

**CITY OF ISSAQUAH
City Council Regular Meeting**

7:00 PM
May 2, 2022

MINUTES

Council Chambers
135 E. Sunset Way

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers:

Barbara de Michele
Zach Hall
Victoria Hunt
Russell Joe
Tola Marts
Chris Reh
Lindsey Walsh (*Excused Absence*)

Administration/Staff:

Mary Lou Pauly, Mayor
Wally Bobkiewicz, City Administrator
Andrea Snyder, Deputy City Administrator
Rachel Bender Turpin, City Attorney
Tisha Gieser, City Clerk

CALL TO ORDER

Mayor Pauly called the meeting to order at 7:02 PM.

PLEDGE OF ALLEGIANCE

Mayor Pauly led the Pledge of Allegiance.

SPECIAL BUSINESS

a) **ID 1134 - Issaquah Schools Foundation Month Proclamation**

Mayor Pauly presented the proclamation to Cornell Atwater, Executive Director of the Issaquah Schools Foundation.

b) **ID 1064 - Drinking Water Week**

Mayor Pauly and Deputy Council President Hall presented the proclamation to Public Works Director Bob York.

c) **ID 1062 - Public Service Recognition Week**

Mayor Pauly presented the proclamation to Human Resources Director Stephanie Johnson.

d) **ID 1147 - Administrative Professionals Day**

Mayor Pauly presented the proclamation to Human Resources Director Stephanie Johnson.

e) **ID 1063 - Professional Municipal Clerks Week**

Mayor Pauly and Councilmember Hunt presented the proclamation to City Clerk Tisha Gieser, Deputy City Clerk Chris Grabowski and Public Records Analyst Tammy Mueller.

f) **ID 1065 - Correctional Officers Week**

Mayor Pauly and Councilmember Reh presented the proclamation to Interim Police Chief Paula Schwan.

g) **ID 1061 - Economic Development Week**

Mayor Pauly and Councilmember de Michele presented the proclamation to Economic Development Manager Jen Davis Hayes and Economic Development Coordinator Benton Coblentz.

h) **ID 1066 - Police Week**

Mayor Pauly and Councilmember Joe presented the proclamation to Interim Police Chief Paula Schwan.

AUDIENCE COMMENTS

No public comments were provided.

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

COMMITTEE / REGIONAL REPORTS

Councilmember Joe:

Cascade Water Alliance - Made report.

Councilmember de Michele:

Regional Transit Committee - Made report.

Councilmember Hunt:

Regional Water Quality Committee - Announced upcoming meeting.

Councilmember Reh:

King County Growth Management Planning Council - Made report.

Eastside Fire & Rescue - Announced upcoming meeting.

Councilmember Marts:

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

Sound Cities Association Public Issues Committee - Made report.

MAYOR'S REPORT

The Mayor reported on the following topics:

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- Executive Session: There will be an Executive Session this evening to discuss property acquisition per RCW 42.30.110(1)(b). The item is expected to take approximately 20 minutes; no action is anticipated to follow in open session.
- Welcome Drew Turinski, Deputy Garrison Commander for U.S. Army Garrison Carlisle Barracks in Carlisle, Pennsylvania
- Affordable Housing Week Proclamation
- Housing Report Card
- Upcoming Community Events

INFORMATIONAL UPDATES

a) ID 1070 - 2022 Legislative Report

Introduced by Mayor Pauly and presented by City Lobbyist Shelly Helder.

CONSENT CALENDAR

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

IT WAS MOVED BY HALL, SECONDED BY MARTS; MOTION CARRIED (6-0), TO APPROVE THE CONSENT AGENDA AS PRESENTED.

- a) **ID 0996 - Accounts: Payables and Payroll of May 2, 2022, \$ 3,485,630.82;** Approved.
- b) **Minutes: City Council Study Session, March 15, 2022;** Approved.
- c) **Minutes: City Council Regular Meeting, April 4, 2022;** Approved.
- d) **ID 1085 - Informational Update: Carbon Credit Program;** Received Report.
- e) **ID 1086 - Informational Update: Equity Board;** Received Report.
- f) **ID 1135 - Informational Update: 2021 Housing Report Card;** Received Report.
- g) **AB 8372 - Commercial Lease for Storage Shed;** Authorized the Mayor to enter into and execute the new five-year Lease Agreement with Concorde Investments (owner of Max's World Café) for the City-owned storage shed on City-owned land behind Max's World Café at 212 Front Street North.
- h) **AB 8374 - Port of Seattle Economic Development Partnership Program Grant;** Authorized acceptance of grant funds in the amount of \$81,280 and execution of the grant agreement with the Port of Seattle for the Economic Development Partnership Program.
- i) **AB 8379 - Amendment to Inmate Health Services Agreement;** Authorized the Mayor to enter into and execute Amendment No. 1 with Ideal Option PLLC for inmate health services.
- j) **AB 8380 - 2nd and Bush Intersection Improvements Project (Olde Town Traffic Calming);** Awarded the construction contract for the 2nd and Bush Intersection Improvements (Olde Town Traffic Calming) in the amount of \$646,646.00 (including sales tax) to Active

Construction Inc.; and directed the Chief Financial Officer to include in a subsequent 2022 budget amendment for Project TR 039 for a total of \$140,383.44: \$111,080.44 from the Water Utility Fund for Schedule A, and \$29,303 from the Stormwater Utility Fund for Schedule B.

- k) **AB 8382 - Washington State Health Care Authority Medication for Opioid Use Disorder (MOUD) Program Grant**; Authorized the Mayor to enter into and execute the Professional Services Contract with Washington State Health Care Authority for expansion of the Opioid Use Disorder (MOUD) Program at the Issaquah Jail.

REGULAR BUSINESS - None.

NEW BUSINESS

- a) **ID 1137 - New Business Request: Independent Salary Commission - Council Compensation**

Introduced by Mayor Pauly and presented by Chief of Staff Tina Eggers. Following Council discussion,

IT WAS MOVED BY DE MICHELE, SECONDED BY HUNT, TO:

Direct the Administration to add a convening of the Independent Salary Commission to the City's 2023 workplan and formalize the recruitment process.

MOTION CARRIED, 6-0.

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

Direct the Administration to bring forward potential changes to IMC 2.90, Independent Salary Commission for review by the Services, Safety & Parks Committee in the third quarter of 2022.

MOTION CARRIED, 6-0.

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

Direct the Administration to return to the City Council with an amendment to IMC 2.96 to include the Independent Salary Commission as recipients of the board and commission stipend.

MOTION CARRIED, 6-0.

GOOD OF THE ORDER

Mayor Pauly:

Upcoming Council Meetings - Announced anticipated agenda items.

Councilmember Hunt:

A Regional Coalition for Housing Letter - Sought input on ARCH's request of local cities to consider adopting tenant protection policies. Deputy Council President Hall and Councilmember de Michele expressed support.

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Housing Report Card Next Steps - Sought input on the recommendation in ID 1135 - Informational Update: 2021 Housing Report Card, "Council may wish to consider a 2023 workplan item to evaluate how to incent development in the Central Issaquah Area, and specifically in the Urban Core." Councilmembers Marts and Deputy Council President Hall expressed support.

EXECUTIVE SESSION

At 8:37 PM, Council recessed into Executive Session for the purpose of discussing property acquisition per RCW 42.30.110(1)(b). The item was expected to take approximately 10 minutes.

OPEN SESSION

The regular meeting reconvened at 8:45 PM.

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

Authorize the Mayor to execute a Purchase and Sale Agreement, and other documents necessary, to purchase the two parcels located at 645 Mount Everest Lane SW, also known as King County Tax Parcels 5706200400 and 5706200411 from Alan H. Berkwitt, for the amount of \$350,000.00 plus closing costs.

MOTION CARRIED, 6-0.**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:46 PM.

Mary Lou Pauly, Mayor

Tisha Gieser, City Clerk



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 21 Jun 2022

NEW
AB 8366 -

Consent Calendar

Code Enforcement Changes **Proposed Council Action:**
Adopt Ordinance

DEPARTMENT OF	Community Planning & Development Minnie Dhaliwal
OTHER COUNCIL MEETINGS	n/a
COMP PLAN POLICY NOS.	n/a
OTHER POLICIES	n/a
EXHIBITS	A. Proposed Ordinance, IMC 8.45 B. Proposed Ordinance, Various Chapters of IMC C. Proposed Ordinance, IMC 18 D. Graphic

SUMMARY STATEMENT

Introduction

This agenda bill seeks City Council adoption of three ordinances that collectively adopt a separate new code enforcement chapter (under Title 8: Health & Safety) that establishes a uniform civil code enforcement process and procedures and amends other sections of the IMC, including Title 18, to eliminate conflicts and outdated references.

Background

The City's Code Enforcement Officer is responsible to enforce the civil provisions of Issaquah Municipal Code. This often includes enforcement of the following issues:

- Construction without issued permits (accessory structures (sheds, decks), mechanical (a/c units, heat pumps, hot water heaters, etc)), plumbing, interior and exterior remodels and additions
- Zoning violations (sign code, setbacks, vehicle storage, home occupations)
- Land Use (grading and/or clearing, paving, new impervious surfaces)
- Environmental (critical area encroachment, land alterations)
- Unpermitted Tree removal
- Graffiti
- Junk or inoperable vehicles
- Accumulation of rubbish, garbage: potential to attract rodents
- Violations on privately owned property, can be residential or commercial (except for sign code violations on public property)

Currently, the City utilizes a civil infraction process for addressing civil violations of the Issaquah Municipal Code (IMC). These procedures are generally outlined in Chapters 1.06 and, 1.36 IMC with some references in Title 18. These procedures, however, often result in mere payment of a fine without achieving compliance with the code. In addition, many of the IMC's code enforcement provisions are outdated or obsolete (some dating back to 1984) and contain numerous conflicts that render many of these provisions difficult, if not impossible, to enforce. Jurisdictional issues and penalties in particular have been flagged by the City's municipal court and the Hearing Examiner as being problematic. This has left the code enforcement staff without the tools necessary to resolve violations in the City. Other issues identified with the current civil infraction process include:

- IMC violations enforced as civil infractions or crimes (misdemeanors/gross misdemeanors)
- Payment of fine does not relieve violator from compliance BUT...
- Municipal Court has authority to impose fines but not require compliance
- General penalties outdated/inconsistent with state law
- Land use code provides for appeals of code enforcement decisions to municipal court while construction code provides for certain actions to be appealed to the Hearing Examiner and other actions to be treated as crimes, creating confusion
- No standardized process for seeking voluntary compliance, reducing penalties, addressing repeat violations, etc.
- Municipal Court has expressed concerns over jurisdictional issues and certain fine amounts, leaving some code violations without a clear path for enforcement

Proposal

The Administration is proposing that the City Council amend the IMC to provide a civil notice of violation process for most civil violations of the IMC, rather than civil infractions that do not require actual resolution. The proposed ordinances are attached as Exhibits A-C.

The new process uses Hearing Examiner appeals, will require violation abatement (not just paying fines) and includes uniform penalties (assessments) and liens as necessary to ensure compliance. A graphic showing the previous violation process compared with the proposed process is attached as Exhibit D.

In order to implement this new process, several titles of the IMC will need to be amended. Staff proposes to repeal Chapter 1.36 IMC (Code Enforcement) and adopt a new standalone code enforcement chapter in Title 8 (Health and Safety), amend numerous other sections of the IMC related to penalties and enforcement, and make minor amendments to Title 18 related to enforcement. A summary of the amendments contained in each of the ordinances is provided below:

Summary Ordinance #1: New Code Enforcement Chapter - IMC 8.45

- Repeals current code enforcement chapter, IMC 1.36
- Updates and streamlines the enforcement process for civil code violations, while maintaining due process for property owners, residents and businesses
- Process for addressing *most* civil code violations through a Notice of Violation and Order (“NOV”) that will allow for more timely and efficient resolutions
- Appeals of NOVs will be heard by the Hearing Examiner
- Provides clear, consistent procedures for seeking voluntary compliance, handling repeat offenders, and assessing penalties
- Retains the ability of Code Enforcement Officers to tailor enforcement penalties and timelines to address the specific facts of a case, while maintaining consistency and predictability
- Allows for other enforcement action as needed to secure compliance (i.e. nuisance abatement in Superior Court, emergency abatement by City, etc.)

Summary Ordinance #2: Code Enforcement Amendments to Other IMC Titles (not including Title 18)

- Adoption of a new Chapter 8.45 IMC, “Enforcement,” requires amendments throughout entire IMC to effectuate changes
- Updates general penalties for misdemeanors, gross misdemeanors, and civil infractions to be consistent with state law, and provides a standard penalty for all other civil code violations (see table below)
- Updates code references
- Streamlines procedures to eliminate conflicts

Type of Infraction	Proposed Penalty
Misdemeanors	Fine not to exceed \$1,000, imprisonment not to exceed 90 days, or both
Gross Misdemeanors	Fine not to exceed \$5,000, imprisonment not to exceed 364 days, or both
Civil Infraction	Monetary penalty of up to \$250.00, including billable costs and mandatory assessments, for each day that the violation occurs
Civil Violation (non-infraction)	\$250.00 monetary penalty per day for each violation
Civil Violation for Repeat Violations*	Up to \$500 per day for each repeat violation

*A violation of the same or similar regulation in any location by the same person or on the same property when voluntary compliance has been sought or an NOV has been issued within last 2 years.

Summary Ordinance #3: Code Enforcement Amendments to Title 18

- Proposed Title 18 amendments are the minimum necessary to effectuate the changes to the code enforcement process and will not delay other work by staff

Planning, Development & Environment Committee Review

At the [May 3 Planning, Development and Environment Committee meeting](#), the Administration presented an assessment of why the proposed amendments, which include amendments to Title 18, should be processed on a separate track from the overall Title 18 update. The Committee recommended approval of this action. The City Council approved proceeding with the amendments on a separate track at the May 16, 2022 City Council meeting (AB 8685).

Also on May 3, the Planning, Development and Environment Committee unanimously approved bringing the substantive Code Enforcement amendments back to the full City Council at its regular meeting on June 21 on the Consent Calendar for adoption. The Committee also requested additional information which has been incorporated throughout this agenda bill.

Next Steps

Upon adoption of the ordinances, staff will commence ensuring procedures align with the new process including updating violation notices. Public outreach will also be provided.

For public outreach, staff presented the code enforcement proposal to a virtual meeting of Vision Partners members on Friday, June 10, and the presentation was also shared with representative of the Issaquah School District.

Financial Information

Anticipated financial costs associated with the use of the Hearing Examiner for appeals of the code enforcement cases have not yet been determined, as costs will be relevant to the number of cases appealed to the Hearing Examiner.

Administration's Recommendation

The Administration recommends adoption of the three proposed ordinances adopting the new code enforcement procedures and penalties and related amendments.

Update

n/a

Alternative(s)

Do not approve the proposed amendments to code enforcement procedures. (Impact: code would remain as it currently exists, with conflicts and few options for resolving code violations and citizens requests for action.)

RECOMMENDATION

Administration / Community Planning & Development:

MOVE TO:

Adopt Ordinance No. _____, repealing Issaquah Municipal Code Chapter 1.36, "code enforcement"; adopting a new Issaquah Municipal Code Chapter 8.45, "Enforcement," to clarify and streamline the code enforcement process; providing for severability and establishing an effective date; and

Adopt Ordinance No. _____, amending various chapters and sections in multiple titles of the Issaquah Municipal Code, to incorporate housekeeping code amendments related to updates to Issaquah Municipal Code Chapter 8.45, "Enforcement;" providing for severability and establishing an effective date.

Adopt Ordinance No. _____, amending various sections in Title 18 of the Issaquah Municipal Code on a separate track, to incorporate housekeeping code amendments related to updates to Issaquah Municipal Code Chapter 8.45, "Enforcement;" providing for severability and establishing an effective date.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, REPEALING ISSAQUAH MUNICIPAL CODE CHAPTER 1.36, "CODE ENFORCEMENT"; ADOPTING A NEW ISSAQUAH MUNICIPAL CODE CHAPTER 8.45, "ENFORCEMENT," TO CLARIFY AND STREAMLINE THE CODE ENFORCEMENT PROCESS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that effective enforcement of the Issaquah Municipal Code ("IMC") is essential to maintaining and enhancing the quality of life in the City; and

WHEREAS, the City Council desires to update and streamline the enforcement process for code violations, while maintaining due process for property owners, residents and businesses; and

WHEREAS, many civil code violations are currently addressed through issuance of a civil infraction, which may result in payment of a monetary penalty but often does not result in action being taken to correct the violation; and

WHEREAS, the IMC contains numerous outdated provisions and conflicts with respect to code enforcement that require amendment; and

WHEREAS, addressing civil code violations through a Notice of Violation and Order process will allow for more timely and efficient resolutions; and

WHEREAS, the City Council desires to retain the ability of Code Enforcement Officers to tailor enforcement penalties and timelines to address the specific facts of a case, while maintaining consistency and predictability; and

WHEREAS, as a procedural action, this ordinance is exempt from State Environmental Policy Act (SEPA) review; and

WHEREAS, on May 3, 2022, the Planning, Development, and Environment Committee provided feedback on the draft ordinance; and

WHEREAS, on June 16, 2022, the City Council reviewed the draft ordinance and determined it is in the best interest of the City to adopt new comprehensive code enforcement procedures; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 1.36 IMC, “Code Enforcement,” Repealed. Issaquah Municipal Code Chapter 1.36, “Code Enforcement,” is hereby repealed in its entirety.

Section 2. Chapter 8.45 IMC, “Enforcement,” Adopted. Issaquah Municipal Code Chapter 8.45, “Enforcement,” is hereby adopted as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the ___ day of ___, 2022.

Approved by the Mayor of the City of Issaquah, the ___ day of ___, 2022.