



City Council, Regular Meeting

AGENDA

May 3, 2011

6:30 pm – 9:30 pm
Council Chambers

Call to Order

Roll Call/Pledge of Allegiance

Approval of Agenda

Student Liaison Reports

- Eastlake High School
- Skyline High School

Presentations/Proclamations

- Backyard Wildlife Habitat Certification
- Native Plant Society
- Department Reports: Finance/Information Technology
Public Works

Public Comment

Note: *This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.*

Consent Agenda

- Payroll for period ending April 15, 2011 for pay date April 20, 2011 in the amount of \$237,180.62
1. Approval: Claims for period ending May 3, 2011 in the amount of \$1,431,710.44 for Check No.29065 through No.29175
 2. Resolution: Final Acceptance 2010 Sidewalk Program/Salinas Construction
 3. Amendment: Plan Review Services/BHC
 4. Approval: Revised Notes for June 8, 2010 Joint Meeting/Study Session
 5. Approval: Revised Notes for June 14, 2010 Study Session
 6. Approval: Notes for April 12, 2011 Study Session
 7. Approval: Minutes for April 18, 2011 Regular Meeting

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

Public Hearings

8. Ordinance: Repealing Title 23 (Code Enforcement) And Re-Adopting A New Title 23A (Civil Code Compliance) Of The Sammamish Municipal Code

Unfinished Business - None

New Business

9. Ordinance: First Reading Amending Ordinance No. 02010-292, The 2011-2012 City Budget, For The Purpose Of Revising The 2011-2012 Biennial Budget.

Council Reports

City Manager Report

Executive Session – If necessary

Adjournment

AGENDA CALENDAR

May 2011			
Tues. 5/3	6:30 pm	Regular	Presentation: Backyard Wildlife Habitat Certification Presentation: Native Plant Society Department Reports: Finance/IT/ Public Works Public Hearing/First Reading: Ordinance Title 23A Code Compliance Ordinance: First Reading 2010-2011 Carry Forwards Final Acceptance: 2010 Sidewalk Program/Salinas (consent) Amendment: Plan Review Services/BHC (consent)
Tues. 5/10	5:30 pm	Joint Special Meeting/Parks Commission	Department Report: Parks Report: Community Center Planning Commission Handoff Fundraising Signs Discussion: Surface Water Manual Discussion: Transfer of Development Rights Executive Session: Property Acquisition
Mon 5/16	6:30 pm	Regular Meeting	Presentation: GFOA Financial Reporting Award Shoreline Master Plan Update Public Hearing: First Reading Fund Raising Signs Ordinance: Second Reading/Stormwater Manual Update Ordinance: Second Reading Title 23A Code Compliance Ordinance: Second Reading 2010-2011 Carry Forwards Resolution: Final Acceptance NE 14 th Drive Project (consent) Contract: OHWM Contract: 228 th Operational Anylsis (consent) Contract: Beaver Lake Management/King County CM Report: Economic Development
Wed. 5/25	6:00 pm	Joint Meeting/ISD	Issaquah School District Office
Mon. 5/30	Closed	Holiday	Memorial Day – City Offices Closed
Jun. 2011			
Tues. 6/7	6:30 pm	Regular	Presentation: SAGE Team Public Hearing/First Reading: Ordinance: Shoreline Master Plan Ordinance: Second Reading Adopting Settlement Agreement & Related Ordinance - Olshausen Litigation Ordinance: Second Reading Fund Raising Sign Bid Award: Police Parking Lot Project Bid Award: Room 202 Tenant Improvements Budget Amendments: Police Precinct Parking Lot/Tenant Improvements Bid Award: SE 32 nd Non-Motorized Project Contract: Consultant/SWM Inglewood & Tamarack Stormwater Analysis (consent) Contract: Economic Development Study
Tues. 6/14	6:30 pm	Joint Meeting with Parks Commission	Discussion: Community Center Economic Development Committee
Mon. 6/20	6:30 pm	Study Session/Special Meeting	Ordinance: Second Reading SMP Interlocal: School Resource Officers/King County Contract Award: Pavement Overlay Emergency Plan
Jul. 2011			
Mon. 7/4	Closed	Holiday	Independence Day – City Offices Closed
Tues. 7/5	6:30 pm	Regular	Community Center (placeholder) Contract: 244 th Non-Motorized Project
Tues. 7/12	6:30 pm	Study Session	

Mon. 7/18	6:30 pm	Regular Meeting	
August 2011			NO MEETINGS
Sept. 2011			
Mon. 9/5		Holiday	Labor Day– City Offices Closed
Tues. 9/6	6:30 pm	Regular	
Tues. 9/13	6:30 pm	Study Session	Department Reports: DCD/Admin/Police/Fire
Mon. 9/19	6:30 pm	Regular Meeting	
Oct. 2011			
Tues. 10/4	6:30 pm	Regular	
Tues. 10/11	6:30 pm	Study Session	Discussion: SWM update 2012 Department Reports: Finance/IT/Parks/Public Works
Mon. 10/17	6:30 pm	Regular Meeting	
Nov. 2011			
Tues. 11/1	6:30 pm	Regular	
Tues. 11/08	6:30 pm	Study Session	
Mon. 11/21	6:30 pm	Regular Meeting	
Dec. 2011			
Tues. 12/6	6:30 pm	Regular	Resolution: Final Acceptance/2011 Pavement Overlay
Tues. 12/13	6:30 pm	Study Session	
Mon. 12/19	6:30 pm	Regular Meeting	
To Be Scheduled		To Be Scheduled	Parked Items
Ordinance: Second Reading Puget Sound Energy Franchise Franchise: Cable TV		Final Acceptance: 244 th Avenue Improvement Project Final Acceptance: SE 20 th Street Non-motorized Improvement Project	Joint Meeting/LWSD

<< April

May 2011

June >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 9 a.m. Blood Drive at City Hall	2	3 6:30 p.m. City Council Meeting	4 6:30 p.m. Parks and Recreation Commission Meeting	5 6:30 p.m. Planning Commission Meeting	6	7
8	9 6:30 p.m. Community Center Feasibility Study Public Meeting	10 5:30 p.m. Joint City Council Meeting w/Parks & Rec Commission	11	12 6:30 p.m. Community Garden Steering Committee Meeting	13	14
15 8 a.m. Call to Artists - 2011 Art Fair	16 6:30 p.m. City Council Meeting 6:30 p.m. Arts Commission Meeting	17 5:30 p.m. City Council Council Office Hour	18 4 p.m. OPENING DAY Sammamish Farmers Market 6 p.m. Sammamish Youth Board Meeting	19 6:30 p.m. Planning Commission Meeting	20	21 9 a.m. Volunteer Event at Illahee Trail 10 a.m. Sammamish Walks
22	23	24	25 4 p.m. Sammamish Farmers Market 6 p.m. Joint City Council Meeting with Issaquah School District Board	26	27	28
29	30 8 a.m. Memorial Day City offices closed	31	1	2	3	4

<< May

June 2011

July >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 4 p.m. Sammamish Farmers Market 6:30 p.m. Parks and Recreation Commission Meeting	2 6:30 p.m. Planning Commission Meeting	3	4
5	6	7 6:30 p.m. City Council Meeting 7 p.m. Simple Measures Concert	8 4 p.m. Sammamish Farmers Market 6 p.m. Art Recycle Reception	9 6:30 p.m. Community Garden Steering Committee Meeting	10	11
12	13 6:30 p.m. Community Center Feasibility Study Public Meeting	14 6:30 p.m. City Council Study Session	15 4 p.m. Sammamish Farmers Market 6 p.m. Sammamish Youth Board Meeting	16 6:30 p.m. Planning Commission Meeting	17 3:30 p.m. Teen Fest Skate Competition & Dance	18 10 a.m. Sammamish Walks 12 p.m. Lifeguards begin duty at Pine Lake
19	20 6:30 p.m. Arts Commission Meeting 6:30 p.m. City Council Meeting	21 5:30 p.m. City Council Council Office Hour	22 4 p.m. Sammamish Farmers Market	23	24	25
26	27 6:30 p.m. Volunteer Orientation - Fourth on the Plateau	28 11 a.m. Kids Concert	29 4 p.m. Sammamish Farmers Market	30		



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: April 28, 2011
RE: Claims for May 3, 2011

\$ 61,414.50
 2,726.35
 11,298.99
 1,243,343.52
 112,927.08

Top 5 Expense Items in Packet

Eastside Fire & Rescue	&884,079.84	Fire Services April & May 2011
Kirtley Cole	\$100,266.71	New MOC Construction
Reid Middleton	\$57,980.25	244 th Non-Motorized Improvements
City Of Bellevue	\$37,135.00	Human Services Pooled Program 2011
Apex Facility Resources	\$29,875.98	Furniture for new Maintenance Facility

TOTAL: \$ 1,431,710.44
Check # 29065 through # 29175

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 4/20/2011 - 9:18 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29065	04/20/2011	ANI	ANI Administrators NW Inc	1,788.15	0
29066	04/20/2011	CHAP13	Chapter 13 Trustee	1,100.00	0
29067	04/20/2011	ICMA401	ICMA 401	30,982.88	0
29068	04/20/2011	ICMA457	ICMA457	8,636.55	0
29069	04/20/2011	WALAB	Wa State Dept of Labor & Indus	18,906.92	0
				<u>61,414.50</u>	
Check Total:				<u>61,414.50</u>	

Accounts Payable
Computer Check Register



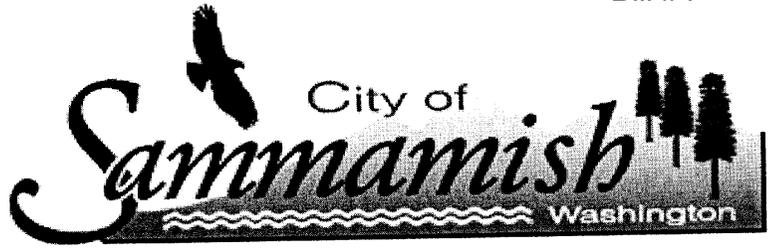
User: mdunham
Printed: 04/20/2011 - 9:36AM
Bank Account: APPR
Batch: 006.04.2011

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
29070	AWCMED	AWC Employee BenefitsTrus	4/20/2011		
				5/2011	1,093.19
				5/2011	741.87
				5/2011	891.29
		Check 29070 Total:			2,726.35
		Report Total:			2,726.35

Accounts Payable

Check Register Totals Only

User: mdunham
Printed: 4/27/2011 - 9:39 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29071	04/27/2011	US BANK	U. S. Bank Corp Payment System	11,298.99	0
				Check Total:	
				11,298.99	

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 4/27/2011 - 12:52 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29072	05/03/2011	AECOM	AECOM	1,616.87	0
29073	05/03/2011	ANAYA	Leo Anaya	89.39	0
29074	05/03/2011	ANDERPAP	Anderson Paper & Pkg Company	159.25	0
29075	05/03/2011	ANTIN	Aaron Antin	219.30	0
29076	05/03/2011	APEX	Apex Facility Resources, Inc	29,875.98	0
29077	05/03/2011	APPLIEDC	Applied Concepts, Inc	2,985.41	0
29078	05/03/2011	APSINC	APS (Formerly Pac Mail)	355.82	0
29079	05/03/2011	ARGUS	Argus Pacific	1,425.00	0
29080	05/03/2011	ATHLETES	Athletes for Kids	2,750.00	0
29081	05/03/2011	ATTLONG	AT&T	249.90	0
29082	05/03/2011	AUDIOAM	Eddie Bishop	657.00	0
29083	05/03/2011	AWC	Association of Wa Cities	45.00	0
29084	05/03/2011	BELLCITY	City Of Bellevue	37,125.00	0
29085	05/03/2011	BELPAINT	Bellevue Paint & Decorating In	96.12	0
29086	05/03/2011	BELZAK	Steve Belzak	95.88	0
29087	05/03/2011	BMC	BMC Select	555.69	0
29088	05/03/2011	BOHANAN	Martin Bohanan	164.24	0
29089	05/03/2011	BUTKUS	Pete Butkus	23.46	0
29090	05/03/2011	CADMAN	Cadman, Inc.	856.31	0
29091	05/03/2011	CDW	CDW Govt Inc	4,769.10	0
29092	05/03/2011	CEZAR	Susan Cezar	455.24	0
29093	05/03/2011	CHARIS	Charis Communications	400.00	0
29094	05/03/2011	CLARK	Clark's Towing & Repair	193.82	0
29095	05/03/2011	CODEPUB	Code Publishing Inc	1,278.52	0
29096	05/03/2011	COMSOUND	Commerical Sound & Video	7,640.91	0
29097	05/03/2011	CURRY	Kathy Curry	144.84	0
29098	05/03/2011	DAY	Day Wireless	114.88	0
29099	05/03/2011	DEERE	John Deere Landscapes	341.00	0
29100	05/03/2011	EASTFIRE	Eastside Fire & Rescue	884,079.84	0
29101	05/03/2011	EASTPLUM	Eastside Plumbing Services	952.46	0
29102	05/03/2011	ECOTONE	Ecotone Commissioning Group LL	1,488.00	0
29103	05/03/2011	EWINGIRR	Ewing Irrigation	683.82	0
29104	05/03/2011	FASTENAL	Fastenal Industrial Supplies	225.02	0
29105	05/03/2011	FIBERFRI	2 Fiberfriends	3,000.00	0
29106	05/03/2011	FRANCO2	U. S. Postal Service/ Francotyp-Postal	2,500.00	0
29107	05/03/2011	FRYOUTH	Friends Of Youth	2,200.00	0
29108	05/03/2011	GIANINI	Chris Gianini	75.68	0
29109	05/03/2011	HDFOWL	H. D. Fowler Company	784.54	0
29110	05/03/2011	HEROHOUS	NAMI Eastside Hero House	1,100.00	0
29111	05/03/2011	HOPEFAM	Hopelink/Family Development	687.50	0
29112	05/03/2011	HOPEFAMI	Hopelink/Avondale Park	412.50	0
29113	05/03/2011	INTEGRA	Integra Telecom	3,319.22	0
29114	05/03/2011	INTHEZON	InThe Zone Promotions	904.62	0
29115	05/03/2011	ISSAQI	Issaquah Press, Inc.	615.00	0
29116	05/03/2011	ISSCITY	City Of Issaquah	8,802.25	0
29117	05/03/2011	JIRSA	Barbara Jirsa	46.52	0
29118	05/03/2011	KINGDD	King County DDES	892.50	0
29119	05/03/2011	KINGFI	King County Finance A/R	18,997.79	0
29120	05/03/2011	KIRTLEY	Kirtley Cole	100,266.71	0
29121	05/03/2011	LAKESIDE	Lakeside Industries	1,001.93	0

Check	Date	Vendor No	Vendor Name	Amount	
29122	05/03/2011	LIJING	Jingyu Li	137.70	0
29123	05/03/2011	LPD	LPD Engineering PLLC	3,832.00	0
29124	05/03/2011	MINUTE	Minuteman Press	14.24	0
29125	05/03/2011	MOFFATT	Moffatt & Nichol Engineers	2,941.00	0
29126	05/03/2011	NAMI	NAMI Eastside	687.50	0
29127	05/03/2011	NAPA	Genuine Parts Company/Issaquah	293.02	0
29128	05/03/2011	NWCASC	Northwest Cascade, Inc.	1,018.44	0
29129	05/03/2011	NWLSVC	NW Landscape Service	5,957.90	0
29130	05/03/2011	NWPLAY	Northwest Playground Equipment	39.42	0
29131	05/03/2011	PACE	Pace Engineers, Inc.	1,723.80	0
29132	05/03/2011	PACPLANT	Pacific Plants	13,623.11	0
29133	05/03/2011	PERFORMA	Performance Journeys, Inc	5,000.00	0
29134	05/03/2011	POA	Pacific Office Automation	262.80	0
29135	05/03/2011	PROPET	Pro Pet Distributors, Inc	526.35	0
29136	05/03/2011	PSE	Puget Sound Energy	2,356.04	0
29137	05/03/2011	PUGETSOU	Puget Sound Bank	4,797.45	0
29138	05/03/2011	QWEST!NT	Qwest	1,194.00	0
29139	05/03/2011	REDEMERG	Redmond Emergency Services	962.50	0
29140	05/03/2011	SAM	Sammamish Plateau Water Sewer	708.66	0
29141	05/03/2011	SEATIM	Seattle Times	524.81	0
29142	05/03/2011	SMS	SMS Cleaning, Inc	8,628.75	0
29143	05/03/2011	SPRAGUE	SPRAGUE	183.23	0
29144	05/03/2011	SPRINT	Sprint	50.00	0
29145	05/03/2011	SUNBELT	Sunbelt Rentals	21.90	0
29146	05/03/2011	TACOMASC	Tacoma Screw Products, Inc	27.99	0
29147	05/03/2011	TCF	TCF Architecture	7,300.27	0
29148	05/03/2011	TLC	Total Landscape Corp	7,594.66	0
29149	05/03/2011	ULTRABLO	Ultrablock, Inc	2,014.80	0
29150	05/03/2011	UNITRENT	United Rentals NW, Inc	9,851.95	0
29151	05/03/2011	WAAUDIT	Wa State Auditor's Office	1,768.50	0
29152	05/03/2011	WAEMP	State of Wa Employment Security De	28,084.69	0
29153	05/03/2011	WATERSH	The Watershed Company	3,040.00	0
29154	05/03/2011	WAWORK	Washington Workwear Stores Inc	456.21	0
				<hr/> <hr/>	
				Check Total:	1,243,343.52
				<hr/> <hr/>	

Accounts Payable

Check Register Totals Only

User: mdunham
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
29155	05/03/2011	APS	Applied Professional Svs, Inc.	480.00	0
29156	05/03/2011	AUDIOAM	Eddie Bishop	219.00	0
29157	05/03/2011	CADMAN	Cadman, Inc.	417.81	0
29158	05/03/2011	CONSTRUC	Construct Co	23,870.55	0
29159	05/03/2011	DEERE	John Deere Landscapes	838.66	0
29160	05/03/2011	FIELD	Rick Field	2,291.09	0
29161	05/03/2011	KCRADIO	King Cty Radio Comm Svcs	377.97	0
29162	05/03/2011	KINGFI	King County Finance A/R	13,182.77	0
29163	05/03/2011	LOCHNER	Lochner, Inc.	1,365.95	0
29164	05/03/2011	PACPLANT	Pacific Plants	3,307.45	0
29165	05/03/2011	PSE	Puget Sound Energy	87.86	0
29166	05/03/2011	PUTHOFF	Joanna Puthoff	105.00	0
29167	05/03/2011	QWEST	QWEST	211.17	0
29168	05/03/2011	REIDMID	Reid Middleton, Inc	57,980.25	0
29169	05/03/2011	RH2	RH2 Engineering Inc	2,640.78	0
29170	05/03/2011	RICHARDS	Jessi Richardson	105.00	0
29171	05/03/2011	SHANNONW	Shannon & Wilson Inc	961.22	0
29172	05/03/2011	UNITRENT	United Rentals NW, Inc	2,960.14	0
29173	05/03/2011	WATERSH	The Watershed Company	1,264.33	0
29174	05/03/2011	WAWORK	Washington Workwear Stores Inc	14.75	0
29175	05/03/2011	ZUMAR	Zumar Industries, Inc.	245.33	0
				112,927.08	
Check Total:					



City Council Agenda Bill

Meeting Date: May 3, 2011

Date Submitted: April 27, 2011

Originating Department: Public Works

Clearances:

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

Subject: Resolution: 2010 Sidewalk Repair Program
Contract # C2010-149
Final Project Acceptance

Action Required: Adopt the resolution accepting the 2010 Sidewalk Repair Program as complete

Exhibits:

1. Final Contract Voucher Certificate
2. Resolution of Project Acceptance

Budget: \$356,700 was available for this project in the adopted 2010 Sidewalk Program budget and \$275,000 is available in the adopted 2011 Sidewalk Program budget. (Transportation Capital Improvement and Surface Water Capital Funds). The project was completed within budget.

Summary Statement:

All work for the above referenced contract has been completed in accordance with the project specifications. The recommended action approves the final contract amount and constitutes the final acceptance of the work.

Background:

At the July 27, 2010 council meeting, Council authorized the City Manager to award and execute a construction contract to the lowest responsive and responsible bidder, Salinas Construction Inc., and administer a 10% construction contingency for the 2010 Sidewalk Repair Program. Under this contract repairs were made to areas of broken sidewalk and curb and gutter, as well as substandard sidewalk ramps. The majority of these repairs occurred in the Timberline neighborhood. The original contract amount was \$155,224.00. The final contract amount is \$161,070.50. The increase in the contract amount was to cover field adjustments made to localized repair limits.



City Council Agenda Bill

Financial Impact:

This work was completed within budget and within the authorized dollar amount.

Funds Available:

	2010 Budget	2011 Budget	Contract
Sidewalk Program Budget (340-118-595-61-63-00):	\$ 284,500	\$250,000	\$ 128,856.40
Sidewalk Program Budget (438-318-595-40-63-00):	\$ 72,200	\$ 25,000	\$ 32,214.10
Total	\$356,700	\$275,000	\$ 161,070.50

Recommended Motion:

Approve the final contract amount with Salinas Construction, Inc. in the amount of \$161,070.50 and adopt the Resolution accepting the 2010 Sidewalk Repair Program as complete.



Final Contract Voucher Certificate

Contractor Salinas Construction, Inc.			
Street Address 7804 40th Ave West			
City Mukilteo	State Wa	Zip 98273	Date 4/21/11
City Project Number -	Federal Aid Project Number -	City Contract Number C2010-149	
Contract Title 2010 Sidewalk Repair Program			
Date Work Physically Completed 2/10/2011		Final Amount \$ 161,070.50	

Contractor's Certification

I, The undersigned, having first been duly sworn, certify that I am authorized to sign for the claimant; that in connection with the work performed and to the best of my knowledge no loan, gratuity or gift in any form whatsoever has been extended to any employee of the City of Sammamish nor have I rented or purchased any equipment or materials from any employee of the City of Sammamish; I further certify that the attached final estimate is a true and correct statement showing all the monies due me from the City of Sammamish for work performed and material furnished under this contract; that I have carefully examined said final estimate and understand the same and that I hereby release the City of Sammamish from any and all claims of whatsoever nature which I may have, arising out of the performance of said contract, which are not set forth in said estimate.



X [Signature]
Contractor Authorized Signature Required

Johnnie J Zabel
Print Signature Name

Subscribed and sworn to before me this 25 day of April 20 11

X Dawn M Ellis Notary Public in and for the State of Washington
residing at Nike Stevens, WA

City of Sammamish

I, certify the attached final estimate to be based upon actual measurement, and to be true and correct.

Approved Date 4/26/11

X [Signature]
Project Engineer/Project Administrator

X [Signature] 4/27/11
City Engineer

This Final Contract Voucher is to be prepared by the Project Engineer or Project Administrator. Contractors Claims, if any, must be included and the Contractors Certification must be labeled indicating a claim attached.



City of Sammamish
 801 228th Avenue SE
 Sammamish, WA 98075
 Phone: (425) 295-0500
 Fax: (425) 295-0600

DATE: 4/21/11

Final Estimate					CONTRACT NO. C2010-149	
PROJECT: 2010 Sidewalk Repair Program					CONTRACTOR: Salinas Construction Inc.	
ITEM	DESCRIPTION	UNIT	EST QTY	UNIT PRICE	FINAL QTY	FINAL COST
1	Minor Change	CALC	1	\$ 10,000.00	0	\$ -
2	Project Temporary Traffic Control	LS	1	\$ 3,000.00	1	\$ 3,000.00
3	Remove and Replace Sidewalk	LF	220	\$ 28.00	0	\$ -
4	Rem & Replace Walk w/add'l base	LF	2282	\$ 38.00	1668	\$ 63,384.00
5	Rem & Replace Curb	LF	560	\$ 42.00	1077	\$ 45,234.00
6	Remove & Replace Curb w/add'l base	LF	50	\$ 46.00	0	\$ -
7	Exc below subgrade for sidewalks	LF	50	\$ 20.00	0	\$ -
8	Exc below subgrade for curb & gutter	LF	20	\$ 10.00	0	\$ -
9	Exc below subgrade for pavt repair	SF	200	\$ 4.00	0	\$ -
10	Catch basin adjust	EA	4	\$ 200.00	5	\$ 1,000.00
11	Catch basin adjust w/new casting	EA	2	\$ 500.00	3	\$ 1,500.00
12	Salvage and reinstall irrigation	EA	15	\$ 130.00	0	\$ -
13	Pavement Patch	SF	454	\$ 7.00	957.5	\$ 6,702.50
14	Remove, replace sidewalk ramp	EA	8	\$ 1,750.00	23	\$ 40,250.00
15	Gravel borrow including haul	CY	10	\$ 60.00	0	\$ -
					Total Contract Cost	\$ 161,070.50

		Date of acceptance
Contractor Approval	Signature: <u></u>	Date: <u>4/25/2011</u>
	Johnnie Zabel, Project Manager	
Owner Approval	Signature: <u></u>	Date: <u>4/27/11</u>
City of Sammamish	Jeff Brauns, City Engineer	
Const. Manager Approval	Signature: <u></u>	Date: <u>4/26/11</u>
	Jim Grueber, Project Manager	

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2011- 000**

**A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, ACCEPTING THE 2010 SIDEWALK REPAIR
PROGRAM AS COMPLETE.**

WHEREAS, at the Council meeting of July 27, 2010 the City Council authorized award of the construction contract for the 2010 Sidewalk Repair Program; and

WHEREAS, the City Manager entered into Contract C2010-149 for construction of the 2010 Sidewalk Repair Program with Salinas Construction, Inc., on September 16, 2010; and

WHEREAS, the project was substantially completed by the contractor on February 10, 2011; and

WHEREAS, the project was completed within the adopted project budget and within the authorized construction contract plus contingencies amount;

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

Section 1. Project Acceptance. The City of Sammamish hereby accepts the 2010 Sidewalk Repair Program as complete.

Section 2. Authorization of Contract Closeout Process. The City of Sammamish Director of Public Works and City Clerk are hereby authorized to complete the contract closure process upon receiving appropriate clearances from the Department of Revenue, Department of Labor and Industries and the Department of Employment Security.

Section 3. Effective Date. This resolution shall take effect immediately upon signing.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 1st DAY OF MMMM 2011.**

CITY OF SAMMAMISH

Mayor Donald J. Gerend

Exhibit 2

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: April 29, 2009
Passed by the City Council: [Click here to enter a date.](#)
Resolution No.: **R2011-000**



City Council Agenda Bill

Meeting Date: May 3, 2011

Date Submitted: April 27, 2011

Originating Department: Community Development

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input checked="" type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Extend the contract amount for plan review services from BHC Consultants, LLC

Action Required: First Reading; No action

Exhibits: 1. Supplemental Agreement

Budget: 2011-2012 – professional services account number 001-558-559-20-41-00

Summary Statement: Due to a higher than expected increase in customer-requested expedited building plan review services, the approved contract amount for BHC, Inc. needs to be adjusted. These expedited reviews are revenue-neutral and costs are paid by permit applicants. The current contract amount of \$15,000 is proposed to be increased by an additional \$25,000 to a total of \$40,000. No amendment to the adopted 2011-2012 budget is required.

Background: Expedited plan review is an additional service provided by Sammamish at the request of a permit applicant, and reduces the turnaround time for first review from two months to approximately 2 or 3 weeks. This expense is authorized in the adopted 2011-12 budget with \$20,000 in each year for a total of \$40,000. The original contract for BHC Consultants was \$15,000 and customer demand has resulted in the need to increase this amount.

Financial Impact: N/A. Applicants pay the cost of the expedited plan review performed by the contractor.

Recommended Motion: Authorize the City Manager to execute the contract amendment with BHC in an amount not to exceed \$40,000.



STUDY SESSION NOTES

Joint Meeting with Redmond City Council Study Session June 8, 2010 REVISED

Mayor Donald J. Gerend opened the Joint study session of the Sammamish City Council at 6:30 p.m.

Call to Order

- **WELCOME AND INTRODUCTION**
(Mayors Gerend and Marchione)

Topics

- **Parks District**
- **Sammamish Park Plan Update**
- **Transit/Transportation Issues**

Adjourn Meeting 8:30 pm

Open Study Session 8:40 pm

Public Comment

This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.

- 1. Street Light Standards**
- 2. Parks Survey Questions**
- 3. Additional Topics**

Council Reports

City Manager Report

Adjournment 10:00 pm



STUDY SESSION NOTES

Study Session

June 14, 2010

REVISED

Open Study Session

6:30 pm

Mayor Donald J. Gerend opened the study session of the Sammamish City Council at 6:30 p.m.

Public Comment

This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.

Topics

- **Sustainability Strategy Briefing**
- **Connectivity – Next Steps**
- **Neighborhood Traffic Management Plan (NTMP) Phase II Project Petition Approvals**
- **2011-2016 Six Year Transportation Improvement Plan (TIP)**
- **Stormwater Manual 101**
- **Non-Motorized Transportation Plan**

Council Reports

City Manager Report

Executive Session – Potential Property Acquisition pursuant to RCW 42.30110(1)(B)

Council retired to Executive Session at 9:30 pm and returned at 10:00 pm. No action was taken.

Adjournment

10:00 pm



STUDY SESSION NOTES

Study Session

April 12, 2011

Mayor Donald J. Gerend opened the study session of the Sammamish City Council at 6:30 p.m.

Open Study Session

6:30 pm

Public Comment

This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.

Mike Collins, 2841 E Lake Sammamish Parkway NE, He addressed the council regarding rainwater harvesting. He explained how this could be extremely beneficial for the environment. He also stressed how important it will be to work closely with the two water and sewer districts in this endeavor.

Linda Eastlick, PO Box 2574, Issaquah, She spoke regarding a conditional use permit being applied for to build a parking lot on SE 20th Street. She does not feel that SE 20th Street can accommodate the increased vehicle travel which this parking lot would create. She also feels it would create a danger to children and others walking along SE 20th Street. She is also concerned about additional stormwater runoff into Pine Lake.

Topics

- **Update: Natural Gas Pipeline Safety**

Deputy City Manager Pete Butkus gave the update. He showed a PowerPoint presentation explaining what types of fuel the Williams pipeline carries and where the pipeline is located (PowerPoint presentation available on the city's website at www.ci.sammamish.wa.us).

- **Discussion: Account Receivables**

Assistant City Manager/Finance Director Lyman Howard gave the staff report and a PowerPoint presentation (PowerPoint presentation available on the city's website at www.ci.sammamish.wa.us).

- **Presentation: Title 23 Code Compliance**

Assistance City Manager/Director of Community Development gave the staff report and PowerPoint presentation (PowerPoint presentation available on the city's website at www.ci.sammamish.wa.us).

Council recessed for 5 minutes.

- **Presentation: Storm Water Manual Update**

Senior Stormwater Program Engineer Eric LaFrance gave the staff report and showed a PowerPoint presentation (PowerPoint presentation available on the city's website at www.ci.sammamish.wa.us).

Council agreed that the April 18, 2011 Regular meeting will begin at 5:00 pm with an Executive Session lasting until 6:30 pm. The open meeting will start at its regular 6:30 pm time.

Executive Session – Potential Property Acquisition pursuant to RCW 42.30110(1)(B)

This item was moved to April 18, 2011 regular meeting

Adjournment

10:15 pm

COUNCIL  **MINUTES**

REGULAR MEETING

April 18, 2011

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 5:00 pm.

Councilmembers present: Mayor Don Gerend, Deputy Mayor Tom Odell, Councilmembers Mark Cross, John Curley, John James, and Nancy Whitten.

Councilmember absent: Councilmember Michelle Petitti.

MOTION: Councilmember Cross moved to excuse Councilmember Petitti. Councilmember Curley seconded. Motion carried 5-0.

Staff present: City Manager Ben Yazici, Public Works Director Laura Philpot, Senior Stormwater Program Engineer Eric LaFrance, Assistant City Manager/Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Assistant City Manager/Finance Director Lyman Howard, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

Roll Call/Pledge of Allegiance

Roll was called. Councilmember Cross led the pledge.

Approval of Agenda

MOTION: Councilmember Whitten moved to approve the agenda. Councilmember Curley seconded.

AMENDMENT: Deputy Mayor Odell moved to amend the agenda by removing Item #3 Contract: Recreation Center Access Design/Otak and item #4 Contract: Sammamish Landing/Reid Middleton to follow Item #9 under new business. Agenda was approved as amended 6-0.

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

Council retired to Executive Session at 5:05 pm and returned at 6:30 pm. No action was taken.

Student Liaison Reports

Skyline High School: (Justin Hall) Boys Varsity Soccer team is undefeated. The Boys Baseball team defeated Eastlake. Emily and Haley Minson will represent Washington State in a National LaCrosse meet. He also reported that graduation will be on June 10th. Physics Club will be competing in a national physics tournament.

Public Comment

Amiee Martin, Community Relationship Manager for the American Cancer Society, She spoke about the upcoming fundraiser, Relay for Life, which will be held at Skyline High School on May 21 and 22. She said this was an excellent way for the community to get involved in raising funds for this very worthwhile cause (For more information see www.issaquahrelayforlife.org).

Steve Campbell, coordinated the Relay for Life Race in Issaquah. He explained that it is a great fundraiser and a great way to involve students and residents in raising funds for cancer. He is asking Sammamish to get involved as well. Relay for Life raises funds for research and to help cancer patients that need help now.

Harry Shedd, 2313 Sahalee Dr. E, He asked Council to remove Item #4, a contract for Sammamish Landing design with Reid Middleton from the Consent Agenda. He does not feel this park is a high priority item with the city.

Linda Eastlick, PO Box 2574, She spoke regarding the short plat approval ordinance on the agenda. She encouraged Council to make sure that the stormwater issues are thoroughly reviewed because the short plat is right next to Pine Lake.

Romero Valdarrama, He reminded Council that Citizens for Sammamish supported the Parks and Recreation Commission's recommendation that this park should not be highly developed. He said that Council also supported the less developed recommendation for the park. He feels that park improvements be prioritized in order of importance. He feels this park is not vital and Council should revisit this park in terms of priority.

Wally Pererya, 148 Eastlake Sammamish Parkway SE, He is in favor of accepting the 2009 Surface Water Design manual with no exception (bifurcation) for small lots to vest to the older manual. Adherence to the 2009 manual will better protect Sammamish's streams.

Erica Tiliacos, 1130 Lancaster Way SE, She feels the intersection of SE 4th Street and 228th Avenue SE is a dangerous intersection. She feels there is a sight problem due to the wood fence that has been installed.

Ilene Stahl, Mark McGil, 21553 SE 28th Lane, She spoke regarding agenda Item #9. The reissued short plat application impacts their property. They don't understand how the city can approved a short plat application that has twice been disapproved by the Hearing Examiner and courts.

Consent Calendar

Payroll for period ending March 31, 2011 for pay date April 5, 2011 in the amount of \$242,155.01

Approval: Claims for period ending April 18, 2011 in the amount of \$420,868.73 for Check No.28944 through No.29064

Resolution: Authorizing The Write-Off Of Bad Debts And Granting Limited Authority To The City Manager To Write Off Future Bad Debts (R2011-454)

Amendment: Washington Trails Association/Evans Creek Preserve

Approval: Minutes for the April 5, 2011 Regular Meeting

MOTION: Deputy Mayor Odell moved to approve consent calendar. Councilmember Curley seconded. Motion carried unanimously 6-0.

Public Hearing

Ordinance: First Reading Repealing Chapter 5 Of Title 15 Of The Sammamish Municipal Code And Adopting A New Title 13 Of The Sammamish Municipal Code Identified As Surface Water Management

Senior Stormwater Program Engineer Eric LaFrance gave the staff report and showed a PowerPoint presentation which explained why the city is updating the Stormwater Manual (*presentation available on the city's website at www.ci.sammamish.wa.us*). He explained that this ordinance will adopt three items: (1) the 2009 King County Surface Water Manual, (2) Amendments to the manual that are specific to Sammamish and (3) a new Title 13 which will be codified into the Sammamish Municipal Code.

The Planning Commission and city staff both support the bifurcation of the manual which is allowed under the current NPDES permit. Bifurcation will allow smaller lots to vest to the 1999 manual.

Public Hearing opened at 7:20 pm.

George Toskey, 2430 238th Avenue SE, He believes that the reason for the Kokanee salmon decline is caused by the introduction of small mouth bass into Lake Sammamish. He does not feel it is due to increased construction near the streams. He pointed out that Cut Throat Trout live fine in the streams and only move to the lakes when they are too large to serve as food for the small mouth bass.

Ginette Toskey, 2430 238 Avenue SE, She supports the bifurcation of the Stormwater manual. She suggested that it will be important for consulting engineers and city staff to become proficient in administering the manual.

Linda Eastlick, PO Box 2574, She supported the last speaker regarding the bifurcation issue. She encouraged Council to balance environmental impacts with the financial impacts.

Wally Pererya, He is currently going through a major remodel of his home along Eastlake Sammamish Parkway. He would gladly adhere to the new manual's requirements to protect the environment.

Erica Tiliacos,(Spoke on behalf of Friends of Pine Lake), She recommended additions and deletions to the proposed stormwater addendum. (Written comments were submitted and are available upon request of the City Clerk).

Public Hearing was continued to May 3, 2011 at 7:36 pm. Councilmember Whitten requested that additional time be given to the consultants hired by Friends of Pine Lake at the next public hearing. City Manager Ben Yazici stated that he will work to schedule some time for this.

Unfinished Business**Ordinance Second Reading: Declaring Public Use And Necessity For Land And Property To Be Acquired By Eminent Domain For The Recreation Center Project; Authorizing Payment From The City's Parks Capital Improvement Fund; Providing For Severability; And Establishing An Effective Date**

City Attorney Bruce Disend explained the purpose of this ordinance. It is hoped that the city will be able to acquire this property without going to court. Councilmember Whitten asked if the city has attempted to solve this issue in some other way. Mr. Disend said this condemnation will only take place as a last resort effort.

MOTION: Councilmember Whitten moved to approve the ordinance. Councilmember James seconded. Motion carried unanimously 6-0 (O2011-301)

New Business**Ordinance: First Reading Authorizing Approval Of Short Plat**

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

Council retired to Executive Session at 7:50 pm and returned at 8:26 pm.

Mr. Disend gave the staff report. He explained that this ordinance will approve a short plat for the Olshausens. This plat has a long history of appeals and court actions. The case is currently in Federal Court alleging due process violations. This ordinance is being proposed to solve the issues between the Olshausens and the City. He also explained that the project is substantially the same as the original short plat application with the exception that the sidewalks and road improvements will not be required, thus reducing the impacts on adjoining lots. This is the first reading of the ordinance. No action is recommended.

Public Comment

Ilene Stahl, 21553 SE 28th Lane, She does not understand how the City Council can approve a short plat that has previously been denied. This plat has been altered considerably since it was first submitted without the landowner filing a new application. She feels this process has been very unethical.

Mike Tierney, Representing the City in Federal Court, He explained that this short plat will be approved with all the previous conditions with the exception of the sidewalk. So, the old application is complete.

Mr. Yazici said he would be happy to meet with Ms. Stahl and go over the file.

Contract: Recreation Center Design/Otak

Parks & Recreation Director Jessi Richardson gave the staff report. Deputy Mayor Odell feels the costs for the driveway design is too high. He also wants to know exactly how the traffic flow will be designed for 228th Avenue SE. Ms. Richardson said this contract is reasonably priced. The drainage design will be approximately 1/3 the cost of the contract. She will provide Deputy Mayor Odell the breakdown of the contract costs. Ms. Richardson explained that the Public Works Department is doing an operational

analysis of 228th Avenue at the intersection with Inglewood Hill Road. This new access route will be taken into account in the analysis. This contract does not address the 228th Avenue access. The new access will be right in, right out and left in.

MOTION: Councilmember Whitten moved to authorize the City Manager to enter in to an agreement with Otak to design the access route for the Recreation Center in an amount not to exceed \$27,900. Deputy Mayor Odell seconded. Motion carried unanimously 6-0.

Contract: Sammamish Landing/Reid Middleton

Ms. Richardson gave the staff report and gave a PowerPoint presentation (presentation available on the city's website at www.ci.sammamish.wa). She clarified that the Parks and Recreation Commission is supportive of these modest improvements to the park. Because of the importance and complexity of building two new docks, staff needs expertise from a consultant. She explained that if the costs are more than the budget, staff will come back to City Council to discuss options. She also explained that there is no close parking, but it is a very desirable beach and she feels people will make the effort to get to the park. Councilmember Curley expressed concerns over spending this much money for a park that might get very little use. Councilmember Whitten thinks this park will serve the purpose of opening up the property for public use.

MOTION: Councilmember James moved to authorize the City Manager to sign the contract with Reid Middleton for dock design and engineering support services for the Sammamish Landing Phase 1 Project in an amount not to exceed \$45,000. Deputy Mayor Odell seconded. Motion carried 4-2 with Deputy Mayor Odell and Councilmember Curley dissenting.

Megan Ghee, 22201 NE 21st Place, She does not feel the majority of the residents are supportive of this park. This park is supported by tax dollars. She is not convinced the park will be used. She doesn't feel we should be spending money on this park right now.

Ed Halburg, 19192 NE 43rd Court, He thinks this park will be used and he feels that this is a good use of funds.

Romero Valdarrama, (Spoke previously). He agreed with the comments of Ms. Ghee. He feels the majority of users will be from Redmond.

Council Reports

Councilmember James asked for Council opinion on whether HOT Lane tolls should be applied to two or three passenger cars. He asked Council to respond before the next Eastside Transportation Partnership meeting.

Mayor Gerend reported that cities can now use 35% of Real Estate Excise Taxes (REET) for operating expenses for the next five years.

City Manager Report No Report

Meeting adjourned at 9:50 pm.

Melonie Anderson, City Clerk

Donald J. Gerend, Mayor



City Council Agenda Bill

Meeting Date: May 3, 2011

Date Submitted: April 27, 2011

Originating Department: Community Development

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: An ordinance repealing SMC Title 23 Code Enforcement and adopting Title 23A Code Compliance

Action Required: First Reading and open Public Hearing; No action

Exhibits:

1. Proposed adopting ordinance
2. Attachment A

Budget: N/A

Summary Statement: Sammamish inherited the current Title 23 – “Code Enforcement” in 1999 upon incorporation, and staff has been applying it for nearly 12 years. Experience with the code has helped staff identify a number of areas where Title 23 did not adequately reflect the city’s approach to achieving compliance. Working with the City Attorney’s office, staff has developed the replacement Title 23A for the City Council’s consideration.

Background: Our project team was formed in late 2010 and soon identified a variety of changes and opportunities for this effort, including:

1. Increasing flexibility and tailoring our approach to compliance based on the severity and urgency of the situation.
2. Incorporating into the code an incremental approach for compliance.
3. Reducing compliance timeframes, especially for tough-to-resolve cases.
4. Reducing case load through voluntary compliance which reduces the need to open new cases
5. Improving clarity and reducing complexity.

Staff conducted internal and external peer reviews to ensure the proposed code addressed the city’s needs clearly and comprehensively. The proposed Title 23A includes prioritized response categories and a chapter on unfit dwellings pursuant to state statute. Changes were also made in the chapters addressing civil penalties and waivers.

Financial Impact: N/A

Recommended Motion: This is the first reading of the ordinance. No action needed.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2011-_____**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, REPEALING
TITLE 23 (CODE ENFORCEMENT) AND RE-ADOPTING A NEW TITLE 23A
(CIVIL CODE COMPLIANCE) OF THE SAMMAMISH MUNICIPAL CODE**

WHEREAS, the City Council of the City of Sammamish values the health, safety, and welfare of the residents of Sammamish and recognizes that violations of the Sammamish Municipal Code (“SMC”) provisions related to land use, zoning, building and the environment are nuisances to the community that shall be prioritized based on significance and severity; and

WHEREAS, a centralized process for enforcing and abating violations of the SMC will create efficiencies for City staff to promptly and effectively respond to and enforce violations of the SMC by providing an opportunity for persons to voluntarily correct code violations; assessing monetary penalties rather than criminal penalties for code violations; providing an appeal hearing on alleged violations; and establishing a standard procedure to be used by the City to abate unsafe or unlawful conditions and to recover the City’s expenses incurred in these efforts;

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

Section 1. SMC Title 23 (Code Enforcement) Repealed. Title 23 (Code Enforcement) of the Sammamish Municipal Code is hereby repealed in its entirety.

Section 2. SMC Title 23A (Civil Code Compliance), Adopted. A new Title 23 (Civil Code Compliance) of the Sammamish Municipal Code, in the form attached as Attachment “A” to this Ordinance, is hereby adopted.

Section 3. Severability. The City Council authorizes the Community Development Director and City Clerk to codify Title 23A into the Sammamish Municipal Code for ease of use and reference. In codifying the new Title, the City Council authorizes the Community Development Director to make non-substantive changes to the code to comply with the intent of the City Council.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF _____ 2011.**

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: April 27, 2011
Public Hearing: May 3, 2011
First Reading: May 3, 2011
Passed by the City Council:
Date of Publication:
Effective Date:

**TITLE 23A
CIVIL CODE COMPLIANCE**

Chapters:

- 23A.10 Purpose & Scope**
- 23A.20 Response Categories**
- 23A.30 Declaration of Public Nuisance**
- 23A.40 Right of Entry**
- 23A.50 Voluntary Compliance Agreements**
- 23A.60 Notice and Orders**
- 23A.70 Stop Work Orders**
- 23A.80 Infractions**
- 23A.90 Service of Written Notice**
- 23A.100 Civil Penalties**
- 23A.110 Appeal to Hearing Examiner**
- 23A.120 Abatement by the City**
- 23A.130 Unfit Dwellings, Buildings and Structures**
- 23A.140 General Provisions**
- 23A.150 Definitions**

23A.10 Purpose & Scope

23A.10.010 Purpose. The purpose of this title is to establish an effective and efficient system to ensure compliance with the City's adopted building, land development, land use, and related codes. These regulations establish procedures and mechanisms to resolve violations, establish penalties for violations, provide an opportunity for a prompt hearing, decision and appeal as to alleged code violations, provide for abatement when necessary, and provide a mechanism to recover the City's costs.

23A.10.020 Scope. This Chapter shall be applied for the purposes of enforcing Sammamish Municipal Code (SMC) Titles 13, 14, 14A, 15, 16, 21A, 25 and other codes, ordinances, resolutions, or public rules that promote or protect the public health, safety, or welfare and the environment. The provisions of this title are not exclusive and may be used in addition to other applicable provisions of the SMC or other applicable law or regulation.

23A.20 Response Categories

23.20.010 Categories of Response. Responses to complaints or evidence of a civil code violation shall be prioritized based on significance and severity. The categories set forth in this subsection are not jurisdictional and failure to meet them in any particular case shall not affect the City's authority to enforce City code provisions with regard to that case. The following categories serve as guidelines for administering this title:

1 (1) High risk situations need an urgent response. These include an imminent
2 likelihood of/or actual bodily harm or detrimental public health exposure, damage
3 to public resources or facilities, damage to real or personal property, or significant
4 environmental damage or contamination.

5
6 (2) Moderate risk situations need a prompt response. These include a risk of
7 bodily harm, damage to public resources or facilities, damage to real or personal
8 property, environmental damage or contamination.

9
10 (3) Low risk situations need response as time permits. These are non-emergent,
11 do not fit within the high risk or moderate risk categories and have only minor
12 public impacts.

13
14 23.20.020 Incremental Approach. The Director should follow an incremental
15 approach to securing compliance with City codes. This means starting by contacting the
16 person responsible, explaining the violation and requesting voluntary correction. As
17 needed, the Director should secure compliance by proceeding incrementally to higher
18 penalty levels by using the techniques and options in this title. The Director may also
19 determine no violation exists and take no further action, or for Low Risk, “de minimus”
20 violations, decide not to take further action.

21
22
23 **23A.30 Declaration of Public Nuisance**

24
25 23A.30.010 All code violations are determined to be detrimental to the public health,
26 safety, welfare and environment, and are declared to be public nuisances. All conditions
27 determined to be code violations shall be subject to and enforced pursuant to the
28 provisions of this title, except where specifically excluded by law or regulation.

29
30
31 **23A.40 Right of entry**

32
33 23A.40.010 The Director is authorized to enter upon any property or premises at any
34 reasonable time to determine whether a civil violation has occurred or is occurring, or to
35 enforce any provision of the Sammamish Municipal Code or any City regulation,
36 violation of which is a civil violation under this Title. The Director may make
37 examinations, surveys, and studies as may be necessary in the performance of his or her
38 duties. These may include the taking of photographs, digital images videotapes, video
39 images, audio recordings, samples, or other physical evidence. If the premises is
40 occupied, the Director shall first present credentials and request entry. If an owner,
41 occupant, or agent refuses entry, the City may apply to a court of competent jurisdiction
42 for a search warrant authorizing access.

1 **23A.50 Voluntary Compliance Agreements**

2
3 **23A.50.010 Timing**

4
5 A Voluntary Compliance Agreement (VCA) is a preferred mechanism to resolve
6 most code compliance cases, and may be entered into at any time before an
7 administrative appeal is decided.

8
9 **23A.50.020 Contents**

10
11 A VCA is a written contract between the person responsible for the violation and the
12 City, where such person agrees to abate the violation within a specified time and
13 according to specified conditions. The VCA shall be completed on a form approved by
14 the Director and the City Attorney and shall, at minimum, include the following:

- 15
16 1. The name and address of the person responsible;
- 17
18 2. The street address or other description sufficient for identification of
19 the building, structure, premises, or land upon which the violation has
20 occurred or is occurring;
- 21
22 3. A description of the violation(s) and a reference to the code(s) which
23 has been violated;
- 24
25 4. The necessary corrective action to be taken, and the date by which the
26 correction must be completed;
- 27
28 5. An agreement by the person responsible that the City may inspect the
29 premises as may be necessary to determine compliance with the VCA;
- 30
31 6. The amount of the civil penalty that will be imposed pursuant to this
32 title if the person responsible does not meet his or her obligations
33 under the VCA;
- 34
35 7. A statement that the person responsible waives the right to an
36 administrative or judicial hearing for appeal purposes; and
- 37
38 8. An agreement by the person responsible that if the City determines
39 that such person does not meet his or her obligations specified in the
40 VCA, the City may impose any remedy authorized by this title,
41 including, but not limited to:
- 42
43 a. Assessment of civil penalties as established by resolution or
44 otherwise identified in the VCA;
- 45
46 b. Abatement of the violation;
- 47

- c. Assessment of all costs and expenses incurred by the City to pursue code enforcement and to abate the violation, including legal and incidental expenses; and
- d. Suspension, revocation, or limitation of a permit.

23A.050.030 Waiver of Appeal

In consideration of the City's agreement to enter into a VCA, the person responsible shall completely surrender and have no right to an administrative or judicial hearing, under this title or otherwise, regarding the matter of the violation and/or the required corrective action. The VCA is a final, binding agreement, it is not a settlement agreement, and its contents are not subject to appeal.

23A.050.040 Amendment

The Director may grant an extension of the time limit for compliance, or a modification of the required corrective action may be granted, if the person responsible has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render full and timely compliance under the original conditions unattainable. Such request shall be made in writing by the person responsible and clearly establish the need for such an extension.

23A.60 Notice and Orders

23A.60.010 Authority

Whenever the Director has reason to determine that a civil code violation occurred or is occurring, or that the civil code violations cited in an Infraction have not been corrected, or that the terms of a VCA have not been met, or the person responsible has decided not to enter into a VCA, the Director is authorized to issue a Notice and Order to any person responsible for the code violation. Subsequent violations shall be treated as new violations for purposes of this section.

23A.60.020 Contents

A Notice and Order shall be completed in a form approved by the Director and the City Attorney, and shall be served consistent with SMC Chapter 23A.090 of this title and shall, at minimum, include the following:

1. The tax parcel number(s), address, when available, or description sufficient for identification of the building, structure, premises or land upon which or within the violation has occurred or is occurring;
2. A statement of each ordinance, regulation, code provision or permit requirement violated;

3. The name of the City official issuing the Notice and Order;
4. The required corrective action that is necessary to achieve compliance and a date by which the correction must be completed;
5. An explanation of the appeal process and the specific information required to file an appeal;
6. A statement that if the violation is not corrected and the Notice and Order is not appealed, the determination is final and a monetary penalty shall be assessed according to this title; and
7. A statement advising that, if any of the work is not commenced or completed within the time specified for compliance, the City may proceed to abate the violation, cause work to be done, and assess the costs and expenses of abatement incurred by the City against the person responsible, and that the City may take any other legal action.

23A.60.030 Supplementation, Revocation or Modification

A. Whenever there is new information or a change in circumstances, a Director may add to, rescind in whole or in part or otherwise modify a Notice and Order by issuing a Supplemental Notice and Order. The Supplemental Notice and Order shall be governed by the same procedures applicable to all Notice and Orders contained in this title.

B. The Director may revoke or modify a Notice and Order issued under this title if the original Notice and Order was issued in error or if a party to an order was incorrectly named. The revocation or modification shall identify the reason and underlying facts for revocation and may be recorded with the King County Recorder's Office, or its successor agency, if the underlying Notice and Order was recorded.

23A.60.040 Recording

A. Whenever a Notice and Order is served on a person responsible for the code violation, the City may record a copy of the Notice and Order with the King County Recorder's Office, or its successor agency.

B. When all violations specified in the Notice and Order have been corrected or abated, the Director shall record a Release of Notice and Order with the King County Recorder's Office, or its successor agency, if the underlying Notice and Order was recorded. The release shall include a legal description of the property where the violation occurred and shall state, if applicable, that any unpaid civil penalties for which liens have been recorded are still outstanding and continue as liens on the property.

1 **23A.60.050 Time Limits**
2

3 A. Persons receiving a Notice and Order shall rectify the code violations
4 identified within the time period specified by the Director in the Notice and Order issued
5 pursuant to this title.
6

7 B. Unless an appeal is filed with the Director for a hearing before the Hearing
8 Examiner in accordance with this title and SMC Chapter 20.10, the Notice and Order
9 shall become the final administrative order of the Director, and the civil penalties
10 assessed shall be immediately due and subject to collection.
11

12 **23A.70 Stop Work Orders**
13

14 A. Authorization. Whenever a violation of this title threatens the health or
15 safety of the public or materially impairs the Director's ability to secure compliance with
16 the Sammamish Municipal Code, the Director may issue a Stop Work Order specifying
17 the violation and prohibiting any work or other activity at the site. A Stop Work Order
18 shall be served consistent with SMC Chapter 23A.90 of this title. Issuance of a Notice
19 and Order is not a condition precedent to the issuance of a Stop Work Order.
20

21 B. Effect. Work or activity may not resume unless specifically authorized in
22 advance by the Director. Any violation of a Stop Work Order is hereby declared to be a
23 nuisance and the Director is authorized to enjoin or abate such nuisance by any legal or
24 equitable means available. The costs, specifically including reasonable attorney and
25 expert witness fees, for the injunction or abatement shall be recovered by the City from
26 the person responsible for the code violation in the manner provided by law. Failure to
27 comply with the terms of a Stop Work Order subjects the person responsible for the code
28 violation to civil penalties and costs as set forth in this title.
29

30 C. Appeal. A Stop Work Order may be appealed according to the procedures
31 prescribed by this title and Chapter 20.10 SMC. Failure to appeal the Stop Work Order
32 within the applicable time limits renders the Stop Work Order a final determination that
33 the civil code violation occurred and that work was properly ordered to cease.
34

35 **23A.80 Infractions**
36

37 Whenever the Director has reason to determine that a civil code violation
38 occurred or is occurring, the Director is authorized to issue an Infraction in accordance
39 with Chapter 7.80 RCW, which is incorporated herein by this reference, upon the person
40 responsible for the condition. Issuance of an Infraction constitutes a civil infraction. The
41 district court shall have jurisdiction over all Infractions issued under this title.
42

43 **23A.90 Service of Written Notice**
44

45 A. Service of a Notice and Order, Stop Work Order, Infraction or other
46 official written notice of violation issued by the Director shall be made by one or more of
47 the following methods:

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1. By personal service to the person responsible for the code violation or by leaving a copy of the written notice at such person's place of residence with a person of suitable age and discretion who resides there.
2. By posting the written notice in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for in this subsection.
3. By mailing two copies of the written notice, postage prepaid, one by ordinary first class mail and the other by certified mail, to the person responsible for the code violation at his, her or its last known address, at the address of the violation, or at the address of the place of business of the person responsible for the code violation. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day upon which the official written notice of violation was placed in the mail.
4. For Notice and Orders only, when the address of the person responsible for the code violation cannot reasonably be determined, service may be made by publication once in the City's official newspaper.

B. The failure of the Director to make or attempt service of written notice shall not invalidate any proceedings as to any other person duly served.

23A.100 Civil Penalties

23A.100.010 Assessment schedule

Code Enforcement Penalties:

- Infraction up to \$500
- Stop Work Order up to \$500

Noncompliance:

- 1-15 days \$100 per day
- 16-31 days \$250 per day
- 31+ days \$500 per day (up to \$50,000 maximum)

Environmental Damage/Critical Areas Violations:

Up to \$25,000 plus the cost of restoration

1
2 A. Civil fines and civil penalties for civil code violations shall be imposed for
3 remedial purposes and shall be assessed for each type of violation identified in a Notice
4 and Order, VCA, Stop Work Order or Infraction pursuant to this chapter.

5
6 B. The penalties assessed pursuant to this chapter for failure to comply with
7 the terms of a VCA are based on the number of days of noncompliance, dating back to
8 the date of the initial violation.

9
10 C. Penalties based on violation of a Stop Work Order shall be assessed,
11 according to this chapter, for each day the Director determines that work or activity was
12 done in violation of the Stop Work Order.

13
14 D. Infractions shall be subject to a one-time civil penalty as set forth in this
15 chapter.

16
17 E. Payment of a monetary penalty does not relieve the person responsible to
18 whom the notice was issued of the duty to correct the violation.

19
20 F. In addition to the other penalties provided for in this chapter, any person
21 responsible for a violation of SMC Chapter 21A.50 may be jointly and severally liable
22 for site restoration for the redress of ecological, recreation, and economic values lost or
23 damaged and shall pay a civil penalty up to \$25,000 plus restoration, based upon the
24 severity of the violation as documented in the city's file.

25 For the purposes of this subsection, a violation of the critical areas ordinance
26 means: the violation of any provision of SMC Chapter 21A.50; or the failure to obtain a
27 permit required for work in a critical area; or the failure to comply with the conditions of
28 any permit, approval, terms and conditions of any critical area tract or setback area,
29 easement or other covenant, plat restriction or binding assurance or any Notice and
30 Order, Stop Work Order, mitigation plan, contract or other agreement.

31
32 G. The civil penalties in this chapter are in addition to, and not in lieu of, any
33 other penalties, sanctions, restitution or fines provided for in any other provisions of law.

34
35 **23A.100.020 Waivers**

36
37 A. Civil fines and civil penalties, in whole or in part, may be waived or
38 reimbursed to the payer by the Director, with the concurrence of the Finance Director,
39 under the following circumstances:

- 40
41 1. The Notice and Order, Stop Work Order or Infraction was issued in
42 error;
- 43
44 2. The civil fines or civil penalties were assessed in error;
- 45
46 3. Notice failed to reach the person responsible due to unusual
47 circumstances;

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- 4. The code violations have been corrected under a VCA;
- 5. The code violations which formed the basis for the civil penalties have been corrected, and the Director finds that compelling reasons justify waiver of all or part of the outstanding civil penalties; or
- 6. Other extraordinary information warranting waiver has been presented to the Director since the Notice and Order, Stop Work Order or Infraction was issued.

B. The Director shall document the circumstances under which a decision was made to waive penalties.

23A.110 Appeal to Hearing Examiner

A. Any person found in violation pursuant to this title may file an appeal within ten calendar days after receiving or otherwise being served with a written notice of a violation. When the last day of the period so computed is a Saturday, Sunday, or a federal or City holiday, the period shall run until 4:30 p.m. on the next business day. The request shall be in writing clearly explaining the basis for the appeal and shall include the applicable appeal fee as established in a fee schedule adopted by the Sammamish City Council.

B. Upon receipt of the appeal, the City shall schedule an appeal hearing before the Hearing Examiner. The hearing shall be conducted in accordance with the procedures set forth in SMC Chapter 20.10 and the rules of procedure of the Hearing Examiner.

C. At the conclusion of the appeal hearing, the Hearing Examiner shall issue an order to the person responsible for the violation which includes the following information:

- 1. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- 2. The required corrective action;
- 3. The date by which the correction must be completed;
- 4. The civil penalties assessed based on the provisions of this title and the fee resolution; and
- 5. The date after which the City may proceed with abatement of the unlawful condition if the required correction is not completed.

1 D. Judicial Review. The decision of the Hearing Examiner shall be final
2 unless appealed. To appeal the decision of the Hearing Examiner, a person with standing
3 to appeal must file a land use petition, as provided in RCW 36.70C (Land Use Petition
4 Act), within 21 calendar days of issuance of the Hearing Examiner's decision. The cost
5 for transcription of all records ordered certified by the superior court for such review
6 shall be borne by the appellant and is non-refundable.
7

8 E. Effect of Decision. If judicial review is not obtained, the decision of the
9 Hearing Examiner shall constitute the final decision of the City, and the failure to comply
10 with the decision of the Hearing Examiner shall constitute a misdemeanor punishable by
11 a fine of not more than \$1,000 or up to 90 days imprisonment, or both. In addition to
12 criminal punishment pursuant to this subsection, the City may pursue collection and
13 abatement as provided in this title.
14

15 **23A.120 Abatement by the City**
16

17 A. Upon prior approval by the City Manager, the City may abate a condition
18 which was caused by or continues to be a civil violation or civil infraction when:
19

- 20 1. The terms of the VCA pursuant to this Title have not been met; or
- 21
- 22 2. A Notice and Order or Stop Work Order has been issued, the
23 period for filing an appeal with the Hearing Examiner has expired,
24 and the required correction has not been completed; or
- 25
- 26 3. A Notice and Order or Stop Work Order has been issued, a timely
27 appeal was filed, the appellant failed to appear at the scheduled
28 hearing or a hearing was held as provided in this Title and the
29 required correction has not been completed by the date specified
30 by an order of the Hearing Examiner; or
- 31
- 32 4. The condition is subject to summary abatement as provided for in
33 this Chapter or other provisions of City or State law.
34

35 B. Summary Abatement. When a code violation causes a condition, the
36 continued existence of which constitutes an immediate and emergent threat to the public
37 health, safety, or welfare or to the environment, the City may summarily and without
38 prior notice to the person responsible to abate the condition. Notice of such abatement,
39 including the reason for it, shall be given to the person responsible for the violation as
40 soon as reasonably possible after the abatement.
41

42 C. Authorized Action by the City. Using any lawful means, the City may
43 enter upon the subject property and may remove or correct the condition which is subject
44 to abatement. The City may seek judicial process as it deems necessary to effect the
45 removal or correction of such condition.
46

1 D. No Cause of Action against City. No cause of action shall lie against the
2 City or its agents, officers, or employees for actions reasonably taken, or not taken, to
3 prevent or cure any immediate threats.
4

5 E. Recovery of Expenses. All expenses incurred by the City in correcting the
6 violation shall be billed to the person responsible for the violation and shall become due
7 and payable to the City within 10 calendar days. Such costs may include, but are not
8 limited to, the following:
9

10 1. "Legal expenses," which shall include, but are not limited to:

- 11
- 12 a. Personnel costs, both direct and indirect, including attorney's fees and
13 all costs incurred by the City Attorney's office or its designee;
 - 14 b. Actual and incidental expenses and costs incurred by the City in
15 preparing notices, contracts, court pleadings, and all other necessary
16 documents; and
 - 17 c. All costs associated with retention and use of expert witnesses or
18 consultants;

19 2. "Abatement expenses," which shall include, but are not limited to:

- 20
- 21 a. Costs incurred by the City for preparation of notices, contracts, and
22 related documents;
 - 23 b. All costs associated with inspection of the abated property and
24 monitoring of said property consistent with orders of compliance
25 issued by the City's Hearing Examiner or a court of competent
26 jurisdiction;
 - 27 c. All costs incurred by the City for hauling, storage, disposal, or removal
28 of vegetation, trash, debris, dangerous structures or structures unfit for
29 occupancy, potential vermin habitat or fire hazards, junk vehicles,
30 obstructions to public rights-of-way, and setback obstructions; and
 - 31 d. All costs incurred by law enforcement or related enforcement
32 agencies.
 - 33 e. All costs incurred by the City during abatement of nuisance and code
34 violations may include interest in an amount as prescribed by law.
 - 35 f. The City shall have a lien for any monetary penalty imposed, the cost
36 of any abatement proceedings under this chapter, and all other related
37 costs including attorney and expert witness fees, against the real
38 property on which the monetary penalty was imposed or any of the
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1 work of abatement was performed. The lien shall be subordinate to all
2 previously existing special assessment liens imposed on the same
3 property and shall be superior to all other liens, except for State and
4 County taxes, with which it shall be on parity.
5

6 **23A.130 Unfit Dwellings, Buildings and Structures**
7

8 This chapter is intended to comply with state law requirements in order to place a lien on private
9 property with unfit dwellings, buildings and structures.
10

11 23A.130.010 Additional Enforcement Mechanism. In addition to, and in combination
12 with, the enforcement methods set forth in this Title 23A and elsewhere in the
13 Sammamish Municipal Code, violations of the Sammamish Municipal Code may be
14 enforced under the provisions set forth in SMC 23A.130.010 through 23A.130.120.
15

16 23A.130.020 Chapter 35.80 RCW Adopted. Chapter 35.80 RCW, "Unfit Dwellings,
17 Buildings and Structures," as it currently exists or is hereinafter amended, is hereby
18 adopted.
19

20 23A.130.030 Improvement Officer and Appeals Commission Designated. The Director
21 is designated as the City's "Improvement Officer," and shall have the full scope of
22 authority granted to that official under Chapter 35.80 RCW. The City of Sammamish
23 Hearing Examiner is designated as the City's "Appeals Commission," and shall have the
24 full scope of authority granted to that commission under Chapter 35.80 RCW.
25

26 23A.130.040 Improvement Officer Authority – Issuance of Complaint. If, after a
27 preliminary investigation of any dwelling, building, structure or premises, the
28 Improvement Officer finds that it is unfit for human habitation or other use, the
29 Improvement Officer may issue a complaint conforming to the provisions of RCW
30 35.80.030, stating in what respects such dwelling, building, structure or premises is unfit
31 for human habitation or other use. In determining whether a dwelling, building, structure
32 or premises should be repaired or demolished, the Improvement Officer shall be guided
33 by the Sammamish Municipal Code 16.25 and such other codes adopted pursuant to the
34 Sammamish Municipal Code as the Improvement Officer deems applicable.
35

36 23A.130.050 Service of Complaint. A complaint issued under this chapter shall be
37 served on the parties and posted on the subject property pursuant to RCW 35.80.030, and
38 shall also be filed with the King County Auditor. All complaints or other documents
39 posted on the subject property shall remain in place until the complaint has been
40 resolved. For purposes of service, such complaints or other documents are deemed
41 effective on the day of posting.
42

43 23A.130.060 Complaint Hearing. Not less than 10 days nor more than 30 days after
44 serving a complaint, the Improvement Officer shall hold a hearing conforming to the
45 provisions of RCW 35.80.030, at which all parties in interest shall be given the right to
46 appear in person, to bring witnesses, and to give testimony regarding the complaint. At

1 any time prior to or at the time of the hearing, any party may file an answer to the
2 complaint. The procedural rules adopted by the City's Hearing Examiner, codified in
3 Chapter 20.10 SMC, shall govern the procedure of such hearing.

4
5 23A.130.070 Determination, Findings of Fact and Order. Within ten days of the
6 complaint hearing, the Improvement Officer shall issue a Determination, Findings of Fact
7 and Order stating the Improvement Officer's determination as to whether the subject
8 dwelling, building, structure or premises is unfit for human habitation or other use; the
9 findings of fact supporting the determination; and an order specifying the actions
10 necessary to address any unfitness, and a deadline for completing the actions. The
11 Determination, Findings of Fact and Order shall be served and posted as set forth in SMC
12 23A.130.050, and if no appeal is filed within the deadline specified in SMC
13 23A.130.080, a copy of the Determination, Findings of Fact, and Order shall be filed with
14 the King County Auditor.

15
16 23A.130.080 Appeal to Appeals Commission. Within 10 days of service of a
17 Determination, Findings of Fact and Order, any party may file an appeal to the Appeals
18 Commission. Such an appeal shall be governed by the City of Sammamish Hearing
19 Examiner's procedural rules, except that the Appeals Commission shall conduct a hearing
20 on the appeal and issue a ruling within 60 days from the date the appeal is filed; and if the
21 Appeals Commission issues any oral findings of fact, the ruling shall contain a transcript
22 of such findings in addition to any findings issued at the time of the ruling. The ruling
23 shall be served and posted as set forth in SMC 23A.130.050, and if no appeal is filed
24 within the deadline specified in SMC 23A.130.090, a copy of the ruling shall be filed
25 with the King County Auditor.

26
27 23A.130.090 Appeal to Superior Court. Any person affected by a Determination,
28 Findings of Fact and Order issued by the Improvement Officer, who has brought an
29 appeal before the Appeals Commission pursuant to SMC 23A.130.080 may, within 30
30 days after the Appeals Commission's ruling has been served and posted pursuant to SMC
31 23A.130.050, petition the King County Superior Court for an injunction restraining the
32 Improvement Officer from carrying out the provisions of the Determination, Findings of
33 Fact and Order. In all such proceedings, the Court is authorized to affirm, reverse or
34 modify the order, and such trial shall be heard de novo.

35
36 23A.130.100 Remediation/Penalties. If a party, following exhaustion of the party's
37 rights to appeal, falls to comply with the Determination, Findings of Fact and Order, the
38 Improvement Officer may direct or cause the subject dwelling, building, structure or
39 premises to be repaired, altered, improved, vacated, and closed, removed, or demolished
40 pursuant to Chapter 35.80 RCW.

41
42 23A.130.110 Tax Lien. The cost of any action taken by the Improvement Officer under
43 SMC 23A.130.100 shall be assessed against the subject property pursuant to Chapter
44 35.80 RCW. Upon certification by the City of Sammamish Finance Director that the
45 assessment amount is due and owing, the King County Treasurer shall enter the amount

1 of such assessment upon the tax rolls against the subject property pursuant to the
2 provisions of RCW 35.80.030.

3
4 23A.130.120 Salvage. Materials from any dwelling, building, structure or premises
5 removed or demolished by the Improvement Officer shall, if possible, be salvaged and
6 sold as if the materials were surplus property of the City of Sammamish, and the funds
7 received from the sale shall be credited against the cost of the removal or demolitions;
8 and if there be any balance remaining, it shall be paid to the parties entitled thereto, as
9 determined by the Improvement Officer, after deducting the costs incident thereto.

10
11 **23A.140 General Provisions**

12
13 A. The Director shall have the authority to administer this title and is
14 authorized to adopt procedures, rules or guidelines for that purpose. The Director may
15 seek assistance from City departments, other public agencies or private contractors to
16 resolve code violations.

17
18 B. No provision or any term used in this title is intended to impose any duty
19 upon the City, nor any of its officers, employees or agents, which would subject them to
20 damages in a civil action.

21
22 C. The provisions of this title detailing administration of code compliance
23 procedures are not to be construed as creating a substantive basis for appeal or a defense
24 of any kind to an alleged violation.

25
26 D. The provisions of this title authorizing the enforcement of non-codified
27 ordinances are intended to assure compliance with conditions of approval on plats,
28 conditional use or special use permits, zone reclassifications and other similar permits or
29 approvals which may have been granted by ordinances which have not been codified, and
30 to enforce new regulatory ordinances which are not yet codified.

31
32 E. The Director may modify or revoke any action under this title taken by the
33 City if the City action was incomplete or issued in error, or in response to new
34 information or a change in circumstances.

35
36 F. In the event of a conflict between a provision of this title and any other
37 provision of the SMC or City ordinance, the more restrictive provision shall apply as
38 determined by the Director.

39
40 **23A.150 Definitions**

41
42 Except where specifically defined in this section, all words used in this title shall carry
43 their customary meanings. The word "shall" is always mandatory, and the word "may" denotes
44 a use of discretion in making a decision. The following words and phrases used in this Title
45 shall have the following meanings:
46

1 “Abate” means to take whatever steps are deemed necessary in the interest of the general
2 health, safety, and welfare of the City by the Director to return a property to the condition
3 in which it existed before a civil code violation occurred or to assure that the property
4 complies with applicable code requirements. Abatement may include, but is not limited
5 to, rehabilitation, demolition, removal, replacement or repair.
6

7 “Appeal hearing” means a hearing requested in response to a Notice and Order, Stop
8 Work Order, Infraction or other official written notice of violation issued by the Director
9 to contest the finding that a violation occurred or to contest that the person cited for a
10 violation is responsible for the violation.
11

12 “Civil Code Violation” or “Code Violation” means and includes one or more of the
13 following:
14

- 15 1. Any act or omission contrary to any ordinance, resolution, regulation or
16 public rule of the City that regulates or protects public health, the
17 environment or the use and development of land or water, whether or not the
18 ordinance, resolution or regulation is codified; and
19
- 20 2. Any act or omission contrary to the conditions of any permit, Notice and
21 Order or Stop Work or other order issued pursuant to any such an ordinance,
22 resolution, regulation or public rule.
23

24 “Development” means the erection, alteration, enlargement, demolition, maintenance or
25 use of any structure or the alteration or use of land above, at, or below ground or water
26 level, and all acts authorized by a City permit or regulation.
27

28 “Director” means the Director of the Community Development Department, or his or her
29 designee.
30

31 “Found in Violation” means that:
32

- 33 1. A Notice and Order, Stop Work Order or Infraction has been issued and not
34 timely appealed; or
35
- 36 2. The Hearing Examiner has determined that the violation has occurred and
37 the Hearing Examiner’s determination has not been stayed or reversed on
38 appeal.
39

40 “Hearing Examiner” means the City of Sammamish Hearing Examiner, as provided in
41 SMC Chapters 23A.110 and 20.10.
42

43 “Infraction” or “Civil Infraction” means any code violation designated as an infraction or
44 civil infraction by the Director pursuant to Chapter 7.80 RCW, incorporated herein by
45 reference.
46

- 1 “Nuisance” (also referred to herein as “violation” or “nuisance violation”) means:
2
3 1. A violation of any City of Sammamish development, land use, or public
4 health ordinance;
5
6 2. Doing an act, omitting to perform any act or duty, or permitting or allowing
7 any act or omission that annoys, injures, or endangers the comfort, repose,
8 health, or safety of others, is unreasonably offensive to the senses, or that
9 obstructs or interferes with the free use of property so as to interfere with or
10 disrupt the free use of that property by any lawful owner or occupant;
11
12 3. Potential Vermin Habitat or Fire Hazard; or
13
14 4. Junk Vehicles: A junk vehicle includes apparent inoperable, immobile,
15 disassembled, or extensively damaged vehicles. In addition, any wrecked
16 inoperable, abandoned, or disassembled trailer, house trailer, boat, tractor,
17 automobile, other vehicle, or any parts thereof.
18
- 19 “Permit” means any form of certificate, approval, registration, license or any other
20 written permission issued by the City of Sammamish. All conditions of approval, and all
21 easements and use limitations shown on the face of an approved final plat which are
22 intended to serve or protect the general public are deemed conditions applicable to all
23 subsequent plat property owners and their tenants and agents as permit requirements
24 enforceable under this title.
25
- 26 “Person responsible” means the owner, occupier, tenant, manager, agent or other person
27 who caused or is causing the civil code violation under this title or other public law.
28
- 29 “Public Nuisance” means a nuisance that affects equally the rights of an entire
30 community or neighborhood, although the extent of the damage may be unequal.
31
- 32 “Resolution” means any resolution adopted by the Sammamish City Council.
33
- 34 “Stop Work Order” means a written order specifying code violations and prohibiting any
35 work or other activity at a particular site.
36
- 37 “Voluntary Compliance Agreement” or “VCA” means a written contract between the
38 person responsible for the violation and the City, under which such person agrees to abate
39 the violation within a specified time and according to specified conditions.



City Council Agenda Bill

Meeting Date: May 3, 2011

Date Submitted: April 26, 2011

Originating Department: Finance IT

Clearances:

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input checked="" type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: 1st Reading of an ordinance adjusting the City's 2011-2012 Biennial Budget for carry forward expenses from 2010 and to update beginning fund balances based on actual ending balances from 2010.

Action Required: None required at this time, this is the 1st Reading of the Ordinance

Exhibits:

1. Ordinance
2. Table A, the adjusted 2011-2012 Budget Table
3. Summary of carry forward requests categorized by operating/capital expenses

Budget: The Adjusted 2011-2012 Biennial Budget = \$143,044,167 (With Transfers/Balances)

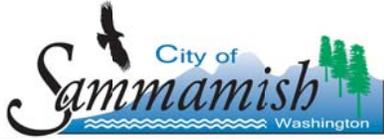
Summary Statement:

Passage of this adjustment to the 2011-2012 biennial budget will update the 2011 Beginning Fund Balances to reflect actual 2010 activity through the end of 2010 and will allow for \$3,688,500 in carry forward requests related to commitments that were made in the previous biennium for projects that were not completed by December 31st, 2010 but are anticipated to complete in the 2011-2012 biennium. All carry forward requests included in this package have met the compliance requirements specified in RCW 35A.34.200 & RCW 35A.34.270 for biennial budgets. The end result of this update to the 2011-2012 Biennial Budget is a net total increase for all fund's 2012 total budgeted ending fund balance from \$15,543,651 to \$30,880,950. It should be noted that portions of each of the city's 11 Fund's ending balances do have further restrictions based on their fund types, and their planned activities.

Individual years (2011 and 2012) are shown for reference and internal monitoring/management purposes only.

Background:

Last year's City Council approved carry forward request was for \$15,914,700. This year's request of \$3,688,500 is significantly lower due primarily to the timing of when capital projects were scheduled for completion and the amount of capital project activity in general. The adjustments provided by this



City Council Agenda Bill

ordinance will allow the 2011-2012 budget to reflect updated information for project managers and for financial management reporting during 2011.

Recommended Motion:

None required at this time, this is the 1st Reading of the Ordinance.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE No. O2011-XXX**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING ORDINANCE NO. 02010-292,
THE 2011-2012 CITY BUDGET, FOR THE PURPOSE OF
REVISING THE 2011-2012 BIENNIAL BUDGET.**

WHEREAS, the City Council adopted Ordinance No. 02010-292, establishing the City's Biennial budget for the years 2011-2012; and

WHEREAS, the City budget set forth anticipated revenues and expenditures for the forthcoming years; and

WHEREAS, during 2010, certain budgeted revenues and expenditures have increased or decreased and the City Council wishes to amend the City Budget to reflect the revenues and expenditures as received and incurred; and

WHEREAS, certain commitments were made as part of the 2009-2010 Biennial Budget for projects that were not completed by December 31st, 2010 and funds related to these commitments need to be carried forward for payment into 2011;

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

Section 1. Ordinance No. 2010-292, adopted November 16th, 2010, relating to the City of Sammamish's 2011-2012 budget, is hereby amended to adopt the revised budget for the 2011-2012 biennium in the amounts and for the purposes as shown on the attached Table A.

Section 2. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 3. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON ON THIS _____ DAY OF _____ 2011.**

CITY OF SAMMAMISH

Mayor Donald J. Gerend

Attest:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: April 28, 2011
First Reading: May 3, 2011
Passed by the City Council:
Date of Publication:
Effective Date:

CITY OF SAMMAMISH ORDINANCE O2011-XXX 2011-2012 BIENNIAL BUDGET: TABLE A

2011-2012 BIENNIAL BUDGET = \$143,044,167				
FUND	BEGINNING BALANCE	REVENUES & OTHER SOURCES	EXPENSES	ENDING BALANCE
	2011-2012	2011-2012	2011-2012	2011-2012
	NEW	NO CHANGE	NEW	NEW
001 General Fund	\$17,851,007	\$56,869,213	\$64,499,295	\$10,220,925
101 Street Fund	\$931,009	\$12,390,000	\$10,778,011	\$2,542,998
201 G.O. Debt Service Fund	\$0	\$3,473,589	\$3,473,589	\$0
301 CIP General Fund	\$6,501,355	\$14,000	\$460,000	\$6,055,355
302 CIP Parks Fund	\$10,266,821	\$7,620,000	\$15,786,921	\$2,099,900
340 CIP Transportation	\$11,320,286	\$2,990,000	\$7,720,667	\$6,589,619
408 Surface Water Management-Operating Fund	\$649,813	\$4,992,525	\$5,061,234	\$581,104
438 Surface Water Management-CIP Fund	\$1,631,842	\$1,222,000	\$1,928,000	\$925,842
501 Equipment Replacement Fund	\$872,786	\$473,304	\$236,000	\$1,110,090
502 Information Services Replacement Fund	\$341,055	\$1,476,800	\$1,453,500	\$364,355
503 Risk Management Fund	\$720,762	\$436,000	\$766,000	\$390,762
2011-2012 TOTAL BIENNIAL BUDGET	\$51,086,736	\$91,957,431	\$112,163,217	\$30,880,950

2011 ANNUAL BUDGET FOR REFERENCE PURPOSES

	FY 2011 BEG. BALANCE			REVENUE	FY 2011 EXPENSES			FY 2011 ENDING BALANCE		
	FY 2011		FY 2011	FY 2011	FY 2011		FY 2011	FY 2011		FY 2011
	OLD	Adjustment	NEW	NO CHANGE	OLD	Adjustment	NEW	OLD	Adjustment	NEW
001 General Fund	\$12,386,289	\$5,464,718	\$17,851,007	\$28,460,023	\$32,521,289	\$35,000	\$32,556,289	\$8,325,023	\$5,429,718	\$13,754,741
101 Street Fund	\$473,700	\$457,309	\$931,009	\$6,190,000	\$5,137,293	\$531,000	\$5,668,293	\$1,526,407	(\$73,691)	\$1,452,716
201 G.O. Debt Service Fund	\$0	\$0	\$0	\$931,128	\$931,128	\$0	\$931,128	\$0	\$0	\$0
301 CIP General Fund	\$313,495	\$6,187,860	\$6,501,355	\$7,000	\$0	\$460,000	\$460,000	\$320,495	\$5,727,860	\$6,048,355
302 CIP Parks Fund	\$11,534,450	(\$1,267,629)	\$10,266,821	\$3,810,000	\$12,663,460	\$616,000	\$13,279,460	\$2,680,990	(\$1,883,629)	\$797,361
340 CIP Transportation	\$5,519,260	\$5,801,026	\$11,320,286	\$1,495,000	\$4,652,667	\$943,000	\$5,595,667	\$2,361,593	\$4,858,026	\$7,219,619
408 Surface Water Management-Operating Fund	\$106,005	\$543,808	\$649,813	\$2,585,525	\$2,479,292	\$220,000	\$2,699,292	\$212,238	\$323,808	\$536,046
438 Surface Water Management-CIP Fund	\$54,048	\$1,577,794	\$1,631,842	\$711,000	\$673,500	\$656,000	\$1,329,500	\$91,548	\$921,794	\$1,013,342
501 Equipment Replacement Fund	\$753,384	\$119,402	\$872,786	\$236,652	\$66,000	\$120,000	\$186,000	\$924,036	(\$598)	\$923,438
502 Information Services Replacement Fund	\$194,575	\$146,480	\$341,055	\$738,400	\$669,500	\$107,500	\$777,000	\$263,475	\$38,980	\$302,455
503 Risk Management Fund	\$725,731	(\$4,969)	\$720,762	\$218,000	\$383,000	\$383,000	\$383,000	\$560,731	(\$4,969)	\$555,762
TOTAL BUDGET	\$32,060,937	\$19,025,799	\$51,086,736	\$45,382,728	\$60,177,129	\$3,688,500	\$63,865,629	\$17,266,536	\$15,337,299	\$32,603,835

2012 ANNUAL BUDGET FOR REFERENCE PURPOSES

	FY 2012 BEG. BALANCE			REVENUE	EXPENSES	FY 2012 ENDING BALANCE			
	FY 2012		FY 2012	FY 2012	FY 2012		FY 2012		FY 2012
	OLD	Adjustment	NEW	NO CHANGE	NO CHANGE		OLD	Adjustment	NEW
001 General Fund	\$8,325,023	\$5,429,718	\$13,754,741	\$28,409,190	\$31,943,006	\$31,943,006	\$4,791,207	\$5,429,718	\$10,220,925
101 Street Fund	\$1,526,407	(\$73,691)	\$1,452,716	\$6,200,000	\$6,200,000	\$6,200,000	\$2,616,689	(\$73,691)	\$2,542,998
201 G.O. Debt Service Fund	\$0	\$0	\$0	\$2,542,461	\$2,542,461	\$2,542,461	\$0	\$0	\$0
301 CIP General Fund	\$320,495	\$5,727,860	\$6,048,355	\$7,000	\$0	\$0	\$327,495	\$5,727,860	\$6,055,355
302 CIP Parks Fund	\$2,680,990	(\$1,883,629)	\$797,361	\$3,810,000	\$2,507,461	\$2,507,461	\$3,983,529	(\$1,883,629)	\$2,099,900
340 CIP Transportation	\$2,361,593	\$4,858,026	\$7,219,619	\$1,495,000	\$2,125,000	\$2,125,000	\$1,731,593	\$4,858,026	\$6,589,619
408 Surface Water Management-Operating Fund	\$212,238	\$323,808	\$536,046	\$2,407,000	\$2,361,942	\$2,361,942	\$257,296	\$323,808	\$581,104
438 Surface Water Management-CIP Fund	\$91,548	\$921,794	\$1,013,342	\$511,000	\$598,500	\$598,500	\$4,048	\$921,794	\$925,842
501 Equipment Replacement Fund	\$924,036	(\$598)	\$923,438	\$236,652	\$50,000	\$50,000	\$1,110,688	(\$598)	\$1,110,090
502 Information Services Replacement Fund	\$263,475	\$38,980	\$302,455	\$738,400	\$676,500	\$676,500	\$325,375	\$38,980	\$364,355
503 Risk Management Fund	\$560,731	(\$4,969)	\$555,762	\$218,000	\$383,000	\$383,000	\$395,731	(\$4,969)	\$390,762
TOTAL BUDGET	\$17,266,536	\$15,337,299	\$32,603,835	\$46,574,703	\$48,297,588	\$48,297,588	\$15,543,651	\$15,337,299	\$30,880,950

2010 TO 2011 BUDGET CARRYFORWARD SUMMARY

Operating Expense Commitments

\$5,000 Arts Commission skatepark project moved from 2010 to 2011

\$30,000 Shoreline master program project timing continued from 2010 to 2011

\$35,000 Subtotal General Fund Commitments

\$215,000 Additional pothole repair, sweeping, shoulder repair and other street repair projects moved from 2010 to 2011

\$215,000 Subtotal Street Operating Expense Commitment

\$220,000 NPDES mapping requirements, sweeping/mowing/vactoring activities that were moved from 2010 to 2011

\$220,000 Subtotal Surface Water Management Operating Commitment

Capital Expense Commitments

\$107,500 Networking data, telephone, and copier/printer related capital equipment purchases related to MOC moving from 2010 to 2011

\$120,000 Equipment scheduled to be replaced in 2010, was delayed to 2011 for cost savings in 2010.

\$275,000 SWM Capital projects continuing into 2011

\$300,000 Parks Capital contingency related to projects that were already moved from the 2010 Budget to the adopted 2011 Budget

\$460,000 CH 2nd Floor construction of the shell moved from 2010 to 2011 to coincide with tenant improvements for combined bid savings

\$943,000 Transportation Capital Projects final completion moved into 2011

\$1,013,000 Maintenance & Operations Center Facility construction continued into 2011

\$3,218,500 Subtotal Capital Expense Commitments

\$3,688,500 Grand Total

\$19,909,497 TOTAL available (all funds, with transfers)

\$16,220,997 NET Savings

2010 TO 2011 BUDGET CARRYFORWARD SUMMARY

2010 Fiscal Year

FUND #	BGT - Actual	Savings NET of Carry Forward	Notes
			General Fund savings breakdown shown below
101	\$662,438	\$131,438	Savings in Street operations - (includes weather related and discretionary spending)
201	\$0	\$0	Debt service fund balance = \$0
301	\$460,948	\$948	
302	\$7,451,704	\$6,835,704	Rebudgeted \$5.5M of this savings already in 2011-2012
340	\$6,868,740	\$5,925,740	\$2 M Ctgcy Savings; \$1.2 M SE 20th savings; \$1.7 M 244th savings; \$500k Overlay Prog. Savings
408	\$295,646	\$75,646	Savings from SWM operations
438	\$693,054	\$37,054	Savings from unspent SWM capital projects
501	\$152,871	\$32,871	Fleet/Equipment savings from delay of purchases
502	\$159,210	\$51,710	Personnel savings (webmaster vacancy savings)
503	-\$31,273	-\$31,273	Unemployment benefit claim payments were higher than budgeted
Subtotal	\$16,713,339	\$13,059,839	

General Fund	\$4,712,802	\$4,677,802
Transfers Adj.	-\$1,516,644	-\$1,516,644
TOTAL	\$19,909,497	\$16,220,997


 All General Fund Department Savings
 Transfers Adjustment primarily from closing Fund #111 at Year End 2010
 All 11 City Funds

Savings by Area

\$383,912	Personnel savings in General Fund (All Funds = \$486,958)
\$900,000	General Fund (GF) Operating contingency savings
\$500,000	Development revenue service contingency savings
\$1,500,000	General Fund (GF) capital contingency savings
\$1,393,890	Other GF Savings not carried forward (approx. 12% of non public safety budget without transfers)
\$4,677,802	Subtotal General Fund Savings

Savings resulted primarily from a positive construction bid environment, state & federal grant proceed awards on capital projects, and unfilled staff vacancies (primarily development revenue related positions).