



CITY COUNCIL MINUTES

April 14, 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

April 14, 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.

PUBLIC HEARING

Ordinance Modifying the Mill Creek EGUV Development Agreement (Polygon Northwest) to Add Additional Commercial Uses and Amend the Covenant on BS 12-63 to Add New Uses
(Tom Rogers, Director of Community Development)

The following agenda summary information was presented:

As required in the EGUV zoning district (MCMC 17.19), the City and Polygon Northwest entered into a Development Agreement prior to the approval of the Polygon Northwest Binding Site Plan (BS 12-63). The Development Agreement established responsibilities for the City and the Developer on a wide variety of topics related to the development, including construction of the neighborhood park, maintenance responsibilities, etc. One of the provisions in the agreement was a restriction on the type of "commercial" uses that could be built on the 1.7-acre commercial lot (Parcel A). The primary reason for the use restrictions was to ensure that commercial uses were provided within the "mixed use" development. The specific provision is in Section 10.4 and reads as follows:

10.4 Commercial Lot

10.4.1 The Binding Site Plan must include on its face a restriction that requires commercial development use/of the Commercial Lot (as shown on Exhibit C), and prohibits residential and other non-retail uses, unless the uses are located above commercial uses. Permissible commercial uses are those listed in MCMC 17.19.040, Sections A, B, C, and J."

The approved Binding Site Plan did include this restriction consistent with the Development Agreement.

Following is the applicable Code Section that identifies the principal uses within EGUV. The bolded items are the only uses allowed on Parcel A pursuant to the Development Agreement:

MCMC 17.19.040 Principal uses.

All uses shall be identified on the approved detailed master development plan. Principal uses are:

A. Retail sales and services except automotive, boat, and recreational vehicle sales;

B. Eating and drinking establishments (drive-through service prohibited);

C. Banks, financial and professional services;

D. Multi-Family Residential.

1. West of the 44th Avenue SE intersection, multi-family residential is permitted only above ground floor commercial;

E. Business and professional offices;

F. Personal services, dry cleaners, salons, etc.;

G. Medical and dental clinics and offices;

H. Parking structures;

I. Commercial day care;

J. Craft shops and galleries;

K. Public buildings, facilities/utilities;

L. Transit facilities/stops;

M. Hotel and motels;

N. Open space, parks and plazas;

O. Religious facilities;

P. Theaters and performing arts uses; and

Q. Other uses consistent with the purposes of the district. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

Proposed Amendment

The Development Agreement also contains a provision that allows modifications to the Development Agreement. The provision reads as follows:

22.1 Modification. During the vested term set forth in Section 8.4, this Agreement may be modified only upon mutual consent of the Mill Creek City Council and Developer. Either Party may seek a modification by giving written notice thereof to the other Party. No Party is obligated to agree to any modification of this Agreement. Modification may require compliance with the public notice and hearing requirements of RCW 36.70B.200 et seq. or other applicable laws then in effect.”

Pursuant to this section, Polygon Northwest has submitted to the City a written request to modify the Development Agreement. The request is to allow two additional commercial uses from the EGUV list of Principal Uses: G. (Medical and Dental Clinics and Offices) and I. (Commercial Day Care).

At the meeting on March 24, 2015, Derek Straight, Washington Division President of Polygon Northwest presented the request for the amendment to the Development Agreement to the City Council. The City Council directed staff to schedule a public hearing to formally consider the request. If approved, the Ordinance would formally modify the Development Agreement and would authorize City staff to take appropriate action to amend the covenant on BS 12-63 to add the new approved uses.

Mayor Pruitt opened the public hearing at 6:03 p.m.

John Kirchner
President and CEO
Primrose School
3660 Cedar Crest Road
Acworth, GA 30101

Mr. Kirchner spoke to the Council about how a childcare facility would work well. He explained that this facility is a high quality child care location.

Michael DeMarco
CDA & Pirscher Architects
19500 Ballinger Way
Shoreline, WA

Mr. DeMarco stated that he represents the developer for the dental/retail building. He supports the applicant's modification request.

Mayor Pruitt closed the public hearing at 6:15 p.m.

Council deliberated about the proposed amendment.

ACTION ITEMS

Ordinance Modifying the Development Agreement and Authorizing Staff to Take Appropriate Action to Amend the Covenant on BS 12-63 to Add New Uses (If approved, would take Ordinance #2015-794)

(Tom Rogers, Director of Community Development)

MOTION: Councilmember Michelson made a motion to approve Ordinance #2015-794, Modifying the Development Agreement and Authorizing Staff to Take Appropriate Action to Amend the Covenant on BS 12-63 to Add New Uses, Mayor Pro Tem Holtzclaw seconded the motion. The motion passed 6-1-0 with Mayor Pruitt opposed.

STUDY SESSION

Finalize City Manager Recruitment Schedule for April 16 and April 17
(Landy Manuel, Acting City Manager)

The Council discussed the recruitment schedule. They also discussed the fact that one candidate withdrew therefore the final count is now 4 candidates. They also discussed adding more time to the panel interviews now that a candidate withdrew. It was the consensus of the Council to make the panel interviews 1 hour and 15 minutes each.

Strategic Plan Review - Part 2

(Tom Rogers, Director of Community Development)

The Council continued the review of the strategic plan and finished edits in Chapter 4. Staff will make annotations to the plan and label the changes as 2015 edits. The revised plan will come to Council at a future meeting for approval.

Open Discussion

AWC Annual Conference and Preparation for Facilities Discussion

Mayor Pruitt and Councilmember Todd will be attending the AWC Annual Conference in June. Council also discussed the facilities agenda item scheduled for the April 28 meeting.

CONSENT AGENDA

Approval of Checks #53534 through #53602 and ACH Wire Transfers in the Amount of \$161,081.45.

(Audit Committee: Councilmember Bond and Mayor Pruitt)

Payroll and Benefit ACH Payments in the Amount of \$313,607.62.

(Audit Committee: Councilmember Bond and Mayor Pruitt)

Council Meeting Minutes of March 10, 2015

MOTION: Councilmember Cavaleri made a motion to approve the consent agenda, Councilmember Bond seconded the motion. The motion passed unanimously.

REPORTS

Councilmember Kelly reminded Council about the opening of Buffalo Park on Friday, April 24.

Councilmember Todd reported that he attended the SNOCOM strategic meeting. He also reported that Community Transit will be at the May 26 Council meeting to give an update on Swift II.

Councilmember Cavaleri reported that he was able to secure one spot in the New World training courses at the County for any staff person who is interested.

MOTION: At 8:30 p.m., Councilmember Todd made a motion to extend the meeting to 8:40 p.m., Councilmember Michelson seconded the motion. The motion passed unanimously.

City Attorney Moloney reported that the Guild mediation is scheduled for April 23.

Acting City Manager Manuel explained a MEBT retro correction that needed to be made by the City.

Community Development Director Rogers reported on the upcoming SCT Steering Committee meeting.

Public Works Director Gathmann reported on ESCA's intent to dissolve. He will be meeting with the appraiser for the proposed public works property. Lastly, he mentioned the grant received for the signs for the annex building and thanked Mayor Pruitt.

AUDIENCE COMMUNICATION

There were no comments from the audience.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 8:40 p.m.



Pam Pruitt, Mayor



Kelly M. Chelin, City Clerk