

**CITY OF ISSAQUAH  
City Council Special Meeting**

6:30 PM  
April 19, 2022

Council Chambers  
135 E. Sunset Way

**MINUTES**

**COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT**

*Councilmembers:*

Barbara de Michele  
Zach Hall  
Victoria Hunt  
Russell Joe  
Tola Marts  
Chris Reh  
Lindsey Walsh

*Administration/Staff:*

Mary Lou Pauly, Mayor (*arrived at approx. 7PM*)  
Andrea Snyder, Deputy City Administrator  
Rachel Bender Turpin, City Attorney  
Tisha Gieser, City Clerk

**CALL TO ORDER**

Council President Walsh, acting as Mayor pro tem, called the meeting to order at 6:31 PM.

**QUASI-JUDICIAL CLOSED RECORD DECISION**

- a) **AB 7835 - ISD Elementary & High School (at Providence Heights) Site Development Permit, Master Site Plan & Administrative Adjustment of Standards**  
Application Nos.: PRJ19-00008, SDP20-00001, MSP20-00001, AAS20-00012, AAS21-00001, AAS21-00002 (Updated 3/10/22), AAS21-00005, AAS21-00006  
Parcel Nos.: 1624069031, 1624069001, 1624069029

**Appearance of Fairness Disclosures**

The City Attorney explained the Appearance of Fairness Doctrine and the need for the Appearance of Fairness Disclosure.

The City Clerk asked if any Councilmembers had an Appearance of Fairness Disclosure. The following questions were posed:

With regards to the outcome of this proceeding:  
Do you have a personal interest, financial or otherwise, in the outcome? **No response.**

Does your employer have an interest, financial or otherwise, in the outcome? **No response.**

Do you have any familial, social, or business relationships or connections with any of the parties or non-parties who have an interest in the outcome?

- Councilmember de Michele disclosed a social relationship with Issaquah School Board member Marnie Maraldo. Councilmember de Michele is the Board Chair and Ms. Maraldo is the Executive Director for Influence the Choice, a youth substance abuse prevention non-profit. Councilmember de Michele stated that she and Ms. Maraldo have not discussed this project. Councilmember de Michele stated that she has not been biased in any way for or against the project and is confident that she can make an impartial decision.

- Council President Walsh disclosed that she has children in the Issaquah School District. Council President Walsh stated that she has not been biased in any way for or against the project and is confident that she can make an impartial decision.
- Councilmember Hunt disclosed that she has a child in the Issaquah School District. Councilmember Hunt stated that she has not been biased in any way for or against the project and is confident that she can make an impartial decision.
- Councilmember Joe disclosed that he has a child in the Issaquah School District and one child doing remote learning through a state-accredited program. Councilmember Joe also disclosed a social relationship with Issaquah School District Superintendent Ron Thiele as they both serve on the Issaquah Rotary. Councilmember Joe stated that he and Superintendent Thiele have not discussed this project. Councilmember Joe stated that he has not been biased in any way for or against the project and is confident that he can make an impartial decision.

Do you have any special knowledge about the substantive or the merits of this proceeding which would or could cause you to prejudge the outcome? **No response.**

Additionally:

Will there be any prospective employment for you or your family as a result of the decision? **No response.**

Do you own or control property within 300 feet of the subject property? **No response.**

Have you had any ex-parte communications regarding this project? [If so, with whom and what was the substance of any such communication?]

- Councilmember Marts stated that he has been approached by parishioners at St. Michael and All Angels Episcopal Church several times in the last few months regarding this project. In both cases Councilmember Marts was able to stop the parishioners from speaking further on the project. Councilmember Marts stated that he was not biased and is confident he can make an impartial decision.
- Councilmember Marts stated that on April 18, 2022 he received a letter from the Law Offices of J. Richard Aramburu PLLC. The email contained an attachment entitled "Comment to ICC PPUA re: ISD". It was immediately apparent that this email and letter was related to this quasi-judicial, closed record decision. Councilmember Marts stated that he did not open or read the attachment. Councilmember Marts stated that he was not biased by the unsolicited receipt of the letter, which he did not read; he is confident he can render an impartial decision in this preceding.
- Council President Walsh stated that on April 18, 2022 she received a letter from the Law Offices of J. Richard Aramburu PLLC. The email contained an attachment entitled "Comment to ICC PPUA re: ISD". It was immediately apparent that this email and letter was related to this quasi-judicial, closed record decision. Council President Walsh stated that she did not open or read the attachment. Council President Walsh stated that she was not biased by the unsolicited receipt of the letter, which she did not read; she is confident she can render an impartial decision in this preceding.
- Deputy Council President Hall stated that on April 18, 2022 he received a letter from the Law Offices of J. Richard Aramburu PLLC. The email contained an attachment entitled "Comment to ICC PPUA re: ISD". It was immediately apparent that this email and letter was related to this quasi-judicial, closed record decision. Deputy Council President Hall stated that he did not open or read the attachment. Deputy Council President Hall stated that he was not

biased by the unsolicited receipt of the letter, which he did not read; he is confident he can render an impartial decision in this preceding.

- Councilmember Reh stated that on April 18, 2022 he received a letter from the Law Offices of J. Richard Aramburu PLLC. The email contained an attachment entitled "Comment to ICC PPUA re: ISD". It was immediately apparent that this email and letter was related to this quasi-judicial, closed record decision. Councilmember Reh stated that he did not open or read the attachment. Councilmember Reh stated that he was not biased by the unsolicited receipt of the letter, which he did not read; he is confident he can render an impartial decision in this preceding.
- Councilmember Hunt stated that on April 18, 2022 she received a letter from the Law Offices of J. Richard Aramburu PLLC. The email contained an attachment entitled "Comment to ICC PPUA re: ISD". It was immediately apparent that this email and letter was related to this quasi-judicial, closed record decision. Councilmember Hunt stated that she did not open or read the attachment. Councilmember Hunt stated that she was not biased by the unsolicited receipt of the letter, which she did not read; she is confident she can render an impartial decision in this preceding.
- Councilmember de Michele stated that on April 18, 2022 she received a letter from the Law Offices of J. Richard Aramburu PLLC. The email contained an attachment entitled "Comment to ICC PPUA re: ISD". It was immediately apparent that this email and letter was related to this quasi-judicial, closed record decision. Councilmember de Michele stated that she did not open or read the attachment. Councilmember de Michele stated that she was not biased by the unsolicited receipt of the letter, which she did not read; she is confident she can render an impartial decision in this preceding.
- Councilmember Joe stated that on April 18, 2022 he received a letter from the Law Offices of J. Richard Aramburu PLLC. The email contained an attachment entitled "Comment to ICC PPUA re: ISD". It was immediately apparent that this email and letter was related to this quasi-judicial, closed record decision. Councilmember Joe stated that he did not open or read the attachment. Councilmember Joe stated that he was not biased by the unsolicited receipt of the letter, which he did not read; he is confident he can render an impartial decision in this preceding.

Do you believe you can sit and hear this matter fairly and impartially, both as to the respective positions of the proponents and the opponents of this matter? ***All Councilmembers responded in the affirmative.***

The City Clerk asked the audience if there were any challenges to the participation of any Councilmember based on the Appearance of Fairness doctrine.

Richard Aramburu challenged the disclosures citing an announcement by the Issaquah School District dated Oct. 28, 2021, which stated a meeting was held between the ISD and certain City Councilmembers on Oct. 19, 2021 and included discussion pertaining to this project. Mr. Aramburu stated that this meeting was undisclosed and that he objects to those members of the City Council who attended this meeting from participating in today's proceedings.

Mr. Aramburu challenged the disclosures of those City Councilmembers who have children in the Issaquah School District.

Mr. Aramburu challenged the disclosures of any City Councilmembers who may not have fully reviewed the record, including the March 2022 public hearing before the Development Commission.

Carol Schmidt challenged the disclosures of those City Councilmembers who have children in the Issaquah School District.

Mary Geradis challenged the disclosures citing an announcement by the Issaquah School District dated Oct. 28, 2021, which stated a meeting was held between the ISD and certain City Councilmembers.

The City Councilmembers provided the following responses to the challenges:

Councilmember Hunt spoke to the challenge regarding the Oct. 19, 2021, meeting and stated that to the best of her ability this project was not discussed.

Councilmember Reh spoke to the challenge regarding the Oct. 19, 2021, meeting and stated that any discussion that occurred would not bias him or cause him to make an impartial decision.

Council President Walsh spoke to the challenge regarding being a parent of an Issaquah School District student and stated that she was not biased for or against the project and can be impartial in making a decision on this project.

Councilmember Joe spoke to the challenge regarding being a parent of an Issaquah School District student and stated that he was not biased for or against the project and can be impartial in making a decision on this project.

Councilmember Hunt spoke to the challenge regarding being a parent of an Issaquah School District student and stated that she was not biased for or against the project and can be impartial in making a decision on this project.

City Councilmembers confirmed they had reviewed the record for this project.

Mayor Pauly arrived in the Council Chambers at approximately 7:00 PM and took over as presiding officer.

#### **Staff Presentation**

Christina Haworth, planning consultant, provided a staff presentation.

#### **Council Deliberation & Decision**

##### **IT WAS MOVED BY WALSH, SECONDED BY HALL, TO:**

Approve Resolution No. 2022-09, approving a Master Site Plan, Site Development Permit and Administrative Adjustments of Standards for the Issaquah School District Providence Heights High School and Elementary School Campus Project with conditions; and adopting findings of fact and conclusions.

##### **IT WAS MOVED BY HUNT, SECONDED BY JOE, TO:**

Add a new Condition of Approval, Condition #58, as follows:

The Applicant is strongly encouraged to use materials for artificial turf fields that comply with best available science regarding detrimental effects on salmon habitat to protect environmental quality, and to avoid materials containing 6PPD quinone.

**AMENDMENT CARRIED, 7-0.**

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

Modify Condition of Approval #45 as follows:

Turbid runoff is not allowed to discharge to the Providence Point private detention system during **and following** construction... or other best management practice on-site during construction **and following construction for any time prior to completion of the permanent stormwater system.**

**AMENDMENT CARRIED, 7-0.**

**IT WAS MOVED BY WALSH, SECONDED BY HALL, TO:**

Amend Section 1 of the draft resolution to adopt the Development Commission's Findings, Conclusions, and Recommendation set forth in Exhibit A, attached hereto and incorporated herein by this reference, with the following revisions thereto:

Condition of Approval #45 is revised to read:

Turbid runoff is not allowed to discharge to the Providence Point private detention system during **and following** construction. To protect the downstream private system, this project must provide a temporary bypass to route runoff to a temporary surface water containment system (like TESC pond, Baker tank, etc.) or other best management practice on-site during construction **and following construction for any time prior to completion of the permanent stormwater system.** The best management practice shall be reviewed and approved during Site Work 1 permit.

An additional Condition of Approval #58 is added to read:

The Applicant is strongly encouraged to use materials for artificial turf fields that comply with best available science regarding detrimental effects on salmon habitat to protect environmental quality, and to avoid materials containing 6PPD quinone.

**AMENDMENT CARRIED, 7-0.**

**MAIN MOTION AS AMENDED CARRIED, 7-0.**

## ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:51 PM.

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Mary Lou Pauly, Mayor

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Tisha Gieser, City Clerk

