

**CITY OF ISSAQUAH
City Council Special Meeting**

6:30 PM
June 22, 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 July 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
Shannon Ragonesi, Attorney

CALL TO ORDER - OPEN SESSION

Mayor Pauly called the meeting to order at 6:31 PM.

CLOSED SESSION

- a) The purpose of this special meeting was to allow the City Council to recess into Executive Session to discuss pending/potential litigation per RCW 42.30.110(1)(i).

The meeting was recessed into Executive Session at 6:32 PM. The item was expected to take approximately 15 minutes. The session was extended by 10 minutes.

ADJOURNMENT - OPEN SESSION

The open session was reconvened at 6:56 PM. There being no further business to come before the Council, the meeting was adjourned at approximately 6:56 PM.

Tisha Gieser, Deputy City Clerk

Mary Lou Pauly, Mayor

**CITY OF ISSAQUAH
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7:00 PM
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Mary Lou Pauly, Mayor
Wally Bobkiewicz, City Administrator
Andrea Snyder, Deputy City Administrator
Jim Haney, City Attorney
Christine Eggers, City Clerk
Tisha Gieser, Deputy City Clerk

CALL TO ORDER

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

AGENDA ITEMS

a) Public Comment

The following individuals provided public comment:

- Cynthia Druschba, urged using CARES Act funds towards a shallow rent program.
- John Houlihan, representing Domino's on Front Street, spoke regarding concerns with the temporary closure of Front Street and Alder Street and the proposed interim zoning (AB 7993).
- Michael Brown, representing Domino's on Front Street, spoke regarding concerns with the temporary closure of Front Street and Alder Street and the proposed interim zoning.

The following individuals spoke in support of using CARES Act funds to support local businesses (AB 7992):

- Lindsay Lambert, owner of One Mind Yoga
- Kathy McCorry, representing the Greater Issaquah Chamber of Commerce, also spoke in support of regulatory relief for businesses (AB 7993).
- Taylor Miller, representing Evergreen Ford
- Nathan Bosseler, representing Castus Corporation and the Greater Issaquah Chamber of Commerce
- Kristi Tripple, representing Rowley Properties, also spoke in support of regulatory relief for businesses (AB 7993).
- Noel Wright, representing Carson Noel PLLC

b) ID 0722 - Recovery Task Force Update

City Administrator Bobkiewicz, Economic Development Manager Jen Davis Hayes, Assistant to the City Administrator Autumn Monahan, Human Services Coordinator Monica Negrila, and Parks Director Jeff Watling provided an update on the various COVID-19 recovery efforts underway.

c) AB 7993 - Temporary Regulatory Relief for Businesses: Use of Sidewalk, Private Property & Signage

Introduced by Mayor Pauly and presented by Economic Development Manager Jen Davis Hayes.

Council President Hunt summarized email comments received on this agenda item.

Following Council discussion,

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

- 1) Adopt Ordinance No. 2909, adopting an interim zoning regulation allowing the temporary use of parking lots, sidewalks, and public rights-of-way, to support businesses during the Safe Start Washington phased reopening; suspending the operation of certain provisions of the Issaquah Municipal Code during the effective period of the interim zoning regulation; establishing a permit process for such temporary uses, setting the date for a public hearing; declaring an emergency and establishing an effective date; and
- 2) Adopt Ordinance No. 2910, adopting an interim zoning regulation allowing certain commercial a-frame signs; suspending the operation of certain portions of Issaquah Municipal Code Section 18.11.230 during the effective period of the interim zoning regulation; setting the date for a public hearing; declaring an emergency and establishing an effective date.

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

Amend the sidewalk and private property ordinance (Ordinance No. 2909) as follows:

Under Section 3A:

- Delete "at a minimum"
- Add "at a maximum"

Under Section 3B:

- Delete "if all of the following criteria are met"
- Add "with the following criteria as conditions of approval and to note the conditions on the application and the permit"

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

Amend the amendment under Section 3A as follows:

- Delete "Add "at a maximum""

AMENDMENT TO AMENDMENT CARRIED, 6-1 (Opponent: de Michele).

AMENDMENT AS AMENDED CARRIED, 6-1 (Opponent: de Michele).

MAIN MOTION AS AMENDED CARRIED, 7-0.**d) AB 7992 - Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Funding Allocation**

Introduced by Mayor Pauly, and presented by City Administrator Bobkiewicz, Economic Development Manager Jen Davis Hayes, and Human Services Coordinator Monica Negri.

Council President Hunt summarized email comments received on this item.

Following Council discussion,

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

1) Authorize the allocation of \$1,127,700 designated to the City by the State of Washington from the Coronavirus Aid, Relief, and Economic Security (CARES) Act as follows:

- \$500,000 for direct business grants,
- \$427,700 for reimbursement of portion of City expenses incurred to address the COVID-19 crisis and
- \$200,000 for assistance to human services agencies serving Issaquah residents; and

2) Authorize the allocation of \$50,000 designated to the City by King County from the CARES Act for direct business grants; and

3) Direct the Finance Director to include the revenue and related expenditures in a subsequent 2020 budget amendment.

MOTION CARRIED, 7-0.**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at approximately 11:01 PM.

Tisha Gieser, Deputy City Clerk

Mary Lou Pauly, Mayor



CITY COUNCIL
AGENDA BILL

City Council Regular Meeting - 06 Jul 2020

NEW
AB 7958 -

Consent Calendar

Puget Sound Emergency Radio Network (PSERN)
Operator Interlocal Agreement

Proposed Council Action:
Authorize

Table with 2 columns: Department/Council Liaison/Other Council Meetings/Comp Plan Policy Nos./Other Policies/Exhibits and corresponding details like Police Department Chris Wilson, n/a, A. Interlocal Agreement, etc.

SUMMARY STATEMENT

Introduction

This agenda bill seeks City Council approval to authorize the Mayor to enter into and execute the Puget Sound Emergency Radio Network (PSERN) Operator Interlocal Agreement (Exhibit A).

Background

The City of Issaquah, along with the cities of Auburn, Bellevue, Federal Way, Kent, Kirkland, Mercer Island, Redmond, Renton, Seattle, Tukwila, and King County determined that it is in the public interest that a new public safety radio system be implemented to provide public safety agencies and other user groups in the region with improved coverage and capacity, as well as uniformly high-quality emergency radio communications. The new system replaces the King County Emergency Radio Communications System and is referred to as the Puget Sound Emergency Radio Network System or "PSERN System".

The PSERN Project was funded by a property tax levy lid lift that was approved by voters in April of 2015. The system will replace the region's aging emergency radio system with a modern, reliable network that provides greater coverage throughout King County. Additional information on PSERN is provided in Exhibit C.

The participating cities executed an agreement ("Implementation Period ILA") that designates King County to act as the lead agency for planning, procurement, financing and implementation of the PSERN System with the oversight of a Joint Board. The City entered into the Implementation ILA in 2015. The Implementation Period ILA anticipated that the PSERN parties would eventually create a new intergovernmental agency to own and operate PSERN.

With plans to go live with the new PSERN system in 2023, the parties are moving forward with creation of the new agency.

Proposal

The Administration recommends that the City enter into the proposed PSERN Operator Interlocal Agreement with King County and the cities identified above (Exhibit A) to create a new agency to own and operate PSERN under the Interlocal Cooperation Act (RCW 39.34.030(3)(b)).

The new agency will be established as a municipal non-profit corporation under Chapter 24.06 RCW. This agency, referred to as the PSERN Operator, will assume the ownership and control of the PSERN System and will be responsible for the maintenance, management and on-going upgrading/replacing of the PSERN System during its useful life.

The PSERN Operator will be governed by a Board of Directors. The Board's composition, powers, responsibilities, quorum and meeting requirements will be included in the PSERN Operator's articles of incorporation or bylaws. One Mayor or City Manager or his/her designee representing the Cities of Bellevue, Issaquah, Kirkland, Mercer Island and Redmond (the Eastside Public Safety Communication Agency "EPSCA Cities") will be appointed to the Board of Directors. The Operator Agreement will be effective on the date it is last signed by an authorized representative of each the parties and will remain in effect until terminated as provided in Section 12.0 of the Agreement.

City Equipment

The City has received four new dispatch radios through PSERN. It is estimated that the dispatch radios will be operational sometime in October 2020.

The City anticipates receiving portable radios through PSERN for police officers, the Emergency Operations Center (EOC), Municipal Court and police patrol car radios sometime in 2022.

Next Steps

The PSERN project is still in implementation and build phase, but work is being done to ensure that the new radio system meets the needs of the public and stakeholders. The PSERN Operator will begin building the agency in anticipation of the new PSERN radio system going live in 2023.

Financial Information

The costs for the PSERN system are off-set by the property tax levy lid approved by voters in 2015, however, the City does pay an annual user fee for access, administration and maintenance of the PSERN system. The City's fees are currently \$33,633 per year. The fees are estimated to increase to \$88,065 annually in 2023 as the new radio system comes online.

Administration's Recommendation

The Administration recommends that the City Council authorize the Mayor to enter into and execute the Puget Sound Emergency Radio Network (PSERN) Operator Interlocal Agreement.

Update

n/a

Alternative(s)

Do not authorize interlocal agreement. (Impact: If the City does not enter into this agreement, the police department will no longer have the ability to communicate with police officers, fire fighters, or regional law enforcement partners via radio either from dispatch or from police officers in the field. The police department would be unable to operate.)

RECOMMENDATION

Administration / Police Department:

MOVE TO: Authorize the Mayor to enter into and execute the Puget Sound Emergency Radio Network (PSERN) Operator Interlocal Agreement.

**PUGET SOUND EMERGENCY RADIO NETWORK OPERATOR
INTERLOCAL COOPERATION AGREEMENT**

This Puget Sound Emergency Radio Network Operator Interlocal Cooperation Agreement ("Agreement") is entered into pursuant to chapter 39.34 RCW (the "Interlocal Cooperation Act") by and among King County and the cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton, Seattle, and Tukwila, each a political subdivision or municipal corporation of the State of Washington (individually, a "Party" and collectively, the "Parties").

RECITALS

A. The Parties, under various interlocal agreements, have been responsible for the ownership, operation and maintenance of various elements in the current King County Emergency Radio Communications System (KCERCS), a voice radio system that is nearly twenty years old and is increasingly unsupported by the supplier of the system's equipment, software and related repairs.

B. The Parties determined that it is in the public interest that a new public safety radio system be implemented that will provide public safety agencies and other user groups in the region with improved coverage and capacity, as well as uniformly high-quality emergency radio communications. Said new system is referred to herein as the "Puget Sound Emergency Radio Network System" or "PSERN System."

C. The costs of implementing the PSERN System are financed through a funding measure approved by voters at the April 2015 election.

D. The Parties executed a separate agreement ("Implementation Period ILA") that designates King County to act as the lead agency for planning, procurement, financing and implementation of the PSERN System with the oversight of a Joint Board established pursuant to the Implementation Period ILA.

E. The Implementation Period ILA contemplates that the Parties will create a new separate governmental agency under RCW 39.34.030(3)(b) that is organized as a non-profit corporation under Chapter 24.06 RCW as authorized by the Interlocal Cooperation Act to assume the ownership and control of the PSERN System following Full System Acceptance and be responsible for the ownership, operations, maintenance, management and on-going upgrading/replacing of the PSERN System during its useful life.

F. The purpose of this Agreement is to create the new governmental agency to be known as the "PSERN Operator" and establish the terms for governance of the PSERN Operator and the terms under which the PSERN Operator will undertake the ownership, operations, maintenance, management and on-going upgrading/replacing of the PSERN System. NOW, THEREFORE, in consideration of the mutual promises, benefits and covenants contained herein and other valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree to the above Recitals and the following:

1.0 RULES OF CONSTRUCTION AND DEFINITIONS

1.1 Rules of Construction

1.1.1 Unless the context requires otherwise, the singular form of a word shall also mean and include the plural (and vice versa), and the masculine gender shall also mean and include the feminine and neutral genders (and vice versa).

1.1.2 References to statutes or regulations include all current and future statutory or regulatory provisions consolidating, amending or replacing the statute or regulation referred to.

1.1.3 References to sections, exhibits, attachments or appendices to this Agreement and references to articles or sections followed by a number shall be deemed to include all subarticles, subsections, subclauses, subparagraphs and other divisions bearing the same number as a prefix.

1.1.4 The words "including," "includes" and "include" shall be deemed to be followed by the words "without limitation."

1.1.5 The words "shall" or "will" shall be deemed to require mandatory action.

1.1.6 Words such as "herein," "hereof" and "hereunder" are not limited to the specific provision within which such words appear but shall refer to the entire Agreement taken as a whole.

1.1.7 Words such as "person" or "party" shall be deemed to include individuals, political subdivisions, governmental agencies, associations, firms, companies, corporations, partnerships, and joint ventures.

1.1.8 References to "days" shall mean calendar days unless expressly stated to be "Business Days." If the due date for a task, payment, or any other requirement falls on a Saturday, Sunday or holiday observed by King County, the due date shall be deemed to be the next Business Day.

1.1.9 The headings and captions inserted into this Agreement are for convenience of reference only and in no way define, limit, or otherwise describe the scope or intent of this Agreement, or any provision hereof, or in any way affect the interpretation of this Agreement.

1.1.10 This Agreement was negotiated and prepared by the Parties and their respective attorneys. The Parties acknowledge and agree that the rule of construction that an ambiguous contract should be construed against the drafter shall not be applied in any construction or interpretation of this Agreement.

1.2 Definitions

Words and terms used in this Agreement and not otherwise defined herein (including in the recitals which are hereby incorporated into this Agreement by this reference) shall be given their ordinary and usual meanings or their well-known technical industry meanings except that the following terms are defined for this Agreement as follows:

1.2.1 Board of Directors or Board means the board described in Section 4.0 of this Agreement and shall be the governing body of the PSERN Operator.

1.2.2 Agreement means this Puget Sound Emergency Radio Network Operator Interlocal Cooperation Agreement, as it may hereafter be amended or modified from time to time, together with all exhibits and appendices hereto, as they may hereafter be amended or modified.

1.2.3 Consolidated Service Area means those geographic areas of King County, Pierce County and Snohomish County, Washington, previously served by the emergency radio networks of King County, the City of Seattle, EPSCA and Valley Com, and which areas are to be prospectively served by the PSERN System. The Consolidated Service Area shall also include those other geographic areas that are added to the area served by the PSERN System as expanded in accordance with action of the Board of Directors.

1.2.4 Director means a person designated as a member of the Board of Directors pursuant to Section 4.2 of this Agreement.

1.2.5 Dispatch Center means an organization that has entered into an agreement with King County or the PSERN Operator for console service on the PSERN System.

1.2.6 EPSCA means the Eastside Public Safety Communications Agency, formed pursuant to chapters 39.34 and 24.06 RCW, created by the cities of Bellevue, Issaquah, Kirkland, Mercer Island and Redmond, or its successor agency.

1.2.7 Executive Director means the chief executive officer for the PSERN Operator appointed by and serving at the pleasure of the Board of Directors.

1.2.8 Full System Acceptance or FSA means the determination issued to the PSERN System Contractor upon the Contractor satisfactorily completing the final system development phase milestone pursuant to King County Contract No. 5729347 (Contract for the Design, Development, Implementation, Testing and On-Going Support, Maintenance and Upgrade of the Puget Sound Emergency Radio System, executed on December 17, 2014).

1.2.9 KCERS means the King County Emergency Radio Communication System.

1.2.10 Operations Period means the period that commences with the first full month after FSA and continuing through the life of the PSERN System.