

# COUNCIL MINUTES

## Special Meeting/Joint Meeting with the Planning Commission November 12, 2013

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

### **Councilmembers present:**

Mayor Tom Odell  
Deputy Mayor Ramiro Valderrama  
Councilmember Don Gerend  
Councilmember John James  
Councilmember Tom Vance  
Councilmember Nancy Whitten

### **Staff present:**

City Manager, Ben Yazici  
Deputy City Manager, Lyman Howard,  
Assistant City Manager/Community Development Director, Kamuron Gurol  
Assistant City Manager/Administrative Services Director, Mike Sauerwein  
Senior Planner, Emily Arteche  
Associate Planner, Robin Proebsting  
City Attorney, Bruce Disend  
Administrative Assistant to the City Clerk, Lita Hachey.

### **Roll Call/Pledge of Allegiance**

Roll was called. Councilmember Gerend led the pledge.

### **Approval of Agenda**

**MOTION:** Deputy Mayor Valderrama moved to approve the agenda. Councilmember Curley seconded. Motion carried unanimously 7-0.

### **Public Comment**

Megan Gee, 2201 NE 28th Place, spoke regarding the ECA process and the timeline. She is concerned that the update of the Shoreline Master Plan has not been submitted to the DOE.

*(Submitted written comments, available upon request to the City Clerk, Melonie Anderson at [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

Paul Stickney, 504 228<sup>th</sup> Ave SE, spoke regarding the Town Center and the SE Quadrant Landowners. *(Submitted written comments, available upon request to the City Clerk, Melonie Anderson at [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

John Galvin, 432 228<sup>th</sup> Avenue SE, spoke regarding the Town Center and the serious problems with it. He does not feel we will ever have a town center here in Sammamish.

Jon Wiseman, 732 410 Avenue SE Snoqualmie, He has issues with the Fire Studies Resolution. He feels the new demands in the resolution shows that the City never had a true commitment to work as a partner. There is an Issaquah Council meeting tonight to determine their direction with Fire Services. The issue was the funding model and now there are a new list of issues on the table. He would like the City to amend the current Resolution.

Dean de Alteriis, 1225 230<sup>th</sup> Ave NE, He disagrees with the resolution and how it is written. He feels the City is holding the fire services hostage. He feels that a vote for this resolution is a vote to leave EF & R. *(Submitted written comments, available upon request to the City Clerk, Melonie Anderson at [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

Mary Ziegler, 4617 225<sup>th</sup> Ave SE, at the Council meeting on Oct. 14, 2013, Councilmember Valderrama spoke about the side by side comparison of what a new Sammamish Fire Dept. would provide versus what EF & R is already providing. He has not received it. She is concerned about the fact that the Council in not receiving the correct information.

Jeff Merrit, 2006 216<sup>th</sup> Ave SE, spoke regarding Fire Services. *(Submitted written comments, available upon request to the City Clerk, Melonie Anderson at [manderson@sammamish.us](mailto:manderson@sammamish.us) )*

Rick Reynolds, 33028 SE 44<sup>th</sup> St. Fall City, He commented that he is “your” firefighter and Sammamish is destroying an already established fire department.

Brad Spiegel, 13804<sup>th</sup> 252<sup>nd</sup> Place SE, Issaquah, He is concerned about the direction the Fire Services is going. There will be lawsuits that will follow this decision. He questioned how much Sammamish is willing to spend to fight all of this. He asked that Council consider this before making a decision.

Ken Marsh, 22916 NE 20<sup>th</sup> Place, He feels that in a few years’ time, many others will need the Emergency Services as our community ages. He spoke about the funding model and his concern of the lack of human factor. He reminded Council that they represent the people of Sammamish and they need to be accountable and responsible.

Scott Rouse, 2224 234<sup>th</sup> Ave NE, spoke regarding his experience with EF & R. His personal experience with them has been extremely positive. He feels we should not be nickel and diming the fire department.

Sue Byron, 1740 221 Place NE, feels we have something here with EF & R that works well and we need to preserve it. The budget for fire services should not be an issue. Public safety should always come first.

Karen May, 903 274<sup>th</sup> Place SE, We are lucky to have emergency response teams in place in the State of Washington. The Council needs to look at EF & R. They are more than just numbers and see the depth that makes up the structure of their organization.

Eric Peterson, 21817 SE 29<sup>th</sup> Court, He feels that the resolution that the Council is voting on tonight does not reflect what was portrayed in the meeting last week. When the first item mentioned is opting out of EF & R, it feels like you will act first and think about things later.

## Topics

### **Item # 1**      **Comprehensive Plan Update**

Planning Commission members present:

- Philip Cherian, Planning Commissioner
- Mahbubul Islam, Planning Commissioner, Vice Chair
- Ryan Kohlmann, Planning Commissioner
- Michael Luxenberg, Planning Commissioner, Chair
- Manuel Soto, Planning Commissioner

Planning Commission members absent:

- Mike Collins, Planning Commissioner
- Joe Lipinsky, Planning Commissioner

Assistant City Manager/Community Development Director Kamuron Gurol gave a staff report and showed a PowerPoint presentation. Senior Planner, Emily Arteché also presented a segment of the PowerPoint presentation. *(available on the city's website at [www.sammamish.us](http://www.sammamish.us)).*

Discussed which elements or topics are of most interest to the Council.

Councilmember Whitten would like to see the list that was created at the Council retreat. Deputy Mayor Valderrama would like to see the memo from Scott Hamilton regarding flexibility in the existing Commercial sites included. In addition, regarding home businesses ordinance in residential areas, institutions that are not covered like schools, adult homes and churches. City Manager Ben Yazici commented that there should be a visioning session first to include input from the public and community.

Mayor Odell called a 15 min. recess at 8:40 pm until 8:55 pm

**Item # 2**      **Fire Services**

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

Motion: Deputy Mayor Valderrama moved to amend the amendment to include the recommendations of the Ad-hoc members to the Council. Motion withdrawn.

Motion: Councilmember Gerend moved to approve the resolution as amended. Motion withdrawn.

Motion: Councilmember Vance moved to approve the resolution as discussed and amended by adding the amendments made by Councilmember Gerend. Deputy Mayor Valderrama seconded. Motion carried unanimously 7-0. (R2013-552)

Councilmember Don Gerend is the Council representative on the Ad-hoc committee.

Councilmember Don Gerend suggested the following amendments to the resolution:

**A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON, REGARDING FIRE SERVICES**

WHEREAS, the City of Sammamish has received fire services through Eastside Fire & Rescue since the City was incorporated; and

WHEREAS, Eastside Fire & Rescue is a partnership created through an Interlocal Agreement between the City of Sammamish, the City of Issaquah, the City of North Bend, Washington Fire Protection District 10, and Washington Fire Protection District 38; and

WHEREAS, the current Eastside Fire & Rescue Interlocal Agreement expires December 31, 2014 and will be renewed automatically for an additional 7 years unless a partner provides notice of withdrawal by January 31, 2014; and

WHEREAS, the Eastside Fire & Rescue funding formula places disproportionate emphasis on property values rather than other significant factors, such as the number of calls for service and fire station move-ups; and

WHEREAS, the City of Sammamish engaged a consultant firm and appointed a Technical Advisory Board composed of former City Council members to assist the City in determining how best to provide high quality and cost effective fire services following the expiration of the Interlocal Agreement; and

WHEREAS, on June 5, 2012 the consultant and Technical Advisory Board recommended that the City modify the manner by which fire services are provided to Sammamish residents; and

WHEREAS, on June 18, 2012 the City Council adopted Resolution R2012-498 – Approving the Recommendations of the Fire Services Technical Advisory Board; and

WHEREAS, Resolution R2012-498 authorized the City Manager to work with the City Council and the City's EF&R Partners to revise the EF&R Interlocal Agreement to reflect a governance and funding model that fully addresses the findings and conclusions of the Consultant and Technical Advisory Board. These include:

- A funding model for operations that includes a 50/50 split between assessed value and calls for service as an integral part of the Interlocal Agreement
- Retention of existing veto powers
- Crediting Emergency Medical Service levy collections attributable to each partner as a part of their individual operating fund contribution
- Base the Equipment/Facilities Reserves Fund contributions on usage
- Retention of City ownership of capital assets with building maintenance responsibility retained by the City
- 18 month notice of termination; and

WHEREAS, Resolution R2012-498 further authorized the City Manager to pursue negotiations for a contract with EF&R, a contract with the City of Redmond, the creation of a City Fire Department, or other reasonable alternatives if the EF&R Partners had not agreed to a revised Interlocal Agreement incorporating the principles embodied in Resolution R2012-498 by September 17, 2012; and

WHEREAS, representatives from Fire District 10 and the City of Issaquah rejected the City's proposal to revise the EF&R Interlocal Agreement in a manner that would embody the principles set forth in Resolution R2012-498; and

WHEREAS, in 2012 Sammamish paid 29% of EF&R's operational costs but only received 18% of the calls for service; and

WHEREAS, on September 17, 2012 the City Council accordingly voted to: "Authorize the City Manager to continue working with the Eastside Fire and Rescue Partners until July 1, 2013 to revise the Interlocal Agreement to achieve a governance, funding formula, and a service delivery model that fully addresses the concerns raised in the consultant's and Technical Advisory Board's reports. These include:

- A funding model for operations that includes a 50/50 split between assessed value and calls for service as an integral part of the Interlocal Agreement.

- Retention of existing veto powers.
- Crediting Emergency Medical Service levy collections attributable to each partner as a part of their individual operating fund contribution.
- Base the Equipment/Facilities Reserves Fund contributions on usage
- Retention of city ownership of capital assets with building maintenance responsibility retained by the City
- 18 month notice of termination; and

WHEREAS, on October 4, 2012 the EF&R Committee of the Whole formed two committees; the Funding Model Committee and the Service Delivery Model Committee; and

WHEREAS, Sammamish City Council Representatives and City Staff participated in all Funding Model Committee and the Service Delivery Model Committee meetings; and

WHEREAS, on February 2, 2013, and as a result of careful consideration of matters put forth by the Funding Model Committee and the Service Delivery Model Committee, the City Council reviewed and expressed support for a new Funding Formula called the "75/25 Plan," which is summarized on the attached Exhibit A and which includes:

- Issaquah Park & Ride Fire Station #72 – 75% Paid by Issaquah and 25% treated as a Regional Asset and paid for by all 5 Partners
- Sammamish Pine Lake Fire Station #81 – 75% Paid by Sammamish and 25% treated as a Regional Asset and paid for by all 5 Partners
- 75% of the operational cost for each Fire Station based on Assessed Value
- 25% of the operational cost for each Fire Station based on Calls for Service
  - Fire Calls for Service weighed 75%
  - Medical Calls for Service weighed 25%; and

WHEREAS, at the March 18, 2013 EF&R Funding Model Committee Meeting, the 75/25 Plan was rejected by three of the EF&R Partners: Issaquah, Fire District 10, and Fire District 38; and

WHEREAS on July 15, 2013 the FCS Group presented its review of the City's preliminary fire department cost analysis to the City Council; and

WHEREAS, from August 2013 - October 2013 Sammamish City Council Representatives and City Staff participated in a series of facilitated meetings with the other EF&R Partners; and

WHEREAS, on October 10, 2013 Sammamish City Council Representatives and City Staff participated in a facilitated discussion of the funding formula, and

WHEREAS, EF&R Partners were unable to reach an agreement to revise the Interlocal Agreement funding formula; and

WHEREAS, on October 14, 2013 the Sammamish City Council held an open public meeting to solicit comments from our citizens regarding fire and emergency services, and at which the FCS Group and the Technical Advisory Board presented their City Fire Department Analysis to the City Council; and

WHEREAS, on October 29, 2013 the Sammamish City Council held an open public meeting to solicit additional comments from our citizens regarding fire and emergency services; and

WHEREAS, on November 5, 2013 the City Manager recommended that the City remain in the EF&R Partnership provided that: all Partners agree to a new funding formula (as outlined in Section 2 below) by December 15, 2013 and that all Partners' governing boards approve **an amendment to the ILA by January 17, 2014 which includes changes brought forth by the Partners through an EF&R Ad Hoc Committee as recommended changes, and approved by the EF&R Board of Directors by January 9, 2014** ~~by January 17, 2014~~; and

WHEREAS, the FCS Group's analysis clearly demonstrated that a City of Sammamish community-based fire department could provide an equal or higher level of fire service than the level of service now provided by EF&R for a similar cost; and

WHEREAS, the Technical Advisory Board unanimously recommended that the City Council adopt a Resolution notifying EF&R of the City's intention to withdraw from the EF&R Partnership at the end of 2014 and begin the process of forming a community-based City of Sammamish Fire Department;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO RESOLVE AS FOLLOWS:**

Section 1. Withdrawal from Interlocal Agreement.

The City Manager is hereby directed to provide to all other EF&R Partners a Notice of Withdrawal by Sammamish from the Eastside Fire & Rescue Interlocal Agreement. As set forth in Section 16.1 of the Interlocal Agreement, Sammamish shall provide its Notice of Withdrawal to all other parties to the Eastside Fire & Rescue Interlocal Agreement not later than ~~December 31, 2013~~ **January 21 2014**.

Section 2. City Manager Authorization.

The City Manager is hereby authorized to continue to work with the other EF&R Partners, within the time frame described below, to revise the Interlocal Agreement to implement the principles set forth in the 85/15 Plan attached as Exhibit A **and includes:**

- A 85/15 Plan funding formula to include at a minimum:

- Issaquah Park & Ride Fire Station #72 – 75% paid by Issaquah and 25% treated as a Regional Asset and paid for by all 5 Partners
- Sammamish Pine Lake Fire Station #81 – 75% paid by Sammamish and 25% treated as a Regional Asset and paid for by all 5 Partners
- 85% of the operational cost for each Fire Station based on Assessed Value
- 15% of the operational cost for each Fire Station based on Calls for Service
  - Fire Calls for Service weighed 75%
  - Medical Calls for Service weighed 25%

The City Manager is also authorized to work with Councilmember Gerend, Sammamish’s representative to the EF&R Funding Model Ad Hoc Committee (and continuing representative to the Ad Hoc Committee, if and when the EF&R Board expands the directive of said committee to review proposed ILA changes and/or operating procedures). The City Manager will help Councilmember Gerend to encourage our EF&R partners to expedite the Committee’s action of polling partners for initial changes to the ILA and recommending said changes to the Board of Directors no later than December 15, 2013.

The proposed changes or clarifications to the ILA or operating procedures that Sammamish is delivering to the Ad Hoc Committee for consideration are;

- The Funding Formula shall be revised as described above, and incorporated into the new Interlocal Agreement.
- Changes in governance of and membership in EF&R shall require unanimous approval of all partners.
- Individual partners shall continue to retain ownership and title to their respective fire stations, vehicles, and equipment consistent with the fire stations, vehicles, and equipment each entity brought into the partnership.
- Depreciation and maintenance of vehicles and equipment shall be the financial responsibility of the partner assigned the vehicles and equipment.
- Vehicles and equipment considered to be regional assets (such as the boat or emergency trailer) shall have the depreciation and maintenance paid by all partners in the same proportion as their respective operating contributions.
- Each partner shall select its representatives to the EF&R Board of Directors.
- An Operations Committee composed of staff from each of the partners shall be formed. Each partner shall select its representative to the Operations Committee.
  - The Operations Committee will serve in an advisory capacity and as a resource for the EF&R Board.
  - The Operations Committee’s responsibilities will include:
    - Exploring ways to tailor services to be more cost effective and reduce overhead, develop partnerships with cities to provide communications, finance support, assist in budget preparation, explore possible service area modifications, adjustments to staffing levels to create greater flexibility, and striving to improve the quality and delivery of service through innovative service delivery concepts.

- Budget approval shall require approval by at least six members of the EF&R Board.

In continuing to work with the other EF&R Partners, the City Manager will request that the EF&R Board approve the new ~~Interlocal Agreement including the changes outline above~~ **funding formula change** by December 15, 2013 and that EF&R Partner City Councils and Fire District Boards adopt the ~~new and revised Interlocal Agreement~~ **Amendments to the** Interlocal Agreement by January 17, 2014.

If all EF&R Partner City Councils and Fire District Boards have not adopted the ~~new and revised Interlocal Agreement~~ **EF&R Board approved Amendments to the** Interlocal Agreement by January 17, 2014, the City Manager is hereby authorized to take all steps necessary to initiate the City of Sammamish Fire Department and to include necessary transition funds in the City's 2014 Budget as generally described in the FCS Group's City Fire Department Analysis.

### Section 3. Effective Date.

This Resolution shall take effect immediately upon signing

Additional Suggested Amendments to the resolution from Assistant City Manager/Administrative Services Director, Mike Sauerwein:

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In continuing to work with the other EF&R Partners, the City Manager will request that the EF&R Board approve the new **Interlocal Agreement Funding Formula**, including the changes outlined above, by December 15, 2013 and that EF&R Partner City Councils and Fire District Boards adopt the new and revised Interlocal Agreement by January 17, 2014.

**Additional proposed Amendments to the resolution from Councilmember Nancy Whitten:**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO RESOLVE AS FOLLOWS:**

### Section 1. Withdrawal from Interlocal Agreement.

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Meeting adjourned at 9:55 pm.

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Lita Hachey, Administrative Assistant  
to the City Clerk

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Thomas T. Odell, Mayor