

**CITY OF ISSAQUAH
City Council Regular Meeting**

7:00 PM
December 2, 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

Administration/Staff:

Mary Lou Pauly, Mayor
Wally Bobkiewicz, City Administrator
Jim Haney, City Attorney
Tisha Gieser, Deputy City Clerk

CALL TO ORDER

Mayor Pauly called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Pauly led the Pledge of Allegiance.

SPECIAL BUSINESS

a) **ID 0599 - Swearing in Ceremony, Oath of Office, Council Position No. 3**

Mayor Pauly performed the Oath of Office to Councilmember de Michele.

AUDIENCE COMMENTS

The following individuals spoke regarding spoke regarding suggestions for additional traffic calming in the Olde Town neighborhood:

- William Frisinger, 415 SE Bush St.
- Jenni Bingham, 375 SE Andrews St.
- Duane Stranard, 420 SE Bush St.

COMMITTEE / REGIONAL REPORTS

Councilmember Winterstein:

- Puget Sound Growth Management Policy Board – Announced upcoming meeting.

Councilmember Goodman:

- Eastside Fire & Rescue Board – Announced upcoming meeting.

Deputy Council President Bettise:

- Central Puget Sound Economic Development District Board– Announced upcoming meeting.

Council President Marts:

- Sound Cities Association Public Issues Committee – Announced upcoming meeting.

MAYOR'S REPORT

There is not anticipated to be an Executive Session.

CONSENT CALENDAR

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

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

- a) **ID 0399 - Accounts: Payables and Payroll of Dec. 2, 2019, \$3,017,705.03;** Approved.
- b) **Minutes: Council Budget Study Session, Nov. 6, 2019;** Approved.
- c) **Minutes: Council Budget Study Session, Nov. 12, 2019;** Approved.
- d) **Minutes: City Council Regular Meeting, Nov. 18, 2019;** Approved.
- e) **AB 7754 - 2019 Curb Ramp Replacement Project;** Accepted completion of the 2019 Curb Ramp Enhancement Project and release of the retainage to the contractor.
- f) **AB 7769 - King County Senior Center Grant;** Accepted grant funds in the total amount of \$387,345 over a five (5) year period and authorization of the grant agreement for the 2019-2023 King County Department of Community and Human Services (DCHS) Veterans, Seniors and Human Services Levy (VSHSL) grant for the Issaquah Senior Center in partnership with the Sno-Valley and Mt. Si Senior Centers.
- g) **AB 7865 - 12th Avenue NW & SR 900/17th Ave Design Contract;** Authorized the Mayor to enter into and execute the consultant's design contract for the 12th Avenue NW and SR 900/17th Ave NW project.
- h) **AB 7886 - 2020 Aerial Mapping Project Agreement;** Authorized the Administration to enter into and execute the agreement with eCityGov Alliance and other area jurisdictions for the 2020 Aerial Mapping Project.
- i) **AB 7891 - DNR Community Forestry Assistance Grant for Green Issaquah;** Authorized submittal of the 2020 Community Forestry Assistance Grant through the Washington State Dept. of Natural Resources to support the Green Issaquah Partnership.
- j) **AB 7893 - Anti-Aircraft Creek Culvert Streambed Rehabilitation Project;** Accepted completion of the Anti-Aircraft Creek Culvert Streambed Rehabilitation Project and release of the retainage to the contractor.

- k) **AB 7894 - Sewer Main Rehabilitation Project;** Accepted the 2019 Sewer Main Rehabilitation project and release of the retainage to the contractor.

REGULAR BUSINESS

- a) **AB 7854 - Amending IMC 13.24, 13.30, and 13.70 - Utility General Facility Charges**

Introduced by Mayor Pauly and presented by Bob York, Engineering Manager. Following Council discussion,

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

- 1) Adopt Ordinance No. 2889, amending Section 13.24.090 of the Issaquah Municipal Code relating to water rates and charges.
- 2) Adopt Ordinance No. 2890, amending Section 13.30.055 of the Issaquah Municipal Code relating to stormwater rates and charges.
- 3) Adopt Ordinance No. 2891, amending Section 13.70.020 of the Issaquah Municipal Code relating sewer rates and charges.

MOTION CARRIED, 7-0.

- b) **AB 7861 - Interlocal Agreement with Eastside Fire and Rescue: PFAS Study Partnership**

Introduced by Mayor Pauly and presented by Bob York, Engineering Manager. Following Council discussion,

IT WAS MOVED BY GOODMAN, SECONDED BY REH, TO:

Authorize the Mayor to enter into and execute the Interlocal Agreement with Eastside Fire and Rescue regarding PFAS investigation in the lower Issaquah Valley.

MOTION CARRIED, 7-0.

- c) **AB 7842 - Interagency Agreement with Department of Ecology: PFAS Groundwater Modeling**

Introduced by Mayor Pauly and presented by Bob York, Engineering Manager. Following Council discussion,

IT WAS MOVED BY GOODMAN, SECONDED BY REH, TO:

Authorize the Mayor to enter into and execute the Interagency Agreement (IAA) with Washington State Department of Ecology (Ecology) to conduct ground water modeling for the Lower Issaquah Valley Aquifer.

MOTION CARRIED, 7-0.

d) **AB 7878 - Low Income Utility Assistance Program**

Introduced by Mayor Pauly and presented by David Fujimoto, Sustainability Director. Following Council discussion,

IT WAS MOVED BY MARTS, SECONDED BY WINTERSTEIN, TO:

Adopt Ordinance No. 2892, establishing a provisional Utility Assistance Program and amending IMC 13.92, Senior Citizen and Low Income Citizen Fee Reductions.

MOTION CARRIED, 7-0.

Mayor Pauly called a recess to allow the participants in the appeal hearing to take their places.

APPEAL HEARING

Councilmember Marts opened the open record appeal hearing at 7:59 p.m.

a) **AB 7877 - State Environmental Policy Act (SEPA) Appeal of Comprehensive Plan and Zoning Map Amendments (QUASI-JUDICIAL)**

Appeal No. APP19-00006 | Appeal by Providence Point Umbrella Association of the Final Determination of Non-Significance for 2019 Comprehensive Plan and Zoning Amendments – File No. SEP19-0009

The following parties were present:

- Richard Aramburu, Law Offices of J. Richard Aramburu PLLC, representing the Providence Point Umbrella Association (Appellant)
- James Haney, Ogden Murphy Wallace PLLC, representing the City of Issaquah's SEPA Responsible Official
- Jessica Skelton and Denise Stiffarm, Pacifica Law Group LLP, representing the Issaquah School District

Ray Liaw, Van Ness Feldman LLP, served as the City Council's legal counsel.

Councilmember Marts asked if any Councilmembers had an Appearance of Fairness Disclosure to disclose ex parte communications with appellants, City staff, or any third parties regarding the SEPA Appeal.

Councilmember de Michele disclosed that on September 20, 2019, she sent an email to City staff regarding her support of the 2019 Annual Comprehensive Plan and Zoning Map Amendments. Counsel for Appellant objected to Councilmember de Michele's participation in the hearing because her comments expressed support for rezoning property owned by the District. Councilmember de Michele stated that her comments had been made prior to Appellant filing its Notice of Appeal, as well as prior to issuance of the Final DNS and her election to City Council. Councilmember de Michele conveyed that she was able to make a fair and impartial decision in hearing the Appeal.

Councilmember Marts asked if any Councilmembers have a personal interest, financial or otherwise, in which he or she stands to gain or lose by the decision. No conflicts of interest were made.

The following proceedings occurred as agreed to in the Prehearing Order:

- Opening Statements
- Direct testimony, cross examination and redirects by witnesses
 - Trish Heinonen, Policy Planning Manager, City of Issaquah
 - Keith Niven, Director of Economic and Development Services, City of Issaquah
 - Jack Kuper, Chief of Finance and Operations, Issaquah School District
- Rebuttal testimony, cross examination and redirects
 - David Wechner, Land Use Consultant
 - Wayne Carlson, Principal Planner, AHBL
- Closing arguments

Council President Marts stated the record on the appeal was closed.

IT WAS MOVED BY MARTS, SECONDED BY WINTERSTEIN, TO:

Postpone Council deliberations until a later date to be determined.

MOTION CARRIED, 7-0.

GOOD OF THE ORDER

Upcoming Council Meetings - City Administrator Bobkiewicz announced anticipated agenda items.

EXECUTIVE SESSION - None.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 12:13 AM, Dec. 3, 2019.

Tisha Gieser, Deputy City Clerk

Mary Lou Pauly, Mayor

