

**CITY OF ISSAQUAH
City Council Regular Meeting**

7:00 PM
February 19, 2019

MINUTES

Council Chambers
135 E. Sunset Way

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers:

Mariah Bettise
Stacy Goodman
Victoria Hunt
Tola Marts (*Mayor Pro Tem*)
Chris Reh
Lindsey Walsh
Paul Winterstein

Administration/Staff:

Mary Lou Pauly, Mayor (*Excused Absence*)
Emily Moon, City Administrator
Scott Snyder, Acting City Attorney
Tisha Gieser, Deputy City Clerk

CALL TO ORDER

Mayor Pro Tem Marts called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Pauly led the Pledge of Allegiance.

AUDIENCE COMMENTS

The following public comments were provided:

- Sharon Freas, representing the Downtown Issaquah Association (DIA), spoke regarding current recruitment efforts for Executive Director of DIA.
- Kathy McCorry, representing the Chamber of Commerce, provided an update of the 2018 Salmon Days and announced the 2019 Salmon Days, which will be the 50th Anniversary of the event.
- David Kappler, 255 SE Andrews St., spoke regarding concerns with placement of small cell wireless facilities in the City.
- Christina Bruning, representing the Downtown Issaquah Association (DIA), spoke regarding the purpose of DIA and upcoming events.

COMMITTEE / REGIONAL REPORTS

Councilmember Hunt:

- Land & Shore Committee – Made report. Announced upcoming meeting.
- Cascade Water Alliance Resource Management Committee – Made report.
- Cascade Water Alliance – Made report.

Councilmember Reh:

- Services & Safety Committee – Made report. Announced upcoming meeting.

Councilmember Winterstein:

- Infrastructure Committee – Announced upcoming meeting.
- Puget Sound Regional Council (PSRC) Growth Management Policy Board – Made report. Announced upcoming meeting.

Councilmember Goodman

- Eastside Fire & Rescue Board – Made report. Announced upcoming meeting.

Deputy Council President Bettise:

- Eastside Human Services Forum – Made report.

Mayor Pro Tem Marts:

- Sound Cities Association (SCA) Public Issues Committee – February meeting was cancelled. Announced upcoming meeting.
- King County Growth Management Planning Council (GMPC) – Announced upcoming meeting.
- Ad Hoc Finance Committee – Made report.

MAYOR'S REPORT – None.

CONSENT CALENDAR

Due to the quasi-judicial nature of agenda item “e”, AB 7681 - Polygon Parcel D Preliminary Plat (Issaquah Highlands, QUASI-JUDICIAL) - Closed Record, Council was asked to make disclosures under the Appearance of Fairness Doctrine. Acting City Attorney Scott Snyder asked that Council make any disclosures. None were made. Mr. Snyder asked if anyone present had an objection or challenge. None were made. It was announced that any challenges were therefore waived.

Items listed were distributed to Councilmembers in advance for study and were enacted with one motion.

IT WAS MOVED BY BETTISE, SECONDED BY GOODMAN; MOTION CARRIED (7-0), TO APPROVE THE CONSENT AGENDA AS PRESENTED.

- a) ID 0325 - Accounts: Payables and Payroll of Feb. 19, 2019, \$ 2,112,581.11; **Approved.**
- b) Minutes: City Council Special Meeting, Feb. 1, 2019; **Approved.**
- c) Minutes: City Council Regular Meeting, Feb. 5, 2019; **Approved.**
- d) AB 7672 - King County Waste Reduction & Recycling Grant; **Authorized acceptance of the King County Waste Reduction and Recycling Program grant funds in the amount of \$62,353 and execution of the grant agreement with King County.**
- e) AB 7681 - Polygon Parcel D Preliminary Plat (Issaquah Highlands, QUASI-JUDICIAL) - Closed Record; **Approved the Polygon Parcel D Preliminary Plat (File No. PP18-00001) as presented.**
- f) AB 7683 - Amendments to IMC 18.07.480 Community Facilities Standards Regarding Public Buildings; **Referred AB 7683 to the March 7, 2019 Council Land & Shore Committee for additional review and recommendation, returning to the full Council on March 18, 2019.**

- g) AB 7702 - Criminal Code, Amending IMC 9.05; **Adopted Ordinance No. 2865, adopting RCW 9A.28.020(3)(d) regarding criminal attempt and RCW 9A.28.040(3)(d) regarding criminal conspiracy; and amending Issaquah Municipal Code Section 9.05.010 to reflect such adoption.**
- h) AB 7726 - 2019 Docket of Comprehensive Plan Amendments; **Approved Amendments #1-9 on the docket of proposed 2019 Comprehensive Plan Amendments as presented in updated Exhibit A.**
- i) AB 7729 - Forest Rim Booster Pump Station Project; **Accepted completion of the Forest Rim Booster Pump Station Project and release of the retainage to the contractor.**
- j) AB 7731 - Memorandum of Understanding with Administrative Staff Association (ASA) Re: State Paid Sick Leave Legislation; **Ratified the memorandum of understanding with the Administrative Staff Association; and authorized the Mayor to execute the changes to benefits.**
- k) AB 7732 - City Hall HVAC Chiller Replacement Project; **Awarded the construction contract for the 2019 City Hall Chiller Replacement Project to McKinstry Co., LLC, in the amount of \$177,465.20 (including sales tax).**
- l) AB 7733 - 2019 Sewer Rehabilitation Project; **Awarded the construction contract for the 2019 Sewer Main Rehabilitation Project to Nordvind Company, in the amount of \$440,022 (including sales tax).**

REGULAR BUSINESS

a) AB 7538 - Updated Water System Plan

Introduced by Mayor pro tem Marts and presented by Sheldon Lynne, Public Works Engineering Director. Following Council discussion,

IT WAS MOVED BY HUNT, SECONDED BY BETTISE, TO:

Approve Resolution No. 2019-02, adopting the 2018 Water System Plan Update.

MOTION CARRIED, 7-0.

GOOD OF THE ORDER

Deputy Council President Bettise:

Community Engagement - Shared options for receiving information on the City's public outreach events and engagement on a regular basis.

City Administrator Moon:

City Update - Provided a summary of the City's response to the recent snow event, announced the hiring of Beth Goldberg as Finance Director, and shared the passing of Court Administrator Lynn Campeau.

Mayor Pauly:
Upcoming Council Meetings - Announced anticipated agenda items.

EXECUTIVE SESSION – None.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:00 PM.

Tisha Gieser, Deputy City Clerk

Tola Marts, Mayor Pro Tem

02-20-19 Council Committee Work Session
Minutes

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**CITY OF ISSAQUAH
Council Committee Work Session**

6:30 PM
February 20, 2019

MINUTES

Council Chambers
135 E. Sunset Way

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers:

Mariah Bettise
Stacy Goodman
Victoria Hunt
Tola Marts
Chris Reh
Lindsey Walsh
Paul Winterstein (*Excused Absence*)

Administration/Staff:

Emily Moon, City Administrator

CALL TO ORDER

Council President Marts called the meeting to order at 6:30 PM.

AGENDA ITEMS

a) **ID 0411 - Reading of Notice from Public Employment Relations Commission (PERC)**

Presented by:
Emily Moon, City Administrator

b) **ID 0358 - Citywide Strategic Plan**

Presented by:
David Fujimoto, Sustainability Director
Brian Scott, BDS Planning

c) **ID 0410 - Meeting Room Security Training**

Presented by:
Chief Scott Behrbaum
Corporal Dustin Huberdeau

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:25 PM.

Christine Eggers, City Clerk

Tola Marts, Council President



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 04 Mar 2019

NEW
AB 7711 -
Consent Calendar

Lodging Tax Advisory Committee (LTAC) Annual Appointments

**Proposed Council Action:
Confirm**

| | |
|--------------------------------------|---------------------------------|
| DEPARTMENT OF COUNCIL LIAISON | Economic Development Tim Dutter |
| OTHER COUNCIL MEETINGS | Councilmember Goodman |
| COMP PLAN POLICY NOS. | n/a |
| OTHER POLICIES | n/a |
| EXHIBITS | IMC 3.11.060 None. |

SUMMARY STATEMENT

This agenda bill requests Council confirmation of 2019 appointments to the Lodging Tax Advisory Committee (LTAC).

In 1998 the City Council adopted Ordinance No. 2192, establishing LTAC. Currently, hotels, motels, and bed-and-breakfast inns collect the City's one percent share of the lodging tax to pay all or any part of the cost of tourism promotion, acquisition of tourism-related facilities or the operation of tourism-related facilities.

There are five positions on LTAC, consisting of two members from businesses that collect the tax, two members involved in activities eligible for lodging tax revenue, and an elected City official, who serves as chair of the committee. In accordance with state law, City Council shall review the membership of the committee annually and make changes as appropriate.

Councilmember Stacy Goodman has been identified as Council's representative (Chair). Councilmember Goodman and Staff Liaison Tim Dutter met on Feb. 21, 2019 to review the five applications received. After review, the following candidates were selected to serve on the 2019 Lodging Tax Advisory Committee:

- Patricia Hagar, Visit Issaquah, Board of Directors
- Hamilton McCulloh, Chamber of Commerce, Board of Directors (*reappointment*)
- Will Parkinson, Hilton Garden Inn (*reappointment*)
- Wendy Floyd, Marriott Hotel

The Administration recommends Council confirm the appointments.

Financial Information

n/a

Administration's Recommendation

The Administration recommends confirming the appointments as presented.

Update

n/a

Alternative(s)

Do not approve, and reopen the application process to receive more applications. [Impact: Delay LTAC's ability to meet.]

RECOMMENDATION

Administration / Economic Development Department:

MOVE TO:

Confirm the following appointments for the 2019 Lodging Tax Advisory Committee: Patricia Hagar, Hamilton McCulloh, Will Parkinson, Wendy Floyd, and Councilmember Stacy Goodman (Chair).



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 04 Mar 2019

UPDATED
AB 7714 -

Consent Calendar

Amending IMC 18.22, Wireless Communication Facilities and Related Fees

**Proposed Council Action:
Refer to Council Infrastructure Committee**

**DEPARTMENT OF
COUNCIL LIAISON
OTHER COUNCIL MEETINGS
COMP PLAN POLICY NOS.
OTHER POLICIES
EXHIBITS**

Development Services Keith Niven
Councilmember Winterstein
May 7, 2018 (AB 7535); Jan. 7, 2019
n/a
n/a
A. Proposed Ordinance (revised)
B. Staff Memo to PPC (new)
C. Photo Simulation (new)

SUMMARY STATEMENT

This agenda bill requests Council adoption of an ordinance amending Issaquah Municipal Code Chapters 3.64 (Fees for Applications for Subdivisions and Land Use Actions) and 18.22 (Wireless Communication Facilities) to comply with an order issued by the US Federal Communications Commission related to deployment of small cells and other wireless infrastructure within the City.

Background

In May 2018, the City Council adopted Ordinance No. 2833, amending the Issaquah Municipal Code and creating Chapter 18.22, Wireless Communication Facilities. The new code chapter was prepared in response to changes in technology and siting preferences for wireless communication antenna. The new code created permit requirements, permit timing, permit processing, and design guidelines for new facilities. The Administration worked with the wireless carriers to bring forward proposed code language with the least number of issues possible.

Following the adoption of Ordinance No. 2833, the U.S. Federal Communications Commission (FCC) passed an order meant to make it easier for operators to deploy small cells and other wireless infrastructure by superseding some state- and local-level regulations. The regulatory body, which passed the rule change 3-1, characterized the order as meant to accelerate 5G investment.

The City has enjoined in litigation of the decision with a number of other cities across the country. Resolution of the pending litigation will likely not occur before the City receives an application for deployment of new small wireless facilities.

The FCC order will require changes to the City's Wireless Communication Facilities Code (IMC 18.22) and the related fees in IMC 3.64. Staff worked with law firm Ogden Murphy Wallace to prepare the proposed changes necessary to comply with the order. A summary of the changes is below:

Summary of Significant Proposed Changes

| # | FCC Order | Resulting Changes to IMC 18.22 |
|----|--|--|
| 1 | Evaluate code for "effective prohibition" of facilities as this has been defined differently. | Section 18.22.090 (Siting Criteria) established "Encouraged, Discouraged, and Prohibited" criteria. A new subsection, 18.22.090(C) "Deviations", was added to address the potential for prohibited locations. |
| 2a | Maximum fees are set. To justify its fees, the local government must show that the fees are: i. A reasonable approximation of costs of processing the application and managing the use of the right-of-way; ii. The fees, themselves are reasonable; and iii. The fees are non-discriminatory. | The Development Services Department does not have the administrative infrastructure in place to track staff time and materials relating to the review of a specific permit application. The order allows the City to charge its actual costs for permit review and issuance. In the absence of |
| 2b | Proposed creation of the following safe harbors: | |

| | | |
|--------|---|---|
| | <p>i. or one-time up-front application fees: \$500 for up to 5 applications for Small Wireless Facilities; \$100 for each additional application. Batching is assumed as a matter of right.</p> <p>ii. For all recurring fees, including ROW access fees and fees for attaching to municipal structures in the ROW: \$270 per Small Wireless Facility.</p> | <p>being able to demonstrate actual costs, the City is limited to charging the fees identified in the proposed ordinance (IMC 3.64.010).</p> <p>The impact of this change is explained further in the Financial Information section.</p> |
| 3 | <p>Codification of “Small wireless facilities” which differs from the WA definition and enlarges the equipment box to 28 cubic feet (but does not allow other ancillary equipment outside that definition).</p> | <p>Change to definitions in IMC 18.22.040. This represents an increase from 17 cubic feet to 28.</p> |
| 4a - b | <p>Establishes new shot clocks:</p> <p>a. 60 days for collocations (small cells on existing facilities).</p> <p>b. 90 days for new structures (i.e. new poles in the ROW).</p> | <p>Replaces the previously established permit timelines in IMC 18.22.070(C) with those established by the federal review timeline.</p> <p>There are two potential impacts of this change: 1) the "shot clocks" represent less permit review time than was previously allowed in code and the "clock" starts at an earlier point in the permit process, and 2) by allowing a permit to include as many facilities as desired by the applicant, the potential for a more complex review has been created.</p> <p>To meet these timelines, staff will need to prioritize these permits and delay the review of other pending permits.</p> <p>Also, see #6 below.</p> |
| 5 | <p>Clarification that collocation is not limited to structures that have previously held wireless facilities at the time of the application, so it means any pole or structure.</p> | <p>Change to definitions in IMC 18.22.040.</p> |
| 6 | <p>The shot clocks apply to “all aspects of and steps in the siting process.” This includes all permits, lease negotiations, and franchises. This substantially deviates from the existing process within WA.</p> | <p>The required timelines start the clock earlier and remove the limits from the number of small cell antennas.</p> <p>See 4a & 4b above.</p> |
| 7 | <p>Shot clocks begin from the date of the submission of the application, regardless of the completion of the application. Cities can toll the shot clocks by declaring it incomplete or by mutual agreement.</p> | <p>See 4a & 4b above.</p> |
| 8 | <p>While the FCC proposes no “deemed granted remedy”, failure to act can result in an application for injunctive relief a court of competent jurisdiction alleging a violation of Section 332(c)(7)(B)(i)(II), in addition to a violation of Section 332(c)(7)(B)(ii).” While a jurisdiction may justify delay in difficult situations, the burden of proof is placed squarely on the permitting entity.</p> | <p>No code change needed.</p> |
| 9 | <p>While cities may continue to apply aesthetic controls, the FCC comments opine that aesthetic controls which include aesthetic review criteria that are “more burdensome than those the state or locality apply to similar infrastructure deployments are not permissible.” This appears to bolster industry arguments that local government discriminate against telecom deployments when compared to other utilities in the right of way.</p> | <p>No changes are proposed currently. It is the position of the Administration that the current code provides clarity in aesthetic requirements.</p> |