

COUNCIL MINUTES

Regular Meeting July 16, 2012

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

Councilmembers present: Mayor Tom Odell, Deputy Mayor John James, Councilmembers John Curley, Don Gerend, Ramiro Valderrama, Tom Vance and Nancy Whitten.

Staff present: City Manager Ben Yazici, Public Works Director Laura Philpot, City Engineer Jeff Brauns Assistant City Manager/Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Finance Director Joe Guinasso, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

Roll Call/Pledge of Allegiance

Roll was called. Resident Mary Jo Kahler led the pledge.

Approval of Agenda

MOTION: Councilmember Vance moved to approve the agenda. Deputy Mayor James seconded. Motion carried unanimously 7-0.

Presentations/Proclamations

- **Presentation: Community Survey Results** – City Manager Ben Yazici explained that the City does a community survey every other year. He introduced Jim Hebert, President of Hebert Research, the consultant selected to conduct the survey. The survey compares the results from 2008 to the results of 2012. They interviewed 400 residents. He explained that less people are dissatisfied with the city's direction than they were in 2008. Satisfaction with the leadership of the City Council and City Manager is up from 2008 to 2012. Sammamish is an exception in this regard. The community is very satisfied with the financial situation of the city. Business has increased in the city. The need for additional parks has become a more important priority since 2008. The residents feel extremely safe in their neighborhoods (*The complete results of the community survey are available on the city's website at www.ci.sammamish.wa.us*).
- **Presentation: Employee Committee** - Joanna Puthoff, Facility Coordinator and Employee Committee member, gave the report and showed a PowerPoint presentation introducing city staff to the audience and television viewers.

Public Comment

Derrick Franklin, Washington State Association for Substance Abuse Prevention, 120 States Avenue NE, Olympia, He spoke in favor of extending the moratorium against collective gardens. These gardens fail the test for substance abuse prevention. Under current federal law, they may be illegal. They also create additional enforcement issues for police. He feels that the increase of access to marijuana leads to an increase in use.

Mary Jo Kahler, 21911 SE 20th Street, She spoke regarding the initiative/referendum process which is allowed to all Washington residents. She urged the Council to move forward on granting these rights for the citizens of Sammamish.

Sean Smith, 1605 218th Court SE, He spoke regarding the inherit biases that people have in making decisions on humans service funding. He feels that developing an application process could help alleviate some of these biases.

Consent Calendar

Payroll for the period ending June 30, 2012 for pay date July 5, 2012 in the amount of \$ 287,490.67.

Approval: Claims for period ending July 16, 2012 in the amount of \$ 1,319,720.48 for Check No. 32478 through No. 32602

Resolution: A Resolution Of The City Of Sammamish, Washington, Accepting The City Of Sammamish City Hall Access Card Installation Project As Complete (R2012-499)

Amendment: Vactoring Services/Bravo

Approval: Minutes for the June 18, 2012 Regular Meeting

Approval: Minutes for the July 3, 2012 Regular Meeting

Approval: Notes for July 10, 2012 Study Session

Councilmember Valderrama asked for Items #2- Interlocal: Traffic Signal Duthie Hill Road and Issaquah Beaver Lake Road/King County and #3 - Bid Award: Inglewood Hill Non-motorized project be removed the Consent Agenda

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

Public Hearing

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

Assistant City Manager/Director of Community Development Kamuron Gurol gave the staff report. At the first reading of this ordinance, Council directed staff to return with an ordinance that would permanently ban collective gardens. However, this is a land use regulation and, under city code, must first be referred to the Planning Commission for review. Staff continues to recommend that Council approve the extension of the moratorium. If it is still the desire of the Council to ban these gardens, they must direct staff to schedule this item for Planning Commission consideration.

Mayor Odell reopened the Public Hearing at 7:39 pm.

Public Comment

John Vasco, 19411 NE 43rd Place, He feels it is time for the Council to ban these gardens. There is no demand for these gardens; it is not a public mandate. Government should not be in a business that competes with private business. It is also prohibited by the federal government.

Sean Smith, spoke previously, He pointed out that, with the current conflict between state and federal law, public employees might be at risk in trying to administer these gardens.

Public Hearing closed at 7:45 pm.

MOTION: Councilmember Valderrama moved to direct staff to schedule this item onto the Planning Commission schedule to develop an ordinance that will permanently ban collective gardens. Councilmember Whitten seconded. Motion failed 2-5 with Mayor Odell, Deputy Mayor James and Councilmembers Vance, Curley and Gerend dissenting.

Deputy Mayor James explained that the Planning Commission's schedule is full and they really do not have time to properly consider this issue. He recommended extending the moratorium and trying to work this onto the Planning Commission's schedule sometime next year.

Councilmembers Whitten and Valderrama expressed the desire to have the Planning Commission consider this issue before the transportation issues are considered.

MOTON: Deputy Mayor James moved to adopt the ordinance extending the moratorium on the establishment of collective gardens. Councilmember Curley seconded. Motion carried unanimously 7-0. (O2102-328)

Unfinished Business - None

New Business

Traffic Signal Duthie Hill Road and Issaquah Beaver Lake Road/King County

Councilmember Valderrama questioned why this project is being constructed since it is not on the City’s Six Year Transportation Improvement Plan (TIP). Public Works Director Laura Philpot explained that this project was removed from the TIP because it can be constructed this year using other funds. The price was reduced by obtaining used traffic signals, working with County and by not constructing curb, gutter, and sidewalks.

MOTION: Councilmember Gerend moved to authorize the City Manager to utilize the cost savings in the 340 Transportation Capital Improvement Fund for the purpose of constructing a traffic signal at the intersection of Duthie Hill Road and Issaquah Beaver Lake Road with in house forces from King County. Councilmember Valderrama seconded. Motion carried unanimously 7-0.

Bid Award: Inglewood Hill Non-motorized project

Councilmember Valderrama questioned the overall cost of this project. Ms. Philpot explained that the costs are consistent with similar projects in the city. There are several retaining walls that will be necessary. This authorization does not include the cost of street lights. Once staff receives a cost estimate for the lighting from Puget Sound Energy, they will come back before Council to get additional authorization.

MOTION: Councilmember Gerend moved to authorize the City Manager to award and execute a contract with RW Scott Construction for construction of the NE Inglewood Hill Road Non-Motorized Improvement Project, in an amount not to exceed \$707,693 and to administer a 10% construction contingency in an amount not to exceed \$70,769. In addition, move to authorize the City Manager to execute a contract amendment with The Blueline Group, LLC for construction support services in the amount of \$7,500. Councilmember Vance seconded. Motion carried unanimously 7-0.

Resolution: A Resolution Of The City Of Sammamish, Washington, Providing For The Submission To The Voters Of The City At A Special Election To Be Held On November 6, 2012, Of A Proposition For An Advisory Vote On City’s Participation In The Development Of A Multi-Purpose Community Center; And Providing For Other Matters Relating Thereto

Parks & Recreation Director Jessi Richardson gave the staff report and showed a PowerPoint presentation (*available on the city’s website at www.ci.sammamish.wa.us*). The city intends to partner with the YMCA to operate and maintain the facility. There have been some changes to design of the center which Ms. Richardson outlined. The facility itself is much smaller than originally proposed. The design does include a 6-lane lap pool, which is not suitable for hosting swim meets, but would be sufficient for swimming team practices.

The current construction budget is as follows:

Component	Cost
Community Center	\$22.5 million
Parking Garage	\$ 6.0 million
Circulation Loop Road	<u>\$ 1.5 million</u>
Total	\$30.0 million

The current proposed funding is as follows:	Responsible Party	Funding
	YMCA	\$ 5.0 million
	City 2011-12 Budget	\$ 6.0 million
	City Reserves	<u>\$19.0 million</u>
	Total	\$30.0 million

Operational and annual ongoing maintenance costs will be the responsibility of the Y.

Ms. Richardson said that, before this resolution will be transmitted to King County Elections, the following goals must be accomplished: Complete a construction analysis verifying construction estimates and approval of a Memorandum of Understanding (MOU) between the City and the Y to include:

- Discounted Membership Fees for Sammamish Residents
- \$5 million capital contribution from YMCA
- YMCA to fund Furniture, Fixtures & Equipment (FF&E's) ≈ \$1 million value
- YMCA-owned land (near Pine Lake MS) leased to City for \$1 per year.
- Operating Agreement Drafted by Sept 30.

Marcia Isenberger, Executive Director, YMCA, explained that the Y is interested in giving the residents some kind of discount in acknowledgement of their contribution to this project. The membership dues for a family are normally \$99 per month. Due to the increase in the size of the pool along with increased costs to maintain it, they will not be able to give the residents a discount on the monthly fee. However, there are other benefits that can be provided to the residents, like "Open Resident Days" or teen or senior events.

Councilmember Whitten does not support this resolution going forward because it does not include the Y-owned land at Pine Lake Middle School being given to the city.

Council agreed to a long term lease of the land to the City for 50 years, at \$1 a year with some type of development plan in place after 10 years, along with an option to purchase the property at fair market rate. Council was also supportive of not giving city residents a membership discount so long as there are plenty of social programs and scholarships available to those who need them. Ms. Isenberger said that the joining fee could be waived for Sammamish residents.

Council recessed from 9:07 pm to 9:23pm

Motion: Councilmember Vance moved to approve the resolution authorizing submission of a proposition to King County elections for an advisory vote on the development of a multi-purpose community center to be placed on the November 6, 2012 ballot. Submittal of this resolution to King County elections is conditioned on the City Manager verifying that construction cost estimates do not exceed \$30 million. Furthermore, submittal of this resolution is conditioned on the City Manager executing an MOU with the YMCA that includes provisions for discounted facility-based program fees for Sammamish residents, a \$5 million capital contribution from the YMCA, allow for a 50 year, long term lease for \$1 per year, with an option to purchase, providing the city develop a plan within 10 years for use of the YMCA-owned land near Pine Lake Middle School and development of a draft operating agreement by September 30. Councilmember Gerend seconded. Motion carried 6-1 with Councilmember Whitten dissenting.

Appointment: Voter's Pamphlet Pro/Con Committees

City Clerk Melonie Anderson explained that the formation of these committees is required by King County Elections to provide information for the November Voter's Pamphlet. Council can appoint no more than three members to each committee. Applications were solicited on the city's website. Ten people applied to be on the Con Committee and five applied to be on the Pro Committee. Councilmembers were provided ballots to vote for the members.

While the votes were being tallied Councilmember Gerend asked if there would be Council support to use \$37,500 of the \$200,000 currently allocated in the city budget for salmon restoration projects, to be used to get matching funds from Forterra (formerly the Cascade Land Conservancy) to do some stream enhancements on Ebright Creek. Council directed the City Manager to proceed on this project.

MOTION: Deputy Mayor James moved to appoint Arthur Goldman, Cyrus Oskoui and James Wasnick to the Committee to write the Con Statement for the Voter's Pamphlet. Councilmember Whitten seconded. Motion carried unanimously 7-0.

MOTION: Deputy Mayor James moved to appoint Doug Eglington, Hank Klein and Bernie Lucking to the Committee to write the Pro Statement for the Voter's Pamphlet. Councilmember Whitten seconded. Motion carried unanimously 7-0.

Resolution: A Resolution Of The City Of Sammamish, Washington, Establishing The Use Of A Four-Year Average For Calculating The Annual Employee Cost Of Living Adjustment For The Years 2013 Through 2016

Finance Director Joe Guinasso gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.cis.sammamish.wa.us*). Staff is recommending averaging the Cost of Living Adjustment (COLA) over four years to level out the highs and lows and make the cost more predictable.

Councilmember Whitten asked how the employees feel about this proposal. She feels our staff works very hard and this resolution is not necessary.

Councilmember Valderrama suggested adding a clause to this resolution that would allow Council to revisit this agreement if the economy were to take a downturn. There was no support for this.

MOTION: Councilmember Whitten moved to adopt the resolution establishing a four year average for calculating COLA. Councilmember Curley seconded. Motion carried 5-2 with Councilmember Whitten and Valderrama dissenting.

Council Reports

Mayor Odell attended a meeting on solid waste issues. Councilmember Valderrama attended a meeting with the City of Issaquah.

Committee Reports

Eastside Fire & Rescue – Mayor Odell attended a Meeting of the Committee of the Whole and the Board of Director's Meeting. Both groups discussed the Sammamish resolution. Most of the points in the resolution were not well received by either group. City Manager Ben Yazici will continue negotiating with EF & R.

Public Safety Committee – Councilmember Vance reported that the meeting consisted of an update with police and fire regarding the Fourth of July celebration. It was a very good, safe event. They also discussed illegal fireworks in the city. Education and enforcement will be discussed at further meetings.

Suburban Cities Association Public Issues Committee – Councilmember Vance will forward minutes from this meeting to other Councilmembers. He also expressed concern at this meeting that fireworks are still legal in the county. Suburban Cities will approach King County regarding this issue.

Economic Development Committee – Deputy Mayor Odell reported the committee visited University Place Town Center. They plan on visiting other cities with town centers as well.

Eastside Transportation Partnership – Councilmember Gerend reported that they are changing their operations to be more in line with the requirements in the interlocal agreement.

Finance Committee – Councilmember Gerend reported the meeting was short as most of the topics were covered at the last Council meeting.

City Manager Report

Mr. Gurol updated the Council on the status of the Environmentally Critical Areas Update. The schedule will need a time extension to allow the Planning Commission to be as thorough as possible, as directed by Council. For this reason, the sunset clause ordinance will probably need to be extended at least one more time.

Executive Session – Personnel Pursuant to RCW 42.30.110(1)(g)

Council retired to Executive Session at 10:25 and returned at 11:25 pm. No action was taken.

Meeting adjourned at 11:25 pm

Melonie Anderson, City Clerk

Thomas T. Odell, Mayor