	<p style="text-align: center;">City Council Meeting June 4, 2018 - 7:00 PM City Hall Council Chambers 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. Legislative Update: 31st District Representative Drew Stokesbary

III. APPOINTMENTS

- A. Auburn Airport Advisory Board

City Council to confirm the following appointments to serve on the Auburn Airport Advisory Board for three year terms, expiring December 31, 2021.

- **Danielle Butsick**
- **Wayne Osborne**
- **Sean Morrow**

(RECOMMENDED ACTION: City Council confirm the appointments to the Auburn Airport Advisory Board).

- B. Auburn Tourism Board

City Council to confirm the following appointments to serve on the Auburn Tourism Board:

Karrie Schofield – (Best Western Hotel) – to fill the unexpired term of Tonia Jones to expire December 31, 2020.

Malia Dale – (Red Lion Hotel) to fill the unexpired term of Ting Phonsanam to expire December 31, 2019.

Chantelle Herburger (Gosanko Chocolate) – to fill the unexpired term of Carina Saucedo to expire December 31, 2020.

(RECOMMENDED ACTION: City Council confirm the appointments to the Auburn Tourism Board).

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

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

B. Audience Participation

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

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

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 May 21, 2018 City Council Meeting

B. Claims Vouchers (Coleman)

Claims vouchers 448921 through 449076 in the amount of \$1,312,993.97 and five wire transfers in the amount of \$711,291.29 and dated June 4, 2018.

C. Payroll Vouchers (Coleman)

Payroll check numbers 537922 through 537945 in the amount of \$511,488.68 and electronic deposit transmissions in the amount of \$1,934,215.07 for a grand total of \$2,445,703.75 for the period covering May 17, 2018 to May 30, 2018.

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

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. RESOLUTIONS

A. Resolution No. 5354 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, setting the time and date for a public hearing before the City Council on the 2019-2024 Transportation Improvement Plan

(RECOMMENDED ACTION: City Council adopt Resolution No. 5354.)

B. Resolution 5370 (Tate)

A Resolution of the City Council of the City of Auburn, Washington, expressing support for enrollment of parcels 3421059044 and 3421059061 into the King County Public Rating System

(RECOMMENDED ACTION: City Council adopt Resolution No. 5370.)

C. Resolution No. 5371 (Heid)

A Resolution of the City Council of the City of Auburn, Washington, approving and authorizing the Mayor to execute the agreement between the cities of Auburn and Sumner for adjustment of the boundary between the cities of Auburn and Sumner with the movement of city boundary to the other side of the roadway of a portion of right-of-way of Stewart Road/Lake Tapps Parkway East currently within the city of Auburn, pursuant to RCW 35.13.310

(RECOMMENDED ACTION: City Council adopt Resolution No. 5371.)

D. Resolution No. 5372 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute a Memorandum of Understanding with the Washington State Department of Transportation for the purpose of defining the local funding and phasing of the Puget Sound Gateway Program

(RECOMMENDED ACTION: City Council adopt Resolution No. 5372.)

E. Resolution No. 5373 (Bailey)

A Resolution of the City Council of the City of Auburn, Washington, approving and authorizing the Mayor to execute an agreement with Small & Sons Oil Distribution Company for fuel services

(RECOMMENDED ACTION: City Council adopt Resolution No. 5373.)

XI. **MAYOR AND COUNCILMEMBER REPORTS**

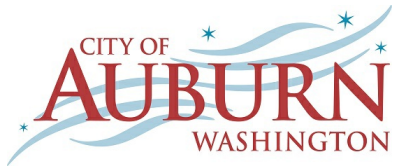
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. **From the Council**

B. **From the Mayor**

XII. **ADJOURNMENT**

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



AGENDA BILL APPROVAL FORM

Agenda Subject:
Minutes of the May 21, 2018 City Council Meeting

Department: **Attachments:**
Administration [Minutes](#)

Date:
May 23, 2018

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

Administrative Recommendation:

Background Summary:

Reviewed by Council Committees:

Councilmember:
Meeting Date: June 4, 2018

Staff:
Item Number: CA.A

	<p style="text-align: center;">City Council Meeting May 21, 2018 - 7:00 PM City Hall Council Chambers MINUTES 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

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

B. Roll Call

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

Mayor Backus and the following department directors and staff members were present: Finance Director Shelley Coleman, Police Commander Dan O'Neil, City Attorney Daniel B. Heid, Director of Administration Dana Hinman, Innovation and Technology Director Paul Haugan, Human Resources and Risk Management Director Rob Roscoe, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Parks, Arts and Recreation Director Daryl Faber, Economic Development Manager Doug Lein, and City Clerk Danielle Daskam.

II. AGENDA MODIFICATIONS

A. Human Resources and Risk Management Director Rob Roscoe

Mayor Backus announced Human Resources and Risk Management Director Rob Roscoe will be leaving the City June 1st to take the position of Deputy Director with the Washington Cities Insurance Authority. Mayor Backus read several testimonials regarding Mr. Roscoe and his career at the City and poked a little fun as well. Mayor Backus expressed regret at Director Roscoe's departure and thanked him for his service to the City.

III. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

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

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.

Bob Darrigan, 104 S 325th Place, Federal Way

On behalf of Lions Club Zone C3, Mr. Darrigan thanked Mayor Backus, the Council, and Parks Department staff for their efforts and facilitation of the annual special needs fishing derby at Mill Pond Park. Special needs children with their families and their friends participated in the event. Mr. Darrigan thanked the businesses and organizations that helped organize the event, and Mr. Darrigan thanked the City for its continued support.

Bob Zimmerman, 33029 46th Place South, Auburn

Mr. Zimmerman spoke regarding seismic safety, job safety, and code enforcement.

C. Correspondence

There was no correspondence for City Council review.

IV. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

Councilmember Brown, chair of the Finance ad hoc committee, reported he and Councilmember Holman reviewed claims voucher numbers 448715 through 448920 and wire transfers totaling approximately \$5,195,000.00 and payroll check numbers 537895 through 537921 and electronic deposit transmissions totaling approximately \$2.2 million. Councilmember Brown reported all items were in order, and the ad hoc committee recommends approval.

Councilmember DaCorsi, chair of the Roads Projects ad hoc committee, reported the committee, consisting of Deputy Mayor Baggett and Councilmember Trout-Manuel and himself, met May 14, 2018, with Assistant Director of Engineering Services/City Engineer Gaub and Traffic Engineer James Webb to review Transportation Improvement Plan projects. The ad hoc committee plans to meet again next week.

V. CONSENT AGENDA

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

A. Minutes of the May 7, 2018 Regular City Council Meeting

B. Claims Vouchers (Coleman)

Claims vouchers 448715 through 448920 in the amount of \$4,611,953.69 and two wire transfers in the amount of \$583,828.14 and dated May 21, 2018.

C. Payroll Vouchers (Coleman)

Payroll check numbers 537895 through 537921 in the amount of \$228,912.24 and electronic deposit transmissions in the amount of \$2,001,636.22 for a grand total of \$2,230,548.46 for the period covering May 3, 2018 to May 16, 2018.

Deputy Mayor Baggett moved and Councilmember Trout-Manuel seconded to approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

VI. UNFINISHED BUSINESS

There was no unfinished business.

VII. NEW BUSINESS

There was no new business.

VIII. ORDINANCES

A. Ordinance No. 6683 (Heid)

An Ordinance of the City Council of the City of Auburn, Washington, repealing Section 2.30.040 of the Auburn City Code relating to the limitation on serving on more than one board or commission

Deputy Mayor Baggett moved and Councilmember Holman seconded to adopt Ordinance No. 6683.

Councilmember Wales spoke against the ordinance. She spoke in favor of limiting the ability to appoint any individual to more than one board or commission. Councilmember Wales stated limiting the membership on multiple boards or commissions will provide opportunity to other members of the community to serve.

Councilmember Holman agreed with Councilmember Wales' comments about providing opportunity for members of the community to serve. Councilmember Holman spoke in favor of the proposed ordinance stating it will allow more flexibility for appointments to boards and commissions, particularly when insufficient volunteers are available..

Councilmember Trout-Manuel agreed with Councilmember Wales comments and spoke against the ordinance.

Councilmember DaCorsi spoke against the proposed ordinance.

Councilmember Peloza spoke in favor of the ordinance and recalled prior to being elected to the City Council he served on the White River Valley Historical Society Board while also serving on the Airport Advisory Board.

MOTION CARRIED. 4-3 Councilmembers DaCorsi, Trout-Manuel, and Wales voted no.

IX. RESOLUTIONS

A. Resolution No. 5365 (Roscoe)

A Resolution of the City Council of the City of Auburn, Washington, confirming the appointment of Steven L. Gross as City Attorney for the City of Auburn, Washington

Councilmember Holman moved and Councilmember Brown seconded to adopt Resolution No. 5365.

Councilmember Holman spoke in favor of appointing Steve Gross as the City's new City Attorney citing Mr. Gross's past service with the City as Assistant City Attorney, his previous municipal law experience, and his experience with the United States Army. Mr. Gross left the City of Auburn to become City Attorney for the City of Port Townsend approximately four years ago.

Councilmember Peloza spoke in favor of the appointment of Steve Gross as the City's new City Attorney.

Councilmember Wales stated that, while City Attorney Heid is irreplaceable, she was happy to learn Steve Gross would be returning to the City of Auburn as City Attorney.

Mayor Backus thanked Human Resources and Risk Management Director Roscoe and City Attorney Heid for their efforts in recruiting Steve Gross to return to the City of Auburn.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5368 (Hinman)

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 Green River College for the purpose of providing small-business education and training

Councilmember Brown moved and Deputy Mayor Baggett seconded to adopt Resolution No. 5368.

Councilmember Brown spoke in favor of the resolution and the benefits of the City's business incubator.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Resolution No. 5369 (Gaub)

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

Councilmember DaCorsi moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5369.

Councilmember DaCorsi explained Resolution No. 5369 authorizes the acceptance of a federal grant in the amount of \$881,800.00 to finance the design, environmental permitting, and construction phases of the A Street SE Preservation Project. The grant requires a fifty percent local funding match, which is included in proposed budget amendment number 6. The project will grind and overlay A Street SE from East Main to 17th Street SE.

In response to questions from Council, Assistant Director of Engineering Services/City Engineer Gaub explained the project is already included in the Capital Facilities Plan for 2019 and 2020, but Washington State Department of Transportation had grant funds available this year. The total project cost is approximately \$1.7 million.

MOTION CARRIED UNANIMOUSLY. 7-0

X. MAYOR AND COUNCILMEMBER REPORTS

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

A. From the Council

Deputy Mayor Baggett reported on his attendance at the annual State Law Enforcement Officers and Fire Fighters (LEOFF) Education Association's conference for LEOFF Board members, where he attended education sessions on community para medicine, Medicare and veterans benefits, and stem cell therapy. Deputy Mayor Baggett also reported on his attendance at the ribbon cutting ceremony for McDonald's at 1531 Auburn Way North and the Medic 1/EMS Levy Task Force Finance Subcommittee meeting.

Councilmember Pelozza reported on his attendance at the Metropolitan Solid Waste Management Advisory Committee meeting where the committee discussed tipping fees, implications of China Sword and plastics recycling markets, the Cedar Hills Landfill, and the Green Schools recycling program.

Councilmember Trout-Manuel reported on her attendance at the Senior Center Coffee Hour along with Councilmember Pelozza.

Councilmember Wales reported on her attendance at the Auburn Art Walk. She thanked the Parks Department staff for their assistance during the event.

Councilmember Holman reported on his attendance at the Washington State Forensic Investigations Council meeting and noted several

employment opportunities at the Washington State Crime Lab.

Councilmember Brown thanked Councilmember Pelloza for his work on the Solid Waste Advisory Committee. Councilmember Brown reported he has visited a landfill near Goldendale, the Roosevelt facility, which processes all solid waste from Snohomish County and produces electricity from the waste.

Councilmember DaCorsi reported he attended the State Affordable Housing Advisory Board meeting where Board members discussed Opportunity Zone designation and opportunities for development of affordable housing and a report from the Department of Ecology updating the Board on Engrossed Substitute Senate Bill 6095 which provides a toxic cleanup program similar to the Brownfields Program. Councilmember DaCorsi also reported on his attendance at the Regional Transit Committee meeting.

B. From the Mayor

Mayor Backus reported she was in Washington, D.C. May 7-9, 2018 with the Tacoma-Pierce County Chamber of Commerce as part of the Washington to Washington annual conference. At the conference, Mayor Backus participated on a panel for 2018 federal health care with special focus on mental health. Other panels at the conference related to Joint Base Lewis-McChord; transportation and infrastructure; commerce, cultural and maritime ties that bind Washington and Alaska; and small business in Tacoma and Pierce County. Mayor Backus also reported on her attendance at the Lions Zone C3 Fishing Derby, the Skills Inc. Run for Abilities held at Roegner Park, Petpalooza, and the Master Builders Association ramp-a-thon. Mayor Backus announced an upcoming Mental Health Town Hall on Thursday, May 31st at 5:30 p.m. at the Auburn Community and Events Center, where a panel of experts will be on hand to provide information on mental health services available in the area.

XI. ADJOURNMENT

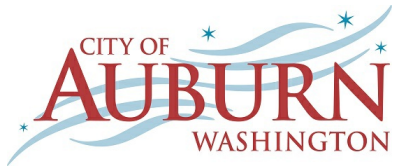
There being no further business to come before the Council, the meeting adjourned 8:09 p.m.

APPROVED this 4th day of June, 2018.

NANCY BACKUS, MAYOR

Danielle Daskam, City Clerk

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



AGENDA BILL APPROVAL FORM

Agenda Subject:
Claims Vouchers (Coleman)

Date:
May 30, 2018

Department:
Finance

Attachments:
No Attachments Available

Budget Impact:

Administrative Recommendation:
City Council approve claims vouchers.

Background Summary:

Claims vouchers 448921 through 449076 in the amount of \$1,312,993.97 and five wire transfers in the amount of \$711,291.29 and dated June 4, 2018.

Reviewed by Council Committees:

Councilmember:

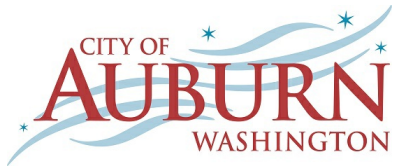
Staff:

Coleman

Meeting Date: June 4, 2018

Item Number:

CA.B



AGENDA BILL APPROVAL FORM

Agenda Subject:
Payroll Vouchers (Coleman)

Date:
May 30, 2018

Department:
Finance

Attachments:
No Attachments Available

Budget Impact:

Administrative Recommendation:
City Council approve payroll vouchers.

Background Summary:

Payroll check numbers 537922 through 537945 in the amount of \$511,488.68 and electronic deposit transmissions in the amount of \$1,934,215.07 for a grand total of \$2,445,703.75 for the period covering May 17, 2018 to May 30, 2018.

Reviewed by Council Committees:

Finance

Councilmember:

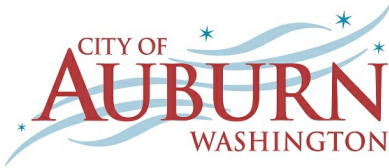
Staff:

Coleman

Meeting Date: June 4, 2018

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5354 (Gaub)

Date:

May 24, 2018

Department:

CD & PW

Attachments:

[Resolution No. 5354](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt Resolution No. 5354.

Background Summary:

Resolution No. 5354 is for the City Council to set a time and date for a public hearing to amend the Six Year Transportation Improvement Program. The public hearing is proposed to be held on June 18th, 2018 during the City Council Meeting.

A summary of the proposed changes was presented at City Council study session on May 29th.

The Six-Year Transportation Improvement Program (TIP) is required to be amended annually as required by RCW 35.77.010. The primary importance of the TIP is that, in most instances, projects must be included on the TIP to be eligible for state and federal grant programs. The TIP identifies secured or reasonably expected revenues and expenditures for each of the projects included in the TIP. Typically, projects listed in the first three years of the document are shown as having secured funding while projects in years 4, 5, and 6 can be partially or completely unfunded.

The TIP is a multiyear planning tool and document for the development of transportation facilities within the City and does not represent a financial commitment by the City. Once the TIP is approved, projects are budgeted and funded through the City's biennial budget. The TIP sets priorities for the acquisition of project funding and is a prerequisite of most grant programs. Staff also uses the TIP to coordinate future transportation projects with needed utility improvements.

SUMMARY OF PROPOSED AMENDMENTS TO THE 2019-2024 TIP

Deletions: The following projects are proposed to be removed:

- TIP 2: A St Traffic Signal Improvements (\$1.20M) – This project was combined with TIP 19 (Auburn Way N/1st St NE Signal Improvements) to become I-1 (Signal

Replacement Program) to address the ongoing need to replace signal infrastructure as it reaches the end of its service life.

- TIP 12: Grade Separated Crossing of the BNSF Railyard (\$32.1M) – This project was removed from the TIP as it is not anticipated to be started within the next six years. The project remains in the Comprehensive Transportation Plan.
- TIP 14: A Street SE Signal Safety and Traffic Operations (\$0.46M) – Will be completed in 2018.
- TIP 15: 8th Street NE Widening (Pike St NE to R St NE) (\$1.45M) – The scope of this project was combined with R-20 (Lea Hill Rd Segment 1).
- TIP 19: Auburn Way N/1st St NE Signal Improvements (\$0.60M) - This project was combined with TIP 2 (A St Traffic Signal Improvements) to become I-1 (Signal Replacement Program) to address the ongoing need to replace signal infrastructure as it reaches the end of its service life.
- TIP 21: W Main St & C St NW Traffic Signal Upgrade (\$0.49M) - Will be completed in 2018.
- TIP 24: Academy Drive Multi-Use Trail (\$0.85M) - This project was removed from the TIP as it is not anticipated to be started within the next six years. The project remains in the Comprehensive Transportation Plan.
- TIP 53: Auburn Way S & 12th St SE Intersection Improvements (\$0.20M) – Will be completed in 2018.
- TIP 55: Auburn Way S Sidewalk Improvements (\$0.67M) - Will be completed in 2018.
- TIP 71: 15th St NE/NW Preservation (SR-167 to 8th St NE) (\$1.64M) - Will be completed in 2018.

Additions: The following projects are proposed to be added:

- TIP I-1: Signal Replacement Program (\$1.20M) – this project replaces TIP 2 (A Street SE Traffic Signal Improvements) and TIP 19 (Auburn Way N and 1st Street NE Signal Improvements). This will be an ongoing program to replace existing signal infrastructure as it reaches its end of life.
- TIP I-7: SE 320th St/116th Ave SE Roundabout (\$1.73M) – the project will construct a new roundabout along SE 320th Street at the intersection with 116th Avenue SE. The intersection is currently stop controlled on the 116th Avenue SE approaches. This was previously included as part of the scope for TIP #42 (SE 320th Street Corridor Improvements).
- TIP I-11: Auburn Way S/6th Street SE (\$1.20M) – The project will construct a new southbound right-turn lane on Auburn Way S at the intersection with 6th Street SE.
- TIP N-7: Auburn Way S Sidewalk – Southside (17th Street SE to MIT Plaza south side) (\$0.71M) – The project will construct a new sidewalk along the south side of Auburn Way S between Howard Road to the west of the Muckleshoot Plaza signal. The City has received funding from TIB for similar improvements along the north side of Auburn Way S in this vicinity.
- TIP N-11: Lea Hill Safe Routes to School (\$1.83M) – the project will construct safe routes to schools improvements in the vicinity of Hazelwood Elementary School, Lea

Hill Elementary School, and Rainier Middle School.

- TIP P-10: A Street SE Preservation (37th Street SE to King/Pierce County Line) (\$1.71M) – the project will preserve the pavement and construct ADA improvements.
- TIP P-11: C Street SW Preservation (W Main Street to GSA Signal) (\$2.31M) - the project will preserve the pavement and construct ADA improvements.
- TIP P-12: Lakeland Hills Way Preservation (57th Drive SE to Lake Tapps Pkwy) (\$1.20M) - the project will preserve the pavement and construct ADA improvements.
- TIP R-15: Auburn Way S at Poplar Street Safety Improvements (\$0.27M) – the project will install improvements to improve safety along Auburn Way S in the vicinity of the curve adjacent to Poplar Street.

Other Modifications: The following projects are highlighted to point out significant changes in scope, cost, or funding status:

The development of a new numbering system for the projects has been implemented as part of this year's annual update. The TIP number for each project now identifies the project type, making individual projects easier to find, making future updates easier, and making the document more user friendly. The new numbering convention is as follows:

- I-X: Intersection, Signal and ITS projects
- N-X: Non-Motorized and Transit projects
- P-X: Preservation projects
- R-X: Roadway projects
- S-X: Study and Monitoring projects

Other changes proposed to be made as part of the annual update are to revise certain project descriptions, cost estimates, and anticipated funding sources to be more representative of project scopes and available funding sources.

NEXT STEPS:

Staff will continue to develop the 2019-2024 TIP update in coordination with the City CFP planning process and budget development. Council and administration comments will be addressed and incorporated into the final draft. A second study session review is scheduled for June 11th, and a second review with the Transportation Advisory Board is scheduled for June 12th. The public hearing and final adoption are scheduled for the June 18th Council meeting.

Reviewed by Council Committees:

Councilmember:

Staff:

Gaub

Meeting Date: June 4, 2018

Item Number: RES.A

RESOLUTION NO. 5354

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, SETTING THE TIME AND DATE FOR A PUBLIC HEARING BEFORE THE CITY COUNCIL ON THE 2019-2024 TRANSPORTATION IMPROVEMENT PLAN

WHEREAS, Section 35.77.010 of the Revised Code of Washington (RCW) requires that the City of Auburn annually prepare and adopt a comprehensive transportation improvement program for each ensuing six calendar years to ensure that the City will have available advance plans as a guide in carrying out a coordinated street construction program; and

WHEREAS, RCW 35.77.010 requires the City Council to annually conduct a public hearing to review the work accomplished under each six-year Transportation Improvement Program, and to adopt a revised and extended comprehensive transportation improvement program.

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

Section 1. PURPOSE. The purpose of this Resolution is for the City Council to set a time and date for a public hearing on the 2019-2024 Transportation Improvement Plan, to review the work accomplished under the program, and to identify capital transportation system improvement projects, and relevant transportation studies.

Section 2. NOTICE OF HEARING. The Council hereby directs that a notice specifying the time and place of the public hearing shall be published one time in a newspaper of general circulation and the notice shall also be posted in three public places. Such public notice shall precede the public hearing by at least 10 days.

Section 3. DATE OF HEARING. Pursuant to the requirements of State law, a public hearing on said 2019-2024 Transportation Improvement Program will be held on the 18th day of June, 2018, at 7:00 p.m., or as soon thereafter as reasonably possible, in the Council Chambers of the Auburn City Hall at 25 West Main Street in Auburn, Washington, before the City Council, at which hearing all persons interested in said 2019-2024 Transportation Improvement Program are encouraged to attend and testify.

Section 4. AUTHORITY. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 5. EFFECTIVE DATE. This resolution shall be in full force and effect upon passage and signatures hereon.

DATED and SIGNED this _____ day of June, 2018.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution 5370 (Tate)

Date:

May 30, 2018

Department:

Community Development and
Public Works

Attachments:

[Agenda Bill](#)

[Attachment 1](#)

[Attachment 2](#)

[Resolution No. 5370](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt the Resolution 5370.

Background Summary:

Please see the attached Agenda Bill.

Reviewed by Council Committees:

Other: Planning

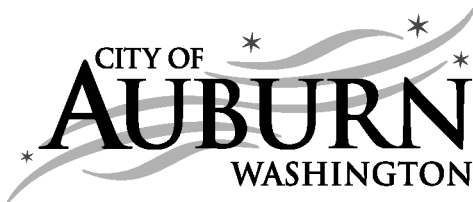
Councilmember:**Staff:**

Tate

Meeting Date: June 4, 2018

Item Number:

RES.B



Memorandum

To: City Council Members

From: Jeff Tate, Assistant Director of Community Development

CC: Mayor Nancy Backus

Date: May 16, 2018

Re: Massena PBRS Application – Parcels 3421059044 & 3421059061 – Resolution 5370

PUBLIC BENEFIT RATING SYSTEM (PBRS) OVERVIEW

The Public Benefit Rating System (PBRS) is an open space property tax program allowed under RCW 84.34 and administered by the County. In King County, administration is carried out by the Department of Natural Resources and Parks. The intent of the program is to encourage preservation of open space lands, agricultural lands and forested lands that are in private ownership by offering property tax reductions for land owners who are willing to preserve their land above and beyond the minimum requirements established within adopted land use regulations.

Private property owners may submit a PBRS application request to the County who then reviews the request against adopted King County code provisions in order to determine eligibility in the program. The program establishes a number of different open space resources that a property owner can seek to preserve (e.g. agricultural land, surface water quality buffer, forest stewardship, public access). Each resource is assigned a point value or range of point values. The more points that a property earns the more property tax reduction that may be awarded.

Property tax reductions that are awarded to an owner carry land management obligations that are recorded against the property. A reduction in property tax revenue from a single property results in a shift whereby all other property tax payers within the County share in making up the lost revenue. Removal of a property from the PBRS open space program (whether intentional or unintentional) causes the payment of back taxes, penalties, and interest.

MASSENA APPLICATION

The Massena property consists of 2 separate parcels that total 10.08 acres. The owner is seeking enrollment in the PBRS program under the farm and agricultural conservation land category. The Massena's utilize the property as farmland for the purpose of raising sheep. King County is recommending that 8.35 acres of the total property be enrolled in the program subject to preparation and submittal of a Farm Management Plan in consultation with the King Conservation District by October 31, 2018. County staff has recommended awarding a total of 5 points which would result in a 50% reduction in the taxable value for the portion of the land enrolled in the program.

PROCESS AND ACTION:

While the PBRS program is administered by the King County Department of Natural Resources and Parks, the granting authority for PBRS requests that are located within incorporated areas is both the County and the City. RCW 84.34.037(1) includes the following passage:

*“Application for classification of land in an incorporated area must be acted upon by: (a) A granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located in a meeting where members may be physically absent but participating through telephonic connection; or (b) **separate affirmative acts by both the county and city legislative bodies where both bodies affirm the entirety of an application without modification or both bodies affirm an application with identical modifications.**”*

The above passage requires that both the City of Auburn City Council and the Metropolitan King County Council approve the application request. Subsection (b) that is in bold is the provision that pertains to this request. Resolution 5370 is tentatively scheduled to come before the Auburn City Council for action on June 4, 2018. A similar action is tentatively scheduled to come before the Metropolitan King County Council’s Planning, Rural Service and Environment Committee for public hearing on June 5, 2018.

The King County Department of Natural Resources and Parks has prepared a staff report (Attachment 1) that includes detailed information about the property, the County policies that the request is evaluated against, the findings pertaining to this request, conditions of approval, and a recommendation for acceptance into the program.

**KING COUNTY
DEPARTMENT OF NATURAL RESOURCES AND PARKS
WATER AND LAND RESOURCES DIVISION**

**Report to the City of Auburn for Property
Enrollment in the Public Benefit Rating System (PBRs)**

May 15, 2018

APPLICANTS: William and Sharon Massena

File No. E17CT021A

A. GENERAL INFORMATION:

1. Owners: William and Sharon Massena
5502 Jordan Avenue SE
Auburn, WA 98092
2. Property location: same as above
3. Zoning: RC
4. STR: SW-34-21-05
5. PBRs category requested by applicants and recommended by program staff:

Open space resource

Farm and agricultural conservation land

6. Parcel:	342105-9044	342105-9061
Total acreage:	6.08	4.00
Requested PBRs:	6.08	4.00
Home site/excluded area:	1.05	0.68
Recommended PBRs:	5.03*	3.32*

NOTE: The attached map (2017 aerial photo) outlines in yellow the parcel boundaries and in blue the areas proposed to be *excluded* from PBRs. The portion recommended for enrollment in PBRs (8.35 acres) is the entire property (10.08 acres) less the excluded areas as measured (1.73 acres). In the event the Assessor's official parcel size is revised, PBRs acreage should be administratively adjusted to reflect that change.

***Recommended PBRs acreage is dependent upon the property's qualification for the farm and agricultural conservation land category, which requires the enrolled acreage be farmed according to an approved**

farm management plan. Without award of this category, the property is not eligible to participate in PBRs.

B. FACTS:

1. Zoning in the vicinity: Properties in the vicinity are zoned RC, RA5 and RA10.
2. Development of the subject property and resource characteristics of open space area: The property contains a single family residence on each parcel, each with a septic system, well, barn, access driveway, landscaping and additional personal use areas. The open space portion of the property consists mostly of maintained pasture areas and associated farm related structures used for sheep farming.
3. Site use: The property is used as single family residences and a sheep farm.
4. Access: The property is accessed from 55th Street SE.
5. Appraised value for 2017 (based on Assessor's information dated 5/14/2018):

<u>Parcel #342105-9044</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Assessed value	\$166,000.00	\$449,000.00	\$615,000.00
Tax applied	\$2,436.98	\$6,591.56	\$9,028.54

<u>Parcel #342105-9061</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Assessed value	\$137,000.00	\$121,000.00	\$258,000.00
Tax applied	\$2,011.23	\$1,776.35	\$3,787.58

NOTE: Participation in PBRs reduces the **appraised land value** for the **portion** of the property enrolled resulting in a lower taxable value.

C. REQUIREMENTS SPECIFIED BY KING COUNTY CODE (KCC):

KCC 20.36.010 Purpose and intent.

It is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

It is the intent of this chapter to implement RCW Chapter 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessed valuation on "open space land" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020.

The provisions of RCW chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.

KCC 20.36.100 Public benefit rating system for open space land – definitions and eligibility.

- A. To be eligible for open space classification under the public benefit rating system, property must contain one or more qualifying open space resources and have at least five points as determined under this section. The department will review each application and recommend award of credit for current use of property that is the subject of the application. In making such recommendation, the department will utilize the point system described in section B. and C. below.
- B. The following open space resources are each eligible for the points indicated:
 - 1. Public recreation area – five points
 - 2. Aquifer protection area – five points
 - 3. Buffer to public or current use classified land – three points
 - 4. Equestrian-pedestrian-bicycle trail linkage – thirty-five points
 - 5. Active trail linkage – fifteen or twenty-five points
 - 6. Farm and agricultural conservation land – five points
 - 7. Forest stewardship land – five points
 - 8. Historic landmark or archaeological site: buffer to a designated site – three points
 - 9. Historic landmark or archaeological site: designated site – five points
 - 10. Historic landmark or archaeological site: eligible site – three points
 - 11. Rural open space – five points
 - 12. Rural stewardship land – five points
 - 13. Scenic resource, viewpoint, or view corridor – five points
 - 14. Significant plant or ecological site – five points
 - 15. Significant wildlife or salmonid habitat – five points
 - 16. Special animal site – three points
 - 17. Surface water quality buffer – five points
 - 18. Urban open space – five points
 - 19. Watershed protection area – five points
- C. Property qualifying for an open space category in subsection B. of this section may receive credit for additional points as follows:
 - 1. Resource restoration - five points
 - 2. Additional surface water quality buffer - three or five points
 - 3. Contiguous parcels under separate ownership - two points
 - 4. Conservation easement of historic easement – fifteen points
 - 5. Public access - points dependent on level of access
 - a. Unlimited public access - five points
 - b. Limited public access - sensitive areas - five points
 - c. Environmental education access – three points
 - d. Seasonal limited public access - three points
 - e. None or members only – zero points

6. Easement and access – thirty-five points

D. 2016 COMPREHENSIVE PLAN POLICIES AND TEXT:

E-101 In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment whenever practicable. Incentives shall be monitored and periodically reviewed to determine their effectiveness in terms of protecting natural resources.

NOTE: Monitoring of participating lands is the responsibility of both department PBRS staff and the landowner. This issue is addressed in the Resource Information document (page 4) and detailed below in Recommendation #B10.

E-112a The protection of lands where development would pose hazards to health, property, important ecological functions or environmental quality shall be achieved through acquisition, enhancement, incentive programs and appropriate regulations. The following critical areas are particularly susceptible and shall be protected in King County:

- a. Floodways of 100-year floodplains;
- b. Slopes with a grade of 40% or more or landslide hazards that cannot be mitigated;
- c. Wetlands and their protective buffers;
- d. Aquatic areas, including streams, lakes, marine shorelines and their protective buffers;
- e. Channel migration hazard areas;
- f. Critical Aquifer Recharge Areas;
- g. Fish and Wildlife Habitat Conservation Areas; and
- h. Volcanic hazard areas.

E-421 Terrestrial and aquatic habitats should be conserved and enhanced to protect and improve conditions for fish and wildlife.

NOTE: PBRS is an incentive program provided to encourage voluntary protection of open space resources and maintain high quality resource lands.

E-429 King County should provide incentives for private landowners who are seeking to remove invasive plants and noxious weeds and replace them with native plants, such as providing technical assistance or access to appropriate native plants.

NOTE: Participation in PBRS requires landowners address invasive plant and noxious weed control and removal within enrolled portions of a property. Replacement with native vegetation is also encouraged via the implementation of approved forest stewardship, rural stewardship or resource restoration plans.

E-443 King County should promote voluntary wildlife habitat enhancement projects by private individuals and businesses through educational, active stewardship, and incentive programs.

E-476 King County should identify upland areas of native vegetation that connect wetlands to upland habitats and that connect upland habitats to each other. The county should seek protection of these areas through acquisition, stewardship plans, and incentive programs such as the Public Benefit Rating System and the Transfer of Development Rights Program.

E-504 King County should protect native plant communities by encouraging management and control of nonnative invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.

NOTE: Lands participating in PBRS provide valuable resource protection and promote the preservation or enhancement of native vegetation. Addressing nonnative vegetation (invasive plant species), through control and eradication is a PBRS requirement.

E-449 King County shall promote retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance.

R-605 Forestry and agriculture best management practices are encouraged because of their multiple benefits, including natural resource preservation and protection.

NOTE: The implementation of an approved forest stewardship, farm management or rural stewardship plan benefits natural resources, such as wildlife habitat, stream buffers and groundwater protection, as well as fosters the preservation of sustainable resources.

E. PBRS CATEGORIES REQUESTED and DEPARTMENT RECOMMENDATIONS:

Open space resource

- Farm and agricultural conservation land
More than eight acres of the property consists of farmland actively managed for raising sheep. In order for the property to qualify for this category and enroll in PBRS, an approved farm management plan must be implemented. The owners are working with the King Conservation District to develop a farm management plan. Credit for this category is recommended dependent upon this plan being **received by the department on or before October 31, 2018.**

NOTE: It is important to note that enrollment in the PBRS program requires the control and removal of invasive plant species. This issue is addressed in the Resource Information document (page 3) and below in Recommendation #B7.

CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS:

1. Approval of the subject request would be consistent with the specific purpose and intent of KCC 20.36.010.
2. Approval of the subject request would be consistent with policy E-101 of the King County Comprehensive Plan.
3. Of the points recommended, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

Open space resource

Farm and agricultural conservation land

5*

TOTAL 5 points

NOTE: *Without award of this category, the property would not be eligible to participate in PBRs.

PUBLIC BENEFIT RATING

For the purpose of taxation, 5 points result in 50% of market value and a 50% reduction in taxable value for the portion of land enrolled.

B. RECOMMENDATION:

APPROVE the request for current use taxation "Open space" classification with a Public Benefit Rating of 5 points, subject to the following requirements:

Requirements for Property Enrolled in the Public Benefit Rating System Current Use Taxation Program

1. Compliance with these requirements is necessary to continue to receive the tax benefits from the King County Public Benefit Rating System (PBRs) current use taxation program for the property enrolled in the program (Property). Failure to abide by these requirements can result in removal of current use designation and subject the property owner (Owner) to the penalty, tax, and interest provisions of RCW 84.34 and assessment at true and fair value. The County Assessor and the King County Rural and Regional Services Section or its successor may re-evaluate the Property to determine whether removal of the open space designation is appropriate. Removal shall follow the process in RCW 84.34.108.
2. Revisions to these requirements may only occur upon mutual written approval of the Owner and granting authority. These conditions shall apply so long as the Property retains its open space designation. If a conservation easement acceptable to and approved

by the City of Auburn and King County is granted by the Owner or the Owner's successors in interest to the Department of Natural Resources and Parks, King County or a grantee approved by King County, these requirements may be superseded by the terms of such easement, upon written approval by King County.

3. The open space classification for this Property will continue so long as it meets the open space purposes for which it was initially approved. Classification as open space will be removed upon a determination by King County that the Property no longer meets the open space purposes for which it was initially approved. A change in circumstances which diminishes the extent of public benefit from that approved by the City of Auburn and King County Council in the open space taxation agreement will be cause for removal of the current use assessment classification. It is the Owner's responsibility to notify the Assessor and the King County Rural and Regional Services Section or its successor of a change in circumstance with regard to the Property.
4. When a portion of the open space Property is withdrawn or removed from the program, the King County Rural and Regional Services Section or its successor and the Assessor shall re-evaluate the remaining Property to determine whether it may continue to qualify under the program. If the remaining portion meets the criteria for priority resources, it may continue under current use taxation.
5. Except as provided for in sections 6, 7 and 9 below, no alteration of the open space land or resources shall occur without prior approval by the City of Auburn and the King County Rural and Regional Services Section or its successor. **Any unapproved alteration may constitute a departure from an approved open space use and be deemed a change of use, and subject the Property to the additional tax, interest, and penalty provisions of RCW 84.34.080.** "Alteration" means any human-induced action that adversely impacts the existing condition of the open space Property or resources including but not limited to the following: *(Walking, horseback riding, passive recreation or actions taken in conjunction with a resource restoration plan, or other similar approved activities are permitted.)*
 - a. erecting structures;
 - b. grading;
 - c. filling;
 - d. dredging;
 - e. channelizing;
 - f. modifying land or hydrology for surface water management purposes;
 - g. cutting, pruning, limbing or topping, clearing, planting, introducing, relocating or removing vegetation, however, selective cutting may be permitted for firewood;
 - h. applying herbicides or pesticides or any hazardous or toxic substance;
 - i. discharging pollutants excepting stormwater;
 - j. paving, construction, application of gravel;
 - k. storing of equipment, household supplies, play equipment, or compost;
 - l. engaging in any other activity that adversely impacts the existing vegetation, hydrology, wildlife, wildlife habitat, or other open space resources.

6. Notwithstanding the provisions of Section 5 trees posing a hazard to structures or major roads may be removed. Any trees removed must be replaced.
7. If an area of the Property becomes or has become infested with noxious weeds, the Owner may be required to submit a control and enhancement plan to the City of Auburn and the King County Rural and Regional Services Section or its successor in order to remove such weeds. If an area of the Property becomes or has become invaded by non-native species, the Owner may be required to submit, or may voluntarily submit, an enhancement plan to the King County Rural and Regional Services Section or its successor, in order to replace such species with native species or other appropriate vegetation.
8. There shall be no motorized vehicle driving or parking allowed on the open space Property, except for the purpose of farm and agriculture and in areas of the Property being used as farm and agricultural conservation land.
9. For land designated as farm and agricultural conservation land, activities that are consistent with farm or agriculture uses and that are consistent with the approved farm management plan shall be permitted as long as those activities do not cause a significant adverse impact to the resource values of other awarded categories.
10. An owner of property receiving credit for farm and agricultural conservation land, forest stewardship land, or rural stewardship land, all of which require a stewardship or management plan, must annually provide a monitoring report that describes progress of implementing the plan. The owner must submit this report, which must include a brief description of activities taken to implement the plan and photographs from established points on the property, to the department by email or by other mutually agreed upon method. An environmental consultant need not prepare this report.
11. Enrollment in PBRs *does not* exempt the Owner from obtaining any required permit or approval for activity or use on the Property.

TRANSMITTED to the parties listed hereafter:

William and Sharon Massena, applicants
Jeff Tate, Community Development Services Assistant Director, City of Auburn
Debra Clark, King County Department of Assessments
Emily Webster, King Conservation District



65TH ST SE

JORDAN AVE SE

0.04 acres

1.05 acres

0.64 acres

3421059061

3421059044

RESOLUTION NO. 5370

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, EXPRESSING
SUPPORT FOR ENROLLMENT OF PARCELS
3421059044 AND 3421059061 INTO THE KING
COUNTY PUBLIC RATING SYSTEM**

WHEREAS, RCW 84.34 authorizes counties in Washington State to establish a Public Benefit Rating System (PBRs) that enables property owners to be awarded with property tax reductions when they are able to demonstrate adherence to adopted King County criteria and standards; and

WHEREAS, William and Sharon Massena are the owners of record of parcels 3421059044 and 3421059061 where they actively utilize a portion of their land for raising sheep; and

WHEREAS, the Massena's two properties have a combined size of 10.08 acres of which 8.35 acres are utilized as part of their agricultural operation; and

WHEREAS, the Massena's submitted an application to King County requesting enrollment in the PBRs program and the County has reviewed and recommended approval of enrollment subject to adherence to a number of conditions, including removal and control of invasive plants, and development of and adherence to a Farm Management Plan prepared in conjunction with King Conservation District; and

WHEREAS, RCW 84.34.037 requires that applications for classification of land in an incorporated area shall be acted upon by a granting authority composed of three members of the county legislative body and three member of the city legislative body; and

WHEREAS, the King County Department of Natural Resources and Parks has recommended that the City of Auburn and the Metropolitan King County Council's Planning, Rural Service and Environment Committee approve enrollment of the subject parcels into the PBRs program.

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

Section 1. Approval of Recommendations. The Auburn City Council hereby approves and endorses King County File No E17CT021A, which would enroll King County tax parcels 3421059044 and 3421059061 – consisting of 8.35 acres of land located within the City of Auburn, owned by William and Sharon Massena – into the Public Benefit Rating System.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as necessary to notify the King County Department of Natural Resources and Parks, and the Metropolitan King County Council's Planning, Rural Service and Environment Committee of such endorsement.

Section 3. Effective Date. This Resolution shall take effect and be in full force upon passage and signatures.

Dated and Signed this _____ day of _____, 2018.

CITY OF AUBURN

NANCY BACKUS, Mayor

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Held, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5371 (Heid)

Date:

May 30, 2018

Department:

City Attorney

Attachments:

[Resolution No. 5371](#)

[Exhibit A - Map](#)

[Exhibit A - Map 1](#)

[Legal Description](#)

[Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt Resolution No. 5371.

Background Summary:

Sumner is planning a redevelopment of their former golf course site. Part of this plan includes proposed changes to the access at Stewart Road/Lake Tapps Parkway East to improve the circulation and safety for their site. Staff has been coordinating with Sumner staff to review their proposal and make recommendations for a safe and efficient corridor. This includes changes to the jurisdictional boundary between Auburn and Sumner west of the Lake Tapps Parkway bridge over East Valley Highway. Benefits of this include:

- Creating a clear delineation of maintenance responsibility between agencies.
- Auburn would not be responsible (or liable) for any of the roadway infrastructure west of the Lake Tapps Parkway bridge or for the potential new traffic signal proposed to serve Sumner's development.
- Sumner would be required to provide access easements and an improved materials storage site to Auburn for Lake Tapps Parkway snow/ice response.

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

Heid

Meeting Date: June 4, 2018

Item Number: RES.C

RESOLUTION NO. 5371

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT BETWEEN THE CITIES OF AUBURN AND SUMNER FOR ADJUSTMENT OF THE BOUNDARY BETWEEN THE CITIES OF AUBURN AND SUMNER WITH THE MOVEMENT OF CITY BOUNDARY TO THE OTHER SIDE OF THE ROADWAY OF A PORTION OF RIGHT-OF-WAY OF STEWART ROAD/ LAKE TAPPS PARKWAY EAST CURRENTLY WITHIN THE CITY OF AUBURN, PURSUANT TO RCW 35.13.310

WHEREAS, RCW 35.13.310 authorizes the legislative bodies of cities or towns to agree to adjust the boundaries between cities or towns that share a common boundary within a right-of-way of a public street, road or highway by moving the boundary between them to the other edge of the right-of-way; and

WHEREAS, the City of Sumner is involved in a development with associated public works projects along Stewart Road/Lake Tapps Parkway East, which development and projects would benefit from such an adjustment of the boundary between the City of Auburn and the City of Sumner, moving the boundary between the two cities to the other side of Stewart Road/Lake Tapps Parkway East; and

WHEREAS, on January 20, 2015, the Auburn City Council adopted Resolution No. 5113 authorizing the jurisdictional boundary modification as described herein subject to the sale of Sumner's golf course closing by July 31, 2015; and

WHEREAS, on July 20, 2015, pursuant to Resolution No. 5161, the Auburn City Council, extended said deadline for the closing on the sale of Sumner's golf course to July 31, 2016; and

WHEREAS, due to conditions outside the control of Sumner the sale of the golf course remains pending and has not closed, therefore, the terms of Resolution Nos. 5113 and 5161 are now null and void; and

WHEREAS, the cities still desire to adjust the jurisdictional boundaries under the same terms and conditions as initially set forth in Resolution No. 5113; and

WHEREAS, the respective cities desire that the terms and conditions for the jurisdictional boundary modification shall remain in effect until December 31, 2021 unless administratively extended by each city's respective Mayor; and

WHEREAS, the adjustment of the boundary between such cities pursuant to RCW 35.13.310 is not subject to review by the Washington State Boundary Review Board for Pierce County.

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

Section 1. The Mayor of the City of Auburn is authorized to execute an Agreement between the cities of Auburn and Sumner for adjustment of the boundary between Auburn and Sumner along the portion of Stewart Road/Lake Tapps Parkway East, moving the boundary between the two cities to the other side of the roadway of Stewart Road/Lake Tapps Parkway East, in substantial conformity with the Interlocal Agreement attached hereto, marked as Exhibit "A" incorporated herein.

Section 2. The effect of the boundary adjustment provided for herein is to remove the below-described right-of-way territory from within the City of Auburn and include it into the City of Sumner:

LEGAL DESCRIPTION

That portion of the City of Auburn in the Southwest quarter and the Southeast quarter of the Northeast quarter of Section 1, Township 20 North, Range 4 East, Willamette Meridian, more particularly described as follows:

COMMENCING at the intersection of the South line of said Northeast quarter and the West line of Burlington Northern Santa Fe Railroad right-of-way, being a point on the city limit line between City of Auburn and City of Sumner;
THENCE North 00°54'30" West, 70.03 feet along said line;
THENCE South 82°26'07" West, 137.30 feet along said line to the TRUE POINT OF BEGINNING;

THENCE CONTINUING South 82°26'07" West, 10.75 feet along said common line; THENCE North 89°48'.08" West, 474.24 feet along said line;
THENCE North 88°25'14" West, 477.67 feet along said line; THENCE North 07°41'58" West, 155.36 feet along said line; THENCE North 82°05'39" East, 987.52 feet;
THENCE South 00°57'23" East, 303.22 feet to the TRUE POINT OF BEGINNING.

Containing 226,046 Square feet, more or less. SITUATE IN PIERCE COUNTY, WASHINGTON.

Section 3. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including transmitting a copy of this Resolution to the City Clerk of Sumner.

Section 4. This Resolution shall be in full force and affect upon passage and signatures hereon. It is provided, however, that the provisions set forth herein and the terms and conditions set forth in the attached agreement are subject to and conditioned upon the sale of the golf course property in Sumner that is prompting the jurisdictional boundary change. Should the sale of the golf course property not close by December 31, 2021, then this Resolution and the attached Agreement shall immediately become null and void; unless otherwise administratively extended by the respective Mayors of Auburn and Sumner.

DATED this _____ day of _____, 2018.

CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Heid, City Attorney

EXHIBIT "A"

AGREEMENT REGARDING ADJUSTMENT OF MUNICIPAL BOUNDARIES BETWEEN THE CITIES OF AUBURN AND SUMNER RELATED TO LAKE TAPPS PARKWAY

THIS AGREEMENT is entered into this ____ day of _____, 20____, between the City of Sumner, a Washington Municipal Corporation, located and doing business at 1104 Maple St, Sumner, Washington 98390 ("Sumner") and the City of Auburn, a Washington Municipal Corporation, located and doing business at 25 West Main Street, Auburn, Washington 98001 ("Auburn").

RECITALS

WHEREAS, both cities desire to work together for the mutual and overall benefit of their street systems in the vicinity of Lake Tapps Parkway; and

WHEREAS, it is advantageous for a certain portion of Lake Tapps Parkway to be included within the city limits of the City of Sumner rather than its present position, located within the City of Auburn; and

WHEREAS, such an adjustment of the boundaries between the two cities would make it also necessary for City of Auburn gravel and materials storage facilities to be relocated to a different position along Lake Tapps Parkway; and

WHEREAS, Lake Tapps Parkway and certain areas in the vicinity currently utilize a common storm drainage system and stormwater pond; and

WHEREAS, the cities have discussed these issues and have reached an agreement with respect to the adjustment of the boundaries between the two cities to provide for a portion of Lake Tapps Parkway currently located within the City of Auburn to be located within the City of Sumner, adjusting the boundary between the two cities accordingly, and relocation of the City of Auburn gravel and material storage areas.

NOW, THEREFORE, Auburn and Sumner hereby agree as follows:

A. AUBURN AND SUMNER MUNICIPAL BOUNDARIES REVISION

1. Sumner shall maintain two westbound continuous flow travel lanes bypassing the new signalized intersection as proposed by Sumner and Auburn and attached as Exhibit A, and known as the "Annexation Area".
2. All existing public infrastructure facilities within the Annexation Area will become Sumner's property and maintenance responsibility; except that when Auburn is sanding

or treating roads in the vicinity, it will continue to sand or apply treatment to the annexation area.

3. Existing Auburn Street lighting facilities within the Annexation Area shall be re-wired by Sumner to be served by a Sumner-owned power service and separated from Auburn's facilities.
4. Roadway storm drainage from the Annexation Area is the responsibility of Sumner and will be entering Auburn's Stormwater Pond Facilities known as "Trillium Stormwater Pond".
5. Stormwater from Lake Tapps Parkway drains to the Trillium Stormwater Pond through a drainage pipe system, Sumner and Auburn wish to set forth their agreements regarding the Trillium Stormwater Pond and related matters as follows.

a. Trillium Stormwater Pond.

Auburn will maintain the Trillium Stormwater Pond in compliance with City of Auburn Design and Construction Standards to meet the requirements of the calculated "100 year design storm" pursuant to the approved Pierce County plans.

Sumner agrees to allow ongoing access to Auburn for the maintenance of the Trillium Stormwater Pond and secure any necessary property rights to allow access from the proposed pedestrian trail.

Sumner agrees to provide a driveway cut on Lake Tapps Parkway in a location that is mutually acceptable to the Parties and consistent with the intent of this Agreement.

b. Maintenance of Stormwater Connection Facilities.

Sumner will inspect, maintain and remove accumulated sediments annually for the stormwater pipes connecting Sumner's storm system to Auburn's Trillium Stormwater Pond.

Sumner agrees to continue to allow and provide for the existing drainage from Auburn's jurisdiction through the stormwater pipes as they are currently configured within the Annexation Area.

c. Clean-Up.

In the event of a spill of Hazardous Substances from Lake Tapps Parkway into the Auburn Trillium Stormwater Pond, Sumner will undertake immediate response as required by law, including, but not limited to, reporting to appropriate agencies, and pursue enforcement of all required remediation and cleanup efforts until they are completed and the cleanup and/or remediation has been approved by appropriate governmental agencies.

d. Hazardous Substances Defined.

As used herein, the term "Hazardous Substances" means any hazardous, toxic, chemical, or dangerous substance, pollutant, contaminant, waste or material, including petroleum, which is regulated under any federal, state, or local statute,

ordinance, rule, regulation, or common law relating to chemical management, environmental protection, contamination, or cleanup including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended, the Resource Conservation and Recover Act as amended.

B. RELOCATION OF AUBURN GRAVEL AND MATERIAL STORAGE FACILITIES

1. Sumner shall provide for the relocation of the existing Auburn Gravel and Material Storage Facilities and the construction of a Covered Dual Chamber Material Storage Facility including paved access to the facility for City of Auburn Maintenance & Operations use on the south side of Stewart Road at a location agreed to by both parties.
2. Sumner shall provide all necessary public access easements to Auburn for the Material Storage Facility and Non-Motorized Trail. Within 120 calendar days of the completion of the final design for ingress and egress from the golf course property is completed, the Parties will work cooperatively to complete a final legal description and necessary Exhibits for Auburn's access to the material Storage Facility and Non-motorized Trail. Sumner agrees to execute any and all easements and any other necessary documents to effectuate the intent of this section.

C. PERPETUAL EASEMENT TO AUBURN GRAVEL AND MATERIAL STORAGE FACILITIES

1. Within 120 Calendar days of the completion of the final design for ingress and egress from the golf course property is completed, the Parties will work cooperatively to complete a final legal description and necessary Exhibits for Auburn's access to the material Storage Facility and Non-motorized Trail. Sumner agrees to execute any and all easements and any other necessary documents to effectuate the intent of this section.

D. MISCELLANEOUS

1. Termination. Should the sale of the golf course property not close by December 31, 2021, then this Agreement shall immediately become null and void; unless otherwise administratively extended by the respective Mayors of Auburn and Sumner. Alternatively, this agreement shall terminate only upon agreement of both parties.
2. Governing Law. This agreement shall be governed and construed in accordance with the laws of the State of Washington. If any dispute arises between the cities under any of the provisions of this agreement, resolution of that dispute shall be available only through the jurisdiction, venue and rules of the *King County Superior Court, King County, Washington*.
3. Modification. No waiver, alteration, or modification of any of the provisions of

this agreement shall be binding unless in writing and signed by a duly authorized representative of each city.

4. Severability. If any one or more sections, subsections or sentences of this agreement are held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portions of this agreement and the remainder shall remain in full force and effect.
5. Entire Agreement. Written provisions and terms of this agreement, together with any attached exhibits, supersede all prior verbal statements by any representative of either city, and those statements shall not be construed as forming a part of or altering in any manner this agreement. This agreement and any attached exhibits contain the entire agreement between the parties. Should any language in any exhibit to this agreement conflict with any language contained in this agreement, the terms of this agreement shall prevail.

THE CITY OF AUBURN

THE CITY OF SUMNER

NANCY BACKUS, MAYOR

BILL PUGH, MAYOR

APPROVED BY AUBURN CITY COUNCIL MOTION ON _____, 20__.

APPROVED BY SUMNER CITY COUNCIL MOTION ON _____, 20__.

ATTEST:

ATTEST:

_____(SEAL)
DANIELLE E. DASKAM
AUBURN CITY CLERK

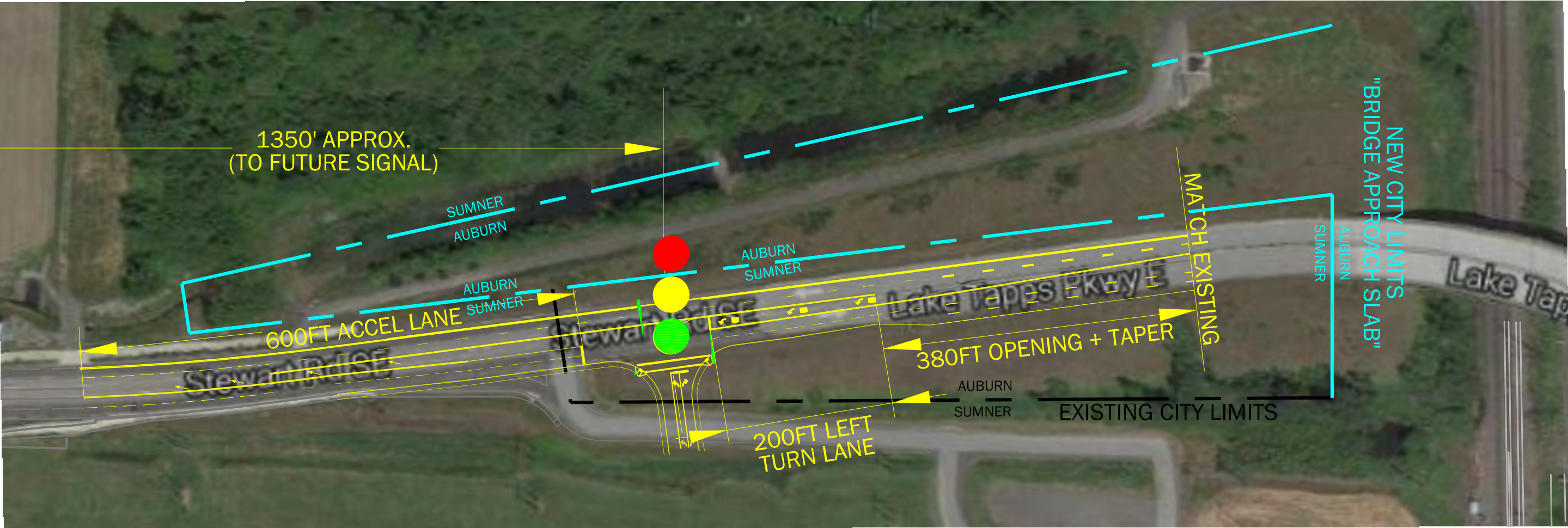
_____(SEAL)
MICHELLE CONVERSE
SUMNER CITY CLERK

APPROVED AS TO FORM:

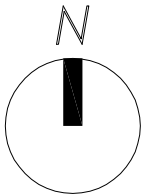
APPROVED AS TO FORM:

DANIEL B. HEID
AUBURN CITY ATTORNEY

ANDREA MARQUEZ
INTERIM SUMNER CITY ATTORNEY



PRELIMINARY – FOR DISCUSSION ONLY



0 125
HORIZONTAL SCALE
IN FEET

DATE:
1/13/2015



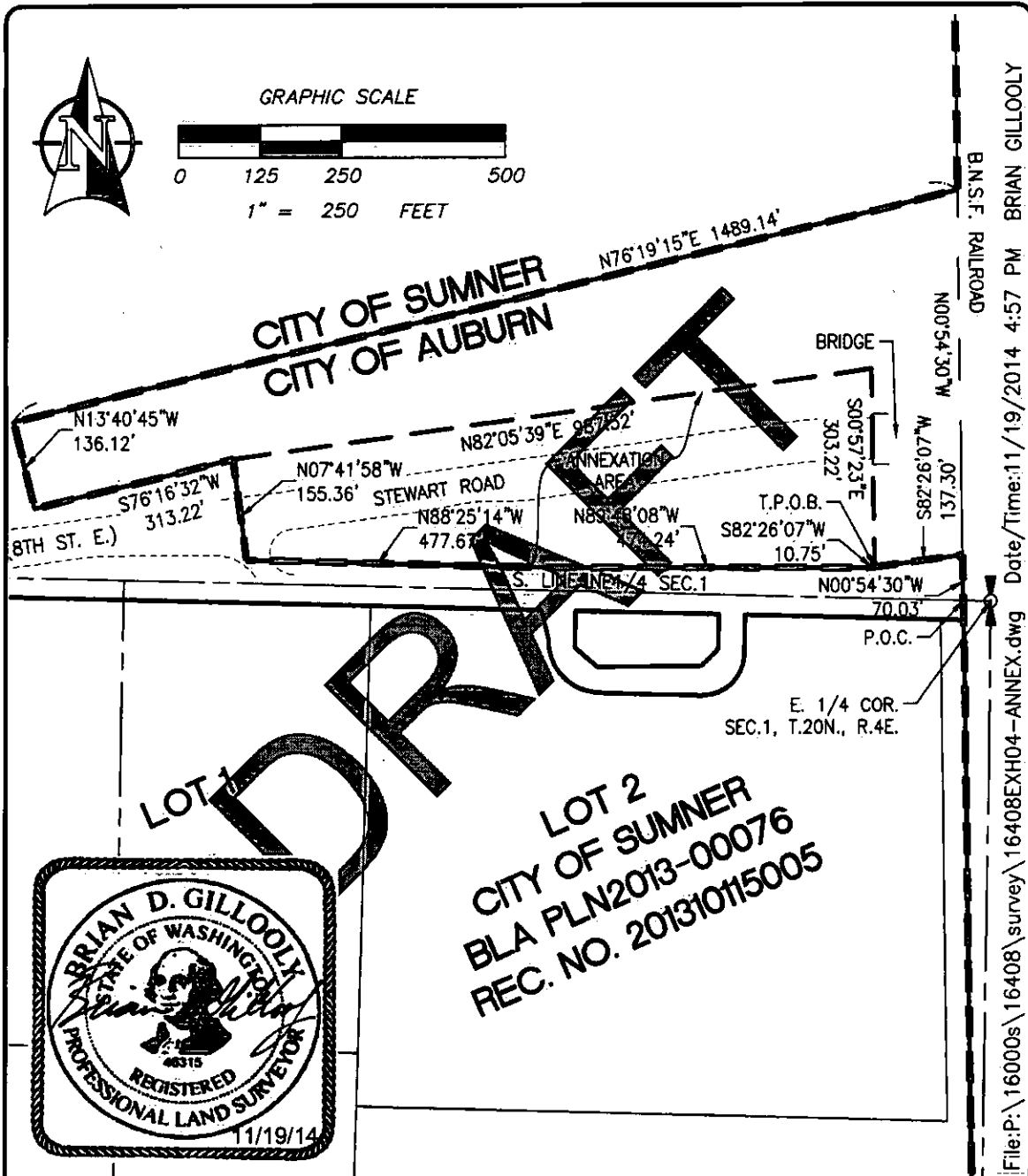
Transportation Engineering NorthWest
Transportation Planning | Design | Traffic Impact & Operations
11400 SE 8TH St, Bellevue WA, WA 98033 | Office (425) 250-5002
Project Contact: Chris Bicket, P.E.
Phone: 425-250-5002


SUMNER MEADOWS
SUMNER, WA

SITE ENTRANCE IMPROVEMENTS

SHEET
1

OF
1



SCALE: HORIZONTAL 1"=250' VERTICAL N/A		For: SUMNER MEADOWS	JOB NUMBER 16408
 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES		Title: SUMNER ANNEXATION AREA EXHIBIT	16408L.001.DOC SHEET 1 of 1
DESIGNED	DRAWN	CHECKED	APPROVED
BDG	BDG	BDG	BDG
DATE 11/19/14			

B.N.S.F. RAILROAD
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 BRIAN GILLOOLY
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LEGAL DESCRIPTION

CITY OF SUMNER ANNEXATION AREA

That portion of the City of Auburn in the Southwest quarter and the Southeast quarter of the Northeast quarter of Section 1, Township 20 North, Range 4 East, Willamette Meridian, more particularly described as follows:

COMMENCING at the intersection of the South line of said Northeast quarter and the West line of Burlington Northern Santa Fe Railroad right-of-way, being a point on the city limit line between City of Auburn and City of Sumner;

THENCE North 00°54'30" West, 70.03 feet along said line;

THENCE South 82°26'07" West, 137.30 feet along said line to the TRUE POINT OF BEGINNING;

THENCE CONTINUING South 82°26'07" West, 10.75 feet along said common line;

THENCE North 89°48'08" West, 474.24 feet along said line;

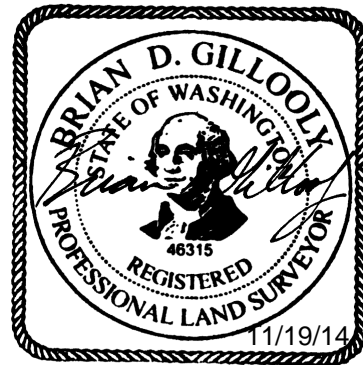
THENCE North 88°25'14" West, 477.67 feet along said line;

THENCE North 07°41'58" West, 155.36 feet along said line;

THENCE North 82°05'39" East, 987.52 feet;

THENCE South 00°57'23" East, 303.22 feet to the TRUE POINT OF BEGINNING.

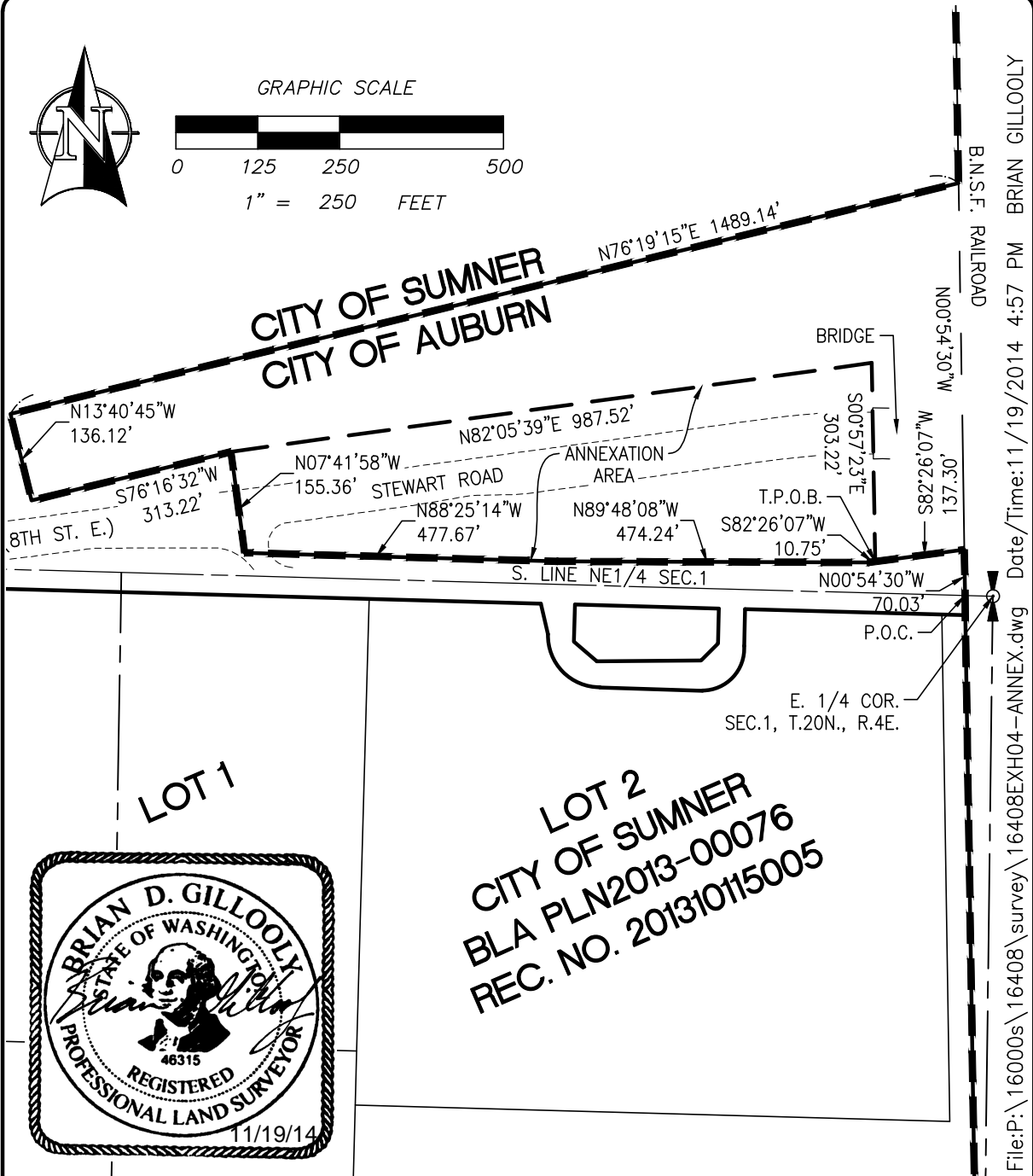
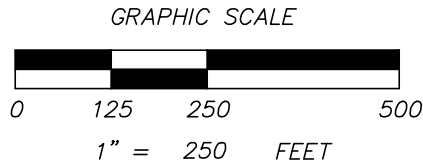
Containing 226,046 Square feet, more or less.



Project Name: Sumner Meadows
November 19, 2014

Page 1 of 1

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Exhibit: 16408EXH04-ANNEX.dwg



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SCALE:
HORIZONTAL 1"=250' VERTICAL N/A



18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND
PLANNING, SURVEYING,
ENVIRONMENTAL SERVICES

For:

**SUMNER
MEADOWS**

Title:

**SUMNER ANNEXATION
AREA EXHIBIT**

JOB NUMBER

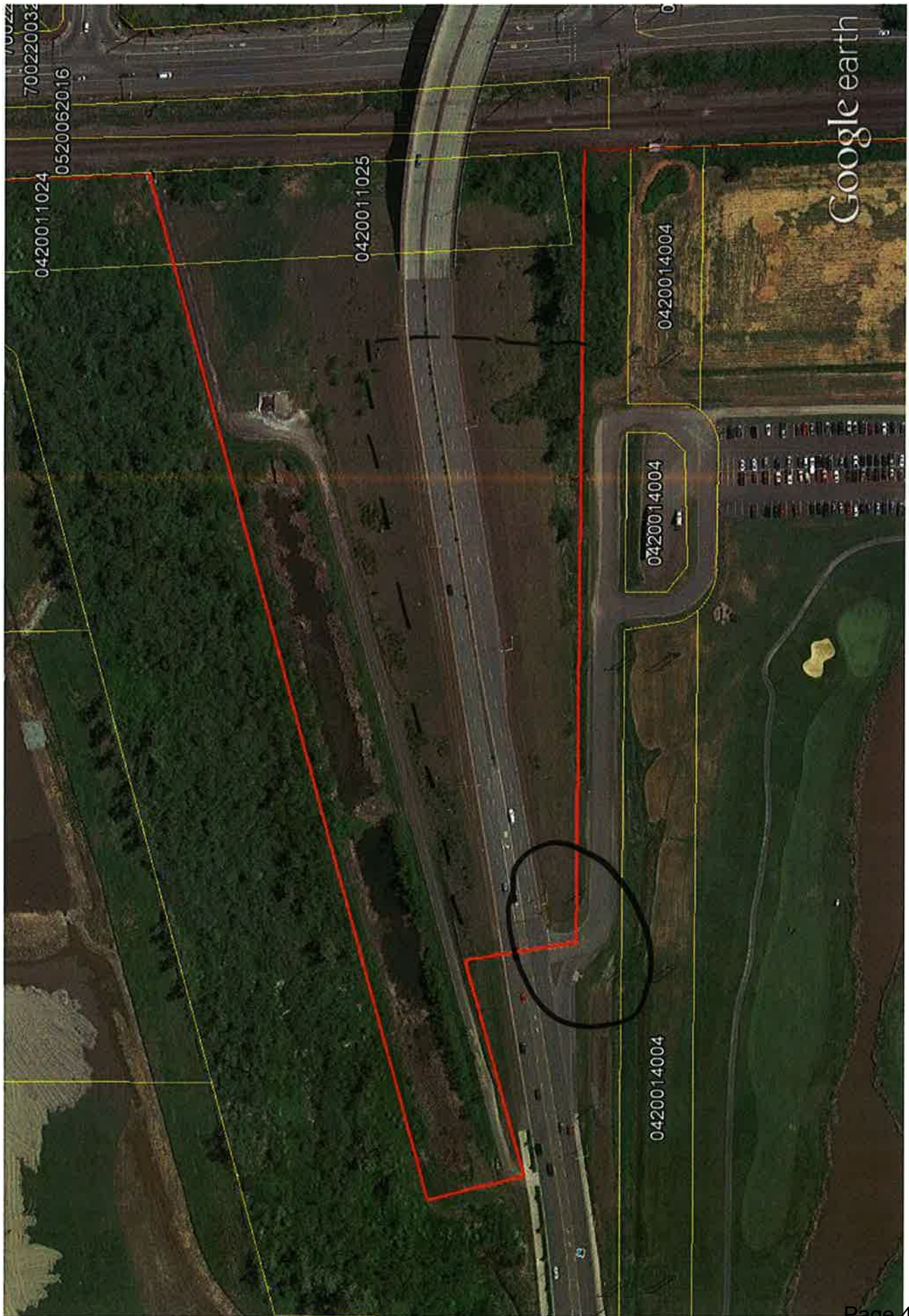
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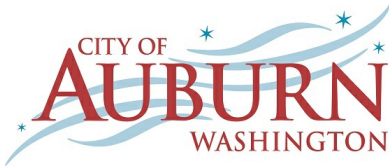
SHEET

1 of 1

DESIGNED _____ DRAWN BDG _____ CHECKED BDG _____ APPROVED BDG _____ DATE 11/19/14



Google earth



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5372 (Gaub)

Date:

May 30, 2018

Department:

CD & PW

Attachments:

[Resolution No. 5372 with Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt Resolution No. 5372.

Background Summary:

Resolution No. 5372 authorizes the Mayor to execute the Memorandum of Understanding regarding the Local Funding and Phasing of the Puget Sound Gateway Program, SR167 and SR509 Completion Projects.

Background:

In July 2015, the Washington State Legislature and Governor Inslee acted to fund the SR167 and SR509 Gateway Program through the Connecting Washington revenue package. The Gateway Program is comprised of two projects: the State Route 167 Completion Project which connects the current SR167 to the Port of Tacoma and the State Route 509 Completion Project which connects SeaTac Airport/SR509 to the I-5 Corridor.

WSDOT is the lead project sponsor and is responsible for the planning, design and construction of the Gateway Program, as well as for its overall financial management. Funding for the Puget Sound Gateway Program has been approved to come from the state gas tax, tolls, potential federal and state grants, and has a legislative mandate to secure local funding contributions. Since the approval of the Program, WSDOT has been working with several local agencies to create a plan to meet the local funding requirement. The Legislature requires that a Memorandum of Understanding (MOU) with the local agencies involved be completed by July 1, 2018.

Agency contributions have been determined based upon the benefits that the various agencies may receive from the Gateway Program. The City of Auburn is considered a Tier 3 City and as such our involvement includes supporting the local funding strategy as identified in the MOU and participating in the Executive and Steering Committees for the project. Auburn is not being asked to provide any direct funding to the Program.

WSDOT provided a briefing of the Gateway Program and the funding proposal that has been developed in coordination with the 18 local agencies to meet the local funding requirement set by the Legislature at the May 29, 2018 Study Session.

Reviewed by Council Committees:

Councilmember:

Staff:

Gaub

Meeting Date: June 4, 2018

Item Number:

RES.D

RESOLUTION NO. 5372

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF DEFINING THE LOCAL FUNDING AND PHASING OF THE PUGET SOUND GATEWAY PROGRAM

WHEREAS, in July 2015, the Washington State Legislature and Governor Inslee acted to fund the Gateway Program through the Connecting Washington revenue package; and

WHEREAS, the Gateway Program is comprised of two projects: the State Route 167 Completion Project and the State Route 509 Completion Project; and

WHEREAS, these projects provide essential connections to the ports of Tacoma and Seattle and will help ensure that people and goods move more reliably through the Puget Sound region; and

WHEREAS, funding for the Gateway Program has been approved by the Legislature to come from the state gas tax, tolls, local contributions, and potential federal and state grants. Total funding for the Gateway Program, from the 2015 Connecting Washington transportation funding package, is \$1.875 billion, which includes local contributions of \$130 million; and

WHEREAS, the program has been funded over a 16-year timeline; and

WHEREAS, the legislative funding plan includes major construction for a first stage that would occur from 2019 through 2025, and a second stage from

2026 through 2030. Local contributions will be needed to construct both stage one and stage two projects; and

WHEREAS, in the 2017 Legislative session new language was enacted (Engrossed Senate Bill 5096 § 306(20)(b)) requiring development of a Memorandum of Understanding (MOU) between the Local Agency Partners and Washington State Department of Transportation (WSDOT) that must be completed by July 1, 2018; and

WHEREAS, representatives of the 18 local agencies and WSDOT worked cooperatively to develop the required Memorandum of Understanding to summarize the planned future commitments and the planned timing of those commitments.

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

Section 1. The Mayor is hereby authorized to execute a Memorandum of Understanding with the Washington State Department of Transportation, in substantial conformity with the document attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

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 _____, 2018.

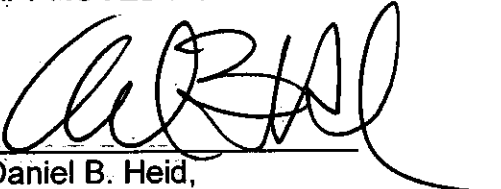
CITY OF AUBURN

NANCY BACKUS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

**Puget Sound Gateway Program
SR 167 and SR 509 Completion Projects**

**Local Funding and Phasing
Memorandum of Understanding**

1. Participating Parties

In addition to the Washington State Department of Transportation (WSDOT), the following Local Agency Partners constitute those parties currently participating in this Memorandum of Understanding pertaining to the local contribution requirement for the Puget Sound Gateway Program (Gateway Program):

- | | | |
|-------------------|-----------------------|--------------------|
| • Port of Seattle | • City of Des Moines | • City of Pacific |
| • Port of Tacoma | • City of Edgewood | • City of Puyallup |
| • King County | • City of Federal Way | • City of SeaTac |
| • Pierce County | • City of Fife | • City of Sumner |
| • City of Algona | • City of Kent | • City of Tacoma |
| • City of Auburn | • City of Milton | |

2. Background and Purpose of MOU

In July 2015, the Washington State Legislature and Governor Inslee acted to fund the Gateway Program through the Connecting Washington revenue package. The Gateway Program is comprised of two projects: the State Route 167 Completion Project and the State Route 509 Completion Project. These projects provide essential connections to the ports of Tacoma and Seattle and will help ensure that people and goods move more reliably through the Puget Sound region.

WSDOT is the lead project sponsor and is responsible for the planning, design and construction of the Gateway Program, as well as for its overall financial management. The program has been guided from its beginning by a Joint SR 167/SR 509 Executive Committee (Executive Committee), comprised of elected and appointed representatives of local jurisdictions served by the Gateway Program (Algona, Auburn, Burien, Des Moines, Edgewood, Federal Way, Fife, Kent, Milton, Pacific, Puyallup, SeaTac, Sumner, Tacoma, King County, Pierce County, Port of Seattle, and Port of Tacoma) as well as Federal Highway Administration, Washington State Transportation Commission, Washington State Department of Transportation, Puget Sound Regional Council, Sound Transit, Pierce Transit, and the Freight Mobility Strategic Investment Board.

Funding for the Gateway Program has been approved to come from the state gas tax, tolls, local contributions, and potential federal and state grants. Total funding for the Gateway Program, from the 2015 Connecting Washington transportation funding package, is \$1.875 billion, which includes local contributions of \$130 million. The program has been funded over a 16-year

EXHIBIT A

timeline. Based on the legislative funding plan, major construction for a first stage would occur from 2019 through 2025, and a second stage from 2026 through 2030. Local contributions will be needed to construct both stage one and stage two projects.

In the 2017 Legislative session new language was enacted (Engrossed Senate Bill 5096 § 306(20)(b)) requiring development of a Memorandum of Understanding (MOU) between the Local Agency Partners and WSDOT. The legislature directed that:

The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status.

To this end, the Executive Committee of the Gateway Program convened a Funding and Phasing Subcommittee (Subcommittee) to develop a MOU that summarizes their planned future commitments and planned timing of those commitments to contribute to the SR 167 and SR 509 projects.

The Subcommittee goals include:

- Support efforts to build the Gateway projects on or ahead of schedule
- Create successful local partnerships
- Obtain sufficient local funding to build the Puget Sound Gateway projects
- Time grant-funding projects to support the project delivery schedule

The construct of local funding participation, when authorized by the legislative bodies of the relevant agencies through a series of forthcoming interlocal agreements, is based on the following projections:

	SR 167	SR 509	TOTAL
Port contributions	\$30 million	\$30 million	\$60 million
Federal INFRA grant	\$10 million	\$10 million	\$20 million
Local agency partner match	\$10 million	\$10 million	\$20 million
Other Grants (PSRC, FMSIB, T18)	\$20 million	\$10 million	\$30 million
Total	\$70 million	\$60 million	\$130 million

3. Local Funding Strategy

A key element of the local funding strategy is to identify projects within the Gateway Program that provide clear and measurable benefits to local jurisdictions. In the Gateway Program, these are called "Local Nexus Projects," designed to:

EXHIBIT A

- Create a positive business case for Local Agency Partners by focusing on the parts of the program that are most relevant and important to local jurisdictions
- Leverage the potential to access significant grant funding to support local funding assumptions

In support of the local funding strategy, Local Agency Partners shall:

- Participate, co-fund match, and submit grant applications with support from Subcommittee staff, as identified in Section 6 of this MOU
- Combine local monetary and in-kind contributions and project funds to ensure fully-funded applications, as identified in Section 6 of this MOU
- Support the grant effort and avoid competition with the local projects in the year of application

The following Local Nexus Projects have been identified within the north (SR 509) and south (SR 167) segments of the Gateway Program:

Gateway North (SR 509)	Gateway South (SR 167)
188 th South Ramps	Meridian West Ramps
SeaTac Access, with Ramps to 28 th /24 th Avenue South	54 th Avenue East Ramps
Veterans Drive Extension	Interurban Trail
Lake to Sound Trail	Valley Avenue West Ramps
	Port of Tacoma Access/SR 509 Spur
	70 th Avenue E Bridge Relocation

If Local Nexus, INFRA, and any other pending grant projects become fully funded, these projects will contribute substantially toward the Legislative requirement for local match. Funding commitments will be achieved via an interlocal agreement from each signing party up to the amounts presented in this MOU. Local Agency Partner signatories to this MOU understand that once the local contribution requirements set forth in ESB 5096 (\$130 million) is achieved, that Local Agency Partners will not be required to commit to additional funds beyond what is outlined in this MOU. If additional grant funding or additional funds from other sources are obtained that fulfill the \$130 million local contribution requirement, the Secretary of Transportation and the Executive Committee will review and determine to either reduce local agency partner match payments, or recommend expanding scope of the Gateway Program, and amend each signing party's interlocal agreement accordingly.

4. Local Participation Policy

The Joint Executive Committee has agreed to a funding and phasing policy that structures local agency partner match requirements to be commensurate with the benefits accrued from the project at a local level. This policy states that:

EXHIBIT A

All local agency partners accrue some benefit from the Puget Sound Gateway Program. Partners receiving fewer benefits, however, are not expected to contribute as much as partners who receive more benefits. Direct benefits are those that most quantifiable, but there are other components of value that include indirect, strategic and policy/social benefits. Both direct and indirect benefits will be assessed as part of the consideration of local contributions, because they are more easily quantifiable than strategic and policy/social benefits.

All Local Agency Partner signatories of this MOU expect to seek approval of interlocal agreements to contribute a match to be applied to Local Nexus Projects at a level that reflects their respective anticipated level of benefit, as identified in Section 6 of this MOU.

5. Benefit Assessment Methodology

The proposed financial participation by each partner is based on a general, qualitative assessment of the net benefits expected to be received by full completion of the Gateway Program. The assessment includes the following metrics, based on available project data and transportation modeling outputs:

- **Direct transportation linkages.** The location of direct access points for new limited access highways or other transportation infrastructure that benefits the community.
- **Effects on local sales taxes.** The impacts of the projects to sales tax receipts, both in terms of one-time construction sales taxes for the project, and ongoing sales taxes from impacts to commercial uses.
- **Travel time savings.** Overall travel time savings for local car and truck traffic associated with the projects.
- **Traffic diversion from local streets.** The diversion of, or increase in, traffic on local arterials due to the project, with associated positive impacts to traffic safety and local road maintenance.
- **Effects on local employment.** The potential effects of improved accessibility are reviewed, particularly in the context of access to new or potential employment uses.
- **Effects on developable residential lands.** The potential impacts of changes in traffic flow and accessibility on residential land development, with a focus on areas within the jurisdiction that are available for redevelopment.
- **Effects on developable employment lands.** The potential impacts of changes in traffic flow and accessibility on the development or redevelopment of commercial and industrial lands.
- **Achievement of local policy goals.** The alignment of the WSDOT Gateway Program with local plans and policies.
- **Environmental and social benefits.** Environmental and social benefits specifically linked to these projects, including upgrades to pedestrian and cycling infrastructure, and wetlands and riparian restoration.

The approach and findings of the benefits assessments have been provided to the Local Agency Partners.

EXHIBIT A

6. Local Jurisdiction Anticipated Contributions to the Program

Based on results from the benefit assessment described in Section 5, contributions for each of the Local Agency Partners were determined by project stage in the tables below. Following execution of this MOU, interlocal agreements will be drafted for subsequent approval. Anticipated contributions only become binding commitments when embedded in interlocal agreements, and the conditions therein are approved by the proposed funding entity. Interlocal agreements between WSDOT and the respective Local Agency Partner must be in place for a project prior to issuance of the Request for Proposals (RFP) for any proposed construction contract. The Interlocal agreements will become binding commitments, within the statutory authority of the Local Agency Partner, and will define the schedule of local match payments expected over the duration of each construction project stage.

WSDOT will exercise due diligence to develop and construct each project on schedule within the Gateway Program to the best of its abilities. Local Agency Partners will participate in project development reviews and project meetings in support of the Gateway Program.

If grant pursuits identified in the Stage 1 and Stage 2 tables below are not achieved sufficient to meet the \$130 million local contribution, additional grants will be pursued from the funding programs listed or from other funding programs that may become available over the life of the Gateway Program. If Local Nexus Projects go to construction without planned grants, the Local Agency Partner match funds will still be provided by agreement with WSDOT. If it is determined that a Local Nexus Project cannot be fully funded, WSDOT will review options with the Executive Committee. If an official decision is determined by the Executive Committee and the Secretary of Transportation that the Local Nexus Project is not to be included in a construction project, the Local Agency Partner match may be withdrawn.

Stage 1 Grant Pursuits for Local Nexus Projects

Project	Estimated Construction Cost	Funding Program	Grant Target Amount	Target Due Mo/Year	Anticipated Construction Expenditure	Local Agency Partner Match	Partner Nexus
70 th Avenue E/Interurban Trail	\$32,245,600	FMSIB	\$5,000,000	Mar 2018	2019-2021	\$800,000 \$500,000 \$3,000,000	Fife Tacoma Port of Tacoma
		TIB	\$5,000,000	Aug 2018	2019-2021		
		State Capital & Transportation	\$1,400,000	Mar 2018	2019-2021		Fife
Veterans Drive/ SR516 Interchange	\$33,800,000	PSRC	\$4,500,000	Apr 2018	2021-2025	\$1,000,000	Kent
		TIB	\$5,000,000	Aug 2020	2021-2025	\$1,000,000	Kent
SeaTac Access	\$176,883,500	PSRC	\$4,500,000	Apr 2018	2021-2025	\$2,000,000 \$500,000	SeaTac (ROW in lieu) Des Moines

EXHIBIT A

Port of Tacoma Access/509 Spur	\$323,042,000	PSRC	\$4,500,000	Apr 2018	2021-2025	\$1,500,000 \$3,000,000 \$800,000	Tacoma Port of Tacoma Fife
		FMSIB	\$5,000,000	Mar 2020	2021-2025		
All Gateway Program		INFRA	\$20,000,000*	Nov 2017	2019-2021		
SR 167 Stage 1		Port of Tacoma		Jan 2021	2021-2025	\$9,000,000	Port of Tacoma
SR 509 Stage 1		Port of Seattle		Jan 2021	2021-2025	\$15,000,000	Port of Seattle (expected in 2023-2025)
Total Stage 1			\$54,900,000			\$38,100,000	\$93,000,000

Stage 2 Future Grant Pursuits for Local Nexus Projects

Project	Estimated Construction Cost	Funding Program	Grant Target Amount	Target Due Mo/Year	Anticipated Construction Expenditure	Local Agency Partner Match	Partner Nexus
Meridian Avenue Interchange		TBD	\$3,000,000	2022	2026-2030	\$2,000,000	Puyallup
Valley Avenue Interchange		TBD	\$3,000,000	2022	2026-2030	\$2,000,000	Pierce County
188 th Street Interchange improvements		TBD	TBD	2023	2026-2030	TBD	
SR 167 Stage 2		TBD	\$4,000,000	2022	2026-2030	\$500,000 \$500,000	Edgewood (ROW in lieu) Sumner
		Port of Tacoma		Jan 2026	2026-2030	\$15,000,000	Port of Tacoma
SR 509 Stage 2		TBD	\$4,000,000	2024	2026-2030		
		Port of Seattle		Jan 2026	2026-2030	\$15,000,000	Port of Seattle
Total Stage 2			\$14,000,000			\$35,000,000	\$49,000,000
Total Stages 1 & 2			\$68,900,000			\$73,100,000	\$142,000,000

* – If no INFRA, apply for FHWA BUILD grant for Port of Tacoma Access (SR 509 Spur)

TBD – grant funding program pursuit to be determined in future

7. Terms and Termination

7.1. Amendments

This MOU shall be periodically reviewed and evaluated regarding the need for modifications or amendments by mutual determination of WSDOT and Local Agency Partners. Amendments to the MOU shall be required if program funding assumptions need to be adjusted that affect the ability to construct the identified Local Nexus Projects or the ability to achieve the \$130 million local contribution. Such amendments shall only be binding if they are in writing and signed by authorized personnel from all of the Local Agency Partners. Except as set forth in an amendment, the MOU will be unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict

EXHIBIT A

between an amendment and the MOU or any earlier amendment, the terms of the most recent amendment will prevail.

If there is a conflict between subsequent Interlocal Agreements and the MOU or any earlier amendments, the terms of the Interlocal Agreements will prevail.

Changes that do not affect the ability to construct the identified Local Nexus Project or achieve the \$130 million local contribution shall be addressed through the Interlocal Agreement between WSDOT and the relevant Local Agency Partner.

7.2. Dispute Resolution

Should any signatory to this MOU object at any time to any actions proposed or the manner in which the terms of this MOU are implemented, the Executive Committee shall hear the dispute first and if the disputant(s) is/are not satisfied with the Committee's proposed decision, the Committee will send to the Secretary of Transportation its proposed solution and all documentation relevant to the dispute. The Secretary of Transportation shall provide the Executive Committee with his/her advice on how to resolve the dispute within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Executive Committee shall prepare a written response that considers any timely advice or comments regarding the dispute from the Secretary of Transportation, signatories and other interested parties, and provide them with a copy of this written response. WSDOT will then proceed according to this final decision.

7.3 Conditions for Termination of Participation

Subject to legislative appropriation and all applicable laws, each signatory shall ensure that the Gateway Program is carried out in accordance with the terms of the MOU and subsequent Interlocal Agreements. A signatory may terminate its participation in this MOU if its terms cannot be met and by providing written notice to the Secretary of Transportation and the Executive Committee a minimum of 180 calendar days before a project issues an RFP that relies on that local agency partner funding. Prior to providing written notice terminating participation, however, the signatories shall consult with WSDOT to determine whether an amendment to the MOU might be feasible. If a signatory terminates its participation, WSDOT will then consult with the Executive Committee to determine if project scope elements need to be removed if contributions are not realized in accordance with this understanding.

8. Period of Agreement.

This MOU will commence on (July 1, 2018 proposed date) and will dissolve when the \$130 million of local contribution have been secured, or when the Local Nexus Projects have been constructed and are complete.

EXHIBIT A

9. Signatories

Stephen P. Metruck
Executive Director
Port of Seattle

Date

Dick Marzano
Commissioner
Port of Tacoma

Date

Dow Constantine
County Executive
King County

Date

Bruce Dammeier
County Executive
Pierce County

Date

David E. Hill
Mayor
City of Algona

Date

Nancy Backus
Mayor
City of Auburn

Date

Michael Matthias
City Manager
City of Des Moines

Date

EXHIBIT A

Daryl Eidinger
Mayor
City of Edgewood

Date

Jim Ferrell
Mayor
City of Federal Way

Date

Pat Hulcey
Councilmember
City of Fife

Date

Dana Ralph
Mayor
City of Kent

Date

Shanna Styron-Sherrell
Mayor
City of Milton

Date

Leanne Guier
Mayor
City of Pacific

Date

Kevin Yamamoto
City Manager
City of Puyallup

Date

Joseph Scorcio
City Manager
City of SeaTac

Date

EXHIBIT A

William L. Pugh
Mayor
City of Sumner

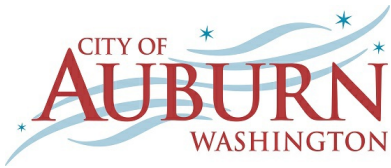
Date

Elizabeth A. Pauli
City Manager
City of Tacoma

Date

Roger Millar
Secretary of Transportation
Washington State Department of Transportation

Date



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5373 (Bailey)

Date:

May 30, 2018

Department:

M&O

Attachments:

[Resolution No. 5373](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council adopt Resolution No. 5373.

Background Summary:

One Year Contract between Small & Son's Oil and City of Auburn for the supply of gasoline & diesel.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: June 4, 2018

Staff:

Item Number: RES.E

Resolution No. 5 3 7 3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SMALL & SONS OIL DISTRIBUTION COMPANY FOR FUEL SERVICES

WHEREAS, the City of Auburn is in need of regular sources of fuel for its municipal operations; and

WHEREAS, the City sought proposals from qualified fuel service providers; and

WHEREAS, it is to the City's advantage to contract with Small & Sons Oil Distribution Company, a local supplier of fuel for such services.

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

Section 1. That the Mayor is authorized to negotiate and execute a final agreement with Small & Sons Oil Distribution Company for fuel services in substantial conformity with the Agreement attached hereto, marked 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 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 _____, 2018.

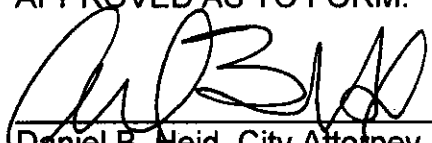
CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

CITY OF AUBURN AGREEMENT FOR GASOLINE & DIESEL FUEL SERVICES

THIS AGREEMENT made and entered into on this _____ day of _____, 20____, by and between the City of Auburn, a municipal corporation of the State of Washington, hereinafter referred to as "City" and, Small & Sons Oil Distribution Company hereinafter referred to as the "Service Provider."

WITNESSETH:

WHEREAS, the City is engaged in activities which call for the use of gasoline and diesel fuel; and

WHEREAS, it is advantageous for the city to enter into a contract for the provision of such fuel; and

WHEREAS, the City desires to retain the Service Provider to provide fuel services in connection with the City's work needs; and

WHEREAS, the Service Provider is qualified and able to provide consulting services in connection with the City's needs for the above-described work/project, and is willing and agreeable to provide such services upon the terms and conditions herein contained.

NOW, THEREFORE, the parties hereto agree as follows:

1. Scope of Services.

The Service Provider agrees to supply the City with fuel in a good and professional manner consistent with the tasks described on Exhibit "A" attached hereto and incorporated herein by this reference. The Service Provider shall perform the services as an independent contractor and shall not be deemed, by virtue of this Agreement and the performance thereof, to have entered into any partnership, joint venture, employment or other relationship with the City.

2. City's Responsibilities.

The City shall do the following in a timely manner so as not to delay the services of the Service Provider:

- a. Pay the Service Provider for the fuel supplied in accordance with City service payment procedures.
- b. Designate in writing a person to act as the City's representative with respect to the services. The City's designee shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the services.
- c. Arrange for access to the property or facilities as required for the Service Provider to perform the services provided for herein.

- d. Examine and evaluate all studies, reports, memoranda, plans, sketches, and other documents prepared by the Service Provider and render decisions regarding such documents in a timely manner to prevent delay of the services.

3. Acceptable Standards.

The Service Provider shall be responsible to provide, in connection with the services contemplated in this Agreement, work product and services of a quality and professional standard acceptable to the City.

4. 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 Agreement 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 Agreement.

5. Continuation of Performance.

In the event that any dispute or conflict arises between the parties while this Contract is in effect, the Service Provider agrees that, notwithstanding such dispute or conflict, the Service Provider shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities.

6. Administration of Agreement.

This Agreement shall be administered by _____, on behalf of the Service Provider, and by the Mayor of the City, or designee, on behalf of the City. Any written notices required by the terms of this Agreement shall be served on or mailed to the following addresses:

<u>City of Auburn</u> Auburn City Hall 25 West Main Auburn, WA 98001-4998 Phone: (253) 931-3000 FAX: (253) 931-3053	<u>Service Provider</u> Small & Sons Oil Distribution Company Address: 112 3rd St NW Auburn, WA 98001 Phone: (253) 924-0610
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7. Notices.

All notices or communications permitted or required to be given under this Agreement 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 Agreement, to the address for the party set forth above, or if to a person not a party to this Agreement, to the address designated by a party to this Agreement in the foregoing manner.

Any party may change his, her or its address by giving notice in writing, stating his, her or its new address, to any other party, all pursuant to the procedure set forth in this section of the Agreement.

8. Insurance.

The Service Provider shall be responsible for maintaining, during the term of this Agreement and at its sole cost and expense, the types of insurance coverages and in the amounts described 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. Commercial General Liability insurance, insuring the City and the Service Provider against loss or damages arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Service Provider's Commercial General Liability insurance policy with respect to the work performed for the City, 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.
- c. Professional liability insurance with minimum liability limits of \$1,000,000.
- d. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

9. Indemnification.

The Service Provider shall indemnify, defend 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, including attorney fees, by any reason of or arising out of the 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 Agreement except for injuries and damages caused by the sole negligence of the City. 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. Assignment.

Neither party to this Agreement shall assign any right or obligation hereunder in whole or in part, without the prior written consent of the other party hereto. No assignment or transfer of any interest under this Agreement shall be deemed to release the assignor from any liability or obligation under this Agreement, or to cause any such liability or obligation to be reduced to a secondary liability or obligation.

11. Amendment, Modification or Waiver.

No amendment, modification or waiver of any condition, provision or term of this Agreement 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 Agreement.

12. Termination and Suspension.

Either party may terminate this Agreement upon written notice to the other party if the other party fails substantially to perform in accordance with the terms of this Agreement through no fault of the party terminating the Agreement.

The City may terminate this Agreement upon not less than seven (7) days written notice to the Service Provider if the services provided for herein are no longer needed from the Service Provider.

13. Parties in Interest.

This Agreement 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 Agreement. This Agreement 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 such litigation or other legal action, to enforce any rights, responsibilities or obligations under this Agreement, the prevailing parties shall be entitled to receive its reasonable costs and attorney's fees. Any such litigation or action shall be governed by the interpreted in accordance with the laws of the State of Washington and venue for any action hereunder shall be in King County, Washington.

15. Entire Agreement.

This Agreement contains the entire understanding of the parties hereto in respect to the transactions contemplated hereby and supersedes all prior agreements and understandings between the parties with respect to such subject matter.

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

CITY OF AUBURN

SERVICE PROVIDER

Nancy Backus, Mayor

Name:

Title:

Attest:

Danielle E. Daskam City Clerk

Approved as to form:

Daniel B. Heid, City Attorney

EXHIBIT "A"

GASOLINE & DIESEL FUEL SUPPLY SERVICES

Small & Son's Oil shall supply the City of Auburn with gasoline and diesel fuel for the period of 1 year. Starting May 1, 2018 and ending April 30, 2019. The agreement may be extended for additional years upon mutual agreement of both parties.

Small & Son's Oil will furnish top quality gasoline and diesel manufactured from major oil companies .

Pricing will be firm and fixed for the duration of the agreement. Fuel Prices change on a daily basis but the fixed margin will remain the same. The pricing will be based on Phillips 66 Renton Unbranded Rack price plus margin that includes delivery fees. We will attach a rack cost sheet for each delivery to show the proper margin was applied for audit purposes.

The margin for truck and trailer deliveries (8000 gallons Gasoline, 6500 gallons Diesel -or more) will be four and a half cents per/gallon (.045).

The margin for generation sites will depend on the amount of gallons delivered:

Gallons Delivered	Price for Fuel
	Daily Cost + Margin
• 0 to 150	Rack Price+ \$1.50
• 151-250	Rack Price + \$1.25
• 251-400	Rack Price + \$.50
• 401- 550	Rack Price + \$.40
• 551-750	Rack Price+ \$.35
• 751-950	Rack Price + \$.25
• 951-1150	Rack Price + \$.22
• 1151-1450	Rack Price + \$.20