

**CITY OF ISSAQUAH
City Council Regular Meeting**

7:00 PM
September 8, 2020

Virtual Meeting

MINUTES

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Alternate Meeting Format: On March 6, 2020 the Mayor declared a civil emergency due to the outbreak of novel coronavirus (COVID-19). On March 24, 2020 the Governor issued Proclamation 20-28 prohibiting open public meetings from occurring in person. The proclamation has been extended to Oct. 1, 2020. Due to these factors, the meeting was held using a remote meeting platform.

Councilmembers:
Barbara de Michele
Stacy Goodman
Zach Hall
Victoria Hunt
Tola Marts
Chris Reh
Lindsey Walsh

Administration/Staff:
Mary Lou Pauly, Mayor
Wally Bobkiewicz, City Administrator
Andrea Snyder, Deputy 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.

AUDIENCE COMMENTS

The following individuals provided public comments:

- David Kappler, 255 SE Andrews St., made comments regarding the Tibbetts Crossing trail (AB 8008) and the Newport Way Landslide Stabilization Project (AB 8025) and encouraged trail connections.
- Connie Marsh, Squak Mountain, asked about trail maintenance responsibilities regarding the Tibbetts Crossing trail (AB 8008), and encouraged increased communication and interconnections between the public, private property owners, the community and City staff in transportation planning, parks planning, the environment and specific projects.

COMMITTEE / REGIONAL REPORTS

Councilmember de Michele:
HealthierHere Governing Board - Made report. Announced upcoming meeting.
Eastside Transportation Partnership and King County combined transportation boards - Made report. Announced upcoming meeting.
Eastside Human Services Forum Board of Directors - Made report. Announced upcoming meeting.

Councilmember Walsh:
Greater Issaquah Chamber of Commerce - Made report.

PSRC Development District Board - Announced upcoming meeting.

Councilmember Goodman:

Lodging Tax Advisory Committee - Made report.

Eastside Fire & Rescue Board of Directors - Announced upcoming meeting.

Councilmember Marts:

Sound Cities Association Public Issues Committee - Announced upcoming meeting.

Puget Sound Regional Council Growth Management Policy Board - Announced upcoming meeting.

Council President Hunt:

Kokanee Interlocal Management Committee - Made report.

Ad Hoc Committee on Housing Stability – Provided a final report on work conducted since the report out at the Aug. 25 Council Study Session. The Committee recommends that the local defense against eviction ordinance comply with the meet and confer process but include mediation. Also see the annotated meeting notes (attached) for additional recommendations. The local defense against evictions item will return to the City Council at the Sept. 15 Council Study Session.

MAYOR'S REPORT

The Mayor reported on the following topics:

- Executive Session: None
- National Recovery Month Proclamation
- Suicide Prevention Month Proclamation
- Childhood Cancer Awareness Proclamation
- Welcoming Week Proclamation
- Environmental Board

INFORMATIONAL UPDATES

a) ID 0750 - Mobility Master Plan

Senior Transportation Planner Stephen Padua provided an update on the final draft of the Mobility Master Plan (MMP) and next steps for implementation in 2021.

Council President Hunt summarized email comments received on this item.

Councilmembers asked questions and provided feedback on the program.

The MMP will next be reviewed by the Planning Policy Commission as part of the 2020 Comprehensive Plan update process.

CONSENT CALENDAR

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

Council President Hunt summarized email comments on agenda item AB 8025, Newport Way Landslide Stabilization Project Local Agency Agreement for Design Phase Funding, and AB 8010, 2021 School Impact Fee Update.

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

- a) **ID 0674 - Accounts: Payables and Payroll of Aug. 17 & Sept. 8, 2020, \$14,034,897.39;** Approved.
- b) **Minutes: City Council Regular Meeting, July 20, 2020;** Approved.
- c) **Minutes: City Council Special Meeting, July 27, 2020;** Approved.
- d) **Minutes: City Council Study Session, July 28, 2020;** Approved.
- e) **Minutes: City Council Regular Meeting, Aug. 3, 2020;** Approved.
- f) **Minutes: City Council Study Session, Aug. 11, 2020;** Approved.
- g) **Minutes: City Council Study Session, Aug. 25, 2020;** Approved.
- h) **AB 7986 - Amendments to IMC 13.70.040, Sewer Rates to Adopt King County Charge;** Adopted Ordinance No. 2920, amending Section 13.70.040 of the Issaquah Municipal Code relating to sewer rates and charges to add the 2021 King County pass-through charges.
- i) **AB 8008 - Tibbetts Crossing Recreational Trail Location (East-West) and Easement;** Approved the east-west pedestrian connection (Exhibit B of AB 8008), which will be constructed by the Developer as part of the plat development, and authorize the Community Planning and Development Director to review and approve the final trail easement prior to recording.
- j) **AB 8010 - 2021 School Impact Fee Update;** Adopted Ordinance No. 2921, amending Subsection 3.63.100(a) of the Issaquah Municipal Code to revise the amount of the school impact fee imposed by the City effective Jan. 1, 2021.
- k) **AB 8012 - First Amendment to the WRIA 8 Interlocal Agreement;** Authorized the Mayor to sign the First Amendment to the WRIA 8 Interlocal Agreement to allow Snohomish County to rejoin as a member of the WRIA 8 Salmon Recovery Council.
- l) **AB 8017 - Amendment to 2020 Comprehensive Plan Docket re: Master Mobility Plan;** Amended 2020 Docket of Comprehensive Plan Amendments to include incorporation of the Mobility Master Plan into the Comprehensive Plan as the Transportation Element.
- m) **AB 8021 - ArtsWA Creative Districts Capital Project Pilot Program Grant;** Authorized submission of a \$24,500 grant application to the Washington State Arts Commission's Creative Districts Capital Project Pilot Program for improvements to the Issaquah Creative District wayfinding system.
- n) **AB 8023 - Amendment of the WA Dept. of Ecology Pollution Prevention Assistance (PPA) Partnership (Local Source Control Program Grant) Agreement;** Authorized Amendment No. 1 to the Pollution Prevention Assistance Partnership with the Washington

State Department of Ecology to incorporate changes to the Scope of Work due to the COVID-19 pandemic.

- o) **AB 8025 - Newport Way Landslide Stabilization Project - Local Agency Agreement for Design Phase Funding;** 1) Authorized the Mayor to enter into a Local Agency Agreement with WSDOT for the NW Newport Way Landslide Stabilization Project; and
2) Authorized the Mayor to execute the Local Agency Federal Aid Project Prospectus (Exhibit B) for funding of preliminary engineering and temporary construction for the Project; and
3) Directed the Finance Director to transfer \$8,156.70 from the Real Estate Excise Tax 1 (REET 1) Fund to the Street Capital Fund for this project in a subsequent budget reauthorization.

REGULAR BUSINESS – None.

GOOD OF THE ORDER

Mayor Pauly:

Upcoming Council Meetings - Announced anticipated agenda items.

Council President Hunt:

Providence Heights Schools Project - Shared that this item would be added as an agenda item to the Sept. 15 Council Study Session.

EXECUTIVE SESSION – None.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:05 PM.

Tisha Gieser, Deputy City Clerk

Mary Lou Pauly, Mayor

Annotated Meeting Notes Accompanying Ad Hoc Committee on Housing Stability Report

Additional Notes: Aug. 28 Study Session

RED comments are comments added by AD HOC Housing Stability committee Sep 7, 2020.

During discussion on ID 0743 - Housing Stability: Local Defense Against Evictions, the City Council discussed and provided input on the following questions. A summary of the Council input received is provided in a bulleted list below each question:

1. How can we more closely tie the ordinance to the impacts of the COVID-19 emergency?

- Reiterate that the ordinance relates to COVID-19 throughout ordinance as appropriate.
- Use suggestions in Rental Housing Association of Washington marked up version of the ordinance which indicated circumstances being defined as related to COVID-19.
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2. How would council like to address the concern around a sunset/end date?

- Tie ordinance expiration to termination of the civil emergency declared by the Mayor.
- Tie ordinance expiration to Phase 4 of the Governor's Safe Start plan.
- If proceeding with payment plan, provide a specific date for payment plans.
- Multiple sunset/end dates were considered by council at the meeting. The Ad hoc committee recommends tying to entering Phase 4 of Governor's Safe Start plan, as proposed by CM Marts at the meeting.

3. Would council consider adding 'whereas' clauses to balance the wording between and advocate for tenants, landlords, and mortgage holders, as well as removing any language in the "whereas" statements that could be perceived as creating an adversarial environment?

- No specific wording/direction was provided.
- Add to the end of subsection A: "When considering a defense to eviction afforded in this section A and fashioning any remedy, the court should balance the equities of the parties and consider material impacts to the owner as well as to the tenant." This is wording from the RHAWA draft.

4. Is council's preference to include or not to include Section 5, regarding the early termination of rental agreements? This section was raised as a concern by multiple individuals we spoke with.

- Majority opinion: Strike from ordinance. (Ad Hoc concurs)
- Minority opinion: Retain.

5. Would council like to consider modification of the payment plan specifications in Section 3? The King County Council's ordinance (Attachment D) and the Seattle City Council's ordinance (Attachment G) each have different specifications. Because we share a border with some unincorporated King County area, the ad hoc committee discussed the potential benefits of aligning more closely with their ordinance. In addition, the Attorney General's office has put together a worksheet to help landlords and tenants create reasonable payment plans (Attachment L).

- Plan could follow other methods, like mediation. (Ad Hoc concurs, as based on our discussions with people with expertise in mediation, we believe this can be worked out in the mediation process).
- Keep payment plan specifications minimal, not prescriptive.
- Support having a required plan to provide certainty.
- Require any payment plan agreements to be written and dated/signed.
- Consider providing payment plan option as a back-up if mediation or other tools are not successful.

6. Discussion of mediation option provided by Councilmembers Goodman and Reh.

- Support adding mediation as one of the defenses against eviction in the proposed ordinance.
- Concerns about funding, capacity; interest in doing more research on this option.
- Funding mediation will be significantly less than funding rental assistance.
- Wait to see what happens with work group convened by Chief Justice of the state Supreme Court re: mandatory pre-eviction meet and confer process.
- Shelly Helder has provided info on the meet and confer process. The ordinance should be compliant with that process.
- The ad hoc committee recommends the city also provide funding for services for Issaquah residents that cannot afford services through the Bellevue Dispute Resolution center, and other local mediation resources identified by Monica Negrila, Human Services and Social Sustainability Coordinator. Based on the information provided by Monica Negrila, the ad hoc believes this would be a contract for a year of services costing approximately **\$84,734 - \$187,550** , which could then be revisited if depleted.
- One possibility: require mediation and have parties share costs of mediation. City could agree to pay for a certain number of hours of mediation. Costs for people that cannot pay

7. There is considerable uncertainty whether the governor's moratorium on evictions will be further extended. If council wishes to proceed with a local defense against evictions, how should the governor's moratorium be factored into implementation timing? The ad hoc committee considered the following potential options, but there are likely other options.

- Pass the ordinance with the understanding that it will not be used for an unknown period of time, depending on the governor's moratorium and/or similar laws.
- Call a special meeting if the moratorium is not extended within X days of the moratorium's end date.
- Pass a resolution expressing intent to consider the ordinance as an emergency measure if the governor's moratorium is not extended within X days of its end date and the governor's state of emergency is still in effect.
- Include a clause in the ordinance to have it begin and be implemented only under certain conditions.

- Want more discussion before committing to the proposed options on timing.
- Would like to consider an agenda bill that includes proposed ordinance and mediation as a defense against eviction, with the ordinance to be effective upon lifting of Governor's moratorium on evictions (option a).
- The ad hoc committee agrees with the option described above, but would also like to consider authorizing a contract for dispute resolution services as soon as possible (not contingent on the governor's moratorium being lifted), as the meet and confer costs will likely be incurred starting Sep 15 when the meet and confer requirement goes into effect.



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 21 Sep 2020

NEW
AB 8022 -
Consent Calendar

**Amending Council Rules of Procedure Regarding
Virtual Meetings & Study Sessions**

**Proposed Council Action:
Approve Resolution**

DEPARTMENT OF	City Clerk's Office Tina Eggers
COUNCIL LIAISON	n/a
OTHER COUNCIL MEETINGS	July 27, 2020 (ID 0735)
COMP PLAN POLICY NOS.	n/a
OTHER POLICIES	n/a
EXHIBITS	A. Proposed Resolution

SUMMARY STATEMENT

Introduction

This agenda bill seeks City Council authorization to amend the City Council Rules of Procedure to:

1. Allow for remote attendance at Council meetings by Councilmembers when an emergency has been declared in the City or as otherwise provided by law.
2. Add Good of the Order as the last item of standing business at Council Study Sessions.
3. Clarify the Regular Study Session schedule.

Background

The City Council began meeting virtually in late-March due to public health recommendations related to the COVID-19 emergency, and, eventually a proclamation of the Governor prohibiting in person meetings for entities that fall under the state's Open Public Meetings Act (Proclamation 20-28). The proclamation is currently in effect through Oct. 1, 2020. All meetings of the City Council have been conducted virtually since mid-March, 2020 under the state's authority.

At the July 27 Special City Council meeting, the Administration requested feedback on whether to include provisions for virtual attendance by Councilmembers in the City Council's Rules of Procedure. The Rules currently do not have provisions for remote attendance. This was requested in order that a process can be in place prior to the expiration of the state's prohibition on in-person open public meetings. The City Council recommended the Administration proceed to bring back an amendment to the Council Rules to allow for remote attendance by Councilmembers, but limiting it to emergency situations.

As the Rules amendment was coming forward, a request was also made by three Councilmembers (Hunt, Reh and Goodman) to add "Good of the Order" as the last item of standing business at each regular Council Study Session. The Good of the Order provides the City Council, "the opportunity to offer comments or observations, make announcements, or receive informal feedback" (Section 4.17).

Proposal

As explained above, the proposed resolution (Exhibit A), would amend the City Council Rules of Procedure to:

1. Add a new Section 3.10 to allow for remote attendance at Council meetings by Councilmembers when an emergency has been declared in the City or as otherwise provided by law.
2. Amend Section 5.01 to add Good of the Order as the last item of standing business at Council Study Sessions.
3. Amend Section 5.01 to clarify the Regular Study Session schedule.

Remote Attendance

The City Council has been meeting virtually since March, 2020 under the authority of a state-issued proclamation. The proposed new section on virtual attendance in the Council Rules of Procedure would provide a local rule to allow Councilmembers to attend City Council meetings and study sessions virtually when an emergency has been declared in the City. An emergency can be defined as an event or set of circumstances that, "demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences" (RCW 38.52.010).

The provision also allows remote attendance for situations "as otherwise provided by law." This language encompasses situations under which the Governor may mandate virtual attendance, even if the City has not declared an emergency.

Under the above circumstances, the following provisions apply to remote attendance by a Councilmember:

- **Advance Notice:** Five days advance notice would be requested. This would allow time for staff to deliver or install any necessary equipment, schedule the remote meeting, and do any required testing prior to the meeting. If less notice is provided, it may not be possible to ensure the necessary equipment requirements are met.
- **Limit:** There would not be a limit to the number of Councilmembers who could attend remotely.
- **Participation:** Any Councilmember attending virtually would be able to participate, vote and count towards a quorum of the Council. At a minimum, audio participation and the ability to access meeting materials would be required; video participation would be strongly recommended if technically feasible.
- **Chairing Meetings:** If a Councilmember attending virtually is also the presiding officer of the meeting, that role will be shifted to the Council President or Deputy Council President if they are physically in attendance. If neither are physically in attendance, the role could be delegated to another Councilmember, or, as a last option, the meeting could be presided over virtually.

Certain protocols would also be put in place, similar to those being used for the current virtual meeting format. This would include announcing those attending virtually and the reasons for the virtual attendance and taking roll call votes.

Amendments to Council Study Sessions

The proposed amendments to Section 5.01, Study Sessions, would add Good of the Order as the last item of business on all Regular Council Study Sessions to allow Councilmembers to make regional committee announcements or seek informal input from their Councilmembers. The amendment also incorporates the Study Session meeting time, place and frequency as established in the IMC. This centralizes the information for ease of reference and makes it consistent with the Council Meetings section.

Next Steps

If approved, the amendments would be effective immediately.

Financial Information

n/a

Administration's Recommendation

The Administration recommends approving the proposed resolution amending the City Council Rules of Procedure by adding a new Section 3.10 to allow for remote attendance by Councilmembers in emergencies, amending section 5.01, Study Sessions, to add Good of the Order as a standing Order of Business at Regular Council Study Sessions and clarify the Study Session schedule.

Update

n/a

Alternative(s)

- 1) Do not approve resolution. (Impact: There is no provision allowing Councilmembers to attend Council meetings remotely. Any Councilmembers not physically in attendance at future in-person meetings will be considered excused or absent.)
- 2) Amend the remote attendance provisions.
- 3) Refer this item to a designated study session or City Council meeting.

RECOMMENDATION

Administration / City Clerk's Office:

MOVE TO:

Approve Resolution No. 2020-__, amending the City Council Rules of Procedure by adding a new Section 3.10 to allow for remote attendance by Councilmembers in emergencies, amending Section 5.01, Study Sessions, to add Good of the Order as a standing Order of Business at regular Council Study Sessions and clarify the Study Session schedule.

RESOLUTION NO. 2020-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, AMENDING THE CITY COUNCIL RULES OF PROCEDURE BY ADDING A NEW SECTION 3.10 TO ALLOW FOR REMOTE ATTENDANCE BY COUNCILMEMBERS IN EMERGENCIES, AMENDING SECTION 5.01, STUDY SESSIONS, TO ADD GOOD OF THE ORDER AS A STANDING ORDER OF BUSINESS AT REGULAR COUNCIL STUDY SESSIONS AND CLARIFY THE REGULAR STUDY SESSION SCHEDULE.

WHEREAS, Chapter 35A.12.120 RCW gives the City Council of each code city the power to set rules for conducting its business within the provisions of Title 35A RCW; and

WHEREAS, in Aug. 2019 the City Council adopted Rules of Procedure to supplement the provisions in the Issaquah Municipal Code; and

WHEREAS, the City Council has been required to meet remotely due to the COVID-19 pandemic and the Governor's Proclamation 20-28, prohibiting in person meetings that fall under the Open Public Meetings Act; and

WHEREAS, the City Council desires to clarify that remote attendance is allowed following the eventual expiration of the Governor's proclamation; and

WHEREAS, the City Council desires to have a procedure in place for remote attendance by Councilmembers during the COVID-19 emergency and future emergencies which may be declared in the City; and

WHEREAS, the City Council desires to make other minor amendments to the Rules of Procedure to have Good of the Order as a standing order of business at regular Council Study Sessions; and

WHEREAS, it is also requested that the City Council amend Section 5.01 of the Rules to clarify the Study Session meeting time, place and frequency as established in IMC 2.06.040; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Amended. The City Council hereby adopts the amended “Rules of Procedure” provided in Exhibit A, which is attached hereto and incorporated by this reference as if set forth in full, to add Section 3.10, Virtual (Remote) Attendance, and amend Section 5.01, Study Sessions, as shown in Exhibit A.

Section 2. Conflict. In the event of a conflict between any provision of these Rules of Procedure and any other prior Council policy or procedure, the provisions of these Rules of Procedure shall control.

Section 3. Severability. If any sentence, clause or provision of these rules irreconcilably conflicts with an applicable provision of state or federal law or is otherwise invalidated by a court of competent jurisdiction, the offending sentence, clause or provision of these rules shall be severable from the remainder.

PASSED by the City Council this 21st day of September, 2020.

VICTORIA HUNT, COUNCIL PRESIDENT

APPROVED by the Mayor this 21st day of September, 2020.

MARY LOU PAULY, MAYOR