



CITY COUNCIL MINUTES

July 7, 2009

15728 Main Street, Mill Creek, WA 98012 425-745-1891

Terry Ryan, Mayor
Rosemary Bennetts, Mayor Pro Tem
Donna Michelson
Mary Kay Voss
Mark Harmsworth
Mike Todd
Mark Bond

July 7, 2009
Regular City Council Meeting
6:00 p.m.

CALL TO ORDER

Mayor Ryan called the meeting to order at 6:00 p.m.

ROLL CALL

Roll was called by the City Clerk with all Councilmembers present.

AUDIENCE COMMUNICATION

Wil Nelson
14925 29th Drive SE
Mill Creek, Washington 98012

Mr. Nelson stated that he was disappointed in the line up of Council candidates. He does not believe that most citizens support a new senior center.

PRESENTATION

Memorial Day Parade Organizing Committee Recognition
(Terry Ryan, Mayor)

Mayor Ryan presented Major Weldon Lee and the committee members with letters of appreciation for all the work that was done on the Memorial Day Parade. Mr. Lee also presented the City with a certificate, commemorative coins and thanked the Council for the \$2,500 donation for the parade.

STUDY SESSION

Public business is conducted at a study session. Citizens are welcome and encouraged to attend study sessions, but participation by citizens shall be permitted only upon the consensus of a majority of the Councilmembers present.

Ordinance Temporarily Suspending Enforcement of Portions of Sign Code and Implementing a Limited Pilot Program
(Scott Missall, City Attorney)

At the June 9, 2009 Council meeting, Council suggested that staff evaluate the section of the sign code that addresses Temporary Post-Style signs and prepare several options for consideration by the City Council. Based on Council's direction, staff prepared a list of five alternative approaches related to the administration of the sign code dealing with temporary signs. At the June 23, 2009 meeting, Council discussed the alternatives and selected Alternative #3 as the most appropriate revision. (Note: This alternative dealt with the temporary suspension of enforcement of several portions of the sign code and creation of an 18-month pilot program).

Pursuant to Council's direction, the proposed ordinance suspends a portion of the code that limits the number and location of temporary post style signs together with an 18-month pilot program and semi-annual reports. Specifically the ordinance provides for the following:

- Suspension of the limited number of temporary post style signs for a multi-business building (i.e. one sign) to one sign per business within the building.
- Suspension of the location where a temporary sign can be installed (i.e. no greater than 15 feet from the business entrance) to anywhere on the business center property as long as the location does not interfere with safe vehicular and pedestrian movement.
- Enactment of an 18-month pilot program to be terminated on December 31, 2010, and the preparation of two semi-annual reports to the City Council on the effectiveness/impacts of the code provisions.
- An administrative waiver for the placement of such signs in public right-of-ways based on special circumstances and site conditions.

This ordinance has been prepared as an emergency measure that enables its effective date to be same time as adoption by the City Council.

Councilmember Harmsworth suggested the pilot program terminate on January 15, 2011 to get through the holiday season. Council agreed with this revision. This ordinance will be placed on the action agenda for approval later in the evening.

Authorization to Request Consultant Qualifications for the East Gateway Area Engineering Design Study

(Bill Trimm, Community Development Director)

Mayor Ryan recused himself from the discussion due to some recent discussions he has had with some developers. Mayor Ryan left the room and Mayor Pro Tem Bennetts presided over the remainder of this discussion item.

Community Development Director Trimm reminded Council that the East Gateway Urban Village Plan covers approximately 50 acres of underdeveloped land located adjacent to SR 96 (132nd Street Southeast). The plan provides for a mix of housing, retail, office and public uses organized around a new central spine road (similar to Main Street in the Town Center). In July 2008, the City Council also approved the Capital Facilities Plan with funding programmed in 2009 for the East Gateway Urban Village Spine Road Study (CFP Project No. T-41). As a result of the early interest expressed by the development community in the East Gateway Urban Village Plan and to help stimulate economic development in the City, staff recommends initiating the Spine Road Study this summer to define the location and design criteria of the critical public infrastructure, namely the road, and drainage systems.

The roadway and stormwater elements can be defining factors on any land development project. The City

should be able to provide guidance to any potential developers in order to maintain control of how the public facilities are designed. For example, the alignment of the spine road and the proposed traffic signal at 39th Avenue SE will affect the site layout of future building pads including any anchor stores. In addition, a regional drainage facility may be an efficient way to handle stormwater for the entire site, as opposed to numerous on-site facilities for individual parcels.

To quantify and address these and other issues, staff proposes to hire a qualified consultant to prepare a preliminary engineering study for the East Gateway area. The study would address four main issues, roadway alignment, access points, drainage and utility coordination.

If authorized to proceed, staff will send the RFQ to a selected group of six to ten potential consultants that are familiar with the City and specific concerns and issues. After the submitted proposals are reviewed, a short list of consultants would be interviewed to select the best qualified firm. Per RCW 39.80, the engineering consultant selection must be based on qualifications and price cannot be a factor. Once a scope of work and fee is negotiated with the selected consultant, the formal contract will be brought to Council for review and approval.

Budget for the project is \$100,000 and funds are allocated in the Road Improvement Fund (318). Discussion took place with the Councilmembers about including the budget amount in the RFQ. The consensus of the Council was to change the wording in the RFQ to state that the Capital Facilities Program allocates up to \$100,000 for the study.

MOTION: Councilmember Todd made a motion to add this item to the consent agenda after the study session, Councilmember Michelson seconded the motion.

After discussion, the Council decided to add this item to the action agenda instead.

MOTION WITHDRAWAL: Councilmember Todd withdrew his motion, Councilmember Michelson withdrew her second. Motion withdrawn.

This item will be added to the action agenda as Item D.

Council took a break from 7:36 p.m. to 7:43 p.m.

Mayor Ryan returned to the meeting.

Policy for Installation of Memorials

(Bill Trimm, Community Development Director)

Memorial items such as benches and trees have become an increasingly popular way to remember and pay tribute to loved ones, celebrate a special event, or honor a person or organization that has made a difference in the community. The City has had a memorial tree planting program for many years and, in addition, has installed several memorial benches. The City Council asked staff to prepare a policy to formalize this program.

On June 2, 2009, the City Council reviewed the proposed policy in study session and suggested that staff make minor revisions and have the City Attorney review the proposed policy. The Council

suggested that a menu of items that could potentially be donated be included. Thus, staff included the following items available for donation: trees, benches, picnic tables, water fountains, a flag pole or artwork. The City Attorney reviewed the policy and his proposed changes are included.

Council asked staff to add costs and price ranges for each of the items. Staff will bring back the policy for approval at the next meeting.

Donations Policy

(Landy Manuel, Finance Director)

The donations policy sets forth procedures and criteria for a wide range of donations including money, equipment, materials, real estate and sponsorships. The policy sets three levels of authorization (see Section 3) based on value; up to \$10,000 for directors; \$10,000 to \$25,000 for the City Manager and greater than \$25,000 for City Council. Acceptance/rejection of all real property or buildings is also reserved for the City Council. The policy spells out general considerations for acceptance of donations (Section 4), procedures to follow after acceptance of the donation (Section 5) and then policies and criteria for specific types of donations (Section 6).

The concurrently developed policy for memorials is incorporated by reference within this policy as is the ability to give funds through the Northwest Parks Foundation.

Council discussed the policy and provided staff with a few suggested changes. The policy will be brought back to the next meeting.

Review of Mayor's Letter to the County Council

(Terry Ryan, Mayor)

Mayor Ryan explained that the City received a request from Mayor Nichols from Woodway asking for support on a letter that she is proposing to hand carry to the County Council the next morning (July 8, 2009). The letter requests an amendment to the County's General Policy Plan, specifically design guidelines for Urban Centers.

After some discussion, the Council agreed that they only supported LU4.B.3 however due to the fact that the Council did not have time to modify the letter, they consensus of the Council was to go ahead with supporting the letter.

MOTION: At 8:30 p.m., Mayor Ryan made a motion to extend the meeting to 9:00 p.m., Mayor Pro Tem Bennetts seconded the motion. The motion passed unanimously.

ACTION ITEMS

Planning Commission Appointment

(Council Interview Committee: Mayor Ryan, Councilmember Todd and Councilmember Harmsworth)

MOTION: Mayor Ryan made a motion to appoint Steve Abel to the mid-term vacancy on the Planning Commission with a term expiring April 30, 2010, Councilmember Todd seconded the motion. The motion passed unanimously.

Arts and Beautification Board Appointments

(Council Interview Committee: Councilmember Voss and Councilmember Michelson)

MOTION: Councilmember Voss made a motion to appoint Danielle Nguyen to the Arts and Beautification Board with a term expiring October 31, 2010 and Pat Lawrence to the board with a term expiring October 31, 2011, Councilmember Michelson seconded the motion. The motion passed unanimously.

The following items were added to the action agenda from the earlier study session:

Ordinance Temporarily Suspending Enforcement of Portions of Sign Code and Implementing a Limited Pilot Program (If approved, would take Ordinance #2009-696)

MOTION: Councilmember Voss made a motion to approve Ordinance #2009-696, Temporarily Suspending Enforcement of Portions of Sign Code and Implementing a Limited Pilot Program with the agreed termination date of January 15, 2011, Councilmember Harmsworth seconded the motion. The motion passed unanimously.

Authorization to Request Consultant Qualifications for the East Gateway Area Engineering Design Study

MOTION: Councilmember Todd made a motion to proceed with staff's recommendation to proceed with the consultant selection process for the East Gateway Master Plan Engineering Design Study and add the words "The City's 2009-2010 CFP allocates up to \$100,000 for the preliminary design study" in the budget section of the RFQ, Councilmember Voss seconded the motion.

Mayor Ryan recused himself from the vote for the reasons stated earlier in the study session.

MOTION VOTE: The motion passed 6-0-1 with Mayor Ryan recused.

AUDIENCE COMMUNICATION

There were no comments from the audience.

EXECUTIVE SESSION

(Confidential Session of the Council per RCW 42.30)

The meeting recessed to executive session at 8:38 p.m. to discuss potential litigation for approximately 15 minutes. Action may be taken.

Council reconvened to regular session at approximately 8:48 p.m.

MOTION: Mayor Ryan made a motion to approve the City Manager's action to file an appeal of the Boundary Review Board June 3, 2009 decision concerning the Lynnwood Annexation Proposal, Councilmember Voss seconded the motion. The motion passed unanimously.

ADJOURNMENT

MOTION: Councilmember Todd made a motion to adjourn the meeting, Councilmember Voss seconded the motion. The motion passed unanimously.

Meeting was adjourned at approximately 8:50 p.m.

Terry Ryan, Mayor

Kelly Chelin, Executive Assistant/City Clerk