

**CITY OF ISSAQUAH  
City Council Regular Meeting**

7:00 PM  
September 20, 2021

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 relating to the COVID-19 emergency and open public meetings. The proclamation has been extended. 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, 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 comment:

- David Waggoner, resident, urged remembrance of Issaquah's six veterans that are Missing in Action.
- Alan Finkelstein, representing the Greater Issaquah Chamber of Commerce, spoke regarding the upcoming Salmon Days Festival occurring Oct. 2 and 3 and related COVID-19 protocols.
- Kathy McCorry, representing the Greater Issaquah Chamber of Commerce, spoke regarding the upcoming Salmon Days Festival occurring Oct. 2 and 3 and related COVID-19 protocols.

Council President Hunt summarized email comments received on tonight's agenda items.

**COMMITTEE / REGIONAL REPORTS**

*Councilmember Hall:*

Cascade Water Alliance - Announced upcoming meeting.  
Growth Management Planning Council Affordable Housing Committee - Announced upcoming meeting.

*Councilmember de Michele:*

Eastside Transportation Partnership - Made report.

Eastside Human Services Forum - Made report.

*Councilmember Walsh:*

Greater Issaquah Chamber of Commerce Board - Made report.

*Councilmember Goodman:*

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

Eastside Fire & Rescue Finance & Administrative Committee - Announced upcoming meeting.

Lodging Tax Advisory Committee - Made report. Announced upcoming meeting.

*Councilmember Marts:*

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

Sound Cities Association Public Issues Committee - Made report.

*Council President Hunt:*

WRIA8 Salmon Recovery Council - Made report. Announced upcoming meeting.

Title 18 Land Use Code Ad Hoc - Met on Sept. 16. Discussed feedback from the previous Council Study Session; discussed and identified priority topics for the board and commission's discussion. Announced upcoming meeting.

## MAYOR'S REPORT

The Mayor reported on the following topics:

- Executive Session: There will be an executive session this evening to discuss pending/potential litigation per RCW 42.30.110(1)(i) and collective bargaining per RCW 42.30.140(4). The items are expected to last 50 minutes. No action is anticipated in Open Session.
- Capital Finance Community Task Force
- Salmon Days Festival Proclamation

## INFORMATIONAL UPDATES

### a) ID 0956 - 2021 PFAS Update

Public Works Director Bob York and Senior Hydrologist Eric Buer with Farallon provided a presentation on the latest information regarding the City's progress in addressing the presence of per- and polyfluoroalkyl substances (PFASs) in our groundwater and our drinking water.

## CONSENT CALENDAR

Councilmember de Michele requested that the following statement be entered on the minutes:

For the record that I am currently employed with an entity that is included in the City's payables, Influence the Choice. I currently fill the role of temporary Executive Director of Influence the Choice. The City serves as a fiscal agent for this agency in the disbursement of a federal fund. Grant funds are being dispersed under this month's accounts payables. I have asked for advice from the City attorney as to whether this warrants a conflict of interest and have been informed that I am not legally required to be excused from voting as the City is carrying out a decision that was previously made by the Council. However, for the sake of transparency, I would like to declare this employment and have this statement entered on the minutes.

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

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

- a) **ID 0891 - Accounts: Payables and Payroll of Sept. 20, 2021, \$ 6,163,165.72;** Approved.
- b) **Minutes: City Council Regular Meeting, Aug. 2, 2021;** Approved.
- c) **AB 8140 - Amendments to Sign Code;** Adopted Ordinance No. 2952, repealing and replacing IMC 18.11 - sign code to address content neutrality and to consolidate city sign regulations; repealing Chapter 9 of the Central Issaquah Development and Design Standards; repealing “building mounted signs” and “whimsical/artistic elements” from the Olde Town Design Standards; revising IMC 12.05.110 regarding insurance for permanent signs; revising IMC 3.64.010(C)(5) and (6) to update sign fees; revising IMC 18.03.040(B) pertaining to Development Commission review of signs; revising IMC 18.04.320(I) pertaining to sign review levels; providing for severability and establishing effective dates.
- d) **AB 8214 - Temporary Transfer of Well #5 Water Rights into State Trust Water Rights Program;** Authorized the submission of the application for the temporary donation of the water right for Gilman Well No. 5 into the State Trust Water Rights Program managed by the Dept. of Ecology.
- e) **AB 8224 - Agreement with King County Flood Control Zone District for Issaquah Creek Jerome Revetment Repair;** Authorized the Mayor to enter into and execute the Jerome Revetment Repair Agreement with the King County Flood Control Zone District.
- f) **AB 8225 - Interlocal Agreement with the City of Duvall for Municipal Court Services;** Authorized the Mayor to enter into and execute an Interlocal Agreement (ILA) with the City of Duvall to provide court services to Duvall at the Issaquah Municipal Court.
- g) **AB 8229 - Amendment to Interagency Agreement with Duvall for Jail Services;** Authorized the Mayor to enter into and execute the amendment to the Interagency Agreement with the City of Duvall for Jail Inmate Housing to provide one guaranteed bed.
- h) **AB 8236 - 2022 School Impact Fee Update;** Adopted Ordinance No. 2953, 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, 2022.
- i) **AB 8238 - Amendments to IMC 13.24.090, Regional Supply and Treatment Charge – Water;** Adopted Ordinance No. 2954, amending IMC 13.24.090(C) in order to update the same with changes to Regional Capital Facilities Charges collected on behalf of Cascade Water Alliance and establishing an effective date.
- j) **AB 8248 - 2022 ARCH Administrative Budget and Work Program;** Approved the 2022 Administrative Budget and Work Program for A Regional Coalition for Housing (ARCH).

- k) **AB 8250 - SE 43rd Signalization Project Change Order;** Authorized Change Order No. 9 in the amount of \$190,000 (including sales tax) to Rodarte Construction, Inc. for the construction contract of the SE 43rd Way Signalization Project.

## REGULAR BUSINESS

- a) **AB 8253 - Proposed 2022 Budget: Mayor's Presentation**

Mayor Pauly gave an address presenting the proposed 2022 budget.

- b) **AB 8249 - Affordable Housing Revenues Allocation**

Introduced by Mayor Pauly and presented by Deputy City Administrator Andrea Snyder.

### IT WAS MOVED BY REH, SECONDED BY WALSH, TO:

Direct Administration to continue to collect the affordable housing sales tax revenues.

**MOTION CARRIED, 5-2** (*Opponents: Goodman, Hunt*).

### IT WAS MOVED BY REH, SECONDED BY DE MICHELE, TO:

Direct Administration to not allocate the affordable housing sales tax revenues at this time and return to the City Council once cost estimates for the TOD/Opportunity Center project have been updated.

**MOTION CARRIED, 7-0.**

## GOOD OF THE ORDER

- a) *Councilmembers de Michele and Walsh:*  
Crisis Response on the Eastside Meeting - Summarized discussion at the meeting, which included regional elected officials, government agencies, emergency responders, and non-profit organizations.
- b) *Mayor Pauly:*  
Upcoming Council Meetings - Announced anticipated agenda items.

## EXECUTIVE SESSION

At 9:13 PM, Council recessed into Executive Session for the purpose of discussing pending/potential litigation per RCW 42.30.110(1)(i) and collective bargaining per RCW 42.30.140(4). The items were expected to take approximately 50 minutes.

## ADJOURNMENT

The regular meeting was reconvened by Council President Hunt at 9:57 PM. There being no further business to come before the Council, the meeting was adjourned at 9:57 PM.

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Tisha Gieser, City Clerk

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Mary Lou Pauly, Mayor





**CITY COUNCIL  
AGENDA BILL**

City Council Regular Meeting - 18 Oct 2021

UPDATED  
AB 7939 -

Consent Calendar

**Recreation & Conservation Office (RCO) Grant for  
Harvey Manning Park Expansion**

**Proposed Council Action:  
Accept Grant; Authorize Agreement**

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

Parks & Community Services Jennifer Fink  
Jan. 17, 2019 (AB 7712); March 16, 2020  
n/a  
n/a  
A. Applicant Authorization (new)  
B. Agreement (new)  
C. Deed of Right (new)

**SUMMARY STATEMENT**

**Introduction**

This agenda bill requests City Council action to accept grants funds in the amount of \$2,658,961 from State of Washington Recreation Conservation Office for the Harvey Manning Park Expansion Acquisition project and authorization to enter into the related grant agreement. See Update for the latest information.

This agenda bill seeks City Council adoption of an applicant authorization (Exhibit A) to apply for Recreation and Conservation Funding Board (RCFB), Washington Wildlife and Recreation Program (WWRP) Urban Wildlife Habitat (UWH) grant program for the Harvey Manning Park Expansion project (Bergsma Acquisition).

On Jan. 7, 2019 City Council action was taken on AB 7712, Bergsma Acquisition Funding Options, authorizing the Administration to apply for State grants to offset the costs of acquiring the Bergsma property to further expand Harvey Manning Park. In order to apply for state grants for acquisition after the acquisition has already taken place, the City obtained the state-required Waiver of Retroactivity.

**Proposal**

The proposed application authorization (Exhibit A) is required to demonstrate that the grant application is supported by the elected leadership of the applicant's organization. Applicants must adopt the text verbatim even if they choose to use their own format.

The City has entered into many agreements and contracts with RCO over the years for both acquisition and development projects. Should the State choose to award UWH grant funds to the City, the grant contract will return to Council for contract authorization and acceptance of the grant funds.

The applicant authorization must be submitted in advance of the grant application deadline of May 1, 2020.

**Next Steps**

Pending approval by the City Council, staff will continue to prepare the grant application for submission to the State by the May 1, 2020 deadline.

**Financial Information**

Agenda bill 7708 (Dec. 3, 2018) estimated that the City may be eligible for an estimated \$1.5M in grant funds through RCO. These grant funds would offset the purchase costs of acquiring the Bergsma Property (Harvey Manning Park Expansion Project). The awarded grant amount exceeded previous estimates; the RCO, WWRP, UWH grant award is actually \$2,658,961.

**Administration's Recommendation**

The Administration recommends adopting the applicant authorization attached as Exhibit A to accompany grant submission to the the Recreation and Conservation Funding Board (RCFB), Washington Wildlife and Recreation Program (WWRP) Urban Wildlife Habitat (UWH) for acquisition funding for the Harvey Manning Park Expansion project (also known as the Bergsma Acquisition) and authorizing the Mayor to execute the authorization.

The Administration recommends authorizing acceptance of grant funds in the amount of \$2,658,961 and execution of the grant agreement with State of Washington Recreation Conservation Office for the Harvey Manning Park Expansion Acquisition project and the Deed of Right to Use Land for Conservation Purposes.

**Update**

On Jan. 7, 2019 City Council action was taken on AB 7712, Bergsma Acquisition Funding Options, authorizing the Administration to apply for State grants to offset the costs of acquiring the Bergsma property to further expand Harvey Manning Park. In order to apply for state grants for acquisition after the acquisition has already taken place, the City obtained the state-required Waiver of Retroactivity.

Applications for the Washington Wildlife and Recreation Program, Urban Wildlife Habitat (WWRP-UWH) grant were due to the RCO May 1, 2020. The City's original funding strategy estimated the City would be eligible for \$1,500,000 in grant proceeds. However, the grant application sought 25% of the purchase price, or \$2,658,961, and was successful in being awarded full funding.

The City's grant application, (#20-1258A - Harvey Manning Park Expansion Acquisition Project), to RCO was the final piece in the funding strategy for the Bergsma Acquisition. This award brings the City's total grant and donation revenue for the acquisition to \$7,985,603 or 75% of the actual purchase price. The City's final cost for the 33.53 acre acquisition is \$2,658,961 or 25% of the purchase price. The chart below shows the City was successful in bringing in over \$1.1M in additional grant revenue and donations over what the funding strategy had outlined.

**HARVEY MANNING PARK EXPANSION (BERGMSA ACQUISITION) COSTS - Funding Strategy vs. Actual**

FINAL COSTS	AB 7708 Funding Strategy		ACTUALS	
Purchase	\$ 10,645,000		\$ 10,644,564	
CFT Funding	\$ 5,327,000	50.04%	\$ 5,322,282	50.00%
RCO WWRP-UWH Grant	\$ 1,500,000	14.09%	\$ 2,658,961	24.98%
Donations	\$ -	0.00%	\$ 4,360	0.04%
Cost to City	\$ 3,827,500	35.96%	\$ 2,658,961	24.98%

The City has entered into many agreements with RCO over the years. The performance period for this grant agreement (Exh B) is from 7/1/2021 and ends 12/31/2023. The grant agreement has two special conditions: 1) A cultural resources survey is required for development areas (areas of potential effect) within the project site and 2) the project site may be enrolled in a carbon offset project which must follow Attachment A of the grant agreement. Additionally, grant acceptance also requires a Deed of Right to Use Land for Conservation Purposes (Exh C) to be executed and recorded.

Once the grant agreement has been executed, a cultural resources study will be conducted, and staff is prepared to submit all necessary documentation to RCO for reimbursement. It is anticipated that these grant proceeds would be received around the end of 2021 or in early 2022.

**Alternative(s)**

Do not adopt the applicant authorization. (Impact: The City will not be eligible for state grant funds under the UWH program and will not be able to submit a grant application to RCO to fund a portion of the Bergsma acquisition as authorized in AB 7708.)

Do not authorize the agreement. (Impact: The City will not receive funding to offset the City's cost to purchase the Bergsma acquisition.)

**RECOMMENDATION**

*Administration / Parks & Community Services:*

MOVE TO:

~~Adopt the application authorization attached as Exhibit A for the Recreation and Conservation Funding Board (RCFB), Washington Wildlife and Recreation Program (WWRP) Urban Wildlife Habitat (UWH) grant submission for acquisition funding for the Harvey Manning Park Expansion project (also known as the Bergsma Acquisition) and authorize the Mayor to execute the authorization.~~

MOVE TO: Authorize acceptance of grant funds in the amount of \$2,658,961 and execution of the grant agreement with State of Washington Recreation Conservation Office for the Harvey Manning Park Expansion Acquisition project and the Deed of Right to Use Land for Conservation Purposes.

**Recreation and Conservation Office  
Applicant Resolution/Authorization**

Organization Name (sponsor) City of Issaquah

Resolution No. (if applicable) n/a (Agenda Bill 7939)

Project(s) Number(s), and Name(s) **#20-1258 WWRP-Urban Wildlife grant program for Harvey Manning Park Expansion (Bergsma acquisition)**

This resolution/authorization authorizes the person identified below (in section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, state grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Mary Lou Pauly, Mayor of Issaquah is authorized to act as a representative/agent for our organization with full authority to bind the organization regarding all matters related to the Project(s), including but not limited to, full authority to: (1) approve submittal of a grant application to the Office, (2) enter into a project agreement(s) on behalf of our organization, (3) sign any amendments thereto on behalf of our organization, (4) make any decisions and submissions required with respect to the Project(s), and (5) designate a project contact(s) to implement the day-to-day management of the grant(s).
3. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office's WEBSITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.
5. Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of our organization.

7. Our organization further understands that *prior to* our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. Our organization acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on our organization upon execution by our representative/agent.
10. *(Recreation and Conservation Funding Board Grant Programs Only)* If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
11. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.
12. *[Acquisition Projects Only]* Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor.
13. *[Acquisition Projects Only]* Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the project agreement, or authorized in writing by the Office Director.
14. *[Development, Renovation, Enhancement, and Restoration Projects Only – If your organization owns the property]* Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the project agreement or an amendment thereto.
15. *[Development, Renovation, Enhancement, and Restoration Projects Only – If your organization DOES NOT own the property]* Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the project agreement or an amendment thereto.
16. *[Only for Projects located in Water Resources Inventory Areas 1 – 19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; or the Puget Sound Acquisition and Restoration program, or a Salmon*