

COUNCIL MINUTES

Regular Meeting February 17, 2015

Mayor Tom Vance called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present:

Mayor Tom Vance
Deputy Mayor Kathy Huckabay
Councilmember Bob Keller
Councilmember Tom Odell (arrived at 7:00 pm & left the meeting at 9:55pm)
Councilmember Ramiro Valderrama
Councilmember Nancy Whitten

Councilmember Absent: Don Gerend

MOTION: Councilmember Whitten moved to excuse Councilmember Gerend. Deputy Mayor Huckabay seconded. Motion carried unanimously 5-0.

Staff present:

Lyman Howard, Deputy City Manager
Laura Philpot, Assistant City Manager/Public Works Director
Jeff Thomas, Community Development Director
Joe Guinasso, Finance and Technical Services Director
Jessi Bon, Director of Park and Recreation
Tim Larson, Communications Manager
Kari Sand, City Attorney
Lita Hachey, Deputy City Clerk

Roll Call/Pledge of Allegiance

Roll was called. Councilmember Keller led the pledge.

Approval of Agenda and the Consent Agenda

MOTION: Councilmember Keller moved to approve the agenda, including the Consent Agenda.

Deputy Mayor Huckabay asked to remove Item #2 - Resolution: Authorizing Execution Of An Interlocal Agreement With King County For City Of Sammamish Participation In The King County Cities Climate Collaboration (K4c) and #3 Resolution: Adopting An Amended Policy For Facility Rentals At The Sammamish City Hall off the Consent Agenda and move to New Business.

MOTION: Councilmember Valderrama moved to add a discussion of the East Lake Sammamish Trail to the agenda. Councilmember Whitten seconded. Motion failed 2-3 with Mayor Vance, Deputy Mayor Huckabay and Councilmember Keller dissenting.

Councilmember Valderrama feels this item should be discussed tonight as King County has released the 90% design plans for the trail and they are not meeting the requests of the residents.

Deputy Mayor Huckabay thinks the discussion should be delayed until after they receive the update from Assistant City Manager/Public Works Director Laura Philpot, regarding the status of the trial tonight.

MOTION: Deputy Mayor Huckabay moved to approve the Agenda and the Consent Agenda as amended. Councilmember Keller seconded. Motion carried 3-2 with Councilmembers Valderrama and Whitten dissenting.

Presentations/Proclamations

- Eastlake Sammamish Trail Update – Laura Philpot, Assistant City Manager/Public Works Director reported that the northern section of the trail is scheduled to open in April. There are still some outstanding issues that City Staff is working with King County staff to resolve. 90% plans for the southern section of the plan have been release. Plans are available on the King County website. The City was disappointed to find that the plans did not reflect any changes based on City comments. The City Manager and Ms. Philpot met with King County Parks & Recreation Director Kevin Brown to understand why this would happen. Staff will continue to meet with County staff to address these items and reiterated to Mr. Brown that the City would not accept permitting until the issues are resolved.

Councilmember Whitten questioned if Ms. Philpot has been in communication with the residents in the south end of the city to ensure their concerns are being address. She said she has not had much interaction with them. Councilmember Whitten also asked how the county could issue a 90% plan without the input of the residents. Councilmember Whitten asked it City Staff has indicated to the County that they would terminate permit processing through the Interlocal agreement if these changes are not included in the plan? Ms. Philpot explained that the City Manager considers this to be an option but has not so indicated to the County staff.

Deputy Mayor Huckabay asked if the County would be opening the parking lot at the north end of the trail. Ms. Philpot will check and get back to her.

Councilmember Valderrama is disappointed that the County has ignored both the City comments and citizen comments regarding the design of the trail.

MOTION: Councilmember Valderrama moved a three-part motion to (1) schedule a meeting between the Council Legislative Committee and King County Councilmembers Kathy Lambert and Jane Hague as well as King County Executive Dow Constantine. (2) He also requested a meeting with the County Parks & Recreation staff at the March 3rd meeting for them to explain this situation. (3) If their explanation is not satisfactory, Council should begin discussing the possibility of withdrawing their permitting authority pursuant to Sections 1.6 and 2.6 of the Interlocal agreement. Councilmember Whitten seconded.

Deputy City Manager Lyman Howard recommended waiting to hear the County's response at the March 3rd meeting before proceeding any further.

AMENDMENT: Councilmember Keller moved to strike the final two sections of the motion. Deputy Mayor Huckabay seconded. Motion carried unanimously 6-0.

MAIN MOTION: Main Motion carried as amended 6-0.

MOTION: Councilmember Valderrama moved to requested a meeting with the County Parks & Recreation staff at the March 3rd meeting for them to explain why they have disregarding citizen comments regarding respect for safety, trees and the environment. If their explanation is not satisfactory, Council should begin discussing the possibility of withdrawing the trail from the permitting authority pursuant to Sections 1.6 and 2.6. Councilmember Whitten seconded.

AMENDMENT: Councilmember Whitten moved to amend the motion by allowing the County to describe how they will accommodate the requests. This amendment was accepted as a friendly amendment.

AMENDMENT: Councilmember Whitten moved to amend the motion to limit the meeting to a discussion regarding the trail issues only. Deputy Mayor Huckabay seconded. Motion carried unanimously 6-0.

MOTION: Councilmember Valderrama moved that if the County's explanation for why they are ignoring the City and citizen comments is not acceptable at the March 3, 2015 meeting, the Council should begin discussing the possibility of withdrawing the trail from the permitting authority pursuant to Sections 1.6 and 2.6 of the Interlocal agreement. Councilmember Whitten seconded.

MOTION: Councilmember Odell moved to postpone the motion to March 3, 2015. Councilmember Whitten seconded. Motion failed 2-4 with Mayor Vance and Councilmembers Keller, Valderrama and Whitten dissenting.

MAIN MOTION: The main motion failed 2-4 with Mayor Vance, Deputy Mayor Huckabay, Councilmembers Keller and Odell dissenting.

Councilmember Whitten requested that Laura Philpot send out a report the joint meetings with the County to all Council.

Unfinished Business

Interviews: One Planning Commission Candidate

Michael Towbin was interviewed by the Council.

Public Comment

Scott Hamilton, 19727 SE 19th Street, spoke regarding the East Lake Sammamish Trail issues. He submitted comments to King County and does not feel the County was responsive to them.

Steve Roberts, 620 W Lake Sammamish Pkwy, Congregation for the Homeless, supports the request by ARCH for a men's shelter on the Eastside.

Tom Danner, 4507 191st Place NE, spoke in favor of keeping the NE 42nd St opticom gate in place.

Sharon Danner, 4507 191st Place NE, spoke in favor of keeping the NE 42nd St opticom gate in place.

Amit Sheth, 4539 194th Way NE, spoke in favor of keeping the NE 42nd St opticom gate in place.

Earl Zimmerman, 19133 NE 45th Place, spoke in favor of keeping the NE 42nd St opticom gate in place.

Gary Nease, 4244 201th Ave NE, spoke in favor of keeping the NE 42nd St opticom gate in place.

Rayleen Camby, 4818 192nd Dr. NE, spoke in favor of keeping the NE 42nd St opticom gate in place.

Rick Kruprewicz, 4643 192nd Dr. NE, Director of Hidden Ridge Assoc., spoke in favor of keeping the NE 42nd St opticom gate as is. He would like Council to final put an end to this issue.

Renee Greenmen, 19109 NE 45th Pl, spoke in favor of keeping the NE 42nd St opticom gate in place. Please look at the resolution as proposed and make the right c

Jason Upton, 19109 NE 45th Pl, President of the Waterbrook HOA, they would like to retain the NE 42nd St. opticom gate and would like the issue resolved. The park is across the greenbelt and kids play there and it will be an issue if opened.

Greg Reynolds, 4329 210th Pl. NE, spoke in favor of removing the opticom gate at NE 42nd and submitted a petition created years ago by homeowners wishing to retain the barricade.

Ador Yano, 20013 NE 42nd St, spoke in favor approving the resolution tonight to retain the NE 42nd St opticom gate.

Vrushali Giersappe, 4527 194th Way NE, spoke in favor of keeping the NE 42nd St opticom gate in place.

Aknilesn Kaza, 4815 192nd Drive NE, spoke in favor to retaining the NE 42nd St opticom gate.

Karan Soi, 19130 NE 51st St, spoke in favor of keeping the NE 42nd St opticom gate in place. He feels this is a very dangerous situation if it is opened.

Neera Soi, 19130 NE 51st St, address, spoke in favor of retaining the NE 42nd St opticom gate. She fears for the safety of the children if the gate is removed.

Mike Golan, 20133 NE 42nd St, spoke in favor of retaining the NE 42nd St opticom gate.

Moiz Beguwala, 4711 191st Pl NE, spoke in favor of keeping the NE 42nd St opticom gate in place.

Nancy Baer, 20013 NE 42nd St, spoke in favor of resolution for the NE 42nd St opticom gate to keep it in place.

Tom Rizzo, spoke in favor of keeping the NE 42nd St opticom gate in place.

Name, address, Director of the Waterbrook Assoc. spoke in favor of keeping the NE 42nd St opticom gate in place.

Nila Henrikson, spoke in favor of keeping the NE 42nd St opticom gate in place.

Richard Rahn, 21130 NE 43rd Pl, spoke in favor of removing the NE 42nd St opticom gate.

Sandy Hargraves, on the Board of Directors of Hidden Ridge, spoke in favor of keeping the NE 42nd St opticom gate in place. He feels the resolution needs more clarification as present by the HOA.

Ronny Decobi, spoke in favor of keeping the NE 42nd St opticom gate in place and agrees with all the comments here tonight.

Consent Agenda

Payroll for period ending January 31, 2015 for pay date February 5, 2015 in the amount of \$ 274,510.72

Approval: Claims for period ending February 17, 2015 in the amount of \$ 1,804,420.49 for Check No. 39669 through 39802

Resolution: Accepting The 2014 Pavement Program Overlays As Complete (R2015-618)

Approval: Purchase of one Ford Escape

Approval: Purchase of one Air Compressor

Approval: Purchase of one Traffic Radar Trailer

Approval: Purchase of a Pre-fabricated restroom building for Sammamish Landing Park.

Approval: Kokanee Outreach-Contract: National Pollutant Discharge Elimination System (NPDES) Permitting Requirements Stormwater Outreach/ Triangle Associates, Inc.

Approval: February 3, 2015 Regular Meeting Minutes

Public Hearing - None

Unfinished Business

MOTION: Councilmember Whitten moved to delay the vote for the Planning Commissioners to March 17th Council Meeting. Deputy Mayor Huckabay seconded. Motion was approve unanimously 6-0.

New Business

Resolution: Regarding The NE 42nd Street Emergency Opticom Gate

Laura Philpot gave a staff report and responded to questions from the Council. She stated that a study for removal of the barricade is not in the City's work plan nor will it be in the foreseeable future. This does not bind any future Council from making changes. There is no budget for this study or to make changes at this time. This could be considered in the next biennial budget.

Councilmember Whitten asked if this resolution will bind the future decisions to remove the barricade? Safety findings should be added to this resolution. She would like a process to determine the safety issues and what the costs would be to fix the issues.

Councilmember Valderrama feels that Council was planning to talk about the safety issues and process. Why was that not the plan here? Can we not delay for an additional year and clear up the issues.

City Attorney Kari Sand explained that the resolution cannot be written in such a manner that says the barricade will never be removed. Sitting Councils cannot enact legislation that binds the powers of future Councils.

MOTION: Deputy Mayor Huckabay moved to approve the resolution regarding NE 42nd Street Emergency Opticom Gate. Councilmember Odell seconded.

MOTION: Valderrama moved to amend the resolution to add whereas such as a study on the safety issues, added costs to correct the concerns and add the date of 2035 as a finalization of all the issues. Councilmember Whitten seconded.

Executive Session: Potential Litigation pursuant to RCW 42.30.110(1)(i).

Council retired to executive session at 9:25 pm and returned at 9:40 pm with no action taken.

Councilmember Valderrama withdrew his motion.

MOTION: Councilmember Valderrama moved to withdraw his last motion in an effort to bring finality to this issue and instead direct staff to come back to Council with a date they can bring together a process to look at the safety, the costs, and timeframes on this, so we can consider that. Councilmember Whitten seconded.

Mayor Vance suggested they finish with the previous motion and then Councilmember Valderrama could do a separate motion.

Councilmember Valderrama responded that he was withdrawing the first motion in lieu of having a process that we direct the City Manager.

Mayor Vance said he could go ahead and make that motion, it doesn't really reference this motion but it's a separate item.

Ms. Sand explained that Councilmember Valderrama say was withdrawing his earlier motion and he's now making a new motion to amend.

Councilmember Whitten: I seconded it so I withdraw my seconding too.

Mayor Vance asked Councilmember Valderrama to repeat his motion.

Councilmember Valderrama repeat his motion as “In order to bring finality to this process that the City Manager should be directed to immediately start to pull together information and bring to this Council information so that we can bring finality to this decision based upon safety, costs and time frames.”

Councilmember Whitten stated that, though she was repeating herself, she thinks what we need is an agreement on process, which in her opinion could be a safety consultant’s report, estimates as to cost, at the thirty thousand foot level, justifying findings on the safety issue and then a vote.

Mayor Vance said that presumably, eventually that is what we would get with this motion.

Councilmember Whitten feels the resolution should immediately direct staff to engage in that. She is very disappointed that we are using budget and time constraints of staff as an excuse. A legitimate one, she is sure, but as a justification for not proceeding immediately with a process to make a final decision. This may push it out, as she understands it, to several years in the future.

The Mayor stated that the amendment passes, so Staff will be directed to create a timeline and set a future date where we may get some resolution of this issue.

Councilmember Valderrama thanked the Council for bringing finality to this.

MAIN MOTION: Main Motion carried as amended 5-1 with Councilmember Whitten dissenting (R2015-619).

MOTION: Councilmember Odell moved to extend the meeting to 11:00 pm. Councilmember Valderrama seconded. Motion carried unanimously 6-0.

Ordinance: First Reading, Amending Sections 2.30.020 And 2.65.010 Of The Sammamish Municipal Code To Add Alternate Commission Members To The Sammamish Parks And Recreation Commission And The Sammamish Arts Commission.

Deputy City Manager Lyman Howard gave a short staff report. This is the first reading of the ordinance. No action is required.

Appointment: Klahanie Ballot Measure Pro/Con Committees

Mr. Howard explained that the King County Council has approved their ordinance to allow the vote for the Klahanie Annexation. King County Elections requires the City to recruit and appoint no more than 3 members to write a Pro statement and 3 members to write the Con statement. No interested persons stepped forward to write the Con statement.

MOTION: Deputy Mayor Huckabay moved to appoint the following to the Klahanie Ballot Measure Pro Committee: Kirsten O’Malley-Keyes, Michael Foss, and Richard L’Heureux. Councilmember Valderrama seconded. Motion carried unanimously 6-0.

Councilmembers Keller, Valderrama and Whitten would like to thank John James for stepping forward to assist with this committee.

Resolution: Approving The 2014 Budget And Work Program For A Regional Coalition For Housing (ARCH).

Arthur Sullivan ARH program Manager, gave a presentation about the ARCH Program and discussed the budget and work program.

MOTION: Councilmember Huckabay moved to adopt the resolution approving the 2015 proposed budget and work program. Councilmember Keller seconded. Motion carried unanimously 5-0 (R2015-620).

Resolution: Authorizing The Duly-Appointed Administering Agency For Arch To Execute All Documents Necessary To Enter Into Agreements For The Funding Of Affordable Housing Projects, As Recommended By The Arch Executive Board, Utilizing Funds From The City's Housing Trust Fund.

MOTION: Councilmember Whitten moved to adopt the Resolution authorizing the expenditures recommended by the ARCH Executive Board. Councilmember Valderrama seconded. Motion carried unanimously 5-0 (R2015-621).

Resolution: Authorizing Execution Of An Interlocal Agreement With King County For City Of Sammamish Participation In The King County Cities Climate Collaboration (K4C).

MOTION: Deputy Mayor Huckabay recommended that Mayor Vance be the representative for the Council and an unnamed alternate position created that will rotate attendance. Valderrama seconded. 4-1 with Councilmember Whitten dissenting.

MOTION: Councilmember Valderrama moved to approve the resolution and authorize the City Manager to sign the Interlocal agreement. Deputy Mayor Huckabay seconded. Motion carried unanimously 5-0 (R2015-617).

Resolution: Adopting An Amended Policy For Facility Rentals At The Sammamish City Hall

MOTION: Deputy Mayor Huckabay suggested deferring this motion until March 16 Committee of the Whole meeting. Councilmember Keller seconded. Motion was approved 4-0.

Council Reports

Deputy Mayor Huckabay – sent a written report earlier today

Mayor Tom Vance attended the Eastside Transportation Partnership meeting

Councilmember Whitten – She is disappointed regarding the action of the barricades resolution.

City Manager Report – No report

Executive Session – Potential Litigation pursuant to RCW 42.30.110(1)(i) and Property Acquisition pursuant to RCW 42.30.110(1)(b)

Council retired to the executive session at 10:25 pm and returned at 10:45 pm with the following action:

MOTION: Councilmember Whitten moved to authorize the City Manager to administer up to \$420, 000 in construction contingency for the Sammamish Landing Parking lot. Councilmember Keller seconded. Motion approved unanimously 5-0

Adjournment

Meeting adjourned at 10:46 pm

Study Session was cancelled

Melonie Anderson, City Clerk

Thomas E. Vance, Mayor