

COUNCIL MINUTES

Regular Meeting July 18, 2011

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

Councilmembers present: Mayor Don Gerend, Deputy Mayor Tom Odell, Councilmembers Mark Cross, John Curley (arrived at 8:12 pm), John James, Michele Petitti and Nancy Whitten.

Councilmembers absent: Councilmembers Michele Petitti and Mark Cross.

MOTION: Councilmember Whitten moved to excuse Councilmembers Petitti and Cross. Councilmember James seconded. Motion carried unanimously 4-0.

Staff present: City Manager Ben Yazici, City Engineer Jeff Brauns, Assistant City Manager/Community Development Director Kamuron Gurol, Deputy Director Community Development Susan Cezar, Senior Planner Rob Garwood, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

Roll Call/Pledge of Allegiance

Roll was called. City Manager Ben Yazici led the pledge.

Approval of Agenda

MOTION: Deputy Mayor Odell moved to amend the agenda by removing Item 6 Town Center Development Rights. Councilmember Whitten seconded. Motion carried as amended unanimously 4-0.

Public Comment

Daphne Robinson, Arts Commission Chair, Simple Measures concert was a great success. Artist Kathy Hasting's painting are on display in city hall. On September 10th, a documentary film entitle "Painted Life" will be shown. Both the artist and filmmaker will be present. Aspiring artists are encouraged to bring their own work for the artist to critique The Arts Fair is coming soon. October will feature the Jet City Improv group. On November 5 the Arts Commission will be turning city hall into a grand bazaar celebrating Turkish history. More information is available on the city's website (www.ci.sammamish.wa.us).

Public Hearing

Ordinance: Second Reading Adopting Amendments To The Town Center Development Regulations Codified Into Chapter 25 Of Title 21B And Adopting Amendments To The Transfer Of Development Rights Regulations Codified Into Chapter 80 Of Title 21A Of The Sammamish Municipal Code

Mayor Gerend opened the public hearing at 6:49 and continued it to September 6, 2011. There was no public comment.

Consent Calendar

Payroll for period ending June 30, 2011 for pay date July 5, 2011 in the amount of \$247,167.44

Approval: Claims for period ending July 18, 2011 in the amount of \$1,489,520.22 for Check No. 29632 through No. 29770

Bid Award: Electric Vehicle Charging Stations Installation/ANM Electric

Interlocal: North Inglewood Street Overlays/Sammamish Plateau Water & Sewer District

Interlocal: Landscape Maintenance of a Portion of SR-202/City of Redmond

Amendment: On-Call Engineering/PACE

MOTION: Councilmember James moved to approve consent calendar. Deputy Mayor Odell seconded. Motion carried unanimously 4-0.

Public Hearing

Ordinance: Second Reading Adopting Revisions To The Sammamish Shoreline Master Program Adopted By Ordinance 2009-265 And Replacing The King County Shoreline Master Program Adopted By King County Ordinance 3688; Amending The City Of Sammamish Comprehensive Plan; Adopting Shoreline Maps; And Codifying The Shoreline Master Program Into Title 25 Of The Sammamish Municipal Code

Assistant City Manager Kamuron Gurol gave the staff report and showed a PowerPoint presentation (available on the city's website at www.ci.sammamish.wa.us). The Council has several options: They can approve the proposed material in the packet for this meeting. If they approve this with no changes, the Department of Ecology has agreed to approve it. If they chose to make other changes, it will require additional review. The main topics for consideration tonight are the Lake Sammamish setback reduction table, Vegetated Enhancement Areas (VEA) on other lakes, and dock standards.

Mayor Gerend opened the public hearing at 7:06 pm.

Mary Jo Kahler, 21911 SE 20th Street, She urged the Council to remember that they are representing the citizens, not the Department of Ecology or any other government group. They need to base their decision on science and "no net loss". They should not try to improve the current condition of the lakes.

Reid Brockway, 167 E. Lake Sammamish Shore Lane NE, He recapped the report, Synthesis of Salmon Research and Monitoring Report dated 12/31/2008. He said that this study was limited in scope as it only addressed the Lake Washington drainage basin. There is no research which deals with salmonids in Lake Sammamish. It does not address wetland buffers.

Janet Toskey, 2430 238th Place NE, She feels that the city staff, Council, and Sammamish Home Owners (SHO) Group have work together to develop a plan that everyone could support. She feels the proposed amendments tonight are the best that could be hoped for. She hopes everyone will realize that some compromise is necessary.

Samuel Rodabough, Legal Counsel for the Sammamish Home Owners (SHO) group, They feels the plan is stilled flawed concerning setback reductions. They still would like to see a total reduction down to 20 feet since so many of the lots are constrained in size and would not be able to take advantage of the proposed reductions. They also agree that grating should not be required on Pine and Beaver Lake but it may be time to move on from this issue for this update of the SMP. The group urged Council to continue to work on this issue (submitted Exhibit #17).

Greg Ashley, Shoreline Design Company, He said that over 95% of the docks he gets permits for are outside the ACEO regulations. These are guidelines, not requirements. Because our lakes are shallow, a 45 foot dock will not be useful. He said the regulations regarding dock repair is unreasonable.

George Toskey, (same as above), He continued to address the proposed changes from the SHO group represented in Exhibit #17. He urged Council to reconsider their recommendations.

Dwight Martin, 5101 East Lake Sammamish Parkway NE, He spoke regarding the required Vegetation Enhancement Area. He feels these proposals provide more native vegetation than the Redmond plan. He feels the current staff proposal would not provide enough access to the water.

Rory Crispen, PO Box 44013, Bellevue, He addressed the issue of the docks. He does not think the city should give in on the length and width of the docks being required by DOE. He feels the proposed regulations comply with federal requirements. He feels the 480 footage requirement is being misrepresented by DOE.

Linda Eastlick, PO Box 2574 Issaquah, She thanked everyone involved for their tenacity and wiliness to work together to come up with a workable shoreline master plan.

Public Hearing closed at 7:53 pm

Mr. Gurol explained that if Council choses to make changes other than the ones being proposed tonight, it would require another review by DOE. If they then deny the change the City can appeal their decision to the Growth Management Board. If they deny the change, the City may then appeal the denial to the State Supreme Court. City Manager Ben Yazici explained that they city is planning on joining forces with other cities to get the dock size changed, but this cannot be accomplished for this SMP. Councilmember Whitten is against accepting the 4-foot dock size, the required grating, and the set-back requirements as dictated by DOE. She thinks the City should dig in their heels on these issues.

MOTION: Councilmember Odell moved to adopt the ordinance with attachment A as revised 07/18/2011 as included in Council packet. Councilmember Curley seconded.

Mayor Gerend asked for a clarifying phrase to 25.06.020(9)(i) so the last sentence would read: "For developments or additions of less than 500 square feet, the Director may reduce the landscaping requirements upon a finding that such reduction is necessary to make the landscaping requirement proportional (1:1)to the scope of the disturbance or redevelopment".

He asked for the language in section 25.07.080(5) Fences be changed from "requiring non-solid material", to "material that allows animals to go through". There was no Council consensus for this as most councilmember did not feel this was a substantial issue.

Mayor Gerend recommended at change to 25.07.050(3)(i), to read "Dock width may be increased from four (4) feet to six (6) feet if the platform area and the total area of the walkway do not exceed four hundred eight (480) square feet or 700 square feet for joint use docks". Council reached consensus that the docking regulations are good as proposed except the grating requirements for Pine and Beaver Lake. Council agreed to add this language to the code.

The issue of grating on Pine and Beaver Lake was discussed. Several Councilmembers were supportive of seeking an explanation from DOE regarding the requirement for light transmission through the decking. Council discussed the 480 square footage requirements. Mr. Gurol explained that if someone requires a larger dock, and they could convince the other permitting agencies, the city would allow the larger dock. Pine and Beaver Lakes are not subject to the same permitting requirements as Lake Sammamish. Council was supportive of accepting the language as proposed by staff. Council was in concurrence to let the dock requirements stand as presented.

Council recessed from 9:11 pm to 9:22 pm

Table 1 Shoreline Setback Reduction: Alternative language offered by staff regarding Reduction #4 to add an * and a footnote to read: This reduction is optional if it would result in an active use area that is less than 15 feet wide. Council was supportive of this amendment.

Table 1 Shoreline Setback Reduction: Mayor Gerend suggested amending the language for Reduction Option #5 to read "For planting, enhancement, or restoration and subsequent preservation of existing native vegetation, as necessary, in a minimum 5 foot wide near shore area below the lake's OHWM, excluding the area below the active use area. Council was supportive of this amendment.

The issue regarding decking materials will not be addressed in this version of the SMP. It can be dealt with at a later time with a Comprehensive Plan change if necessary.

Councilmember Whitten said she would like the section relating to providing public access be separated from the rest of the ordinance. She wants to avoid any appearance of conflict of interest.

AMENDMENT: Deputy Mayor Odell moved to remove Section 38 of Attachment A to be voted on separately. Councilmember Whitten seconded. Motion carried 5-0.

AMENDMENT: Councilmember James moved to offer the Redmond language for setbacks. Councilmember Curley seconded. Motion was withdrawn.

MOTION: Councilmember Curley moved to amend the agenda by extending the Council Meeting for one additional hour. Deputy Mayor Odell seconded. Motion carried 5-0.

AMENDMENT: Councilmember James moved to amend attachment A (1) by adding the clarifying phrase added to Item 25.06.020(9)(i) to include (1:0) (2) Add language to 25.07.050(3)(i) to read “Dock width may be increased from four (4) feet to six (6) feet if the platform area and the total area of the walkway do not exceed four hundred eight (480) square feet or 700 square feet for joint use docks for Pine and Beaver lake. (3) Amend Shoreline Table #4 by adding an * in the table and a footnote to read: This reduction is optional if it would result in an active use area that is less than 15 feet wide. (4) Amend the Shoreline Table Option #5 to read “For planting, enhancement, or restoration and subsequent preservation of existing native vegetation, as necessary, in a minimum 5 foot wide near shore area below the lake’s OHWM, excluding the area below the active use area. Deputy Mayor Odell seconded. Motion carried 5-0.

MOTION: Councilmember James moved to approve item #38. Councilmember Curley seconded. Motion carried 4-0 with Councilmember Whitten abstaining.

MAIN MOTION: Main Motion as amended carried unanimously 4-0 (O2011-308).

Unfinished Business - None

New Business

Ordinance: First Reading Of An Interim Ordinance Adopting A Moratorium On The Establishment Of Collective Gardens; Defining “Collective Gardens;” Providing For A Public Hearing, Referring The Matter To The Planning Commission For Hearing And Review; And Establishing An Effective Date.

Deputy City Manager Lyman Howard gave the staff report and showed a PowerPoint presentation (available on the city’s website at www.ci.sammamish.wa.us). He explained that this ordinance is being brought to council because of a conflict between federal and state laws regarding medical marijuana dispensing. Staff is asking that this ordinance be passed as an emergency ordinance since the state regulations become effective on July 22, 2011. This ordinance will help protect government agencies from violating federal laws. Communal Gardens are described as 10 or more qualifying patients may join together to grow up to 45 plants in a collective garden. A public hearing must be scheduled within 60 days and must be referred to the Planning Commission for further study. This six month moratorium will allow enough time for this to happen.

MOTION: Councilmember James moved to suspend the rules and adopt the ordinance on first reading, declaring it an emergency so it takes effective immediately upon passage and approve the ordinance adopting a moratorium on the establishment of Collective Gardens and setting a public hearing date for September 6, 2011. Councilmember Curley seconded. Motion carried 5-0.

Authorization to Award Bid: Sammamish Landing Picnic Shelters

Parks & Recreation Director Jessi Richardson gave the staff report. Staff is ready to go out to bid on this project and would like to award the bid in early August. Staff is asking the Council to authorize the City Manager to award this bid in an amount not to exceed \$200,000.

MOTION: Councilmember Whitten moved to authorize the City Manager to award a contract to the lowest responsive and responsible bidder for the Sammamish Landing Picnic Shelters project in an

amount not to exceed \$200,000 which includes a 10% contingency. Councilmember James seconded. Motion carried 5-0.

Authorization to Award Bid: Construction of the West Parking Lot and Construction of the “Shell” and Tenant Improvements to City Hall Room 202

Director of Administrative Services, Mike Sauerwein gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.ci.sammamish.wa.us*). There are two parts to this project. Part 1 is a parking lot and Part 2 is the remodel of Room 202 shell and tenant improvements. The parking lot project went to bid, one bid was received and it exceeded the project budget. For this reason staff is asking Council to reject that bid and re-advertise the project. As well, due to the August recess, staff is also asking Council to authorize the City Manager to award a bid for the shell and tenant improvements.

MOTION: Councilmember James moved to authorize the City Manager to reject all bids on the West Parking Lot project, modify the scope of work, rebid the project and award a contract to the lowest responsive and responsible bidder for the West Parking Lot project for an amount not to exceed \$300,000. The City Manager is also authorized to award a contract to the lowest responsive/responsible bidder for the Room 202 Shell and Tenant Improvements. Councilmember Whitten seconded. Motion carried 5-0.

**Authorization to Award Bid: 2011 Citywide Patching Contract
Authorization to Award Bid: 2011 Citywide Crack Seal Contract**

City Engineer Jeff Brauns gave a short staff report on the next three items. Staff is requesting authorization for the City Manager to award these bids due to the Council recess in August.

MOTION: Deputy Mayor Odell moved to authorize the City Manager to award a contract to the lowest responsive and responsible bidder for the 2011 Citywide Patching project and the 2011 Citywide Crack Seal project. Councilmember Curley seconded. Motion carried 5-0.

Authorization to Award Bid: SE 244th Avenue Non-Motorized Project Phase 1

MOTION: Councilmember Whitten moved to authorize the City Manager to award and execute a contract with the lowest responsive/responsible bidder for construction of the 244th Non-Motorized Improvements, Phase 1 – NE 8th Street to NE 11th Street for an amount not to exceed \$284,417 and administer a construction contingency for an amount not to exceed \$28,442. Deputy Mayor Odell seconded. Motion carried 5-0.

Council Reports

Council reached consensus to change the mandatory meeting time for the Student Liaisons to the first meeting of the month only, as well as including Eastside Catholic High School in the program.

Deputy Mayor Odell reported that the Regional Fire Authority idea is back to square one. He also reported that the Sammi Award board would like to get buy off from the city on holding

their ceremony at Eastridge Church even though the church is located outside the city limits. Council agreed to have the Sammi Awards at Eastridge.

City Manager Report - None

Meeting adjourned at 10:38 pm

Melonie Anderson, City Clerk

Donald J. Gerend, Mayor