

# COUNCIL MINUTES

## Regular Meeting July 2, 2013

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

**Councilmembers present:** Mayor Tom Odell, Deputy Mayor Ramiro Valderrama, Councilmembers John Curley (arrived 6:45 pm), Don Gerend, John James Tom Vance and Nancy Whitten.

**Staff present:** City Manager Ben Yazici, Public Works Director Laura Philpot, Senior Stormwater Engineer Eric LaFrance, Assistant City Manager/Community Development Director Kamuron Gurol, Senior Planner Evan Maxim, Parks & Recreation Director Jessi Bon, Deputy Fire Chief Wes Collins, Police Chief Nate Elledge, Assistant City Manager/Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

### Roll Call/Pledge of Allegiance

Roll was called. Cub Scout Matt Allen led the pledge.

### Approval of Agenda

**MOTION:** Deputy Mayor Valderrama moved to approve the agenda. Councilmember Gerend seconded. Motion carried unanimously 6-0.

### Presentations/Proclamations

#### Departmental Updates

- Police
- Fire
- Administrative Services

Assistant City Manager/Administrative Services Director Mike Sauerwein gave the staff reports and showed a PowerPoint presentation (*available on the city's website at [www.sammamish.us](http://www.sammamish.us)*).

### Public Comment

Reid Brockway, 167 E Lake Sammamish Shore Lane NE, He is unhappy with the public process the city uses deciding important issues(*submitted written comments which are available upon request of the City Clerk*).

## **Consent Agenda**

Payroll for the period ending June 15, 2013 for pay date June 20, 2013 in the amount of \$284,070.00

Approval: Claims for period ending July 2, 2013 in the amount of \$292,126.97 for Check No. 35063 through No. 35153

Approval: Resolution: Granting Final Plat Approval to the Plat of Elston Ridge (aka Pine Ridge) (R2013-539)

Approval: Minutes May 20, 2013 Regular Meeting

Approval: Minutes June 4, 2013 Regular Meeting

Approval: Minutes June 11, 2013 Special Meeting w/Parks & Recreation Commission

Approval: Minutes June 17, 2013 Regular Meeting

Deputy Mayor Valderrama asked to have item #2 Swift Tree Care Contract removed from the consent agenda

**MOTION: Councilmember Valderrama moved to approve consent calendar as amended. Councilmember James seconded. Motion carried unanimously 7-0.**

## **Public Hearing**

Ordinance: Second Reading of An Interim Ordinance Extending A Moratorium On The Establishment Of Collective Gardens; Defining "Collective Gardens;" And Establishing An Effective Date.

Public Hearing opened at 7:00 pm and closed with no comment

**MOTION: Councilmember Vance moved to adopt the ordinance to extend a moratorium on the establishment of Collective Gardens. Councilmember Gerend seconded. Motion carried 6-1 with Deputy Mayor Valderrama dissenting (O2013-348).**

Deputy Mayor Valderrama would like to see this issue brought to the Planning Commission with the intention of placing a permanent prohibition on these gardens.

Ordinance: Second Reading of An Interim Ordinance Imposing A Moratorium On The Establishment Of Certain Marijuana-Related Facilities; Defining Said Certain Marijuana-Related Facilities; Entering Legislative Findings; Providing For Severability; And Establishing An Effective Date.

Public Hearing opened at 7:05 pm and closed with no comment.

**MOTION: Deputy Mayor Valderrama moved to impose a moratorium on the establishment of certain marijuana-related facilities. Councilmember Gerend seconded. Motion carried 6-1 with Deputy Mayor Valderrama dissenting (O2013-349).**

Deputy Mayor Valderrama feels the Council is sending mixed messages to the residents by this moratorium.

### **Unfinished Business**

Ordinance: Fifth Reading of An Ordinance Pertaining To The Protection And Regulation Of Environmentally Critical Areas, Amending Chapters 21A.50, 21A.15 And 21A.70 Of The Sammamish Municipal Code.

July 6, 2013 Study Session will begin with a Special Meeting if the Council does not complete deliberation on the ECA tonight.

Assistant City Manager/Department of Community Development gave the staff report and showed a PowerPoint presentation (*available on the city's website at [www.sammamish.us](http://www.sammamish.us)*).

Motion: Councilmember Vance: to approve a Revised Pilot Program framework in the Erosion Hazard near Sensitive Water Body overlay, replacing Items 4-15g and 4-15f in the draft ECA, to include the following provisions. Councilmember Valderrama seconded:

#### **Scale and scope elements**

- a. Limit the number of pilot programs to 4-6 proposed projects.
- b. Allow up to two tightline projects, up to two man-made stormwater conveyance projects, and up to two LID projects. Allow 3 projects to start, using one each of the three stormwater methods, three more may be allowed when the first 3 have been completed without system or environmental failures, including erosion or landslide.
- c. Limit the total pilot project area to 30 acres, for individual pilot projects.
- d. Limit the number of lots to the equivalent of R-1 density, using a net density calculation, one lot per buildable acre.

#### **Stormwater elements**

- a. Allow stormwater discharge: via a tightline to Lake Sammamish, incorporating level 3 flow control; LID; or man-made stormwater conveyance to include level 3 flow control. All shall include volume controls.
- b. Storm water quality should seek the 80% phosphorus removal goal under the AKART standard, with a minimum 60% removal required.
- c. Design drainage systems to accommodate the 200-year storm.
- d. Prohibit infiltration, except where located downslope of all erosion hazard areas.

#### **Elements that minimize disturbance**

- a. Lots shall be clustered to the maximum extent feasible to minimize site grading in the no-disturbance area.
- b. Require 50% forested or natural open space, per project site.
- c. Require re-forestation of open space and developed lots post construction, as recommended by the Department of Ecology.
- d. Limit the amount of impervious surface to 30% of the total net developable project area.

AMENDMENT: Councilmember Gerend moved to amend the motion by removing Item D from the **Scope and Scale**, Item A Allow stormwater discharge: via a tightline to Lake Sammamish, incorporating level 3

flow control; LID; or man-made stormwater conveyance to include level 3 flow control. All shall include volume controls and Item B Storm water quality should seek the 80% phosphorus removal goal under the AKART standard, with a minimum 60% removal required from the **Stormwater Elements** and Item #B Require 50% forested or natural open space, per project site and Item #D Limit the amount of impervious surface to 30% of the total net developable project area from the **Elements the Minimize Disturbance**. Councilmember Curley seconded. Motion failed 3-4 with Mayor Odell, Deputy Mayor Valderrama, Councilmembers Whitten and Vance dissenting.

AMENDMENT: Councilmember Whitten: moved to amend Item A in limit the number of pilot programs to 4 and Item B **Scope and Scale** to eliminate manmade stormwater conveyances change the number of pilot projects that would be allowed to start from three to two and replace three with two other places it occurs. Councilmember Vance seconded. Motion carried 4-3 with Councilmembers Curley, James and Gerend dissenting.

AMENDMENT: Councilmember James moved to remove Item D Limit the number of lots to the equivalent of R-1 density, using a net density calculation, one lot per buildable acre from **Scope and Scale**

Mayor Odell ruled that this motion has already been voted on and denied Councilmember James' motion.

MOTION: Deputy Mayor Valderrama move that require seasonal grading be allowed from June to August, extendable to May and September, as approved by the Director, based on weather. Councilmember Vance seconded. Motion carried 4-3 with Councilmember Curley, Gerend and James dissenting.

MOTION: Deputy Mayor Valderrama moved that energy dissipaters be required for any tightline and meet Dept. of Ecology standards. Councilmember Vance seconded. Motion carried 7-0.

MOTION: Deputy Mayor Valderrama moved that pilot programs be prohibited in the Ebright Creek, Pine Lake Creek, "Mid-Monohon Creek" and Zaccuse Creek sub-basins. Councilmember Vance seconded. Motion carried 7-0.

MOTION: Deputy Mayor Valderrama moved that developers be required to employ Low Impact Development techniques where feasible, except for additional infiltration. Councilmember Whitten seconded. Motion carried 6-1 with Councilmembers Gerend dissenting.

MOTION: Councilmember Whitten moved that permanent stormwater systems for new plats shall be installed before clearing for home construction begins. Deputy Mayor Valderrama seconded. Motion carried 6-0-1 with Councilmember James abstaining.

MAIN MOTION: Main motion carried as amended 4-3 with Councilmembers Curley, James and Gerend dissenting.

Council recessed from 8:43 pm to 8:51 pm

MOTION: Councilmember Whitten moved that developer, post-development HOAs, and homeowners will indemnify and hold all impacted owners (public and private) harmless from the consequences of a pilot project failure. Councilmember Vance seconded.

AMENDMENT: Councilmember Gerend moved to amend the motion by adding a five-year time limit to be consistent with the monitoring period. Councilmember Curley seconded. Motion carried 7-0.

MAIN MOTION: Main motion carried as amended 5-2 with Councilmembers Curley and James dissenting.

MOTION: Councilmember Gerend moved to define Wetlands of Local Significance. Wetlands of local significance include the wetland identified in the King Council Wetlands Inventory (1990) as the East lake Sammamish #21 wetland (North Beaver Lake Bog), and others as designated by the City Council. Wetlands of local significance shall be subject to greater protection and environmental education efforts where possible. Councilmember Deputy Mayor Valderrama seconded. Motion carried 6-1 with Councilmember James dissenting.

MOTION: Councilmember James moved to direct staff to consider a new Reasonable Use Exception Code for commercially zoned property. It should contain the following elements; be modeled on peer city codes, allow use of up to 10 percent of the total site area, or 3,000 square feet, whichever is greater, and density shall not exceed the density allowed. Councilmember Gerend seconded.

AMENDMENT: Councilmember Whitten offered a Friendly Amendment to amend the motion by eliminating the square footage requirement and allow for a recommendation from the Planning Commission based on public input. Councilmember James agreed to that amendment. .

Council direct staff and Planning Commission to consider new RUE exception code for commercially zones property modeled on the peer city codes. Councilmember Gerend seconded.

MOTION: Councilmember Whitten: moved that there shall be complete monitoring of pilot projects; monitoring should begin with analysis of existing pre-development conditions, continue through development, and continue post project development. Deputy Mayor Valderrama seconded. Motion carried 4-3 with Councilmembers

MOTION: Councilmember Whitten moved to expand the proposed monitoring to include pilot programs in the wetland areas. Deputy Mayor Valderrama seconded. Motion carried 5-2 with Curley and James dissenting

MOTION: Councilmember Whitten moved to expand the monitoring requirements in the proposed ECA to all pilot projects including the wetland projects. Deputy Mayor Valderrama seconded. Motion carried 5-2 with Councilmembers Curley and James dissenting.

MOTION: Councilmember Whitten moved to make effective date of these provisions be concurrent with the effective date of required shoreline management plan amendments. Mayor Odell seconded. This motion was withdrawn and will be resubmitted at the next meeting.

MOTION: Deputy Mayor Valderrama moved to require developers to pay for the cost of all monitoring and bonding. Councilmember Whitten seconded. Motion withdrawn.

Council agreed to hold a Special Meeting on July 9, 2013 to make further decisions on the ordinance.

**New Business**

Amendment: Tree Services/Swift Tree Care

Public Works Director Laura Philpot answered questions regarding the contract amendment.

MOTION: Councilmember Gerend moved to authorize the City Manager to sign the amendment. Councilmember James seconded. Motion carried unanimously 7-0.

Resolution: Related To Use Of The Land Conservation And Local Infrastructure Program (R2013-540)

Mr. Gurol gave the staff report and showed a PowerPoint presentation.

MOTION: Councilmember Vance moved to approve the resolution. Deputy Mayor Valderrama seconded. Motion carried 5-2 with Mayor Odell and Councilmember Whitten dissenting (R2013-540).

Councilmember Whitten is uncomfortable with giving preference to the King County. Mayor Odell expressed concern that this program may end up costing the city more money than it will receive from the County.

**Council Reports**

Councilmember James expressed concerns over the street parking at Sammamish Landing.

**City Manager Report**

Mr. Yazici reported that Councilmember Vance serves on the Board of Municipal Research and Councilmember Gerend just retired from being president of the Association of Washington Cities.

**Executive Session** – Litigation pursuant to RCW 42.30.110(1)(i), Potential Litigation pursuant to RCW 42.30.110(1)(ii) and Personnel pursuant to RCW 42.30.110(1)(g)

Council retired to Executive Session at 10:08 pm and returned at 11:10 pm. No action was taken.

Meeting adjourned at 11:10 pm

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Melonie Anderson, City Clerk

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Thomas T. Odell, Mayor