

**CITY OF MAPLE VALLEY, WASHINGTON
CITY COUNCIL
MINUTES OF REGULAR STUDY SESSION
JULY 6, 2009**

Tahoma School District Central Services Facility
25720 Maple Valley - Black Diamond Road SE

1. CALL TO ORDER

Mayor Iddings called the meeting to order at 7:00 p.m. She noted for the record that all Councilors were present except for Deputy Mayor Glenn Smith, who had previously made his absence known.

Councilors present were: Layne Barnes, Dave Pilgrim, Noel Gerken, Victoria Laise Jonas, Linda Johnson, and Mayor Laure Iddings.

City Attorney Christy Todd and legal counsel Jeff Taraday of Morris & Taraday were also present.

MOTION: It was moved by Councilor Gerken, seconded by Councilor Barnes, to excuse the absence of Deputy Mayor Smith. MOTION CARRIED 6-0.

2. REGULAR STUDY SESSION ITEMS: NONE

3. UPCOMING AGENDA ITEMS

- (a) Resolution authorizing the City Manager to enter into discussions with Yarrow Bay regarding infrastructure improvements related to development of the property known as Summit Place**

In response to a question from Council, City Manager David Johnston clarified that there would be no managerial action without first bringing the issue to Council. Council discussion resulted in direction to add the words "with concurrence of Council" to the last sentence of the declaratory paragraph that begins with "BE IT FURTHER KNOWN..."

There was Council concurrence to move this item to the Consent Calendar of next week's business meeting as revised.

- (b) Resolution authorizing the City Manager to enter into an agreement with Cherokee Bay related to Lot 51, Block 34, Cherokee Bay Park Plat**

There were no questions or comments regarding this item.

- (c) Ordinance to amend MVMC 2.20.040**

There was brief discussion regarding the language of the proposed Ordinance amending the Maple Valley Municipal Code to bring the City's code into compliance with changes to State law. Discussion was focused on whether additional provisions should be included pertaining to the delegation of responsibility in the City Clerk's absence. No changes were directed by Council. There was majority Council concurrence to move this item forward to the Consent Calendar of next week's business meeting.

- (d) Resolution ratifying the Interim City Manager's signature on a Discretionary Work Request for King County Road Services**

Councilor Gerken requested the Council be provided with the opportunity to learn about and discuss the City's overlay program plan and pavement condition index. Mr. Clark noted that next year there will be an update to the pavement ratings and road conditions and staff will then bring the inventory information back to Council for discussion regarding condition, treatment, and prioritization.

In response to a question from Councilor Johnson regarding resident notification of the overlay project that will be happening later this week, Mr. Clark indicated he would double check to determine if notifications have been sent. Councilor Barnes indicated that he has not received any formal notice, but signs have been posted in his neighborhood for about a week and half.

There was discussion regarding the 2009 overlay program, the estimated cost of the entire overlay program, with clarification that the proposed projects do not cover the entire overlays originally planned for 2009 due to budget constraints; clarification that King County went out for bids for the asphalt overlay; and clarification from Mr. Clark that he did not have the cost figures for the original planned overlay project, but would get back to Council with that information.

Mayor Iddings noted that the Council was being asked to ratify action already taken, and requested that staff establish a tickler file to ensure such items are brought to Council in a more timely manner in the future.

This item was directed forward to the Consent Calendar of next week's business meeting.

(e) Resolution authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement, C-08-575, with KPG, Inc. for engineering consulting services

Council discussion regarding this item included:

- clarification regarding the July 2010 duration date set for the contract
- confirmation that KPG, Inc. made a good faith effort to complete the subject design project by the end of June 2009
- clarification it has now been determined that the grant funding agreement for this project specifically allows the use of the funds for property acquisition related to the project
- statement that the Council will learn more about plans for use of the remaining funds once the project design is further along
- discussion regarding the ratification clause included in the amendment; expressed concern that contract amendments requiring Council approval be brought to the Council in a timely manner; expressed concern with legality of amending contracts that have expired, with clarification that the ratification clause ratifies and confirms authority for work done prior to the amendment; discussion regarding better options when a contract has already expired and the project needs to be completed; clarification that due to the circumstance that this contract deals with in this particular contract and the re-appropriation of funds, to manage the situation the amendment is proposed to ratify and confirm work done after expiration and before amendment, but that is not the intended standard operating process for the future
- clarification that the project design is about 60% complete with less than 60% of the consultant budget expended to date. Mr. Clark noted that the City identified in May that the grant would be extended. Mr. Clark also noted that if

there is anything out of scope of the current contract, staff will return to Council for consideration of an additional amendment or new contract.

4. CITY MANAGER'S REPORT

Mr. Clark spoke to Council regarding three items:

- Public Works staff have obtained certifications for Emergency Management Incident Command; three staff members also completed the National Incident Management System (NIMS) training IS-700 and two additional individuals are getting that certification
- Public Works completed initial comments to PSRC's Transportation 2040 Environmental Impact Statement which will be forwarded to the City Manager and then to the Council prior to the July 13, 2009 comment deadline
- Public Works is in the process of exploring Maintenance Facility options, looking at a number of site areas, and looking at a number of criteria. He said to-date two existing City properties, four private properties, and a government agency are being explored, as well as a long term joint venture, and once staff has completed its due diligence, the options will be brought to the Council. Mr. Clark noted that in order to comply with the NPDES Phase II requirements, the City will need to have an Operations and Maintenance Plan that provides for appropriate pollution prevention and housekeeping three years from the issue date of the 2007 permit, and he also noted that the current facilities are not compatible with the long range vision of Lake Wilderness Park, and are inadequate with respect to security, safety, and protection of maintenance equipment.

Council discussion regarding the Maintenance Facility included:

- expressed appreciation to Mr. Clark for his diligence in seeking to address staff needs
- statement that staff's property exploration caught the Council by surprise since Councilors anticipated there would be a second Council Retreat to provide opportunity for the Council to set the goals and establish the funding priorities regarding suggestions made by staff at the Council Retreat before any action taken by staff
- voiced concern that building a Maintenance Facility might interfere with other capital projects, such as replacement of the dock at Lake Wilderness
- question whether staff is exploring or has explored outsourcing the maintenance needs to entities that have existing compliant facilities rather than building something for the short term that will then need to be re-built for a long term facility if the City determines it desires to co-locate a maintenance facility with other agencies
- comment that if there are State or Federal compliance issues, the City will need to address them, with voiced support for the Council to meet to prioritize the various needs noted at the Council Retreat
- question regarding how the City of Covington and Soos Creek are addressing the NPDES requirements since they are also considering co-locating a maintenance facility, with statement from Mr. Clark that staff will look into the issue
- reiterated explanation from Mr. Johnston that there is a federal mandate and there will need to be City action in the near future; the City is weathering

capital investments in leaving them out in the open, and the long term plan for Lake Wilderness does not include a Public Works facility; Mr. Johnston also noted that staff will continue to work toward better communication with the Council

Mr. Johnston called the Council's attention to a presentation made by the Suburban Cities Association (SCA) Executive Director regarding King County's distribution of grant funds to Suburban Cities members supporting certain changes to the King Conservation District funding, pitting community against community. He said the SCA will likely be sending out communication regarding the need for a united front by SCA to keep the dedicated funding as dedicated funding as opposed to using the dedicated funding as a revenue stream to deal with King County's increased administrative costs.

Mayor Iddings also mentioned that Deputy Mayor Smith provided information along the same lines as relayed by Mr. Johnston and that Deputy Mayor Smith indicated he will be attending the SCA/Public Issues Committee meeting this Wednesday.

5. CITY COUNCIL REPORTS/FOR THE GOOD OF THE ORDER

Each of the Councilors commented on the phenomenal Fourth of July celebration and recognized the outstanding efforts of the Parks Department and other City staff members that ensured the success of the celebration, including traffic control by Explorers and Police, program events, the hot dog stand manned by staff, easy walking access, the Youth Symphony's great performance, the 25-pie entries, and the outstanding fireworks display. It was noted that there was some confusion regarding available sani-cans and that the event emphasized the need for sidewalks in the SE 248th Street area.

Mayor Iddings also noted for the record a comment made by City Manager Johnston, when reflecting on the AWC Conference. Mr. Johnston noted that at the Conference there was a lot of information and many stories about the effects the economic downturn had on cities, many of which were harsh to hear. Mr. Johnston said it led him to believe that Maple Valley is in a far better position than many other Washington cities due to the conservative approach the City has taken to budgeting in the past. Mayor Iddings thanked Mr. Johnston for recognizing the City's past efforts and the contribution that effort made to the City's current position.

Mr. Johnston said there are communities that overestimated their revenues and when those predictions did not occur they found themselves having to lay off employees and cut services, and Maple Valley has not had to do that. He said for some communities the idea of saving is not a normal policy, but the City of Maple Valley has always had a policy of a year-end balance to create reserves. He also noted that one community is already on its third or fourth layoff because of overestimated growth. He said prudent decisions of the past are serving the community of Maple Valley today.

Councilor Gerken commented that his neighborhood experienced fireworks a number of days before the Fourth, and he questioned how many days ahead the City allows fireworks sales, suggesting that perhaps the City should further limit sales to a couple of days. There was discussion regarding the availability of fireworks outside the City's jurisdiction, and some discussion regarding enforcement obstacles that staff is seeking to address. It was noted that currently fireworks may be sold from noon to 11 p.m. on June 28th and from 9 a.m. to 11 p.m. June 29th through July 4th.

Councilwoman Laise Jonas said that she confirmed with Fire Chief Tim Lemon that the number of fireworks booths in the City increased this year, and about half of the fireworks stands were for fund raising. She noted it is really difficult when thinking about limiting sales, because of the illegal fireworks being brought in and the difficulty in enforcing fireworks activity.

Mayor Iddings referenced last week's Planning Commission meeting where staff introduced an administrative amendment to allow City Hall uses in the Office (O), Public (PUB), and Parks, Recreation, and Open Space (PRO) zones in order to facilitate locating a potential City Hall site in case there is a need for that. The Mayor expressed surprise that the action was done before being brought to Council for discussion and that it was piggy-backed onto the Neighborhood Business coffee shop drive-through amendment proposal. She said the Planning Commission had never seen the issue or talked about it, it was just an added amendment, so the perception is that the City is making special allowances for themselves, and the Council has many times gone on the record, stating the need to make process a priority. She said that had staff brought it to the Council first, as is the customary process, it is likely the issue would have been remanded to the Planning Commission and it would have ended up in the same place, but now the perception is that the City is treating itself differently than others. The Mayor also expressed concern that the Parks, Recreation, and Open space (PRO) zone was included in the amendment. She said that when property is purchased for parks it is not intended for municipal government buildings and there should have been some public input and Planning Commission dialogue on the issue.

Mr. Johnston said he had not been made aware of the extension of the provision to Parks; he understood the amendment was going to make City Hall an acceptable use in the Office Zone, just in case it might be needed in the future. Mr. Johnston indicated his understanding of the concerns raised by the Mayor. The Mayor and Councilwoman Johnson noted that the issue will be coming before the Council in the near future and can be addressed then.

Councilwoman Johnson asked about excavating that is going on at the golf course. Councilor Pilgrim indicated it might be a sand trap revision that is in progress. Staff was directed to report back to the Council if the hole is not a sand trap revision.

6. ANNOUNCEMENT OF NEXT MEETING

REGULAR BUSINESS MEETING

Monday, July 13, 2009

Tahoma School District Central Services

7. EXECUTIVE SESSION

(a) Executive Session to discuss with legal counsel matters relating to litigation or potential litigation pursuant to RCW 42.30.110(1)(i)

At 8:02 p.m. the Council adjourned into Executive Session for approximately ½ hour to discuss with legal counsel matters relating to litigation or potential litigation pursuant to RCW 42.30.110(1)(i), with no other action anticipated.

8. ADJOURNMENT

At 8:35 p.m. the Council returned to open session and the meeting was adjourned. No other action was taken.

Irvalene M. Moni, CMC, PRP, City Clerk