

COUNCIL MINUTES

Special Meeting December 11, 2012

Mayor Tom Odell called the special meeting of the Sammamish City Council to order at 6:35 pm.

Councilmembers present: Mayor Tom Odell, Deputy Mayor John James, Councilmembers John Curley (left at 9:30 pm), Don Gerend, Ramiro Valderrama, Tom Vance and Nancy Whitten.

Staff present: Deputy City Manager Lyman Howard, Assistant City Manager/Community Development Director Kamuron Gurol, City Engineer Jeff Brauns, Administrative Services Director Mike Sauerwein, Communication Manager Tim Larson, City Attorney Bruce Disend, and Administrative Assistant to the City Clerk Lita Hachey.

Roll Call: Roll was called

Pledge of Allegiance: Councilmember Valderrama led the pledge.

Approval of Agenda

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

Presentations/Proclamations

Public Comment

David Richardson 21625 NE 4th St. -has two issues to discuss. Does Council regard its primary responsibility to be the safety of its citizens? His wife has Parkinson's disease and during an emergency storm; Ace Hardware was open and was able to provide them with much needed help. He finds it incomprehensible that this Council cannot provide the means to have a hardware store in Sammamish.

Robert Gordhammer 1639 209th Place NE. -here to promote ACE Hardware. He stated spot zoning is an issue that needs to be discussed. The City needs to listen to its' Citizens and work with people to move forward with the ACE project.

Scott Hamilton 19727 SE 19th St. -Tonight the Council will be voting on a resolution for the comprehensive plan updates and docket requests. It does not appear the city got the message on other locally owned small businesses in Sammamish. There is no docket request from the administration for additional commercial zoning to be considered in 2013. He asked if we need to wait four years for new commercial space outside of the Town Center. The City Council has the ability to direct the administration to create a Developers Agreement tonight. He would like to direct the administration to advance the SE Quadrant docket request for its additional commercial space. He feels locally owned small businesses are under the threat of extinction in Sammamish and cannot wait till 2015 for a

Comprehensive plan rewrite.

Gregory Kipp 3011 211th Ave NE, -He would like to request that the Council include on the docket for the 2013 Comprehensive plan update, the issue of net density for R1 zone properties. It is proposed as a pilot project similar to the cottage housing, for R1 zone only. Sammamish has the most restrictive methodology for calculating the allowable density for properties in King County. He has been working with the Planning Commission as they have been reviewing the update for the environmentally critical areas.

Arthur Goldman 4410 231st Place SE, -spoke with regards to the Community Center. He stated that he hired his own professional survey firm and they did a survey in Sammamish, about the Community Center. He shared his results. He believes that the City's survey results mean nothing. His own survey will be available to all Citizens, the City staff and the newspapers.

Howard Houserman, 24619 SE 2nd Place, -Sammamish has a small town feel, supported by retailers and professionals that allows us to live a significant portion of our lives at home. ACE Hardware is one of those businesses that provide that small town feel.

George Toskey, 2727 Eastlake Sammamish Parkway NE, -member of the group, Citizen's for Sammamish- Their concern is with the process of assimilating public input, which they believe is not working. The sunset clause for the existing critical area ordinance, which will be extended for the third time tonight, was included in 2005, over concerns of the large width for the buffers required for streams and wetlands. The width of the buffers or streams is not addressed in the deliberation draft. The testimony is not being referred to the Planning Commission in its deliberations. He is wondering, how these solutions, provided by public input got lost? He asked why it's necessary to prepare this draft and why, at the end of the process, so much public comment is not even considered?

John Galvin, 432 229th Ave SE, -The ACE hardware issue is not the only issue; the entire Town Center plan has taken over 10 years, adopted in 2008. The development regulations were adopted in 2011. He doesn't understand how anyone can say we don't have commercial space and that we need to find that space outside the Town Center. The City is not funding enough money to support the Town Center and it is costing the developers too much money to build in Sammamish. The decision needs to be made to instruct staff in the next 6 months to review those regulations, the affordable housing, the 80% structured parking and all the other issues that people have told you can't be done. The City needs to address these issues, fix it and get this Town Center going.

Rory Crispin, 3023 East Lake Sammamish Parkway SE, -At the December 4th meeting, Councilmember Curley suggested that staff lay out a list identifying challenges/solutions associated with accommodating ACE Hardware proposal. The biggest challenge at the site at NE 4th is the size of the buffers. There is a unique solution to this problem on the agenda tonight and that is to let the sunset clause sunset, don't extend it. Some big picture solutions are to reestablish variance provisions, allow localized re-meandering of streams, identify plateau streams for what they are; non-fish seasonal or perennial, type streams and to allow streams to flow through and be protected by culvert or pipes for short distances. Some of these solutions were raised by the public and rejected by the Planning Commission during the ECA process. The staff offers the Planning Commission and tax-payers, its early ECA draft with many new restrictions including a matrix increasing rural style wetland buffers and the establishment on new wildlife corridors created from wetland streams and buffers.

Jim Osgood, 19661 SE 24th Way, -member of the environmental sub group for the Citizens for Sammamish. The sub group has sent an email to the Director of Community Development, Kamuron Guroel related to what they believe needs to happen during the deliberations and he has forwarded it on to the chair and vice-chair of the Planning Commission.

Elliott Sieverson, 51150 Village Park Drive SE, Bellevue WA, - He would like to thank the Council and looks forward to working with them on the ACE proposal. Three things he would like Council to do this evening are to direct the staff to negotiate the terms of the development agreement with ACE before the next Council meeting in January; direct staff to utilize all tools available to the City to accommodate the ACE proposal and to direct the staff to consider a reasonable-use exception on his piece of property as the measure for environmental impacts for the new agreement.

Consent Agenda

Payroll for the period ending November 30, 2012 for pay date December 5, 2012 in the amount of \$257,645.34

Ordinance: Second Reading, Amending Chapter 21a.50 (Environmentally Critical Areas), Of The Sammamish Municipal Code To Extend The Sunset Date. (O2012-338)

~~Ordinance: Second Reading, Amending Title 14a Of The Sammamish Municipal Code To Extend The Provisions Allowing Impact Fees To Be Paid Upon Closing To Applications Received On Or Prior To December 31, 2014~~

~~Contract: 2013 Public Defender Services/SBM&H~~

Approval: November 13, 2012 Special Meeting/Study Session Minutes.

Approval: November 19, 2012 Regular Council Meeting Minutes.

Councilmember Gerend asked to amend the consent agenda by removing item #2, Ordinance: Second Reading, Amending Title 14a Of The Sammamish Municipal Code To Extend The Provisions Allowing Impact Fees To Be Paid Upon Closing To Applications Received On Or Prior To December 31, 2014 and item # 3, Contract: 2013 Public Defender Services/SBM&H.

MOTION: Councilmember Gerend moved to approve the revised Consent Agenda as amended. Mayor Odell seconded. Motion carried unanimously 7-0.

Public Hearing

Ordinance: Second Reading, Extending A Moratorium On The Establishment Of Collective Gardens; Defining "Collective Gardens;" And Establishing An Effective Date. (O2012-340)

Public Hearing reopened at 7:20 pm and closed with no public comment.

Councilmember Valderrama would like to send this issue to the Planning Commission and finish it off. Councilmember Whitten agrees with Councilmember Valderrama. Deputy Mayor James and

Councilmember Gerend agreed to the extension due to the already full agenda of the Planning Commission.

MOTION: Deputy Mayor James moved to approve the ordinance Extending A Moratorium On The Establishment Of Collective Gardens; Defining "Collective Gardens;" And Establishing An Effective Date of January 18, 2013. Councilmember Vance seconded. Motion carried 6-1 with Councilmember Valderrama dissenting.

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

Council retired for executive session at 7:20 pm and returned at 7:50 pm. with no action taken.

Unfinished Business

Discussion: Initiatives and Referendums

Deputy City Manager Lyman Howard addressed Council about how they would like to proceed with this topic. Deputy Mayor James questioned City Attorney Bruce Disend about what would be the next step if Council should proceed with granting the powers of initiatives and referendums to the residents. Mr. Disend suggested that Council produce an ordinance at a future meeting. Councilmember Gerend is opposed with moving forward with Initiatives and Referendums. Councilmember Curley concurs but feels adding one additional layer cannot hurt as a safety measure. Councilmember Valderrama suggested taking some steps in the interim and readdressing this in the future. Councilmember Whitten stated her experience with this issue in the past. She believes there are some benefits at the City level but in our State the scope is limited. Now is not the right time for the initiatives and referendum process. Councilmember Vance does not see the need for it in Sammamish. Councilmember Gerend would like to see more citizen involvement, more opportunities for direct communication and open conversations. Mayor Odell suggested a need for other ways of reaching out to the people, perhaps having Town Hall meetings on the weekend or better arrangements for Council office hours. Deputy Mayor James feels that maybe some time in the future the Council may feel differently on this subject and that he feels it would be worthy of a discussion at this time.

MOTION: Mayor Odell moved to postpone further consideration of the Initiative and Referendum process indefinitely. Councilmember Curley seconded. Motion carried 5-2 with Deputy Mayor James & Councilmember Valderrama dissenting

Resolution: 2013 Comprehensive Plan Docket Requests

Assistant City Manager/Community Development Director Kamuron Gurol gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.ci.sammamish.wa.us*).

Councilmember Whitten suggested having a separate discussion on each of the four items and delaying Item # 3 KinderAce until the discussion of the KinderAce/ Mike Reid & Associates Proposal.

For Item #4, Public Works/Transportation Level of Service, Mr. Gurol stated that Council is interested in modifying the Transportation Improvement Program project list to remove a project; that is required by our adopted level of service. There will be an effect on the impact fees as well, as it does require an amendment to the Comprehensive Plan where the level of service is embedded and affect Title 14A.

MOTION: Councilmember Whitten moved to include Item #4 Public Works/ Transportation Level of Service in the 2013 Comprehensive Plan Docket Requests. Councilmember Valderrama seconded. Motion carried 7-0.

There are two options for the Kip Proposal:

- a. Option a: Include a pilot program on the 2013 docket, or
- b. Option b: Include the analysis as a part of the 2015 Comprehensive Plan rewrite.

MOTION: Councilmember Whitten moved to select Item # 2 Greg Kip Net Density proposal - Option b: Include the analysis as a part of the 2015 Comprehensive Plan rewrite. Councilmember Curley seconded. Motion failed 2-5 with Councilmembers Gerend, Valderrama, Vance, Curley and Deputy Mayor James dissenting.

MOTION: Councilmember Whitten moved to amend Item # 2 Greg Kip Net Density proposal Option a, to exclude properties in the sensitive areas, the two overlays 180 & 190. Mayor Odell seconded. Amendment failed 2-5 (with Councilmembers Gerend, Valderrama, Vance, Curley and Deputy Mayor James dissenting.

MOTION: Councilmember Gerend moved to approve Item #2 Greg Kip Net Density proposal -Option a: Include a pilot program on the 2013 docket (up to 5 projects). Councilmember Valderrama seconded. Motion passed 5-2 with Mayor Odell and Councilmember Whitten dissenting.

Councilmember Gerend stated he would vote against option b. Councilmember Valderrama concurred with him. Councilmember Vance is interested in Option a. Councilmember Whitten would like the maximum density to be limited to 10 units or less. Most of these pilot programs are self-selected. Mayor Odell stated the Chair will urge a motion for Option b.

MOTION: Councilmember Curley moved to approve Item#1- the entire Town Center/SE Quadrant and all quadrants in the 2013 Comprehensive Plan Docket Requests with the amendments. Councilmember Gerend seconded. Motion carried 7-0.

Councilmember Gerend stated that there are considerable funds available in the 2013 Economic Development fund and Mr. Gurol concurred with him. Consultants will be hired to assist with this project and there will be significant input from commercial real estate interests. Councilmember Gerend stated that the list of renewed requests should be incorporated into the Economic Development Strategic Plan. (EDSP)

Councilmember Vance stated a process has been identified to begin January 2013 and funding available for the EDSP. Councilmember Whitten would like to look closely at issues this coming year. The process for the SE Quadrant is too exclusive and we need to look at a broader context within the Town Center at minimum. Changes are needed to Town Center and to the process for the Economic Development Plan. Councilmember Valderrama agrees that an Economic Development Plan is needed. Councilmember Curley stated that the Town Center restrictions are too severe and they need to be adjusted. Deputy Mayor James stated that the docket request should be for the entire Town Center and not just one quadrant. Mayor Odell feels we should go back to our Town Center regulations and possibly make amendments. He is supportive of also going back to the Economic Development plan.

Discussion: Kinderace LLC – Michael Reid & Associates Proposal

Mr. Gurol gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.ci.sammamish.wa.us*).

MOTION: Deputy Mayor James moved to pursue a Development Agreement with the Kinderace LLC- Michael Reid & Associates Proposal. Councilmember Curley seconded. Motion carried 7-0

MOTION: Councilmember Vance moved to approve the Resolution the 2013 Comprehensive Plan Docket Requests as amended and minus Item # 3, Kinderace. Councilmember Valderrama seconded. Motion carried unanimously 6-0 (R2012-519)

The first scheduled City Council meeting is on January 8, 2013. For a Development Agreement to happen there may be a need for an emergency ordinance, a public hearing and a SEPA process. Councilmember Gerend would like to see the process begin in January and for staff to prepare an emergency ordinance if possible for the January 8th meeting. The emergency rezoning will apply to all three office zoned areas but only affect the proposed site and will need to be exclusive to hardware/garden store use only. The Council can look at new zoning for KinderAce proposal site in the long term future.

Charlie Klinge, 10900 NE 8th St.#1325, Bellevue, Attorney for the developer KinderAce LLC., Mr. Klinge feels that the issues are resolvable and the ACE Hardware can be built at that location. He recognizes that the Council needs to feel comfortable with all the issues. Timing is key and he feels we need to know exactly what is happening at the next meeting on January 8th. Mr. Klinge suggested planning a special two hour meeting just for the ACE Hardware proposal alone, to work on all the issues. He would like to see a hearing and project approval sometime in February. He stated the Comprehensive Plan can be changed on an emergency basis and does not have to be reviewed by the Growth Management Board. Mr. Klinge stated that an interim ordinance does not require notice to the state. It will be easy to add the hardware/garden store use only to the zoning and it is just a simple restriction. The environmental constraints are that there is a stream on-site and wetlands to the east. Mr. Severson has been speaking with an environmental consultant about these issues and the possibility of a wetland buffer reduction. In the buffer there will be a stormwater pond and this is the type of use you want to see in a buffer. KinderAce LLC has already submitted a draft development agreement to the City. In summary, what they are asking for to proceed with the ACE Hardware proposal is: 1.They would like to proceed with strong Council and staff support. 2. Set up a special meeting. 3. Arrange for a Public Hearing 4. Do an environmental review. 5. For Council to say "Yes, let's get this done".

Elliot Severson, PO Box 1671, Issaquah, KinderAce LLC, The Mars Hill church's long term goal is to build a bigger sanctuary but they are not opposed to working with KinderAce if they had a specific proposal from them. Mars Hill would like a left in/left out, off of 228th Ave NE. The Church has land constraints and would like monetary compensation. Mr. Severson thanked Council for their decision.

Tim Koch, Sammamish ACE Hardware, Mr. Koch stated he is 100 % behind the process and whatever needs to be done to move forward. He would like to thank Council and City staff for their efforts.

Ordinance: Second Reading, Amending Title 14a Of The Sammamish Municipal Code To Extend The Provisions Allowing Impact Fees To Be Paid Upon Closing To Applications Received On Or Prior To December 31, 2014

MOTION: Mayor Odell moved to amend the Ordinance changing the closing date for applications to be received on or prior to December 31, 2013. Deputy Mayor James seconded.

Councilmember Gerend is against this decision as he feels the development community is just starting to come back to developing and it takes planning for more than just a year to get things in order.

Councilmember Gerend amended this motion back to the original date. Mayor Odell disagrees with the need for a two year extension and feels one additional year is sufficient.

AMENDMENT: Councilmember Gerend moved to amend the motion to extend the closing date for applications to be received on or prior to December 31, 2014. Councilmember Whitten seconded. Motion carried 5-1 with Mayor Odell dissenting.

MOTION: Councilmember Gerend moved to approve the Ordinance as amended, Amending Title 14a Of The Sammamish Municipal Code To Extend The Provisions Allowing Impact Fees To Be Paid Upon Closing To Applications Received On Or Prior To December 31, 2014. Councilmember Whitten seconded. Motion carried 5-1 with Mayor Odell dissenting (02012-339).

Contract: 2013 Public Defender Services/SBM&H

Administrative Services Director Mike Sauerwein gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.ci.sammamish.wa.us*).

Mr. Howard recommended approving the contract as there is a sixty day termination clause and then to direct the staff to go out to solicit request for proposals for Public Defender Services.

MOTION: Councilmember Gerend moved to approve the contract: 2013 Public Defender Services/SBM&H. Councilmember Valderrama seconded. Motion carried 6-0

Councilmember Gerend stated there are a number of mistakes in the original contract and Deputy City Manager Howard indicated that it has been corrected.

Contract: Legal Services/Kenyon Disend

Administrative Services Director Mike Sauerwein gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.ci.sammamish.wa.us*).

MOTION: Councilmember Gerend moved to approve the contract: Legal Services/ Kenyon Disend. Councilmember Whitten seconded. Motion carried 5-1 with Councilmember Valderrama dissenting.

Mr. Howard addressed council with a brief report on the services of Kenyon Disend, who have been with Sammamish for the past 13 years. Kenyon Disend is considered to be a leader in municipal law around Washington State and they are well qualified.

Councilmember Whitten agrees Kenyon Disend gives excellent service and has great respect for them. Councilmember Gerend agrees the fees are in line with the hourly rate. Councilmember Vance feels their experience with us is invaluable. Councilmember Valderrama thanked Mr. Disend and the Kenyon Disend Law Firm for their quality work. He does not believe these service contracts should be on the consent agenda. He stated that these types of sole source contracts should be detailed and brought before Council, every year. Mr. Howard clarified that this is not a sole-source but a professional service contract. There is no requirement that this be done through a competitive process. Councilmember Valderrama and Mayor Odell questioned the principal's hourly rate increase of 8% next year and 5% increase the year after. Mr. Howard stated that these rates were negotiated and agreed upon. Mayor

Odell is very pleased with the Kenyon/Disend services to date. Deputy Mayor James also expressed his disappointment with the process.

MOTION: Councilmember Gerend moved to extend the meeting till 10:30pm. Deputy Mayor James seconded. Motion carried 6-0.

New Business - None

Council Reports

Councilmember Gerend -reported on the National League of Cities in Boston.

Councilmember Whitten –discussed the Critical Area Ordinance update and the request for an extra meeting of the Planning Commission. She feels that they should take that time if needed.

Councilmember Valderrama- agreed with Councilmember Whitten’s comments on the ECA and suggested that a review of the level of discretion given to the department director be part of an overall review of the permitting process. Eastside Fire and Rescue has completed the Fire Chief’s evaluation and the Service Delivery Task Force will be meeting this Thursday.

Councilmember Vance –reported on the Eastside Fire and Rescue Funding Model Task Force. Sound Cities Association recently made their appointments to various committees. Councilmember Vance was selected to be on Regional Transit Committee.

Deputy Mayor James- stated that he has enjoyed his term as Deputy Mayor and thanked Council.

Mayor Odell- reported that this is Deputy Mayor James last Council meeting in the position of Deputy Mayor. He thanked him for his service as Deputy Mayor. Mayor Odell also attended the National League of Cities in Boston. Officer Stan Chapin Way will be dedicated on Tues. Dec. 18th at 3:15 pm. Council, the Chapin family, City staff, students and citizens will be in attendance.

City Manager Report

Deputy City Manager Howard announced that King County has approached the City with a \$15,000 grant to hire a consultant to help us look at Tax Increment Financing and he would like the council’s consent to its approval. Councilmember Whitten does not agree with this process, rejects the idea and feels it is not a good choice for Sammamish.

Mr. Kamuron Gurol explained that the money would be spent on a study and then to determine if staff would want to proceed but does not commit the city to any action.

The City of Sammamish is now bond free as of December 3rd.

Meeting adjourned at 10:25 pm

Lita Hachey, Administrative Assistant
to the City Clerk

Thomas T. Odell, Mayor