals for economic development and neighborhood revitalization projects and programs consistent with the purposes listed in 2.98.030, provide for public input and submit comments in a timely manner to the Mayor and City Council, including an analysis of the extent to which the Committee's recommendations will improve economic development or downtown revitalization.

2.98.100 Annual reports of progress.

The Committee chairperson and/or vice-chairperson shall annually provide to the city council a report on progress made in carrying out the Committee's responsibilities. Additional reports may be submitted when

deemed appropriate by the Committee or when requested by the city council.

Section 2. Superseding of Original Ordinance. Ordinance No. 4293 and Ordinance No. 6097 are hereby superseded by this Ordinance.

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.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Daniel B. Heid', written over a horizontal line.

Daniel B. Heid, City Attorney

Published: _____

ORDINANCE NO. 4 2 9 3

AN ORDINANCE ESTABLISHING AN AUBURN CENTRAL BUSINESS DISTRICT PARKING AND BUSINESS IMPROVEMENT AREA; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS UPON BUSINESSES WITHIN THE AREA, THE DEPOSIT OF REVENUES IN A SPECIAL FUND, AND EXPENDITURES THEREFROM: PROVIDING FOR AN IMPLEMENTING AGREEMENT.

WHEREAS, the BIA Advisory Committee, a group of business people, has worked for two years to identify solutions to problems that affect the viability of businesses in Auburn's central business district, resulting in the recommendation to establish a Parking and Business Improvement Area (hereinafter referred to as "the BIA"); and

WHEREAS, the purpose of the BIA is to aid development of the central business district and facilitate merchant and business cooperation to improve trade; and

WHEREAS, the owners and/or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with the City of Auburn (called "the City") to establish a BIA pursuant to RCW Chapter 35.87A, which is filed in C.F. 292469, and pursuant thereto, the City Council adopted a Resolution, entitled "Declaring an intention to establish an Auburn Central Business District Parking and Business Improvement Area; and fixing a date and place for a hearing thereon."; and

WHEREAS, as provided by Resolution 1866 (published in the Auburn Globe News, June 24, 1988), the City Council held a public hearing thereon on July 5, 1988 at 7:30 p.m. in the City Council Chambers, Auburn City Hall, 25 West Main, Auburn. At the conclusion of the hearing, the City Council voted to establish the area as proposed;

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

Ordinance No. 4293
Page One
6/29/88

1 Section 1. District Established. As authorized by RCW Chapter 35.87A,
2 there is hereby established an Auburn Central Business District Parking and
3 Business Improvement Area within the boundaries described below and as shown
4 on the map attached as "Exhibit A" (when a street or alley is named, the area
5 boundary is the centerline of the right-of-way):

6 Beginning at the intersection of Auburn Way North and 5th
7 Street NE; thence eastward along the alley lying between and
8 paralleling 6th Street NE and Park AV, for a distance of 200
9 ft from the centerline of Auburn Way North; thence south,
10 paralleling Auburn Way North and at a distance of 200 ft
11 from the centerline of Auburn Way North, to 1st Street NE;
12 thence eastward along 1st Street NE to "E" Street NE; thence
13 southward along "E" Street NE to East Main Street; thence
14 eastward along Main Street to "F" Street SE; thence south-
15 ward along "F" Street SE to 2nd Street SE; thence westward
16 along 2nd Street SE to the mid-block point between "D"
17 Street SE and Auburn Way South; thence southward to the
18 Burlington Northern Railroad tracks; thence westward along
19 the Burlington Northern Railroad tracks to "A" Street SE;
20 thence northward along "A" Street SE to 3rd Street SE;
21 thence westward along 3rd Street SE and SW to the Burlington
22 Northern Railroad tracks; thence northward along the
23 Burlington Northern Railroad tracks to 1st Street SW
24 projected; thence westward along 1st Street SW to "D" Street
25 SW; thence northward along "D" Street SW and NW for a
26 distance of 200 ft from the centerline of West Main Street;
27 thence eastward, paralleling Main Street and at a distance
28 of 200 ft from the centerline of West Main Street, to the
29 Burlington Northern Railroad tracks; thence northward along
30

31 -----
32 Ordinance No. 4293
Page Two
6/29/88

1 the Burlington Northern Railroad tracks to 3rd Street NW;
2 thence eastward along 3rd Street NW and NE to "B" Street NE;
3 thence northward along "B" Street NE for a distance of 200
4 ft from the centerline of 3rd Street NE; thence eastward,
5 paralleling 3rd Street NE and at a distance of 200 feet from
6 the centerline of 3rd Street NE, to the alley running in a
7 north/south direction and lying east of "B" Street NE and
8 west of Auburn AV; thence northward along the alley to 5th
9 Street NE; thence eastward along 5th Street NE to Auburn Way
10 North, which is the beginning point.

11 Businesses within the Auburn Central Business District Parking and Business
12 Improvement Area shall be subject to special assessments authorized by RCW
13 35.87A.010.

14 Section 2. Special Assessments. To finance the activities authorized in
15 Section 3, there is levied and shall be collected a special assessment upon
16 the businesses in the area, determined as follows:

- 17 A. Any Retail business operating within the area, as determined by the
18 Planning Director of the City of Auburn, shall pay a special
19 assessment equal to the net leasable area of the business, excluding
20 any basement space, multiplied by a factor of \$0.15. No retail busi-
21 ness shall be assessed more than \$1,500.00 nor less than \$150.00 per
22 year. As determined by the Planning Director, a retail business
23 shall be defined as any business which is engaged in selling merchan-
24 dise for personal or household consumption and rendering services
25 incidental to the sale of the goods (businesses that sell products
26 only to institutional or industrial users and to other wholesalers,
27 and businesses that sell merchandise for use exclusively by business
28 establishments, are classified as wholesale businesses). Businesses
29

1 included in this category are generally similar to businesses
2 classified as retail under the most recent edition of the U.S.
3 Standard Industrial Classification Manual (SIC codes 52-59).

4 B. Any Service business operating within the area, as determined by the
5 Planning Director of the City of Auburn, shall pay a special
6 assessment equal to the net leasable area of the business, excluding
7 any basement space, multiplied by a factor of \$0.05. No service
8 business shall be assessed more than \$1,200.00 nor less than \$50.00
9 per year. As determined by the Planning Director, a service business
10 shall be defined as any business which is engaged in providing a ser-
11 vice for individuals, business and government establishments, and
12 other organizations. This category includes (but is not limited to)
13 hotels and lodging places; establishments providing personal, busi-
14 ness, repair, and amusement services; health, legal, engineering, and
15 other professional services; educational institutions; membership
16 organizations; and establishments providing finance, insurance, and
17 real estate services. Businesses included in this category are
18 generally similar to those classified as service; finance, insurance,
19 and real estate; or certain transportation and utility businesses
20 under the most recent edition of the U.S. Standard Industrial
21 Classification Manual (SIC codes 41, 47, 48, 49, 60-89).

22 C. A business which can demonstrate to the Planning Director of the City
23 of Auburn that there is approximately a 50% split (plus or minus 10%)
24 between the square footage devoted to the retail versus service acti-
25 vities of that business, shall be eligible for a special Combined
26 Assessment Rate which is the average of the retail and service
27 assessment rates detailed in A and B above. Such a request for a
28 Combined Assessment Rate must be filed with the Planning Director of
29 the City of Auburn at least five (5) working days prior to the date
30

1 that the assessment is due to be paid to the City. Said request must
2 be made each year that the business wishes to be assessed at the
3 Combined Assessment Rate. The business which is determined by the
4 Auburn Planning Director to qualify for such Combined Assessment Rate
5 shall pay a special assessment equal to the net leasable area of the
6 business, excluding any basement space, multiplied by the Combined
7 Assessment Rate.

8 No special assessments shall be levied upon and collected from:

- 9 (1) Organizations to which a charitable contribution may be made under
10 the United States Internal Revenue Code, 26 USC S 170(c);
11 (2) Sponsors of and concessionaires at public events, and vendors or
12 entertainers in streets and parks, who engage in business in the area
13 less than 30 days per year;
14 (3) Governmental agencies and offices.
15 (4) Wholesale or industrial businesses.

16 A new business entering the BIA shall pay an initial assessment that is
17 pro-rated based on the time remaining in the current BIA budget year.

18 Thereafter the assessment shall be the same as for other businesses in the
19 BIA.

20 Section 3. Deposit and Use of Revenues. There is hereby established in
21 the city Treasury a separate Fund, designated the Business Improvement Area
22 Fund (called "the Fund"). The following monies shall be deposited in the Fund
23 for the Auburn Central Business District Parking and Business Improvement Area
24 account:

- 25 a. All revenues from special assessments levied under this ordinance;
26 b. All net income to the BIA from public events financed with special
27 assessments;
28 c. Gifts and donations for the Fund; and
29
30

31 -----
32 Ordinance No. 4293
Page Five
6/29/88

1 d. Interest and all other income from the investment of Fund cash
2 balances.

3 Expenditures from the Fund shall be made upon vouchers drawn by the Finance
4 Director for uses within the general scope of:

- 5 (1) Business retention and recruitment;
6 (2) Marketing to encourage people to use shops and services in the BIA
7 area;
8 (3) Special events and promotions;
9 (4) Improving the security and maintenance of the pedestrian environment;
10 (5) Enhancing the aesthetic appearance of the BIA area.

11 Section 4. Administration. The Director of the Planning and Community
12 Development Department (called "the Planning Director") shall enter into a
13 contract with the Auburn Chamber of Commerce or similar business association
14 to administer the operation of the BIA. The Committee of Rate Payers shall
15 have the opportunity to review and comment on the contract before it is
16 approved by the City. If no such organization is willing or available to
17 administer the BIA, the City may be the administrator. The Planning Director
18 shall initially contract with the Auburn Chamber of Commerce to administer the
19 projects and activities undertaken by the BIA. The contract shall be renewed
20 annually, at the option of both the City and the Auburn Chamber of Commerce.

21 An annual report detailing the projects and activities conducted during the
22 previous year, an evaluation of program successes and shortcomings, and the
23 proposed programs and budget for the ensuing year shall be submitted to the
24 Planning Director on or before June 1st of each year. The annual report and
25 budget shall be initially prepared by the contractor. The annual report and
26 budget must be reviewed and approved by the Committee of Rate Payers prior to
27 their being submitted by the Committee to the Planning Director. The
28 Committee of Rate Payers shall also submit a report containing an evaluation
29 by the Committee on the performance of the contractor during the previous
30 year.

31 -----
32 Ordinance No. 4293
Page Six
6/29/88

1 The Planning Director shall prepare a report to the Mayor for recommen-
2 dation to the City Council. The report shall include the annual report and
3 budget submitted by the Committee of Rate Payers and any comments thereon by
4 the Planning Director. The Planning Director shall obtain the approval of the
5 established Committee of Rate Payers if the Planning Director recommends any
6 changes in assessment rates or district boundaries for the BIA.

7 The Planning Director shall then arrange for a public hearing before the
8 City Council and publish notice. Upon conclusion of the public hearing, the
9 City Council shall consider for approval the BIA budget for the ensuing year.

10 Section 5. Committee of Rate Payers. The City shall appoint a Committee
11 of Rate Payers (called "the Committee"), comprised of 11 persons, who are
12 owners or operators of businesses located within the business improvement area
13 and whose businesses will be subject to assessments as provided for in this
14 ordinance. The membership of the Committee of Rate Payers shall be selected
15 to represent the variety of business types and geographic locations included
16 in the business improvement area. The Committee shall elect one of its mem-
17 bers to serve as chairman for a one year term. The 11 members of the
18 Committee shall be initially appointed as follows; three (3) to one-year
19 terms, four (4) to two-year terms, and four (4) to three-year terms. After
20 these initial terms, all subsequent Committee member terms shall run for a
21 period of three (3) years. Upon resignation of a Committee member, removal of
22 a Committee member from the Committee, or expiration of a Committee member's
23 term, the BIA Rate Payers shall make recommendations to the City which shall
24 make an appointment to fill the expired or unexpired term. The Committee of
25 Rate Payers, upon an affirmative vote of 2/3 of the Committee members, may
26 request that the City remove a Committee member from the Committee.

1 Section 6. Collection of Special Assessments. The City of Auburn
2 Department of Finance (called "the Finance Department") shall bill and receive
3 the special assessments due. The Finance Department is authorized to bring an
4 action to collect any unpaid assessments in the proper court as a civil
5 action.

6 Section 7. Interest on Delinquent Assessments. Delinquent special
7 assessments shall bear interest at the rate of 12 percent (12%) per annum.
8 Assessments thereof when delinquent, in addition to such interest, shall
9 accrue penalties of 12%.

10 Section 8. Commencement of Assessments. Assessments shall commence as of
11 the date of adoption of this ordinance.

12 Section 9. Ratification. The execution of a contract with the Auburn
13 Chamber of Commerce to inaugurate the program and administer the projects and
14 activities during the initial implementation period pursuant to the authority
15 and prior to the effective date of this ordinance is hereby ratified and
16 confirmed.

17 Section 10. Contract Authorization. The Mayor shall be authorized by
18 separate Resolution approved by City Council to execute a contract to admi-
19 nister the operation of the BIA.

20 Section 11. Implementation. The Mayor is hereby authorized to implement
21 such administrative procedures as may be necessary to carry out the directions
22 of this legislation.

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32 Ordinance No. 4293
Page Eight
6/29/88

1 Section 12. Effective Date of Ordinance. This Ordinance shall take effect
2 and be in force five (5) days from and after its passage, approval and publi-
3 cation, as provided by law.

4
5 INTRODUCED: JULY 5, 1988

6
7 PASSED: JULY 5, 1988

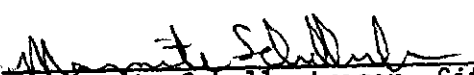
8
9 APPROVED: JULY 5, 1988

10
11 
12 MAYOR

13
14
15 ATTEST:

16 
17 Robin Wohlhueter, City Clerk

18
19 APPROVED AS TO FORM:

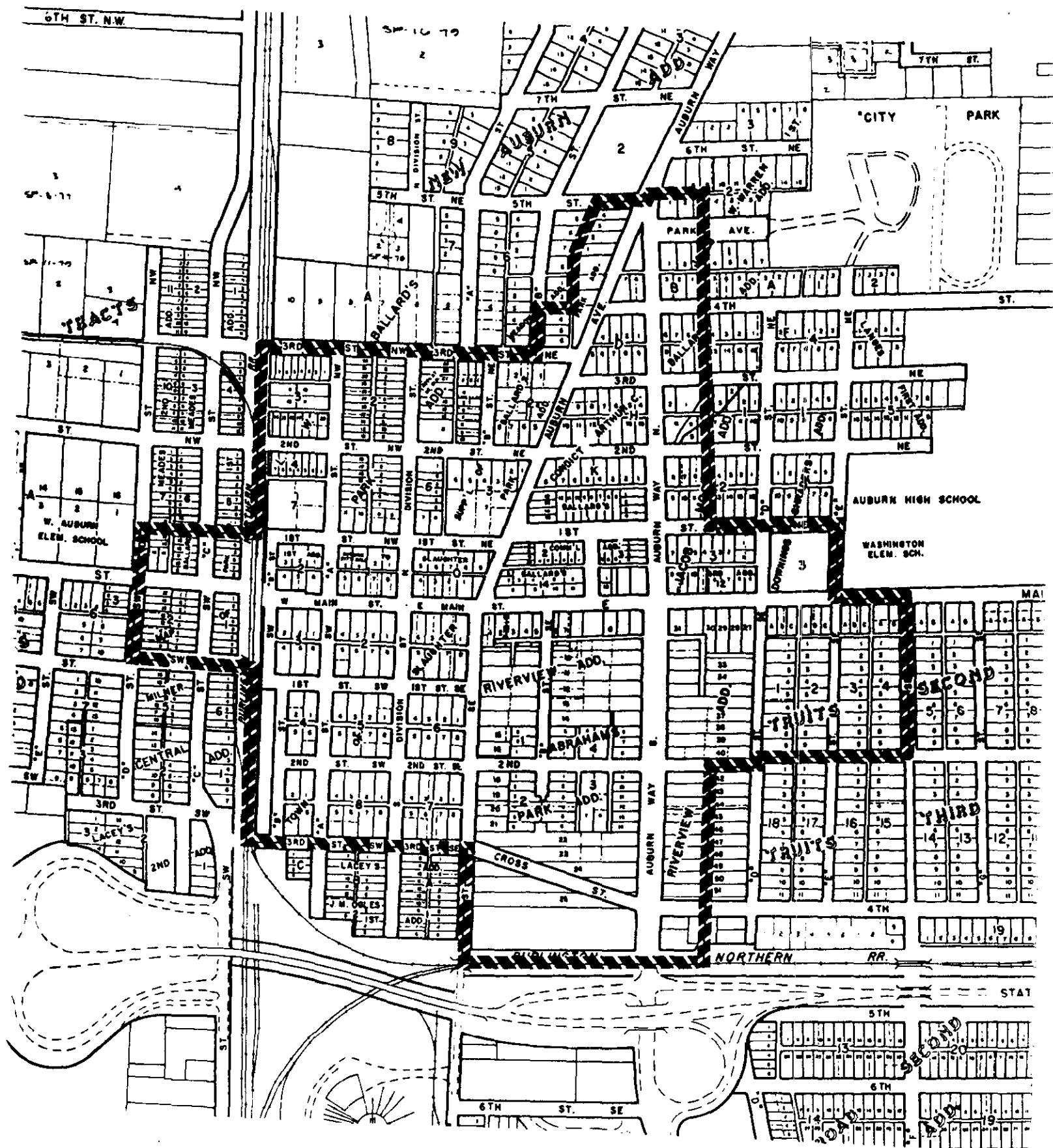
20
21 
22 Marguerite Schellentrager, City Attorney

23
24
25
26 PUBLISHED: ~~JULY 17, 1988~~

This was not published

27
28
29
30
31 -----
32 Ordinance No. 4293
Page Nine of Nine
6/29/88

EXHIBIT "A"



ORDINANCE NO. 6 0 9 7

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
ORDINANCE NO 4293, SECTION 2, PARAGRAPH B
REGARDING THE AMOUNT OF ASSESSMENTS
FOR BUSINESSES WITHIN THE BUSINESS
IMPROVEMENT AREA

WHEREAS, the City Council of the City of Auburn, Washington, established an Auburn Central Business District Parking and Business Improvement Area and provided for levying special assessments on businesses within that designated area, and provided for deposit and expenditure of revenues therefore, in Ordinance No. 4293, adopted July 5, 1988.

WHEREAS, since the time of the adoption of said Ordinance No. 4293, the needs of the Business Improvement Area have, by cost and inflation, outpaced the current dollars provided in said Ordinance; and

WHEREAS, it is appropriate that the assessments provided for in Ordinance No. 4293, Section 2, Paragraph B, be amended and increased to be more reflective of the needs and to be more representative of the proportionate measure of costs intended to be covered when the Business Improvement Area was established.

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

Section 1. That Ordinance No. 4293, Section 2, Paragraph B, is and the same hereby is amended to read as follows:

B. Any Service business operating within the area, as determined by the Planning Director of the City of Auburn, shall pay a special assessment equal to the net leasable area of the business, excluding any basement space, multiplied by a factor of ~~\$0.05~~\$0.15. No service business shall be assessed more than ~~\$1,200.00~~\$1,500.00 nor less than ~~\$50.00~~\$150.00 per year. As determined by the Planning Director, a service business shall be defined as any business which is engaged in providing a service for individuals, business and government establishments, and other organizations. This category includes (but is not limited to) hotels and lodging places; establishments providing personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations; and establishments providing finance, insurance, and real estate services. Businesses included in this category are generally similar to those classified as service; finance, insurance, and real estate; or certain transportation and utility businesses under the most recent edition of the U.S. Standard industrial Classification Manual (SIC codes 41, 47, 48, 49, 60—89).

Section 2. That all other provisions of Ordinance No. 4293 shall remain unchanged.

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

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

DATED and SIGNED this 21st day of May, 2007.

MAY 21 2007

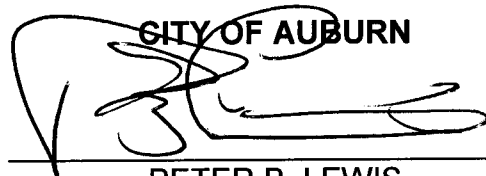
INTRODUCED: _____

MAY 21 2007

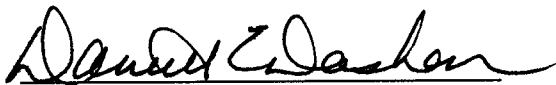
PASSED: _____

MAY 21 2007

APPROVED: _____

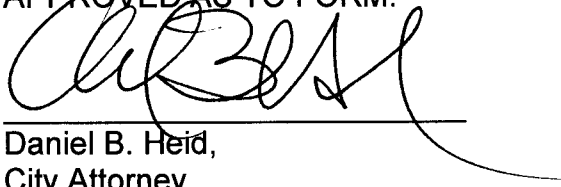

CITY OF AUBURN
PETER B. LEWIS
MAYOR

ATTEST:


Danielle E. Daskam,
City Clerk

Published: 5-24-2007

APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to read 'DBH', is written over a horizontal line. The signature is fluid and cursive.

Daniel B. Heid,
City Attorney

Published: 5-24-2007



AGENDA BILL APPROVAL FORM

Agenda Subject:
Resolution No. 5320

Date:
September 25, 2017

Department:
Parks/Art and Recreation

Attachments:
[Resolution No. 5320](#)
[Annual Report](#)

Budget Impact:

Administrative Recommendation:
City Council adopt Resolution No. 5320.

Background Summary:

The City of Auburn has supported the Auburn Symphony Orchestra for the past several years to assist in promoting and marketing Auburn as a destination for arts and events that in turn contribute to the economy. Performing art programs serve as an economic driver and the activities of the Auburn Symphony Orchestra assists in attracting visitors to Auburn. For 2018, it is proposed that the City enters into a contract with the Auburn Symphony Orchestra with a specific scope of services for marketing, outreach and audience building, and organization efforts that assist in showcasing Auburn as a destination for arts and events.

Reviewed by Council Committees:

Councilmember:
Meeting Date: November 6, 2017

Staff: Faber
Item Number: RES.A

RESOLUTION NO. 5 3 2 0

**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 AUBURN SYMPHONY ORCHESTRA
FOR TOURISM PROMOTION SERVICES**

WHEREAS, the City is interested in promoting and marketing Auburn as a tourist
Destination; and

WHEREAS, there are activities located and occurring within the corporate
boundaries of the City the promotion of which would be beneficial to the City and to the
residents and businesses of the City; and

WHEREAS one source of such activities is the Auburn Symphony Orchestra, the
Service Provider, herein; and

WHEREAS, a program of advertising for such events would help to insure the
success of such activities by informing people about them encouraging people to attend
and attracting tourists to the City; and

WHEREAS, in order to advertise the City, attract visitors, and encourage tourism
it would be advantageous for the City to contract with the Service Provider for
promotional services in connection therewith.

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

Section 1. That the Mayor is hereby authorized to execute an Agreement
between the City and the Auburn Symphony Orchestra for tourism promotion services,
which agreement shall be in substantial conformity with the agreement attached hereto
as Exhibit A and incorporated herein by this reference.

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

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

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney



**CITY OF AUBURN and AUBURN SYMPHONY ORCHESTRA
CONTRACT FOR SERVICES**

THIS CONTRACT is made and entered into on the _____ day of _____, 2017, by and between the CITY OF AUBURN, a municipal corporation of the State of Washington, hereinafter referred to as the "City," and the AUBURN SYMPHONY ORCHESTRA, a not-for-profit corporation organized pursuant to 26 U.S.C. 501 (C)(3), hereinafter referred to as the "Service Provider" or "ASO," on the following terms and conditions.

1. **SCOPE OF SERVICES BY SERVICE PROVIDER** The Service Provider shall engage, enrich and inspire our community through artistically vibrant performances; will uphold the highest artistic and professional standards; will present a broad range of repertoire; will serve a wide and diverse audience; and will provide quality educational experiences for all ages. Service Provider will provide classical music opportunities to area youth through reduced ticket prices to concerts as well as outreach to Auburn area schools. Service Provider will actively participate in community events and include City of Auburn logo in all applicable promotional materials. Service Provider will comply with requirements listed in Attachment 'A'.
2. **TERM OF CONTRACT:** The Term of this Contract shall be from January 1, 2018, through December 31, 2018.
3. **COMPENSATION TO SERVICE PROVIDER:**
 - a. The parties understand that the Service Provider operates on a fiscal year that runs from July 1 through the following June 30, and that its concert season is consistent with its fiscal year. The City's fiscal year is from January 1 through the following December 31. The parties agree that the marketing services provided throughout the year are adequate consideration for the City to pay the Service Provider its full consideration due for the calendar year by the end of June each year in order to support the Service Provider's budget cycle.
 - b. The total contract is for \$75,000.00 per calendar year. For 2018, the first payment of \$25,000.00 will be paid on January 31, 2018. The second payment of \$25,000.00 will be paid on March 30, 2018. The third payment of \$25,000.00 will be paid on June 1, 2018.
 - c. **Invoicing and Reports.** The Service Provider will submit invoices and reports not later than 30 calendar days before payment is due. For each reporting period, the Service Provider will provide report outlining how the Service Provider met the performance measures set forth in this Agreement.
4. **NON-APPROPRIATION OF FUNDS:** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will not be obligated to

make payments for Services or amounts incurred after the end of the current fiscal period, and this Agreement will terminate upon the completion of all remaining Services for which funds are allocated. No penalty or expense shall accrue to the City in the event this provision applies.

5. **RECORDS INSPECTION AND AUDIT:** All compensation payments shall be subject to the adjustments for any amounts found upon audit or otherwise to have been improperly invoiced and all records and books of accounts pertaining to any work performed under this Contract shall be subject to inspection and audit by the City for a period of up to three 3 years from the final payment for work performed under this Contract.
6. **CONTRACT ADMINISTRATION:** This Contract shall be administered by Auburn Symphony Orchestra Manager Lee Valenta on behalf of the Service Provider and by Mayor or designee on behalf of the City. Any written notices required by terms of this Contract shall be served or mailed to the following addressees unless changed by written notice to the other party:

If to the City: City of Auburn, 25 West Main Street, Auburn WA 98001

If to the Service Provider: Auburn Symphony Orchestra, P.O. Box 2186, Auburn WA 98071

7. **NOTICES:** All notices or communications permitted or required to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered in person or deposited in the United States mail postage prepaid for mailing by certified mail return receipt requested and addressed if to a party of this Contract to the address set forth next to such party's signature at the end of this Contract or if to a person not a party to this Contract to the address designated by a party to this Contract in the foregoing manner. Any party may change his or its address by giving notice in writing stating his or its new address to any other party all pursuant to the procedure set forth in this section of the Contract.
8. **INSURANCE:** The Service Provider shall be responsible for maintaining during the term of this Contract and at its sole cost and expense insurance coverages in amounts not less than the amounts set forth herein below. The Service Provider shall furnish evidence satisfactory to the City of all such policies during the term hereof the Service Provider shall take out and maintain in full force and effect the following insurance policies:
 - a. Comprehensive general liability insurance including automobile and property damage insuring the City and the Service Provider against loss or liability for damages for personal injury death or property damage arising out of or in connection with the performance by the Service Provider of its obligations hereunder with minimum liability limits of \$1,000,000.00 combined single limit for personal injury death or property damage in any one occurrence.
 - b. Such workmen's compensation and other similar insurance as may be required by law.

9. **INDEMNIFICATION:** The Service Provider shall indemnify and hold harmless the City and its officers agents and employees or any of them from any and all claims actions suits liability loss costs expenses and damages of any nature whatsoever by any reason of or arising out of the negligent act or omission of the Service Provider its officers agents employees or any of them relating to or arising out of the performance of this Contract. If a final judgment is rendered against the City its officers agents employees and or any of them or jointly against the City and the Service Provider and their respective officers agents and employees or any of them the Service Provider shall satisfy the same to the extent that such judgment was due to the Service Provider s negligent acts or omissions.
10. **RESTRICTION AGAINST ASSIGNMENT:** Service Provider shall not assign this Contract or any interest herein nor any money due or to become due hereunder without first obtaining the written consent of the City nor shall the Service Provider subcontract any part of the services to be performed hereunder without first obtaining the written consent of the City.
11. **AMENDMENT MODIFICATION OR WAIVER:** No amendment modification or waiver of any condition provision or term of this Contract shall be valid or of any effect unless made in writing signed by the party or parties to be bound or such party s or parties duly authorized representative s and specifying with particularity the nature and extent of such amendment modification or waiver Any waiver by any party of any default of the other party shall not effect or impair any right arising from any subsequent default Nothing herein shall limit the remedies or rights of the parties hereto under and pursuant to this Contract.
1. **TERMINATION AND SUSPENSION:** Either party may terminate this Contract upon Ninety (90) days written notice to the other party It is provided however that if the Service Provider has performed services pursuant to the Contract the Service Provider shall be compensated for such services in accordance with the rate of compensation provided herein.
13. **PARTIES IN INTEREST:** This Contract shall be binding upon and the benefits and obligations provided for herein shall inure to and bind the parties hereto and their respective successors and assigns provided that this section shall not be deemed to permit any transfer or assignment otherwise prohibited by this Contract This Contract is for the exclusive benefit of the parties hereto and it does not create a contractual relationship with or exist for the benefit of any third party including contractors sub contractors and their sureties.
14. **COSTS TO PREVAILING PARTY:** In the event of litigation or other legal action to enforce any rights responsibilities or obligations under this Contract the prevailing parties shall be entitled to receive its reasonable costs and attorney's fees.
15. **APPLICABLE LAW:** This Contract and the rights of the parties hereunder shall be governed by the interpreted in accordance with the laws of the State of Washington and venue for any action hereunder shall be King County State of Washington provided however that it is agreed and understood that any applicable statute of limitation shall commence no later than the substantial completion by the Service Provider of the services.

16. CAPTIONS HEADINGS AND TITLES: All captions headings or titles in the paragraphs or sections of this Contract are inserted for convenience of reference only and shall not constitute a part of this Contract or act as a limitation of the scope of the particular paragraph or sections to which they apply As used herein where appropriate the singular shall include the plural and vice versa and masculine feminine and neuter expressions shall be interchangeable Interpretation or construction of this Contract shall not be affected by any determination as to who is the drafter of this Contract this Contract having been drafted by mutual agreement of the parties.

17. SEVERABLE PROVISIONS: Each provision of this Contract is intended to be severable If any provision hereof is found by a court of competent jurisdiction to be illegal or invalid or not applicable to any person or circumstance for any reason whatsoever such illegality invalidity or non applicability shall not affect the legality or validity of the remainder of this Contract or its applicability to other persons or circumstances.

18. ENTIRE AGREEMENT: This Contract contains the entire understanding of the parties hereto in respect to the transactions contemplated hereby and supersedes all prior agreements contracts and understandings between the parties with respect to such subject matter.

19. COUNTERPARTS: This Contract may be executed in multiple counterparts each of which shall be one and the same Contract and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed effective the day and year first set forth above:

AUBURN SYMPHONY ORCHESTRA

CITY OF AUBURN

Title: _____

Date: _____

Nancy Backus, Mayor

Date: _____

ATTEST:

Danielle Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

ATTACHMENT A
Scope of Services

Scope of Work:

1. Auburn Symphony Orchestra (ASO) will engage, enrich and inspire our community through artistically vibrant performances; will uphold the highest artistic and professional standards; will present a broad range of repertoire; will serve a wide and diverse audience; and will provide quality educational experiences for all ages.
2. ASO will produce, at the minimum, three full symphony programs, four chamber concerts, three summer concerts each performing arts season.
3. ASO will conduct outreach into Auburn public schools and offer reduced price student tickets.
4. Conduct outreach to new audiences through programming and marketing efforts.
5. Participate in community events and/or festivals through hosting a booth and/or partnering to present programming as part of the event program.

Service Provider Agrees to:

1. Credit the City of Auburn in all appropriate public announcements, programs, advertising, and other forms of notice relating to the activity and service covered under this agreement and produced by, for, and under the direction of the organization. Where possible, the City of Auburn logo should be used. If logo is not appropriate, ASO may list the funder as : City of Auburn.
2. Provide access to members of the City Council and Auburn Arts Commission for purposes of evaluation to at least three performances each year.
3. Meet with the City Council, Arts Commission, or the Arts Coordinator once during the contract period, to provide information regarding programming and administration of the programs.
4. Provide the City of Auburn reports and data as outlined as part of the payment schedule.
5. Make available to the City of Auburn the service providers financial and other records, upon request, to determine compliance with this agreement.
6. Include City Council members and Arts Commissioners in their mailing list

Payment Schedule

Phase I: To be completed by January 31, 2018. NTE \$25,000.00 upon receipt or completion of the following:

- Full execution of this contract
- Receipt of completed invoice
- Receipt of schedule of activities and programming for 2017-18 performing arts season

- Submission of all printed material and copies of paid advertisements completed between June 2017 and January 2018¹.
- Attendance reports for concerts; including zip code demographic summary of patrons and student discount tickets claimed, and tracking of new versus returning attendees.
- Outline summary of outreach activities and community participation efforts
- Receipt of annual report from prior ASO fiscal year
- Submission of marketing plan and budget for ASO 2017-2018 performing arts season

Phase II: To be completed by March 30, 2018. NTE \$25,000.00 upon receipt or completion of the following:

- Receipt of completed invoice
- Submission of all printed material and copies or documentation of paid advertisements completed between January 2018 and March 2018
- Attendance reports for ASO concerts; including zip code demographic summary of patrons and student discount tickets claimed, and tracking of new versus returning attendees.
- Outline summary of outreach activities and community participation efforts

Phase III: To be completed by June 1, 2018. NTE \$25,000.00 upon receipt or completion of the following:

- Receipt of completed invoice
- Submission of all printed material and copies of paid advertisements completed between March 2018 and June 2018.
- Attendance reports for ASO concerts; including zip code demographic summary of patrons and student discount tickets claimed, and tracking of new versus returning attendees.
- Outline summary of outreach activities and community participation efforts
- Summary of annual fundraiser

¹ NOTE: While this Contract covers performances during 2017 and 2018, references are made to the ASO's 2017-2018 season, which includes periods covered in this Contract.



Annual Report:

Fiscal year and Season July 2016 – June 2017

Overview

Over the course of the 2016-2017 season, the Auburn Symphony Orchestra (ASO) worked to continue to engage, enrich, and inspire our community through artistically vibrant performances while upholding the highest artistic and professional standards.

- Our major events and productions this year consisted of four full symphony programs, including a holiday program, four chamber concerts (including one outreach concert in Kent), and three summer outdoor concerts (see *Events*). We also worked to strengthen our connections within the community, including the Auburn School District, the White River Valley Museum, and the Chamber of Commerce, helping to support community events.
- We continue to offer student tickets for \$10, also extending that offer to families of music students in Auburn middle and high schools (see *Ticketing*). Through our partnership with the Auburn School District, we offered educational events to 1st and 2nd grade students and their families throughout the 2016-2017 season.
- Our annual fundraiser in May at Green River College was highly successful. Generously sponsored by Boeing, Segale Properties, and Councilman Bill Pelozo, 160 people attended, including Mayor Backus and council members Wales and Pelozo. The event netted approximately \$45,000 in revenue for the symphony. Guests were treated to musical selections by ASO violist Joyce Ramee.
- As we near the end of our music director search we are pleased with the amount and quality of the audience feedback we have received, both verbal and written. That input will be added to the evaluations from the search committee interviews, the board interviews, and the musicians, leading to a recommendation by the search committee to the board, most likely by the end of the calendar year.

Ticketing

Discounted Tickets – local music students and families

Date	Concert	Total Tickets Issued	Student Tickets Issued
7/7/2016	Sunsets: From Mozart to Sousa	78	5
7/21/2016	Sunsets: Horns A-Plenty	129	15
8/4/2016	Sunsets: Summer String Celebration	158	36
10/9/2016	Bohemian Rhapsody	622	80
11/20/2015	On the Road Again: Chamber	92	6
12/6/2016	Joy of the Holidays	617	99
1/22/2017	Dances, Marches, and More: Chamber	115	3
2/19/2017	Conductor's Choice 1: Enigma	535	45
3/3/2017	Chamber (Kent): The Magic Flute	38	3
3/5/2017	Chamber: The Magic Flute	110	7
4/30/2017	Conductor's Choice 2: Love, Passion, & Defiance	531	41

Tickets sold by zip code (includes season and single tickets to future performances)

Zip code	%	Actual		
Zip Code	Purchase Count	Ticket Count	Percentage of Purchases	Percentage of Tickets
98092	318	642	25.67%	24.05%
98002	163	324	13.16%	12.14%
98042	82	174	6.62%	6.56%
98198	60	84	4.84%	3.15%
98391	57	139	4.60%	5.21 %
98001	55	100	4.44%	3.75%
Various Zip Codes*	430	935	34.71%	35.03%
No Zip Code Given	74	271	5.97%	10.15%
Total:	1239	2669		

*Each of the 66 various zip codes account for a fraction of the audience members.

Over the course of the 2016-2017 season the ASO added 312 new people to our data base as new audience members or fundraiser attendees.

Marketing

Press Release examples attached

Press Coverage

Date	Publication	Notes
10/3/2016	Auburn Reporter	ASO presents Bohemian Rhapsody with Nicholas Hersh
12/15/2016	Auburn Reporter	Auburn Symphony presents Joy of the Holidays
2/2/2017	Auburn Reporter	February 19 concert features young violin soloist and first music director candidate
2/21/2017	Philippa Kiraly review from Sun Break online arts blog	An astonishing violin debut at Auburn Symphony
2/24/2017	Auburn Reporter—reprinted from Sun Break	An astonishing violin debut at Auburn Symphony
3/31/17 & 4/12/17	Auburn Reporter	Nikolas Caoile guest conducts the Auburn Symphony Orchestra
4/28/2017	Auburn Reporter	Guest conductor leads Auburn Symphony Orchestra April 30 concert
Ongoing	King FM NW Focus Season Showcase	Radio coverage of upcoming concerts

Advertising

Date	Publication	Notes
Per Concert/quarterly	Auburn Reporter	Concert Promo – Print Ad
Per Concert/quarterly	Kent Reporter	Concert Promo – Print Ad
Per Concert/quarterly	Federal Way Mirror	Concert Promo – Print Ad
Per Concert/quarterly	Enumclaw/Bonney Lake Courier Herald	Concert Promo – Print Ad
Per Concert/quarterly	Covington/Maple Valley/Black Diamond Reporter	Concert Promo – Print Ad
Monthly	Lake Tapps Living	Concert Promo – Print Ad
Per Concert/quarterly	Auburn Magazine	Concert Promo – Print Ad
Per Concert/quarterly	98.1 Classical King FM	Concert Promo – Radio Spots
Per Concert/quarterly	Banner on Auburn Way	Concert Promo – Visual over Auburn Way near entrance to Hwy. 18
Per Concert/quarterly	Banner in office window	Concert Promo – “Next Performance” listed on Auburn Way and Main St
Press release s before each concert	Various	Sent to regional media outlets

Print Collateral

Date	Description and Quantity	Notes
October, December, February, April	400 Posters	Distributed within Seattle, South King County, and Tacoma
Per Concert	2,300 post cards	Mailed to internal lists
July & September	75 renewal reminders	Sent to lapsed subscribers
December	2,300 annual fund letters	Mailed to internal lists
December	2,300 newsletters	Mailed to internal lists
June	2,300 season brochures	Mailed to internal lists

Electronic Promotions

Date	Publication	Notes
Per Concert	Live Music Project	Online Calendar Inclusion in Eblasts to their constituents
Per Concert	Mail Chimp	Eblasts to email list of 1,875
Per Concert	Facebook	Events and other posts
Per Concert	Twitter	Event information

Events

Title	Date	Musicians	Attendance	Location
2016-2017 Symphony Concerts				
Bohemian Rhapsody	10/9/2016	67	622	Auburn Performing Arts Center
Joy of the Holidays	12/6/2016	60	617	Auburn Performing Arts Center
Enigma	2/19/2017	65	535	Auburn Performing Arts Center
Love, Passion, & Defiance	4/30/2017	68	531	Auburn Performing Arts Center
2016-2017 Pre-Concert Lecture				
Bohemian Rhapsody	10/9/2016	2 spkrs. + slides	90+	Auburn Performing Arts Center
Enigma	2/19/2017	2 spkrs. + slides	90+	Auburn Performing Arts Center
Love, Passion & Defiance	4/30/2017	2 spkrs. + slides	90+	Auburn Performing Arts Center
2016-2017 Chamber Concerts				
On the Road Again	11/20/2016	5	92	St. Matthew/San Mateo Episcopal Church
Dances, Marches, and More	1/22/2017	5	115	St. Matthew/San Mateo Episcopal Church
The Magic Flute	3/3/2017	4	125	First Christian Church of Kent

The Magic Flute	3/5/2017	4	110	St. Matthew/San Mateo Episcopal Church
2016-2017 Sunsets at Mary Olson Farm				
From Mozart to Sousa	7/7/2016	5	78	Mary Olson Farm
Horns-A-Plenty	7/21/2016	5	129	Mary Olson Farm
Summer String Celebration	8/4/2016	5	158	Mary Olson Farm
Outreach				
String Trio performance at Trek Apts.	3/30/2017	3	Approx. 75	Trek Apartments
Soloist Gleb Ivanov educational performance	10/6/2016	1	90 (orchestra students)	Riverside High School
Soloist Stephen Waarts educational performance	2/16/2017	1	30 (orchestra students)	Auburn High School
Soloist Daniel Lebhardt educational performance	4/27/2017	1	50 piano students and faculty	Green River College
Soloist Daniel Lebhardt 's 4-hr. rehearsal session	4/29/2017	1	Several residents	Wesley Homes Lea Hill
Contributing to local fundraisers with ticket and CD donations	Ongoing			Various

AUBURN SYMPHONY ASSOCIATION

Profit & Loss

July 2016 through June 2017

Jul '16 - Jun 17

Use of City funding

Ordinary Income/Expense

Income

Board Giving	7,115.00
Sustaining Fund	17,500.00
Merchandise Sales	807.00
Government Grants	83,332.00
Corporate Contributions	0.00
Corporate Gift Matching	2,200.46
Individual Donations	58,108.66
Foundation Grants	18,000.00
Ticket Sales - Concerts	56,419.39
Ticket Sales - Chamber	10,184.00
Fundraisers	
Gala	
Sponsorships	5,500.00
Raffle	2,980.00
Tickets	10,800.00
Donation	1,505.00
Auction	11,284.00
Total Gala	32,069.00
Concessions	1,035.00
Total Fundraisers	33,104.00
Program Advertising	14,856.25
Outreach Services	
Education	1,000.00
Total Outreach Services	1,000.00
Bank/Investment Interest	4.91
Total Income	302,631.67
Gross Profit	302,631.67

Expense

Direct Deposit Fees	30.37
Payroll Tax Expenses	
Employment Secuirty Expense	445.47
L&I Expense	157.79
Medicare Expense	435.48
Soc Sec Expense	1,862.02
Total Payroll Tax Expenses	2,900.76
Compensation - Staff	31,582.50
Administration Expense	
Board Expenses	148.58
Business Meals	289.63
Advertising	315.00
Bank Charges/Adjustments	5,805.59

315

AUBURN SYMPHONY ASSOCIATION

Profit & Loss

July 2016 through June 2017

Jul '16 - Jun 17

Use of City funding

Dues and Subscriptions	1,045.03	
Insurance	2,427.00	
Licenses and Permits	1,359.69	
Office Rent	8,694.00	
Office Supplies	986.23	
Postage	1,493.19	1493
Printing	4,593.40	4593
Professional Fees	2,781.00	
Telephone	1,283.30	
Total Administration Expense	31,221.64	
Concert Expense		
Travel	2,671.77	
Refund	26.89	
Concession Costs	963.64	
Advertising	9,486.97	9487
Postage	1,823.06	1823
Printing	7,953.54	7954
Facility Rent	9,682.75	
Music Rental	2,219.26	
Musician Meals & Flowers	1,155.44	
Recording	2,174.46	
Total Concert Expense	38,157.78	
Chamber Expense		
Advertising	97.20	
Postage	350.00	350
Printing	1,066.06	1066
Facility Rental	4,829.38	4829
Total Chamber Expense	6,342.64	
Compensation		
xMusician's Salary - Gala	75.00	
xMusician's Salary - Concert	167,510.00	29190
xMusician's Salary-Chamber	15,040.00	10000
xMusician's Salary-Education	3,900.00	3900
Total Compensation	186,525.00	
Fund Raising Expenses		
Gala Event	10,456.74	
Receptions	173.10	
Total Fund Raising Expenses	10,629.84	
Total Expense	307,390.53	
Net Ordinary Income	-4,758.86	
Net Income	-4,758.86	75,000



AGENDA BILL APPROVAL FORM

Agenda Subject:
Resolution No. 5324

Date:
November 2, 2017

Department:
Administration

Attachments:
[Resolution No. 5324](#)
[Lease](#)

Budget Impact:
\$0

Administrative Recommendation:
City Council adopt Resolution No. 5324.

Background Summary:

The Puget Sound Auto Theft Taskforce (PSATT) is a joint operation between the cities of Auburn, Tukwila, Federal Way, Bonney Lake, Lakewood, Tacoma, the Pierce County Sheriff's Office, the King County Prosecutor's Office, and the Washington State Patrol. Auburn's participation in the PSATT was authorized by the Council through Resolution No. 5303. The PSATT is funded through a grant by the Washington State Patrol, and grant funds are administered by the City of Federal Way as the lead agency.

The PSATT has been looking for a commercial space to lease that conforms to the grant funding available. Given current economic conditions, the PSATT encountered some difficulty finding a leasable space at the rate available through their grant funding. The administrative building at the Auburn Game Farm Park was proposed by City staff as a suitable space. Auburn would receive rent from the PSATT at the maximum amount provided by the grant. Although the rental rate available through the grant is less than market rate, Auburn will benefit from the revenue generated by the tenancy in lieu of a vacancy, as well as from the increased police presence in the area.

Reviewed by Council Committees:

Councilmember:

Staff:

Hinman

Meeting Date: November 6, 2017

Item Number:

RES.B

RESOLUTION NO. 5324

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUBURN AND THE CITY OF FEDERAL WAY RELATING TO THE LEASING OF AUBURN PROPERTY FOR JOINT POLICE TASK-FORCE USE

WHEREAS, the City of Auburn, through the adoption of Resolution No. 5303, is a member of the Puget Sound Auto Theft Task-Force (PSATT); and

WHEREAS, the Washington State Patrol, Pierce County Sheriff's Office, King County Prosecutor's Office, the Cities of Bonney Lake, Lakewood, Tacoma, Tukwila, and Federal Way are also members of the PSATT; and

WHEREAS, the interlocal agreement approved by Resolution No. 5303 establishes the City of Federal Way as the lead administrative agency, responsible for establishing accounting procedures for the PSATT; and

WHEREAS, the PSATT is in need of commercial space for the purpose of conducting PSATT business; and

WHEREAS, the City of Auburn owns suitable space and is willing to lease said space for PSATT use; and

WHEREAS, Revised Code of Washington Chapter 39.34 authorizes the City of Auburn and City of Federal Way to enter into an agreement for joint action, including the leasing of space for PSATT use.

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

Section 1. The Mayor is hereby authorized to execute an Interlocal Agreement with the City of Federal Way for the purpose of leasing the Auburn Game Farm Park Administrative Building to the Puget Sound Auto Theft Taskforce, in substantial conformity with the agreement attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

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

Section 3. This Resolution shall take effect and be in force upon passage and signatures thereon.

DATED and SIGNED this ____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

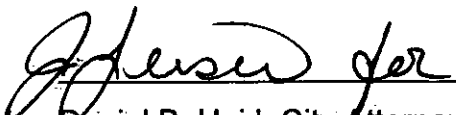

Daniel B. Heid, City Attorney

Exhibit A, Resolution N. 5324
CITY OF AUBURN – CITY OF FEDERAL WAY
INTERLOCAL AGREEMENT FOR
ESTABLISHING AND MAINTAINING OFFICE SPACE
FOR THE PUGET SOUND AUTO THEFT TASK-FORCE

THIS INTERLOCAL AGREEMENT (Agreement) made and entered into, pursuant to the Interlocal Cooperation Act, Chapter 39.34 of the Revised Code of Washington, on the ____ day of _____, 2017, by and between the CITY OF AUBURN, a municipal corporation of the State of Washington (Auburn), and the CITY OF FEDERAL WAY, a municipal corporation of the State of Washington (Federal Way).

WHEREAS, Federal Way is the Lead Administrative Agency for the Puget Sound Auto Theft Task-Force (PSATT), established through an interlocal agreement between the cities of Federal Way, Auburn, Bonney lake, Lakewood, Tacoma, and Tukwila, the Washington State Patrol, the Pierce County Sheriff's Office, the King County Prosecutor's Office, and the Pierce County Prosecutor's Office, to combat automobile theft in the Puget Sound area through coordinated law enforcement; and

WHEREAS, as the Lead Administrative Agency, Federal Way is authorized to expend Washington Auto Theft Prevention Authority grant funds for eligible expenses associated with the operation of the PSATT, including the leasing of office space for the operations of the PSATT; and

WHEREAS, Auburn has unused office space in the administrative building at Auburn Game Farm Park, located in Auburn (the Premises), it is willing to lease to Federal Way for PSATT use at a discounted rate; and

WHEREAS, the PSATT is in need of office space for daily operations; and

WHEREAS, the parties wish to enter into an agreement for the leasing of the Premises for PSATT use and occupancy.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and promises herein, the parties hereto agree as follows:

1. PREMISES LEASED

- A. For and in consideration of the rent and faithful performance by Federal Way of the terms and conditions of this Agreement, Auburn does hereby lease to Federal Way, and Federal Way does hereby lease from Auburn, the Game Farm Park Administration Building and accompanying vehicle parking area located at 2840 Riverwalk Dr. SE, Auburn, WA 98002, (the Premises), depicted in Exhibit A attached hereto and incorporated herein by this reference. No other portion of Auburn's property, other than those areas depicted as

INTERLOCAL AGREEMENT

July 19, 2017

Page 1 of 8

the “Administration Building” or “Vehicle Parking Area” in Exhibit A, are considered part of this Agreement. The parties further acknowledge and agree that Auburn reserves the right of immediate access through the Vehicle Parking Area at all times and without permission or consent of Federal Way for the right of storage and further use of the remaining portions of Auburn’s property.

- B. No building, structure, or improvements of any kind shall be erected, placed upon, operated or maintained on the Premises, nor shall any business or operation be conducted or carried on in violation of any ordinance, law, statute, by-law, order, or rule of any governmental agency having jurisdiction there over.

2. TERM

The term of this Agreement shall be for one (1) year, beginning on August 1, 2017 (the Commencement Date). Unless earlier terminated by either party, this Agreement shall automatically renew for one (1) year terms to coincide with the Washington Auto Theft Prevention Authority grant funding of the PSATT. In addition to any other termination provisions in this Agreement, either party may terminate this Agreement at any time, and for any reason, by providing thirty (30) days’ written notice to the other party.

3. RENT

- A. Federal Way agrees to pay Auburn a base rent equal to three-thousand dollars (\$3,000.00) per month, for the Premises.
- B. Federal Way further agrees to pay Auburn a flat rate for utilities, including but not limited to power, water, sewer, storm, garbage, security and janitorial services equal to two-thousand dollars (\$2,000.00) per month (utility charge). The utility charge shall be paid in quarterly installments during the term of this Agreement. In the event that the utility charge exceeds available state funding, Federal Way shall seek pro rata contribution from the participating PSATT agencies, pursuant to the vote of the PSATT Executive Board on October 5, 2017; the minutes of which are attached hereto as Exhibit B and incorporated herein by this reference.
- C. Base rent accrued between August 1, 2017, and October 31, 2017, shall be paid within thirty (30) days of the Commencement Date, and monthly thereafter.
- D. In the event this Agreement is terminated prior to the expiration of the term, Auburn shall refund to Federal Way a pro-rated portion of the base rent and utility charges paid, equivalent to the months remaining within the current term at the time this Agreement is terminated.
- E. The parties agree that this Agreement shall fulfill any invoicing requirements of the interlocal agreement establishing the PSATT.

4. MAINTENANCE

- A. Auburn shall be responsible for the sole cost and expense of all repairs and maintenance to the exterior of the Premises, including, but not limited to: landscaping, foundation, exterior walls, siding, exterior windows, exterior doors, roof, gutters and downspouts as well as all interior and exterior mechanical systems including: HVAC, electrical, plumbing and plumbing and electrical fixtures. Provided, however, that Auburn shall not be required to repair damage that results from the act of negligence by the members of PSATT beyond that required by the PSATT interlocal agreement liability and cost sharing provisions. If Auburn refuses or neglects to commence or complete repairs, Federal Way may, but shall not be required to, commence or complete the repairs and Auburn shall pay the costs thereof. Repairs made by Auburn due to the negligence of Federal Way shall be charged to Federal Way, and such charges shall include all direct and indirect costs.
- B. In the event that the Premises is damaged beyond use due to a fire, natural disaster, or act of god, this Agreement shall terminate upon ten (10) days' notice from Federal Way to Auburn that it intends to vacate the Premises.

5. INSURANCE COVERAGE, INDEMNIFICATION, AND HOLD HARMLESS

- A. Federal Way shall maintain insurance coverage, whether through the commercial insurance market, an insurance pool, self-insurance, or a combination thereof, adequate to meet the obligations of this Agreement, including the indemnifications contained herein and those in the interlocal agreement establishing the PSATT, and contractual liability coverage of applicable leases, licenses, permits, or agreements.
- B. To the extent provided for by the terms of the interlocal agreement establishing the PSATT, Federal Way shall defend, indemnify, and hold harmless Auburn, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of Federal Ways' use of the Premises, or from the conduct of Federal Way's business, or from any activity, work or thing done, permitted, or suffered by Federal Way on or about the Premises, except only such injury or damage as shall have been occasioned by the sole gross negligence or willful misconduct of Auburn.
- C. Federal Way and Auburn hereby release and discharge each other from all claims, losses, and liabilities arising from or caused by any hazard covered by property insurance on or in connection with the Premises or said building. This release shall apply only to the extent that such claim, loss, or liability is covered by insurance.

6. NOTICES

Any notice, consent, approval or other communication given by either party to the other relating to this Agreement shall be in writing, sent by both electronic mail and certified mail, return receipt requested. Such notice may also be delivered by hand. If such notice is hand delivered or personally served, it shall be deemed effective immediately upon receipt. If sent by certified mail, return receipt requested, such notice shall be deemed given on the third business day following deposit in the United States mail, postage prepaid and properly addressed; if delivered by overnight courier, notice shall be deemed effective on the first business day following deposit with such courier; and if delivered by electronic communication, notice shall be deemed effective when sent.

The notice addresses of the parties are as follows:

To Auburn: City of Auburn
Attn: Josh Arndt
25 West Main St.
Auburn, WA 98001
Email: Jarndt@auburnwa.gov

To Federal Way: City of Federal Way
Attn: Andy Hwang
33325 8th Ave. S.
Federal Way, WA 98003
Email: andy.hwang@cityoffederalway.com

7. INSPECTION, ACCESS & POSTED NOTICES

Auburn and any of its agents shall at any time upon seventy-two (72) hours advance, written notice to PSATT, have the right enter upon and inspect the Premises provided; however, that (A) any Auburn personnel or agent shall be accompanied by a member of PSATT at all times, and (B) in the event Auburn determines, in its sole and absolute discretion, that an emergency situation exists on or adjacent to the Premises, no advance notice to Federal Way is required and Auburn may immediately enter upon and inspect the Premises. Auburn shall have the right to serve, or to post and to keep posted on the Premises, or on any part thereof, any notice permitted by law or by this Agreement, any other notice or notices that may at any time be required or permitted by law or by this Agreement. Auburn shall not be liable in any manner for any inconvenience, disturbance, loss of business, or other damages arising out of Auburn's entry on the Premises as provided in this Section except for such damage that is caused directly by, or through the gross negligence of, Auburn, its employees, agents, or representatives.

8. MISCELLANEOUS

- A. Choice of Law: This Agreement shall be deemed to be made and construed in accordance with the laws of the State of Washington. Jurisdiction and venue for any action arising out of this Agreement shall be in King County, Washington.

- B. Captions & Headings: The captions in this Agreement are for convenience only and do not in any way limit or amplify the provisions of this Agreement.
- C. Relationship of the Parties: Unless otherwise specifically provided herein, no separate legal entity is created hereby, as each of the parties is contracting in its capacity as a municipal corporation of the State of Washington. The identity of the parties hereto is as set forth hereinabove. No provision of this Agreement shall relieve either party of its public agency obligations and/or responsibilities imposed by law.
- D. Severability: If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable by a final decision of any court having jurisdiction on the matter, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect, unless such court determines that such invalidity or unenforceability materially interferes with or defeats the purposes hereof, at which time either party shall have the right to terminate the Agreement.
- E. Integration: This Agreement constitutes the entire agreement between the parties as to the leasing of the Premises. No modifications or amendments of this Agreement shall be valid or effective unless evidenced by an agreement in writing signed by both parties. The parties acknowledge that this Agreement is executed pursuant to the interlocal agreement establishing the PSATT. In the event there is a conflict between this Agreement and the interlocal agreement establishing the PSATT, the interlocal agreement establishing the PSATT shall control.
- F. Interpretation: Interpretation or construction of this Agreement shall not be affected by any determination as to who is the drafter of this Agreement, this Agreement having been drafted by mutual agreement of the parties.
- G. Force Majeure: No party to this Agreement shall be held responsible for delay or default caused by terrorism, natural disasters, riots, acts of god and/or war that is beyond the reasonable control of the parties.
- H. Waiver: The failure of either party at any time to require performance by another party of any provisions of this Agreement will in no way affect the party's subsequent rights and obligations under that provision, and waiver by any party of the breach of any provision of this Agreement shall not be taken or held to be a waiver of any succeeding breach of such provision or as waiver of such provision itself.
- I. Signage – No fixed signage shall be permitted on the Premises whatsoever. If Federal Way wishes to utilize signage, Federal Way must first submit a written request to Auburn which specifically states what type of signage Federal Way wishes to utilize, the size and number of signs Federal Way is requesting to utilize and the location of where Federal

Way's signage will go. Auburn reserves the right to approve, disapprove or modify Federal Way's request in its sole option and without recourse by Federal Way, which Auburn shall provide in writing within 21 days of receipt of Federal Way's request. Any and all signage approved for use by Auburn shall be the sole and absolute cost of Federal Way, and consistent with the expenditures authorized by the interlocal agreement establishing the PSATT. All signage shall further be subject to and in accordance with the Auburn City Code, Chapter 18.56.

- J. Alarm Codes - Alarm code(s) will be provided for personnel access into the Premises. Alarm codes are subject to change as determined and in the sole discretion of Auburn. PSATT shall be notified prior to changing of the alarm codes. PSATT shall not provide any alarm codes to their customers or guests and PSATT shall immediately notify Auburn if the codes need to be changed to prevent access from a customer or employee to maintain security.
- K. No Brokers – Federal Way represents and warrants to Auburn that it has not engaged any broker, finder or other person who would be entitled to any commission or fees in respect of the negotiation, execution or delivery of this Agreement and shall indemnify and hold harmless Auburn against any loss, cost, liability or expense incurred by Auburn as a result of any claim asserted by any such broker, finder or other person on the basis of any arrangements or agreements made or alleged to have been made by or on behalf of Federal Way.

9. SIGNATURE

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF AUBURN

CITY OF FEDERAL WAY

Nancy Backus, Auburn Mayor

Jim Ferrell, Federal Way Mayor

Attest:

Attest:

Danielle Daskam, Auburn City Clerk

Stephanie Courtney, Federal Way City Clerk

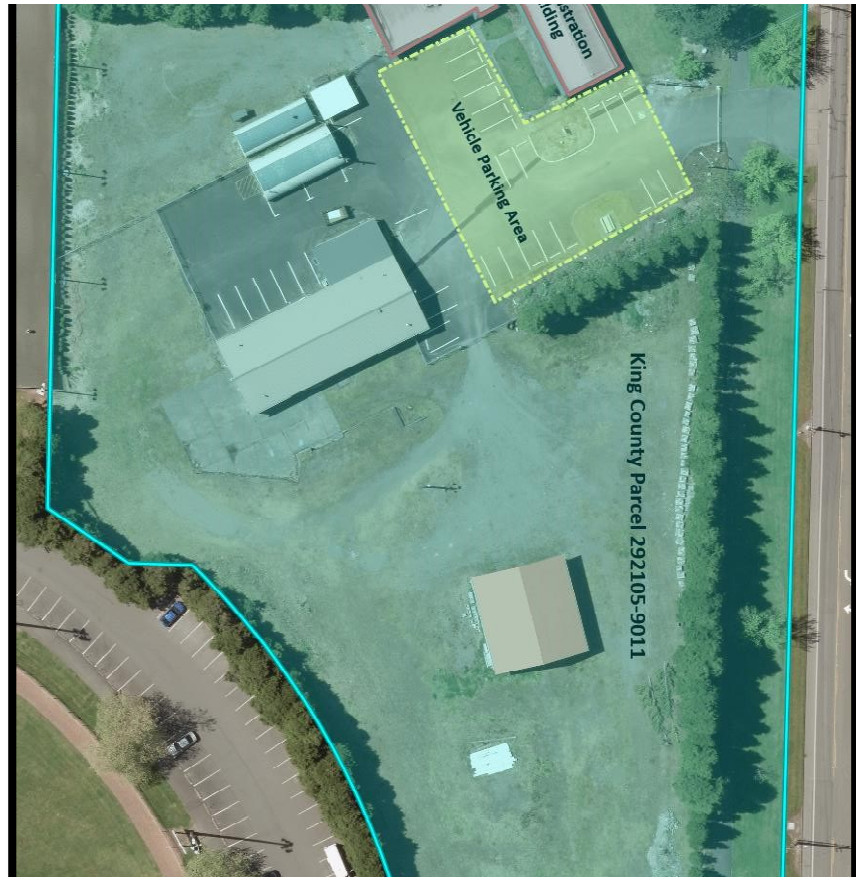
Approved as to form:

Approved as to form:

Daniel B. Heid, Auburn City Attorney

J. Ryan Call, Federal Way City Attorney

Exhibit A





AGENDA BILL APPROVAL FORM

Agenda Subject:
Resolution No. 5325

Date:
October 25, 2017

Department:
CD & PW

Attachments:

[RES 5325](#)
[Agreement Form\(Exhibit A\)](#)
[Vicinity Map](#)
[Site Plan](#)

Budget Impact:
\$0

Administrative Recommendation:

City Council adopt Resolution No. 5325.

Background Summary:

Resolution No. 5325 authorizes the Mayor to accept a state grant from the King County Flood Control District in the amount of \$210,000.00 to finance the design and construction of the 37th Street NW Flood Control project (Project).

The Project will increase capacity of a storm drainage culvert located on the south side of the 37th Street NW and I Street NW intersection by replacing the existing 12 inch culvert with a large box culvert. The improvements will eliminate flooding issues on 37th Street NW and the Inter-Urban Trail.

The King County Flood Control district state grant does not require a local funding match, however the following additional monies from the 462 storm drainage fund has been made available to help fund the project:

\$40,000 in 2017-2018 for design
\$251,000 in 2018 for construction

Reviewed by Council Committees:

Councilmember:

Staff:

Snyder

Meeting Date: November 6, 2017

Item Number:

RES.C

RESOLUTION NO. 5 3 2 5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO ACCEPT STATE GRANT FUNDS FROM THE KING COUNTY FLOOD CONTROL DISTRICT FOR THE 37TH STREET NW FLOOD CONTROL PROJECT

WHEREAS, the City of Auburn desires to alleviate annual localized flooding issues and better manage the storm drainage network at the 1000 block of 37th St NW; and

WHEREAS, the need for the improvements is recognized in Auburn's adopted Comprehensive Storm Drainage Plan – December 2015; and

WHEREAS, completing this Project will address the flooding issues by increasing conveyance capacity of the storm drainage network along 37th St NW; and

WHEREAS, the City applied for and was awarded a state grant from the King County Flood Control District in the amount of \$210,000.00 to finance the design and construction phases of the Project; and

WHEREAS, while the Flood Control District does not require a local funding match for the grant, the City has made available additional storm drainage funding in the approved City budget to help fund the Project; and

WHEREAS, it is in the best interest of the City to use grant monies to finance capital improvements to the storm drainage system.

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

Section 1. That the Mayor is hereby authorized to accept the King County Flood Control District state grant for which the City has sought funding and has been awarded for the 37th Street NW Flood Control Project. The Mayor is further hereby authorized to

execute a Funding Agreement between the City and the King County Flood Control District for the design and construction of the above identified project, in substantial conformity with grant requirements and the agreement attached hereto, marked as Exhibit A and incorporated herein by this reference. The Mayor is further hereby authorized to execute any further supplemental agreements consistent with project and grant requirements as may be necessary for any and all future phases for the Project, expending up to the total amount of the grant.

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

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

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

EXHIBIT A

AGREEMENT FOR AWARD OF FLOOD REDUCTION GRANT FUNDS BETWEEN THE CITY OF AUBURN AND KING COUNTY

This Agreement is made between King County, a municipal corporation, and the **City of Auburn** (“Recipient”) (collectively referred to as the “parties” and in the singular “party”), for the purposes set forth herein. This Agreement shall be in effect from the date of execution to **December 31, 2019**.

Project Contacts:

King County – Kim Harper, Grant Administrator, 206-477-6079, Kim.harper@kingcounty.gov.

Recipient – Tim Carlaw, 253-804-5060, Tcarlaw@auburnwa.gov.

SECTION 1. RECITALS

- 1.1 Whereas, the King County Flood Control District (“District”) is a quasi-municipal corporation of the State of Washington, authorized to provide funding for flood control and stormwater protection projects and activities; and
- 1.2 Whereas King County is the service provider to the District under the terms of an interlocal agreement ("ILA") by and between King County and the District, dated February 17, 2009, as amended, and as service provider implements the District's annual work program and budget; and
- 1.3 Whereas, on November 12, 2013, the District’s Board of Supervisors passed Resolution FCD2013-14.3 which established a Flood Reduction Grant Program and criteria for awarding grant funding for projects, and on November 16, 2015, the Board passed Resolution FCD2016-20.3, which authorized an allocation of \$3,058,908.00 from the District’s 2016 budget to fund flood reduction projects; and
- 1.4 Whereas, on August 21, 2017 the District’s Board of Supervisors passed Resolution FCD2017-05.1, which approved the flood reduction projects described in Attachment A to that Resolution; and
- 1.5 Whereas, in accordance with the terms of these Resolutions, and in its capacity as service provider to the District, King County has established policies and procedures for administering the flood reduction grant program, a copy of which has been furnished to Recipient and which is incorporated herein by this reference (hereinafter “Grant Policies and Procedures”); and
- 1.6 Whereas, the Recipient submitted an application to receive funds for a project to be

funded by the Flood Reduction Grant Program; and

- 1.7 Whereas the District's Board of Supervisors approved funding of Recipient's application for the project ("Project"), as described in Attachment A to Resolution FCD2017-05.1 in the amount of **\$210,000.00** ("Award"); and
- 1.8 Whereas King County has received a Scope of Work and a Budget for the Project from the Recipient and has determined that the Scope of Work, attached hereto and incorporated herein as Exhibit B ("Scope of Work"), and the Budget, attached hereto and incorporated herein as Exhibit C ("Budget"), are consistent with the Grant Policies and Procedures, the Recipient's application for the Project, and the Resolution approving funding for the Project; and
- 1.9 Whereas, King County and the Recipient desire to enter into this Agreement for the purpose of establishing the terms and conditions under which King County will provide funding from the District in accordance with Resolution FCD2017-05.1, and the Grant Policies and Procedures, and under which the Recipient will implement the Project.

SECTION 2. AGREEMENT

- 2.1. The Recitals are an integral part of this Agreement and are incorporated herein by this reference.
- 2.2. King County agrees to pay the Award amount to Recipient in the total amount of **\$210,000.00** from District funds. The Award shall be used by the Recipient solely for the performance of the Project, as described in Exhibit A to this Agreement. Exhibit A, attached hereto and incorporated herein by this reference, contains a description of the Project as described in Attachment A to Resolution FCD2017-05.1. King County shall pay the Recipient in accordance with the terms of the Grant Policies and Procedures.
- 2.3. The Recipient represents and warrants that it will only use the Award for the Scope of Work of this Agreement and in accordance with the Project Budget. The Recipient shall be required to refund to King County that portion of the Award which is used for work or tasks not included in the Scope of Work. Further, the Recipient agrees that King County may retain any portion of the Award that is not expended or remains after completion of the Scope of Work and issuance of the Final Report, as further described below.
- 2.4. Activities carried out for this Project and expenses incurred by the Recipient may predate the execution date of this Agreement provided that 1) they have been identified by Recipient as being within the scopes of numbers 2) and 3) below, and have been approved by King County as being within such scopes; 2) the activities are specified in the Scope of Work of this Agreement; 3) the expenses are incurred in carrying out the Scope of Work and are authorized by the Award as identified in the Budget of this Agreement; 4) the activities occur after the District passes a resolution approving an

award for the Project; 5) such activities and expenses otherwise comply with all other terms of this Agreement; and 6) reimbursements shall be paid to the Recipient only after this Agreement has been fully executed.

- 2.5. The Recipient shall invoice King County for incurred expenses using the Request for Payment form and Progress Report form for those documented and allowable expenses identified in the Budget and according to the rules set forth in the Grant Policies and Procedures. Blank forms shall be provided to the Recipient by King County upon execution of this Agreement. A progress report (with or without a request for payment) shall be made no less frequently than every six months after the effective date of this Agreement nor more frequently than every three months after the aforementioned date. A Progress Report form shall be submitted with all payment requests. A one- time advance of no more than 25% of the Award amount may be allowed, in the discretion of King County, for expenses anticipated to be incurred in the three months following the date of submission of the advance Request for Payment only for work that is included in the Scope of Work of this Agreement, and identified as such in the Request for Payment. Documentation of payments made from the advance payment shall be submitted to King County prior to any further requests for payment.
- 2.6. The Recipient shall be required to submit to King County a final report which documents the Recipient's completion of the work in conformance with the terms of this Agreement within thirty (30) days after the completion of the work. The final report may be submitted on the Close-out Report form unless a more detailed final report is specified in the scope of work. A blank form shall be provided to the Recipient by King County upon execution of this Agreement. The final report shall include a summary of the Project's successes and shall address the flood reduction benefits accomplished by the work.
- 2.7. The Recipient's expenditures of Award funds shall be separately identified in the Recipient's accounting records. If requested, the Recipient shall comply with other reasonable requests made by King County with respect to the manner in which Project expenditures are tracked and accounted for in the Recipient's accounting books and records. The Recipient shall maintain such records of expenditures as may be necessary to conform to generally accepted accounting principles as further described in Section 2.8 below, and to meet the requirements of all applicable state and federal laws.
- 2.8. The Recipient shall be required to track project expenses using the Budget Accounting and Reporting System for the State of Washington ("BARS") or Generally Accepted Accounting Principles set forth by the Financial Accounting Standards Board or by the Governmental Accounting Standards Board.
- 2.9. King County or its representative, and the District or its representative, shall have the right from time to time, at reasonable intervals, to audit the Recipient's books and records in order to verify compliance with the terms of this Agreement. The Recipient shall cooperate with King County and the District in any such audit.

- 2.10. The Recipient shall retain all accounting records and project files relating to this Agreement in accordance with criteria established by the Washington State Archivist Local Government Common Records Retention Schedule (CORE) as revised.
- 2.11. The Recipient shall ensure that all work performed by its employees, agents, contractors or subcontractors is performed in a manner which protects and safeguards the environment and natural resources and which is in compliance with local, state and federal laws and regulations. The Recipient shall implement an appropriate monitoring system or program to ensure compliance with this provision.
- 2.12. The Recipient agrees to indemnify, defend and hold harmless King County, and the District, their elected or appointed officials, employees and agents, from all claims, alleged liability, damages, losses to or death of person or damage to property arising out of any acts or omissions of the Recipient, its employees, agents, contractors or subcontractors in performing its obligations under the terms of this Agreement.
- 2.13. The Recipient agrees to acknowledge the District as a source of funding for the Project on all literature, signage or press releases related to the Project. The Recipient may obtain from King County a District logo that may be used in the acknowledgement.

SECTION 3. GENERAL PROVISIONS

- 3.1. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.
- 3.2. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof. No prior or contemporaneous representation, inducement, promise or agreement between or among the parties which relate to the subject matter hereof which are not embodied in this Agreement shall be of any force or effect.
- 3.3. No amendment to this Agreement shall be binding on any of the parties unless such amendment is in writing and is executed by the parties. The parties contemplate that this Agreement may from time to time be modified by written amendment which shall be executed by duly authorized representatives of the parties and attached to this Agreement.
- 3.4. Each party warrants and represents that such party has full and complete authority to enter into this Agreement and each person executing this Agreement on behalf of a party warrants and represents that he/she has been fully authorized to execute this Agreement on behalf of such party and that such party is bound by the signature of such representative.
- 3.5. The Project shall be completed by no later than **December 31, 2019**. In the event that the Project is not completed by this date, King County has the discretion, but not the obligation, to terminate this Agreement and retain any unexpended Award funds.

- 3.6. This Agreement may be signed in multiple counterparts.
- 3.7. If any provision of this Agreement shall be wholly or partially invalid or unenforceable under applicable law, such provision will be ineffective to that extent only, without in any way affecting the remaining parts or provision of this Agreement, and the remaining provisions of this Agreement shall continue to be in effect.
- 3.8. The amount of the Award has been fully funded by the District. To the extent that funding of the Award requires future appropriations by the District, King County's obligations are contingent upon the appropriation of sufficient funds by the Board of Supervisors of the District to complete the Scope of Work. If no such appropriation is made, this Agreement will terminate at the close of the appropriation year for which the last appropriation that provides funds under this Agreement was made.

This document has been approved as to form by the King County Prosecuting Attorney's Office as of September 12, 2015.

KING COUNTY:

RECIPIENT:

By _____

By _____

Name _____

Name _____

Title _____

Title _____

Date _____

Date _____

EXHIBIT A: PROJECT DESCRIPTION

PROJECT NAME	RECIPIENT	DESCRIPTION	LEVERAGE	AWARD
37 th Street NW Flooding Elimination	City of Auburn	The project will increase capacity of a drainage channel culvert located at the Puget Sound Energy Christopher Substation access driveway by replacing a 12 inch culvert with a large box culvert. This will eliminate a long-term flooding problem on 37 th St NW and the Inter-Urban Trail, as well as on the PSE property and driveway. This will end years of road closures during flooding events, and ensure safe consistent access to local businesses, through traffic, the non-motorized commuter and recreational trail, and the electrical substation that serves large areas of Auburn and Federal Way.	\$0	\$210,000.00

EXHIBIT B: SCOPE OF WORK

TASKS	ACTIVITIES AND DELIVERABLES	APPROX. PERCENT OF AWARD REQUEST	MONTH/YEAR TASK WILL BE COMPLETED
Task 1: Project Administration (Required task)	Submit reimbursement request forms, backup documentation for billing, and progress reports at least every 6 months. Submit a Fiscal Closeout form and a Closeout Report form with the final reimbursement request.	5%	November 2018
Task 2: Planning, Design, and Permitting	<p>Preparation of design plans, specifications and cost estimates for the 37th St NW Flooding Elimination Project. This task will also include support for the public bidding of the construction documents and procurement of the construction team. The initial planning and budgeting conducted by Auburn staff will ensure the project design is ready to proceed starting in January 2018 and the construction will be completed in 2019, pending grant approval and administrative considerations.</p> <p>Deliverables:</p> <ul style="list-style-type: none"> Construction plans providing the detail needed for construction, stamped by a Washington State licensed Civil Engineer. Mitigation plans that may be required under Section A below. PSE agreement for access to PSE's site during construction, as described in Section A below. 	15%	November 2018

TASKS	ACTIVITIES AND DELIVERABLES	APPROX. PERCENT OF AWARD REQUEST	MONTH/YEAR TASK WILL BE COMPLETED
Task 3: Construction Management	<p>The City of Auburn provides in-house construction management of all capital/public projects. This includes a Washington State Licensed Engineer as the construction manager and an experienced construction inspector who typically inspects construction activity more than daily and inspects/documents inspection of all aspects of construction projects. In addition, Auburn has qualified GIS staff that manages as-built data for incorporation into existing data sets. Task 3 includes various documents necessary to ensure that the constructed project meets the design requirements established in Tasks 2. A brief description of the documents is provided below:</p> <ul style="list-style-type: none"> Auburn will prepare and keep current a construction schedule for the project. The first construction schedule will be required within 30 days of start of construction; schedule will be revised as needed to reflect any major changes in timeline. Auburn will provide a copy of the “as-built” drawings once construction is complete. As-built drawings are necessary as some modifications may be necessary to complete the project; however, those modifications cannot significantly change the design. Auburn will produce a Declaration of Completion to be signed by both the City of Auburn inspector and the construction project manager. 	10%	October 2019
Task 4: Construction	<p>The City of Auburn will contract with a qualified construction company to build the culvert project. The contracted company will:</p> <ul style="list-style-type: none"> Prepare the site for construction, inclusive of clearing limits, grubbing, grading, and mobilization Construct the storm facility upgrade to the design standards identified in the engineered plans Provide sediment and erosion control measures <p>Deliverables:</p> <ul style="list-style-type: none"> Complete drainage channel upgrade constructed to engineered plans Cost sheet for construction costs once at 100% 	70%	October 2019

EXHIBIT C: BUDGET

BUDGET ITEM	GRANT AWARD REQUEST	FINANCIAL LEVERAGE (not required)			LEVER AGE TOTAL	TOTAL (Grant + Leverage)
		SOURCE NAME				
		AMOUNT				
STAFFING	\$60,000.00				\$0	\$60,000.00
COMMERCIAL SERVICES AND CREW TIME	\$150,000.00				\$0	\$150,000.00
TOTAL	\$210,000.00				\$0	\$210,000.00

37th St Drainage Improvements

Printed Date: 10/25/2017

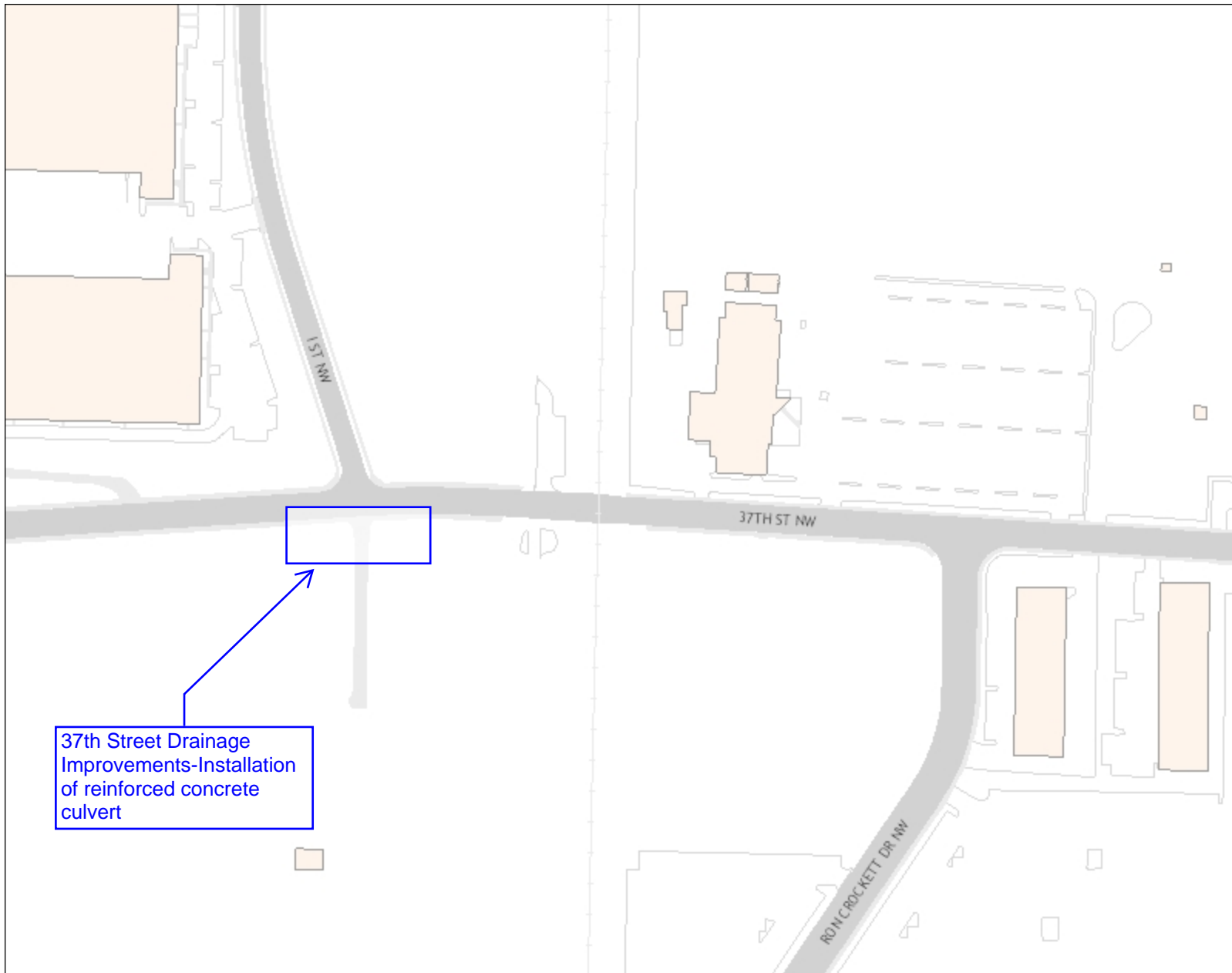
Map Created by City of Auburn eGIS

Imagery Date: May 2015

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

Legend

Notes



37th Street Drainage Improvements-Installation of reinforced concrete culvert

475.1 0 237.6 475.1 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 238 ft

1:2,851





37th ST NW FLOOD CONTROL PROJECT
SITE PLAN

NO SCALE