



CITY COUNCIL MINUTES

October 6, 2015

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

Pam Pruitt, Mayor
Brian Holtzclaw, Mayor Pro Tem
Sean Kelly
Donna Michelson
Vince Cavaleri
Mike Todd
Mark Bond

October 6, 2015
Regular City Council Meeting
6:00 p.m.

CALL TO ORDER

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

FLAG SALUTE

Flag Salute was conducted.

ROLL CALL

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

AUDIENCE COMMUNICATION

There were no comments from the audience.

OLD BUSINESS

Development Agreement Between Vintage at Mill Creek and the City of Mill Creek for Vintage at Mill Creek Binding Site Plan

(Rebecca C. Polizzotto, City Manager)

The following agenda summary information was presented:

On September 1, 2015, the City Council held a public hearing on a proposed development agreement between the City of Mill Creek and Vintage at Mill Creek, LLC (developer). A copy of the Agenda Summary is attached. At the hearing, testimony was received and the Council discussed the agreement. Since the public hearing, the draft agreement has been revised to address Council discussion at the hearing and further negotiations with the developer. The revisions are summarized below:

2.0 Purpose

This section was rewritten to more clearly define what the purpose of the agreement is and what it does and does not do. Specifically, it cites the MCMC section that requires the agreement and the process for its review and approval. It also clearly states that the actual Binding Site Plan will be reviewed by the Hearing Examiner in regard to its compliance with code requirements.

4.0 Property Description

This section was revised to indicate the current property owner and clarify that the agreement binds the property only if the developer purchases the property.

5.0 Project Description

This section was revised to better describe the project, including specifying the ground floor commercial use requirement and that residential units are restricted to residents 55 years of age or older.

7.0 Development Review Procedures for Project

This section was revised to establish how the agreement will be terminated should the agreement be recorded and the developer not purchase the property.

8.0 Project Review and Evaluation; Vested Rights

Section 8.2.3 has been revised to clearly indicate that the City and the developer agree that the alignment of Road B is an approved deviation from the alignment of that road as originally contemplated with the Reid Middleton Study and authorizes the City Manager to make other deviations to the extent such deviations do not prevent the project from complying with other applicable aspects of the EGUV Regulations and will not materially impact existing or future developments within the EGUV zoning district.

9.0 Occupancy of Buildings; Sale of Lots; Uses

Sections 9.3.1 and 9.3.2 have been rewritten to clarify the uses permitted in the project. It specifically allows the developer up to 1,000 square feet of space for a leasing office and 2,500 square feet of space that will include a beauty parlor, kitchen, and fitness center for use by the project's residents on the ground floor subject to terms in Section 9.3.2.1. These terms include the developer entering into a long term lease (25 years) with an independent non-profit senior center at essentially no cost except for utilities, plus enter into a 25-year lease with the City for a 500 square foot space to be operated as a police satellite office.

Section 9.3.3 is new language that establishes what happens if a senior center does not locate in the development. If a lease is never entered into, the beauty parlor, community kitchen and fitness center will not be permitted on the ground floor. Once the senior center is located in the development, if the senior center decides to leave, the uses would be allowed to remain. If the senior center leaves because of default by the developer, the ground floor leasing office, beauty parlor, community kitchen, and fitness center would need to be removed from the ground floor.

10.0 Transportation and Traffic Requirements

Section 10.3 and 10.4 clarify that the developer dedicates or causes property to be dedicated to provide the full width and alignment of rights-of-way as shown in the Reid Middleton Engineering Study (with the exception of the Road B deviation addressed in Section 8.2) and construct the full

width of the roadway.

11.0 Parking requirements

Section 11.3 has been rewritten to allow the parking management plan to be required by the Hearing Examiner as a condition of the binding site plan. Since the specific development including the exact parking lot configuration is not yet in final format, and since the project layout is subject to Hearing Examiner review, it is inappropriate to include such an exhibit in this development agreement.

14.0 East Gateway Owners Association

This section has been omitted in its entirety. The model for the owners association came from the Town Center Property Owners Association. In Town Center, there is shared ownership of drainage facilities, roadway buffers, and the North Creek wetland and trail. This is not the case in EGUV. EGUV has developed parcel by parcel and each property is self-contained in these respects. There are no commonly owned properties. Requiring the EGUV Owners Association results in making enforcement of regulations more complicated and provides little value to the City. Staff has contacted the other EGUV developers and, if the EGUV Owners Association is not required in this development agreement, the other development agreements would be brought back to the Council to be amended at a later date.

Remainder of Document

The remainder of the document has been renumbered to account for the omission of Section 14.

Discussion:

City Manager Polizzotto reviewed the agreement with the Council. Council and staff engaged in a discussion.

MOTION: Councilmember Cavaleri made a motion to approve Ordinance #2015-798, approving a Development Agreement between the City of Mill Creek and Vintage at Mill Creek, Mayor Pro Tem Holtzclaw seconded the motion. The motion passed unanimously.

NEW BUSINESS

Presentation on Street Tree/Sidewalk Replacement Pilot Program Proposal

(Rebecca C. Polizzotto, City Manager)

The following agenda summary information was presented:

The City of Mill Creek strives to be a pedestrian friendly community. Maintaining sidewalks in good condition is an essential component of the City's goal of safe pedestrian facilities to promote walking. Within the City there are 75 miles of public sidewalks with street trees immediately adjacent to most of the sidewalks. We now know that hundreds of the street trees planted 10 to 20 years ago were not the appropriate species for the narrow, confined area between the curb and sidewalk. This has resulted in the roots of many of these trees growing under and lifting the

sidewalk, necessitating repair and replacement work. Section 12.06.050 of the Mill Creek Municipal Code places the responsibility for repairs and reconstruction of sidewalks on the City.

Since 2010 the City has paid for sidewalk repairs at over 500 sites. The method of repair varies, based on the severity of the problem and other factors. The least expensive method is to “shave off” the raised sidewalk joint lip with a concrete saw. One typical sidewalk heaving site can be “fixed” with this method for roughly \$100. However, if a tree root is the underlying cause, it is not a permanent solution. If the root continues to grow, the same site must be shaved off again every few years until the concrete becomes too thin and replacement of the sidewalk is necessary. Removal and replacement of the concrete sidewalk, including cutting off and removing the tree root, is much more expensive – in the range of \$1,000 to \$2,000. Additionally, the stress to the tree of the root removal sometimes leads to its eventual death and can also reduce its stability and resistance to high winds. If a sidewalk repair is necessitated by a tree root, and there is reasonable likelihood that the root will continue to cause problems in the future, it is more cost effective in the long run to remove the sidewalk and tree root and replace the sidewalk. If the root removal will likely result in the death or significant instability of the tree, it should be removed and replaced as well.

The challenge of tree roots displacing sidewalks, curbs and pavement is not unique to Mill Creek and is common to most cities, large and small. The situation is exacerbated where the planting strip between the sidewalk and curb is narrow, which is a common occurrence in Mill Creek. The City of Seattle undertook a comprehensive multi-year study of the issue and published their findings earlier this year. The 120+ page report had a variety of recommendations that also varied widely in cost. Staff from Facilities, Parks and Recreation and Community and Economic Development met to discuss what approach might best apply to Mill Creek, and the proposed pilot project is the result of that discussion.

Key Elements of the Sidewalk Repair/Tree Replacement Pilot Project

- Focus on the worst sidewalk/root problem areas in the City.
- Remove the trees and replant appropriate species with the sidewalk replacement.
- Use a new (to Mill Creek) replacement technique to minimize potential of tree root problem reoccurrence.
 - Excavate a much larger volume to provide a healthier root growth area.
 - Provide commercially available deep watering tubes to encourage root growth and tree health.
 - Install a root barrier system surrounding excavation to stop root growth beneath the sidewalk.
 - Backfill the excavated pit with quality topsoil to promote tree health.

The Parks subdivision was selected for the pilot project because it has the most severe tree root/sidewalk cracking problems in Mill Creek. The block with the worst problem was targeted for the pilot, and has 19 trees recommended for removal. Four trees are not recommended for replacement due to proximity to utilities and spacing along the street. (See attached map.) Staff met

with the Chairman of the Parks Subdivision Architectural Review Committee and the HOA manager on September 4, 2015 to discuss the proposal, and both were supportive of the project. On September 21, 2015, staff met with the Parks HOA Board to discuss the project. The Board supported the project but expressed concern regarding future funding for the tree replacement program. They want the project to continue into the future to address the many other tree/sidewalk conflicts.

The project as proposed is estimated to cost \$60,000. It will be funded from the Concrete Replacement Program, Capital Improvement Plan project T-01, that had \$200,000 appropriated in Fund 318, which has an overall budget of \$2.65 million. This is an on-going maintenance program that has been in all Capital Improvement Plans for many years. There is a current balance of \$174,000 in the project budget. Other anticipated expenditures to the T-01 budget include \$24,000 for ADA ramps work, leaving an available balance of \$150,000 for the proposed pilot project and additional concrete shaving and repair work through 2016.

Discussion.

Council discussed the proposal. This item is meant to be update to the Council for informational purposes only.

Results of Request for Qualifications for East Gateway Consultant
(Rebecca C. Polizzotto, City Manager)

Discussion.

Council discussed the East Gateway/132nd Street corridor study.

MOTION: Councilmember Michelson made a motion to authorize the City Manager to start negotiating, enter into and execute a contract with ECONorthwest, not to exceed \$33,000, Councilmember Todd seconded the motion. The motion passed unanimously.

REPORTS

Mayor Pruitt reported on the growth management class she attended last week. She also reported on attending the grand opening of the First Financial Bank in Town Center last weekend.

Mayor Pro Tem Holtzclaw reported on the SCT general assembly meeting he attended last week.

Councilmember Todd reported on the PSRC meeting he attended last week. He also reported on the SCC Dinner coming up on October 15.

Councilmember Cavaleri reported that he has set up a donation to the new Senior Center from his dentist. The donation will consist of a dental chair, a hygienist and equipment.

City Manager Polizzotto asked the Council if they would like to cancel the November 3 Council meeting due to it being election night.

Council discussed keeping the November 3 meeting date open in case there is City business to take care of. City Manager Polizzotto said she will work on a timeline for future Council meetings and bring it back to the next meeting.

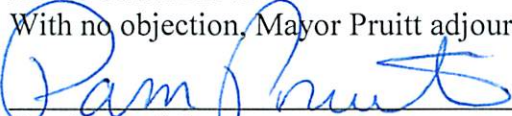
City Manager Polizzotto also reported on the lean process. The first topic will be customer service. Training is scheduled for staff in November and a kaizen exercise in December. She also reported that Director Rogers was selected as Vice President of the AWC Planning Directors group. She also passed out the City's new employee newsletter and reminded Council about the Employee Appreciation Dinner on October 22.

AUDIENCE COMMUNICATION

There were no comments from the audience.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 7:30 p.m.



Pam Pruitt, Mayor



Kelly M. Chelin, City Clerk