

# COUNCIL MINUTES

## ***City Council; Study Session/Special Meeting*** **November 14, 2011**

Mayor Don Gerend called the Study Session/Special meeting of the Sammamish City Council and Planning Commission to order at 6:30 pm.

**Councilmembers present:** Mayor Don Gerend, Deputy Mayor Tom Odell, Councilmembers Michele Petitti, Mark Cross (arrived at 7:08 pm) and Nancy Whitten.

**Councilmembers Absent:** Councilmembers John James, John Curley.

MOTION: Mayor Gerend moved to excuse Councilmember James. Deputy Mayor Odell seconded. Motion carried unanimously 4-0.

**Staff present:** City Manager Ben Yazici, Public Works Director Laura Philpot, Assistant City Manager/Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, Senior Planner Evan Maxim, Deputy Director of Finance Chris Gianini; Director of Finance Joe Guinasso, Assistant City Attorney Kari Sand; Communications Manager Tim Larson and City Clerk Melonie Anderson.

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

Roll was called. Planning Commission Chair Joe Lipinsky led the pledge.

### **Approval of Agenda**

MOTION: Councilmember Whitten moved to approve the agenda. Councilmember Petitti seconded. Motion carried unanimously 4-0.

### **Student Liaison Reports**

**Skyline High School** (Kylie Gacek): It has been a big time in sports for Skyline. The girls' volleyball, girls swim, girls' soccer and football teams have all had big wins. The football team has a home game this weekend. ASB will be hosting a Winter Wonder Week which includes a Blood drive, warm clothes and food drive and an unplugged evening for the Make a Wish Foundation. Councilmember Whitten suggested that air mileage, which are about to expire, as a donation to the Make a Wish Foundation. All students are dedicated to make a difference. The teen center seems to be the place to go now.

**Eastside Catholic High School** (Chad Brown): The fall sports teams are doing well again. The volleyball team came in 2<sup>nd</sup>, with the girls' soccer will be in play-off quarterfinals. Unfortunately the football team lost to Bellevue. Eastside Catholic High School has 3 Merit scholar finalists this year. Chad also agrees that the teen center is the place to be in Sammamish.

**Public Comments** – None

### **Open Study Session**

- **Introductions of Planning Commission members:** Jeff Wasserman, Michael Luxenberg, Kathy Richardson, Joe Lipinsky, Jan Klier and Mike Collins.

### **Public Comments**

Jim Osgoode, 19661 SE 24<sup>th</sup> Way, has been thinking about the Environmental Critical Areas (ECA) process and has a recommendation to the City that will benefit all and help to show transparency. He recommends the City come up with a mission statement or guide. It should be short, simple and outlining most important principles. He himself is very environmentally conscious. (Written comments were submitted and are available upon request of the City Clerk).

Susan Richardson -19661 SE 24<sup>th</sup> Way, Expressed her concerns and suggestions for the process. Her goal is to be a partner in this process. Suggested avoiding black and white postures and look at both sides. 1. Discussion is critical. 2. Communication is also critical and finally 3. Transparency in the process.

David Gee, Citizens for Sammamish, Showed a PowerPoint presentation – Citizen Participation and Coordination- encourage the involvement of citizens in the planning process. Best Available Science to be included. (A copy of the presentation is available upon request of the City Clerk).

Ilene Stahl, 21553 SE 28 Lane, Appearance of fairness in public process is absolutely necessary. It is disturbing that favoritism is shown with the time some have to speak. Planning Commission members are members of a local property rights group. Does not feel we need a change in the ECA at this time. It is expensive and time consuming. Very few people have complained about it.

Erica Tillacos, 1130 Lancaster Way SE, in 2010, the city decided to update the CAO because of the Sunset provisions, detailed long list of how it came into being. It was stated that some buffers may not be necessary based on code. Only the Stormwater Manual has been updated. CAO was updated in 2005. GMA has played a large role in development of critical area. We should be looking at what needs to be changed and not degrade resources to accommodate others.

## Study Session Staff Report

### Process Discussion: Environmental Critical Areas Ordinance Update (ECA)

- (ECA) Environmental Critical Areas Ordinance- Mr. Gurol clarified the name of the ordinance as ECA. Mayor Gerend went over the reasons why we are establishing this ordinance. How it came into being.
- Mr. Gurol gave a staff report and presented a schedule for the process and public outreach and discussed the known topics for the ECA update. Stated the staff will follow the process needed and required.
- Mr. Yazici explained the update and how it was established. We need to readdress the schedule and work load issues if the scope of work changes.
- Mayor Gerend commented on the sunset clause put in place 2005 and expired in 2009. The idea was to address more thoroughly some concepts in the ordinance. It was extended for 2 years already. Important we do a thorough update now. Land Impact Development getting water off the plateau.
- Update now so it would not be needed again. On an 8 year schedule to 2023 if we finalize in 2012.
- Mr. Gurol stated that ground water issues are not included. Not prompting a problem. Short list from DES process. Best available science is scientific project to gather materials and see how it is relevant in Sammamish. Consultant will help define the results and how our regulations should be improved.
- Councilmember Cross stated certain policy issues are only decided at council level. Look for the range of items you want to achieve.
- Jan Klier thinks we are over-reacting to prevent the level of controversy that happened with the SMP. Try not to over-correct and check in along the way with the schedule.
- Councilmember Whitten didn't understand major issues initially. This is a learning process. Council chose an in-between route. A fair and objective process is important.
- Councilmember Petitti stated council should be involved in the initial discussion with best available science with the Planning Commission and not after.
- Jan Klier suggested that if Council finds a flaw in the product, to send it back to the Planning Commission for revisions.
- Joe Lipinsky would like to let everyone speak as long as they want during public comments, with no timers.
- Michael Luxenberg agrees to send it back if not done right. Do the factual part once and get it right.
- Mr. Yazici - Items listed will remain. Schedule will be followed to the end of 2012. Two-way, effective communication staying focused on transparency, are important. Goals and objectives of the process to be guided by the comprehensive plan. Make this available to all commissioners and on the City website. A copy of the best available science method will be presented to Council. The staff will work on setting more check points along the process. A decision should be made on future joint meetings and how many are needed. A method of reporting from PC to Council. Use Kathy Richardson's suggestion as a model for reporting and see what the Council likes.

Close Study Session 7:56 pm  
Council recessed from 7:56 pm – 8:09 pm

**Consent Calendar**

Payroll for the period ending October 31, 2011 for pay date November 4, 2011 in the amount of \$245,439.08

Approval: Claims for period ending November 14, 2011 in the amount of \$1,999,814.48 for Check No. 30652 through No.30793

Resolution: Final Acceptance Evans Creek Preserve Phase IB: Upper Parking Lot, Trail And Lower Plaza Project As Complete (R2011-463)

Resolution: Accepting The City Of Sammamish Maintenance And Operations Center (M.O.C.) Project As Complete (R2011-464)

Bid Award: Beaver Lake Lodge Repairs/Thornberg

MOTION: Councilmember Petitti moved to approve consent calendar. Deputy Mayor Odell seconded. Motion carried unanimously 5-0.

**Public Hearings**

Mayor Gerend opened the public hearing at 8:11 pm and closed the Public Hearing at 8:11 pm with no public comments.

Ordinance: Second Reading of the City of Sammamish, Washington, Relating To School Impact Fees; Amending The City's Comprehensive Plan To Adopt The Snoqualmie Valley School District No. 410 Capital Facilities Plan; Adopting The Associated School Impact Fee Schedule; And, Establishing An Effective Date. (O2011-312)

MOTION: Councilmember Petitti moved to adopt the ordinance amending the city's comprehensive plan and incorporating school impact fees. Councilmember Cross seconded. Motion carried unanimously 5-0. (O2011-312)

Ordinance: Second Reading of the City of Sammamish, Washington, Relating To School Impact Fees; Amending The City's Comprehensive Plan To Adopt The Lake Washington School District No. 414 Capital Facilities Plan; Adopting The Associated School Impact Fee Schedule; And, Establishing An Effective Date. (O2011-313)

MOTION: Councilmember Whitten moved to adopt the ordinance amending the city's comprehensive plan and incorporating school impact fees. Councilmember Cross seconded. Motion carried unanimously 5-0. (O2011-313)

Ordinance: Second Reading of the City of Sammamish, Washington, Relating To School Impact Fees; Amending The City's Comprehensive Plan To Adopt The Issaquah School District No. 411 Capital Facilities Plan; Adopting The Associated School Impact Fee Schedule; And, Establishing An Effective Date. (O2011-314)

MOTION: Councilmember Whitten moved to adopt the ordinance amending the city's comprehensive plan and incorporating school impact fees. Councilmember Cross seconded. Motion carried unanimously 5-0. (O2011-314)

Council would like the City Manager talk to those Cities that are not paying impact fees to the Snoqualmie Valley School District and encourage them to participate. Suburban Cities would be a good place to discuss this further.

**Ordinance:** First Reading Amending Chapter 21A.50 (Environmentally Critical Areas), Of The Sammamish Municipal Code.

Deputy Mayor Odell suggested eliminating the sunset clause at this point. Councilmember Whitten would like the pros and cons in doing so. Mr. Yazici stated they could adopt the ordinance and then in January 2012 eliminate it if Council chooses to. Mayor Gerend feels a one year extension should be sufficient after discussions with Planning Commission. Mr. Yazici suggested sticking with the schedule as proposed. It was suggested bringing a draft ordinance to next meeting for further discussion.

Opened Public hearing at 8:25 pm and continued to Dec. 6. There was no Public Comment.

**Resolution:** Declaring Certain Real Property Commonly Known As The "Lamb House" To Be Surplus To The Needs Of The City And Authorizing The Transfer Of Said Property To Habitat For Humanity For Use As Affordable Housing. (R2011-465)

It is important to make homes more available to members of our community with a minimum 8 -12 units. Homes to be built on this property should utilize the current ordinance for cottage housing and duplexes. Councilmember Whitten questioned the approval of sales or transfer by City of the units. Mr. Gurol and ARCH Director Arthur Sullivan explained the language.

Mayor Gerend opened Public Hearing at 8:39 pm and closed with no Public Comments at 8:41 pm.

Reopened for Public Hearing for comments at 8:43 pm

Rosemary Carol 20814 NE 26<sup>th</sup> Place – Endorses transferring the property to the Habitat for Humanity

MOTION: Deputy Mayor Odell moved to adopt Resolution authorizing the City Manager to execute an agreement with Habitat of Humanity of East King County to provide affordable ownership housing on property located at 228th Ave SE and SE 20th Street, adopt conditions of approval consistent with those listed in Attachment "A" of the staff report, and to execute all documents necessary to convey the property to Habitat for Humanity of East King County and Councilmember Nancy Whitten seconded. Motion carried unanimously 5-0. (R2011-465)

**Ordinance:** First Reading Amending Ordinance No. 02011-303, The 2011-2012 City Budget, For The Purpose Of Revising The 2011-2012 Biennial Budget.

City Manager Ben Yazici commented about the budget revisions.

Director of Finance Joe Guinasso gave a staff report and Powerpoint presentation. (available on the city's website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us) )

Mr. Yazici will check to see if King County took the 1% property tax increase this year and he recommended that Council pass the 1% property tax increase. Councilmember Whitten asked that the funds be separated from the Town Center infrastructure and remain in General Fund. Deputy Mayor Odell stated that earmarking the funds of 3 million for the Town Center may hasten the cross over point without a tax increase. Councilmember Petitti stated the 3 million is being ear-marked for Town Center. Mayor Gerend asked for clarification on 3.8 million in under-spending. Mayor Gerend and Councilmember Whitten are against the 1 % tax increase and Councilmember Petitti and Councilmember Cross are in favor. Staff will prepare two ordinances for the Dec. 6<sup>th</sup> meeting, one with 1% and one without. It was suggested that the Real Estate Excise Tax money be transferred to the operating side of budget. Mr. Yazici suggested putting 35% in General Fund. Deputy Mayor Odell suggested the street fund be used to accelerate the Overlay program.

Opened Public Hearing at 9:24 pm

Jim Wasnick, 22613 SE 32<sup>nd</sup> St. - Commended the council on not allowing a 1% tax increase.

Direction was given on the Wellness program 2% return to go back to the employees to offset the medical costs increasing to a 5% employee portion.

Ordinance: First Reading Relating To The Levying Of Regular Property Taxes And Establishing The Amount To Be Levied In 2012 On The Assessed Valuation Of The Property Within The City. This was already discussed in the Powerpoint.

Opened Public Hearing at 9:30 pm and continued to December 6, 2011 meeting.

### **Unfinished Business- None**

### **New Business**

Resolution: Adopting The City Of Sammamish Salary Schedule For Fiscal Year 2012 (R2011-466)

MOTION: Councilmember Cross moved to adopt City of Sammamish Salary Schedule for fiscal Year 2012. Deputy Mayor Odell seconded. Motion carried 4-1 Deputy Mayor Odell dissented.( R2011-466)

Resolution: Amending Resolution R2010-433 The City's Master Fee Schedule.

MOTION: Deputy Mayor Odell moved to amend Resolution R2010-433 The City's Master Fee Schedule. Councilmember Cross seconded. Motion carried unanimously 5-0. (R2011-467).

Approval: Reard/Freed House Lease with Sammamish Heritage Society  
Jessi Richardson presented with a Powerpoint (available on the city's website at [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us) )

MOTION: Councilmember Petitti moved to authorize the City Manager to execute a lease agreement with the Sammamish Heritage Society to move and restore the Reard-Freed House. Councilmember Cross seconded. Motion carried 3-2 - Councilmember Whitten and Deputy Mayor Odell dissented.

Councilmember Whitten is concerned about the language regarding insurance/liability in the lease agreement. She also has concerns about asbestos in the house and that more community funds still need to be raised before the house is moved.

Deputy Mayor Odell is concerned about who pays if the house needs to be removed from the property in the future and if bonding should be required for the move.

Heritage Society, Mary Moore, 216 NE Alder, Issaquah, WA – stated there was no asbestos in the house.

Approval: City Hall Security System

Administrative Services Director, Mike Sauerwein gave a staff report explaining the proposed security system. The system works with a chip to identify who is using the card when and where. Card will work for events during a controlled time frame.

MOTION: Deputy Mayor Odell moved to authorize the City Manager to award a contract to the lowest responsible bidder. Councilmember Petitti seconded. Motion carried unanimously 5-0.

### **Council Reports**

Deputy Mayor Odell – discussed National Cities meeting in Phoenix and the economic development track.

Councilmember Whitten – discussed the campaign issues

Mayor Gerend – Phoenix conference.

**City Manager Report**

- Suburban Cities Association Appointment of a Representative for panel to review the requirements for schools outside the urban growth boundary to connect to sewers. Councilmember Cross has been elected to serve as a member of the Councilmember panel.

**Executive Session** – If Necessary

Meeting adjourned at 10:15 pm

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Lita Hachey, Administrative Assistant  
to the City Clerk

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Donald J. Gerend, Mayor