



City Council, Regular Meeting

AGENDA

March 06, 2012

6:30 pm – 9:30 pm
Council Chambers

Call to Order

Roll Call/Pledge of Allegiance

Approval of Agenda

Student Liaison Reports

- Eastside Catholic High School
- Skyline High School

Presentations/Proclamations

- Girls Scout Girl of the Year
- Dr. Chip Kimball, Superintendent, Lake Washington School District

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 the period ending February 29, 2012 for pay date March 05, 2012 in the amount of \$252,858.27
1. Approval: Claims for period ending March 06, 2012 in the amount of \$658,464.45 for Check No. 31484 through No. 31561
 2. Resolution: Final Acceptance ELSP Phase 1b/SCI
 3. Resolution: Hearing Examiner's Rules of Procedures
 4. Contract: 2012 Contract for Legal Services
 5. Amendment: Contract Amendment for On-Call Tree Services
 6. Contract: Installation of an Access Control System at City Hall/Western Entrance Technology, LLC
 7. Approval: Minutes for the February 21, 2012 Special 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.

Unfinished Business -None

New Business

8. Ordinance: First Reading regarding Solicitor Licensing
9. Contract: Integrated Permit Tracking Software
10. Contract: Fire Service Study/TBA
11. Resolution: Approving A Coalition for Affordable Housing (ARCH) 2012 Budget and Work Program
12. Discussion: 2012 Pavement Management Review Overlay Candidates

Council Reports

City Manager Report

Executive Session: Property Acquisition

Adjournment

AGENDA CALENDAR

Mar. 2012			
Tues. 3/6	6:30 pm	Regular	Presentation: Dr. Chip Kimball Ordinance: First Reading Solicitor Licensing Resolution: Final Acceptance ELSP Phase 1b/SCI(consent) Resolution: Hearing Examiner Procedures (consent) Contract: City Attorney Services/Kenyon Disend (consent) Amendment: Tree Services/Acorn (consent) Contract: Integrated Permit Tracking Software Contract: Fire Service Study/TBA Resolution: ARCH Work Program and Budget Discussion: 2012 Pavement Management Review Overlay Candidates Executive Session: Property Acquisition
Tues. 3/13	6:30 pm	Study Session	Sister City Discussion: Tree Retention Discussion: Parking Regulations Discussion: Tobacco Free Parks Policy
Mon. 3/19	6:30 pm	Joint Meeting/Parks Commission	Contract: GIS ARC Server Implementation/ (consent) Review: Parks, Recreation and Open Space Plan Review: Draft 2012-18 Parks Capital Improvement Plan
Apr. 2012			
Tues. 4/3	6:30 pm	Regular	Proclamation: Child Abuse Prevention Month Discussion: Sister City Ordinance: First Reading amending Parking regulations Ordinance: Second Reading Solicitor Licensing Resolution: Amend and Adopt Connectivity Procedures Contract: Storm Water Comp Plan Udate/
Tues. 4/10	6:30 pm	Study Session	228 th Operational Analysis Stormwater Mitigation/Improvements Discussion: SE 8 th Street Park Master Plan – Site Alternative
Mon. 4/16	6:30 pm	Regular Meeting	Ordinance: Second Reading amending Parking regulations
May 2012			
Tues. 5/1	6:30 pm	Regular	
Tues. 5/8	6:30 pm	Joint Meeting/Planning Commission	Environmentally Critical Areas
Mon. 5/14	6:30 pm	Regular Meeting	
June 2012			
Tues. 6/5	6:30 pm	Regular	
Tues. 6/12	6:30 pm	Study Session	Discussion: Fire Service Options
Mon. 6/18	6:30 pm	Regular Meeting	
July 2012			
Tues. 7/3	6:30 pm	Regular	Public Hearing: First Reading Collective Garden Moratorium
Tues. 7/10	6:30 pm	Study Session	
Mon. 7/16	6:30 pm	Regular Meeting	

If you are looking for facility rentals, please click [here](#).

<< February

March 2012

April >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 6 p.m. Planning Commission Meeting	2	3
4	5	6 6:30 p.m. City Council Meeting	7 6:30 p.m. Parks and Recreation Commission Meeting	8 6:30 p.m. Community Garden Steering Committee Meeting Canceled	9 8:30 a.m. "Come Sit a While"	10
11	12	13 11:30 a.m. Global Washington 6:30 p.m. City Council Study Session	14 6 p.m. Sammamish Youth Board Meeting	15 6 p.m. Planning Commission Meeting	16	17 9 a.m. Volunteer at Evans Creek Preserve
18	19 6:30 p.m. City Council Meeting 7 p.m. Arts Commission Meeting	20 5:30 p.m. City Council Council Office Hour	21	22	23	24 9 a.m. Volunteer Event at Lower Commons Park
25	26	27	28	29	30	31

If you are looking for facility rentals, please click [here](#).

<< March

April 2012

May >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 9 a.m. Donate Blood at City Hall	3 6:30 p.m. City Council Meeting	4 5:30 p.m. City Council Council Office Hour 6:30 p.m. Parks and Recreation Commission Meeting	5 6 p.m. Planning Commission Meeting	6	7
8	9 10 a.m. "Seniors Making Art"	10 6:30 p.m. City Council Study Session	11	12 6:30 p.m. Community Garden Steering Committee Meeting	13	14 10 a.m. Free Computer Recycling Drive 10:30 a.m. Haiku in the Woods
15	16 6:30 p.m. City Council Meeting 7 p.m. Arts Commission Meeting	17 6 p.m. Come Sit a While Public Program	18 6 p.m. Sammamish Youth Board Meeting	19 6 p.m. Planning Commission Meeting 7 p.m. ACT Theatre - The Pitman Painters Community	20	21 10 a.m. Sammamish Walks 9 p.m. Earth Day Celebration - Volunteer Event
22	23	24	25	26	27	28 9 a.m. Volunteer Event at Illahee Trail
29	30					



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: March 1, 2012
RE: Claims for March 6, 2012

\$ 19,879.79
 614,583.11
 10,676.10
 13,325.45

Top 5 Expense Items in Packet

Eastside Fire & Rescue	\$458,113.17	Fire Services - February 2012
PSE/Intolight	\$28,820.12	Pole Installation - 244th Ave
King County GIS Center	\$23,567.63	2012 Regional Aerial Mapping Program
U.S. Bank Visa	\$15,210.28	Visa Card Purchases - City Wide
Olympic Environmental Res.	\$14,156.61	Recycling Program

TOTAL: \$ 658,464.45
 Check # 31484 through # 31561

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 2/28/2012 - 9:22 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
31484	02/28/2012	BOFAPC	Bank of America Petty Cash	29.99	0
31485	02/28/2012	BOFAPC	Bank of America Petty Cash	347.66	0
31486	02/28/2012	SUNCADIA	Suncadia Resort	4,291.86	0
31487	02/28/2012	US BANK	U. S. Bank Corp Payment System	15,210.28	0
				19,879.79	
Check Total:				19,879.79	

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 2/29/2012 - 4:40 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
31488	03/06/2012	ACTIVENE	The Active Network, Inc.	3,038.63	0
31489	03/06/2012	ALLIEDWA	Allied Waste Services #172	1,835.13	0
31490	03/06/2012	APP	Associated Petroleum Products	3,409.80	0
31491	03/06/2012	AT&TMOBI	AT&T Mobility	184.21	0
31492	03/06/2012	AUDIOAM	Eddie Bishop	219.00	0
31493	03/06/2012	BACKGROU	Background Source Intl	48.00	0
31494	03/06/2012	BLUELNGR	The Blue Line Group, LLC	12,491.25	0
31495	03/06/2012	CENTRALW	Central Welding Supply	92.24	0
31496	03/06/2012	CLYDEWES	Clyde West	117.14	0
31497	03/06/2012	CNR	CNR Inc	4,042.33	0
31498	03/06/2012	COMCAST2	COMCAST	106.95	0
31499	03/06/2012	COMPOFF	The Complete Office	595.41	0
31500	03/06/2012	EASTFIRE	Eastside Fire & Rescue	458,113.17	0
31501	03/06/2012	EUREKA	Eureka Group	166.00	0
31502	03/06/2012	EVANS	David Evans & Associates, Inc	9,045.69	0
31503	03/06/2012	EVERFORD	Evergreen Ford	7,240.08	0
31504	03/06/2012	FASTENAL	Fastenal Industrial Supplies	809.28	0
31505	03/06/2012	HOLUB	Richard Holub	2,605.82	0
31506	03/06/2012	HONDAKU	Issaquah Honda Kubota	107.10	0
31507	03/06/2012	IBSEN	IBSEN Towing	193.81	0
31508	03/06/2012	INTOLIGH	PSE/INTOLIGHT	28,820.12	0
31509	03/06/2012	IPS	Integrated Print Solutions, Inc	3,285.00	0
31510	03/06/2012	ISSAQI	Issaquah Press, Inc.	82.50	0
31511	03/06/2012	JACOBSON	Jacobson Law Group PLLC	200.00	0
31512	03/06/2012	JIRSA	Barbara Jirsa	291.66	0
31513	03/06/2012	KINGDD	King County DDES	1,026.38	0
31514	03/06/2012	KINGFI	King County Finance A/R	24.04	0
31515	03/06/2012	KINGGIS	King County GIS Center	23,567.63	0
31516	03/06/2012	KINGREAL	King County Real Estate Services	500.00	0
31517	03/06/2012	LASERTEC	Laser Technology Inc	4,269.08	0
31518	03/06/2012	LESSCHWA	Les Schwab Tire Center	1,241.20	0
31519	03/06/2012	MAILPO	Mail Post	1,664.16	0
31520	03/06/2012	METROPOL	Metropolitan Transportation Commiss	1,500.00	0
31521	03/06/2012	MINUTE	Mike Immel	1,260.78	0
31522	03/06/2012	NAPA	Genunine Parts Company/Issaquah	734.86	0
31523	03/06/2012	NAPA/RED	Napa Auto Parts Redmond	709.25	0
31524	03/06/2012	NC MACH	NC Machinery Co	330.76	0
31525	03/06/2012	NETRUCK	North End Truck Equip Inc	10,045.50	0
31526	03/06/2012	NWWeath	NW Weathernet	302.00	0
31527	03/06/2012	OER	Olympic Environmental Resource	14,156.61	0
31528	03/06/2012	OILCAN	Oil Can Henry's	2,447.53	0
31529	03/06/2012	OTIS	Otis Elevator	366.28	0
31530	03/06/2012	PERFECT	The Perfect Pair	1,101.88	0
31531	03/06/2012	PROTH	Prothman Company	3,942.84	0
31532	03/06/2012	PSCLEAN	Puget Sound Clean Air Agency	350.00	0
31533	03/06/2012	PSE	Puget Sound Energy	456.54	0
31534	03/06/2012	QBS	Quality Business Systems	15.36	0
31535	03/06/2012	R&RRENTA	R&R Rentals	333.44	0
31536	03/06/2012	REDUTILI	City of Redmond	30.14	0
31537	03/06/2012	ROBINDAP	Daphne Robinson	77.41	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
31538	03/06/2012	ROTH	Roth Hill LLC	463.04	0
31539	03/06/2012	SAMCHAMB	Sammamish Chamber of Commerce	100.00	0
31540	03/06/2012	SEAKING	Seattle King County Dept of Public H	100.00	0
31541	03/06/2012	SEATIM	Seattle Times	432.89	0
31542	03/06/2012	SONITROL	Sound Security, Inc.	840.48	0
31543	03/06/2012	SUBURB	Suburban Cities Association	179.00	0
31544	03/06/2012	UNITRENT	United Rentals NW, Inc	3,352.61	0
31545	03/06/2012	VANCE	Tom Vance	478.54	0
31546	03/06/2012	WACE	Wa Assoc of Code Enforcement	40.00	0
31547	03/06/2012	WAPERSON	State of Wa Personnel	375.00	0
31548	03/06/2012	WHPACIFI	WH Pacific, Inc.	627.56	0
Check Total:				614,583.11	

2011
Bill # 1

Accounts Payable

Check Register Totals Only

User: mdunham
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
31549	03/06/2012	KINGWAT	King County Finance Water & Land E	5,069.34	0
31550	03/06/2012	PACE	Pace Engineers, Inc.	2,185.00	0
31551	03/06/2012	REIDMID	Reid Middleton, Inc	2,000.00	0
31552	03/06/2012	ROTH	Roth Hill LLC	73.81	0
31553	03/06/2012	SANKARAN	Bharath Sankaranarayan	300.00	0
31554	03/06/2012	SCI	SCI Infrastructures, LLC	1,047.95	0
				<hr/> <hr/>	
Check Total:				10,676.10	
				<hr/> <hr/>	

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 3/1/2012 - 10:54 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
31555	03/06/2012	BARAN	Sevda Baran	76.27	0
31556	03/06/2012	HILDE	Katherine Hilde	45.50	0
31557	03/06/2012	ISSCITY	City Of Issaquah	12,404.76	0
31558	03/06/2012	MYER	Anjali Myer	39.00	0
31559	03/06/2012	OILCAN	Oil Can Henry's	604.13	0
31560	03/06/2012	PLATEAU	Plateau Motors	135.29	0
31561	03/06/2012	TEAGUE	Kevin Teague	20.50	0
Check Total:				13,325.45	



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: February 29, 2012

Originating Department: Public Works

Clearances:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Rec |
| <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: East Lake Sammamish Parkway NE - Phase 1B: NE 18th Place to 2200 Block – Final Project Acceptance

Action Required: Approve the final contract amount with SCI Infrastructure, LLC of Seattle, WA for the base amount of \$2,743,595.60, plus change order and bid item quantity increases and decreases, which resulted in a final contract amount of \$3,593,559.22 and accept construction of East Lake Sammamish Parkway NE - Phase 1B: NE 18th Place to 2200 Block, complete as of December 8, 2011.

Exhibits:

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

Budget: \$12,301,988 in the adopted 2009-2010 project budget (Transportation Capital Improvement Fund and and Surface Water Capital Fund). The project was completed within budget.

Summary Statement:

All work under this contract has been completed in accordance with the plans and specifications approved by the City Engineer. The recommended action approves the final contract amount and constitutes the final acceptance of the work.

This project provided for the construction of roadway improvements to East Lake Sammamish Parkway NE between NE Inglewood Hill Rd and NE 18th Place. The project reconfigured the intersection of NE Inglewood Hill Road and East Lake Sammamish Parkway including a new traffic signal. The project also widened the existing two-lane roadway to three lanes with either a center turn lane or raised median, bike lanes, curb and gutter, and a sidewalk on the east side. Retaining walls, native landscaping and enhanced stormwater treatment facilities were included and integrated into the roadway improvements. Illumination was provided at public street intersections as well as at a new crosswalk just north of NE 18th Pl.

There were no contractor claims filed against the City, and no liquidated damages were assessed against the contractor.



City Council Agenda Bill

Background:

Council authorized the City Manager to award and execute a construction contract to the lowest responsive and responsible bidder for construction of the East Lake Sammamish Parkway NE, Phase 1B: NE 18th Place to 2200 Block at the September 9, 2009 meeting. SCI Infrastructure, LLC was selected as the lowest responsible bidder to perform the work. The work began in April 2010 and was substantially completed on December 10, 2010. The construction management for this project was performed by the consulting firm AECOM. Council authorized an additional \$600,000 at the September 7, 2010 regular meeting to cover known and anticipated construction changes.

This project was implemented to satisfy the concurrency policy requirements established in the Comprehensive Plan. These improvements were added to the City's Six Year Transportation Improvement Program in 1999.

While this project was substantially completed in December 2010, the final completion is being requested only after a successful one year landscape maintenance requirement.

Financial Impact:

The completed improvements were constructed within the project budget. A summary of the actual project expenditures is listed below:

Construction Costs

Original Construction Contract (C2009-168)	\$	2,743,596
Bid Item Increases	\$	22,034
Change Orders	\$	827,930
Final Contract Contract [subtotal]	\$	3,593,559
Easement and Right of Way Acquisition	\$	-
Construction Management (C2010-101)	\$	566,430
Miscellaneous	\$	27,075
Total	\$	4,187,065

An American Recovery and Reinvestment Act grant in the amount of \$3,500,000.00 provided the majority of the funding for this project. Additionally, a portion of the construction work included utility improvements for Northeast Sammamish Sewer and Water District. This work totaled \$20,826.90 and was funded by the District. Therefore the net construction cost paid by City funds was \$666,238.07

Recommended Motion:

Approve the final contract amount with SCI Infrastructure, LLC of Seattle, Washington, for the base amount of \$2,743,595.60, plus change order and bid item quantity increases and decreases, which resulted in a final contract amount of \$3,593,559.22 and adopt Resolution No. R2012-____ accepting construction of the East Lake Sammamish Parkway NE - Phase 1B: NE 18th Place to 2200 Block project complete as of December 8, 2011.

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2012-___**

**A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, ACCEPTING THE CITY OF SAMMAMISH
EAST LAKE SAMMAMISH PARKWAY, PHASE 1A
PROJECT AS COMPLETE**

WHEREAS, at the Regular Council meeting of September 1, 2009 the City Council authorized the City Manager to enter into a contract with the lowest bidder for the project East Lake Sammamish Parkway, Phase 1B – NE 18th Place to 2200 Block; and

WHEREAS, the City Manager entered into Contract C2011-168 with SCI Infrastructure, LLC on September 1, 2009; and

WHEREAS, the project was substantially completed by the contractor on December 10, 2010;

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 project East Lake Sammamish Parkway, Phase 1B - – NE 18th Place to 2200 Block as complete.

Section 2. Authorization of Contract Closeout Process. The City of Sammamish Director of Public Works is hereby authorized to complete the contract closure process upon receiving appropriate clearances from the Department of Revenue, 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 SPECIAL MEETING THEREOF ON
THE 6th DAY OF MARCH 2012.**

CITY OF SAMMAMISH

Mayor Tom Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: _____, 2012

Passed by the City Council: _____, 2012

Resolution No.: R2012-____

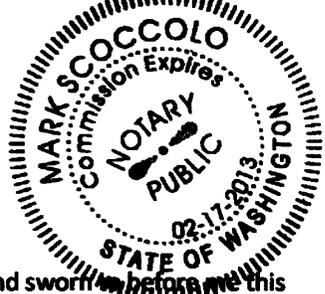


Final Contract Voucher Certificate

Contractor SCI Infrastructure, LLC			
Street Address 2825 S 154th St			
City Seattle	State WA	Zip 98188	Date 2/27/12
City Project Number N/A	Federal Aid Project Number ARRA-1915(008)		City Contract Number C2009-168
Contract Title East Lake Sammamish Parkway NE, Phase 1B - NE 18th Place to 2200 Block			
Date Work Physically Completed 12/08/2011		Final Amount \$ 3,593,559.22	

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 *Jennifer Scocco*
 Contractor Authorized Signature Required
Jennifer Scocco
 Print Signature Name

Subscribed and sworn to before me this first day of March 20 12

X *Mark Scocco* Notary Public in and for the State of Washington
 residing at Lake Tapps

City of Sammamish

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

Approved Date 3/1/2012

X *[Signature]*
 Project Engineer/Project Administrator

X *[Signature]*
 for 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.



MONTHLY CONSTRUCTION ESTIMATE

Project: ELSP - Phase 1B NE 18th Place to 2200 Block	Date: 1/31/2012	14 - FINAL
Contractor: SCI Infrastructure, LLC	Estimate No.: ARRA-1915(008)	60147621
Address: 2825 S 154th St Seattle, WA 98188	AECOM Project No.: 60147621	
Owner: City of Sammamish	Original Contract Amount: \$2,743,595.60	
Pay Period: 1-Oct-11 to 8-Dec-11	Current Contract Amount: \$3,571,525.36	

TOTAL AMOUNT TO DATE	PREVIOUS AMOUNT	TOTAL DUE THIS ESTIMATE
A. Items (see attached)	\$3,590,649.22	\$1,103.10
B. Total Sales Tax (9.5% Schedule B)	\$1,806.90	\$0.00
C. Total Contract Amount Due (A. + B.)	\$3,592,456.12	\$1,103.10
D. Less Retainage (5% of A.)	\$179,532.46	\$55.15
E. DMI & Leajak Retainage	\$147,984.20	\$0.00
F. Retainage Remaining	\$31,603.42	\$55.15
G. Amount Due Contractor (C. - D.+E.)	\$3,560,907.86	\$1,047.95

FINAL

I, the undersigned, certify that I am authorized to sign for SCI Infrastructure, LLC, in connection with the work performed under this contract; that this Final Progress Payment is a true and correct statement of all the monies due me from the City of Sammamish for work performed and materials furnished under this contract; that I have carefully examined this Final Progress Payment and understand the same; that I hereby release the City of Sammamish from any and all claims, of whatsoever nature, which are not set forth in this Final Progress Payment, which I may have arising out of the performance of this contract. Also, I hereby certify that the prevailing wages were paid to all contractor and subcontractor employees, and that the required intent to Pay Prevailing Wage forms have been provided.

APPROVED FOR PAYMENT: CITY OF SAMMAMISH
2/28/12
 Jeff Johnson, P.E., City Engineer Date

Contract Manager 03/01/12
Contract Manager
 SCI Infrastructure Date



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: February 29, 2012

Originating Department: Community Development

Clearances:

City Manager

Attorney

Admin Services

Community Development

Finance & IT

Fire

Parks & Recreation

Police

Public Works

Subject: Hearing Examiner's Rules of Procedure

Action Required: Review rules, modify by motion if desired

Exhibits:

1. Hearing Examiner Rules
2. Hearing Examiner request for council review

Budget: Not Applicable

Summary Statement:

The hearing examiner for the City of Sammamish has authority under SMC 20.10.190 to adopt rules for the conduct of hearings. The Hearing Examiner has adopted the attached rules, and they were effective on January 20, 2012. The Sammamish Municipal Code provides for the City Council to review the examiner's rules.

Background:

The City of Sammamish has contracted with several hearing examiners since incorporation, and has been utilizing the rules of procedure from the King County hearing examiner. Since 2008, the city has contracted for hearing examiner services with Mr. John Galt, who has recently issued updated rules of procedure for the conduct of hearings. City staff and the City attorney's office have reviewed the proposed rules and find them appropriate and easy for applicants and staff to understand and utilize. The council may accept the rules, or modify them by motion.

Financial Impact:

There is no financial impact.

Recommended Motion:

Motion to accept the hearing examiner rules of procedure.

CITY of SAMMAMISH

HEARING EXAMINER

RULES OF PROCEDURE

issued pursuant to Section 20.10.190
of the Sammamish Municipal Code
on January 20, 2012

Reviewed and approved by the City Council on

_____, 2012

John E. Galt, Hearing Examiner
Voice/FAX: (425) 259-3144
E-mail: jegalt@frontier.com

Exhibit 1

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Exhibit 1

AMENDMENTS

Date	Rule	Nature of Amendment
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PART 100

GENERAL RULES

104 Purpose

These rules supplement, not replace, the provisions of municipal code. In case of conflict between these rules and any provision of municipal code, the code provision prevails.

These rules address most normal circumstances which might arise when dealing with Examiner proceedings. The possibility exists that a situation may arise which has not been foreseen and which does not lend itself to full, literal compliance with these rules. Therefore, the Examiner reserves the right to exercise reasonable and necessary flexibility and discretion when applying these rules to extraordinary circumstances.

108 Definitions

The following definitions shall apply throughout these rules unless context or subject matter clearly indicates that another meaning is required:

- a) "Administrative appeal" means any appeal from a City Staff action for which jurisdiction is assigned to the Examiner under City code.
- b) "Appellant" means the person, organization, or authorized representative appealing an administrative decision to the Examiner pursuant to City code or appealing the Examiner's decision to a higher authority, depending upon the context.
- c) "Applicant" means the person, organization, or authorized representative seeking City approval of one or more permits over which the Examiner has jurisdiction.
- d) "Council" means the City Council of Sammamish.
- e) "Day(s)" means calendar days unless specifically stated otherwise herein or in City code. In counting days in a time period, the day a triggering action occurs is not counted; the time period ends at the close of business on the last day of the time period. If the last day of the period would fall on a Saturday, Sunday, legal municipal holiday, or other municipal non-business day, the time period ends at the close of business on the next municipal work day.
- f) "Examiner" means the Hearing Examiner and any Examiners *Pro Tem* appointed by the Council.
- g) "*Ex parte*" means communication with the Examiner by one party outside the presence of other parties.
- h) "Principal parties" means and is limited to the applicant(s), the appellant(s), and the respondent(s) to any given application/appeal.
- i) "Project permit application" means an application for a City permit or approval requiring a pre-decision hearing by the Examiner.

Exhibit 1

- j) "Staff" means City of Sammamish employees and contract employees who work for the City department(s) having responsibility for processing project permit applications, code enforcement, and other matters which fall within the Examiner's jurisdiction.

116 Expeditious Proceedings

It is the policy of the Examiner that, to the extent practicable and consistent with requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings the Examiner and all persons testifying shall make every effort at each stage of a proceeding to avoid delay.

120 Ex Parte Communication

- a) Proceedings before the Examiner are subject to requirements of due process which restrict *ex parte* communication. (See Rule 108(g) for the definition of *ex parte*.)
- b) The Examiner may communicate *ex parte* with city staff and others on procedural matters as required to perform their duties in accordance with these rules.
- c) If an *ex parte* communication other than allowed by subsection (b) is made to or by the Examiner, the Examiner shall publicly disclose such communication at the outset of the open record hearing. Where a hard copy of the communication is available, the Examiner shall enter it into the record of the proceeding.

124 Acceptability of Electronic Communications

- a) FAX and E-mail may be used in communicating with the Examiner. The sender of such a communication has the obligation to insure receipt. All such communications are subject to the *ex parte* communication restrictions of Rule 120.
- b) E-mail filing of applications, requests for reconsideration, and appeals is NOT permitted unless expressly authorized by City code or rule.
- c) Correspondence related to Examiner cases may not be submitted to the City by E-mail unless expressly authorized by City code or rule. If so authorized, the sender shall be solely responsible to ensure that E-mail correspondence is actually received by the appropriate Staff person and entered into the appropriate application/appeal file.

128 Potential Conflict of Interest Cases.

If an application/appeal is received by the City that City Staff reasonably believes may present a conflict of interest or appearance of fairness issue to the Examiner, the Staff shall, prior to assigning a hearing date and time to the application/appeal, explain their concern to the Examiner. If the Examiner concurs, the Examiner shall recuse himself from hearing the case. (See Rule 616.) The City will appoint an Examiner *Pro Tem*.

132 Special Hearing Dates

Exhibit 1

If an application/appeal is received, which, in the Staff's opinion, is likely to be of significant interest to a large number of citizens, Staff may request a special hearing date and time from the Examiner. The Examiner shall have final authority to set the date, time and place for all such special hearings.

136 Fees for Staff Services.

Nothing in these Rules affects Staff's authority to charge and collect fees for services as otherwise authorized by law, code, or adopted City policy.

140 Time Periods

- a) End of Time Periods Unless otherwise specified, a required time period ends at the municipality's regular close of business time on the last day of the time period.
- b) Effect of Non-business Days on End of Time Periods Unless otherwise regulated by law or municipal code, when a required date or the end of a required time period would fall on a municipal non-business day and/or legal holiday, the date or end of the time period shall fall on the next business day.

PART 200

PREHEARING PROCEDURES

204 Motions/Requests

- a) Filing Any person wishing to file a prehearing motion/request (such as a request for a prehearing conference, for establishment of special hearing procedures, etc.) shall submit it in writing to the City and concurrently to all principal parties to the case. The City shall FAX or E-mail the motion to the Examiner. If a motion is filed less than 20 days before the scheduled open record hearing date, there may not be sufficient time to allow written responses and prepare written rulings. In such circumstances, the Examiner may elect to rule on the motion at the open record hearing; strict adherence to the procedures set forth in the following subsections may not occur.
- b) Response Any principal party and/or the Staff may file with the Examiner a written response to a filed motion not later than 10 days after the date that the motion was filed. Responses will be considered by the Examiner if and only if received prior to issuance of a dispositive order ruling on the motion.
- c) Ruling The Examiner will rule on each motion by issuance of a written order or orally at the open record hearing. Multiple motions may be consolidated for purposes of written order issuance where efficiency would be served and where the rights of the parties would not be prejudiced.
- d) Distribution Written orders issued prior to the scheduled open record hearing will be mailed or FAXed to each party of record where time allows, distributed at the open record hearing, or announced at the open record hearing. Oral rulings made during an open record hearing will be memorialized within the written decision on the application/appeal.

208 Prehearing Conferences

- a) General Prehearing conferences are regulated by SMC 20.10.170. The Examiner has sole discretion to convene prehearing conferences. Prehearing conferences may be convened to resolve procedural matters and/or to discuss settlement. A prehearing conference shall be scheduled at a time and place of greatest convenience to its participants. Prehearing conferences will not be recorded, but the Examiner may issue a post-conference Order to memorialize agreements reached during the conference.
- b) Project Permit Applications Prehearing conferences will not normally be convened in project permit application cases. However, where a case is of major community interest, is expected to generate extraordinary amounts of participation, and scheduling issues may be paramount to an expeditious proceeding, the Examiner may elect to convene a prehearing conference.
- c) Administrative Appeals Any principal party may request that the Examiner convene a prehearing conference in an administrative appeal. The Examiner may also call a conference on his own initiative. Attendance at the conference by other than principal parties will be allowed; however, participation by others will not normally be permitted.

210 Subpoenas and Summonses

- a) Subsection 20.10.190(1) SMC gives the Examiner “the power to issue summons and subpoenas to compel the appearance of witnesses and production of documents and materials”. The Examiner encourages interested persons to use other means (simple requests, requests for production of public records, etc.) before resorting to summonses and/or subpoenas. Summonses and subpoenas should be requested only as a last resort.
- b) An interested person may request the Examiner to issue a summons or subpoena compelling the attendance of a witness and/or production by a specified person of specified documentary materials believed to be necessary for the presentation of the person’s case at hearing. The request shall: Clearly identify the case with which it is associated; and shall be supported by a statement as to why the witness and/or material is necessary and why the requestor believes such witness and/or material will not be available unless a summons or subpoena is issued.
- c) The Examiner in his/her sole discretion may issue a summons and/or subpoena. The Examiner will provide the summons and/or subpoena to the requestor for service according to law. The requestor is solely responsible to arrange for service of the summons and/or subpoena.
- d) The requestor shall pay all costs associated with the summons and/or subpoena including, but not limited to, costs of service, costs of producing records required by the summons and/or subpoena, and fees and allowances. Witnesses subpoenaed shall be entitled to the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the Superior Court for King County by Chapter 2.40 RCW and by RCW 5.56.010.

212 View Trip

Exhibit 1

- a) The Examiner may inspect the site prior or subsequent to the hearing. Failure to inspect the site will not render the Examiner's decision void.
- b) When a view trip has been taken, the Examiner will so state at the hearing and/or in the written decision.
- c) The view trip will be taken out of the presence of any interested party wherever feasible. Where accompaniment by an interested party is necessary to fully view the property, no substantive discussion may occur during the view trip.

216 Applicant Submittal Deadlines - Project Permit Applications

- a) Applicant submittals made less than 15 days prior to a scheduled hearing shall not be considered at the hearing unless the Examiner finds that the due process rights of the parties and proper Staff review will not be adversely affected. Any such submittal(s) will otherwise be afforded hearing consideration only if the hearing is postponed at the discretion of the Examiner, to a date sufficiently far in the future to allow proper review of the submittal(s) by Staff and public. Any such postponement shall normally be for not less than three weeks. When a case is postponed or continued under this rule, the Examiner may establish a deadline prior to the continued hearing for further applicant submittals.
- b) "Submittals" as used herein includes without limitation original and revised applications, site development plans, preliminary plat maps, concomitant agreements, impact mitigation offers, preliminary drainage plans, environmental checklists, technical and/or scientific evidence, *etc.* The term "submittals" does not include written applicant argument or plan changes that respond to Staff positions and/or late-arriving agency review comments, nor written statements describing and arguing for the application/appeal as already submitted.

220 Initial Exhibits and Exhibit List - Project Permit Applications

- a) The Staff shall select from the documents within the application file all those which it believes in its professional judgment will have probative value in the open record hearing process and/or which will be necessary for preparation of a properly and fully considered decision. The original or a clear and complete copy of the application, documentation of application completeness, current site plan(s), documentation of compliance with the procedural requirements of the State Environmental Policy Act (SEPA), required public notices, any documents specifically requested by the Applicant to be included as an Exhibit, and all substantive letters from citizens regarding the application shall be included.
- b) The Staff shall mark each document selected under Rule 220(a) with a consecutive exhibit number. These marked documents shall constitute pre-filed exhibits.
- c) The Staff shall prepare and issue a Staff Report (the "department ... final decision or recommendation" required by SMC 20.05.090(1)) not less than seven days prior to the scheduled hearing. The Staff Report shall be included as a pre-filed exhibit.

- d) The Staff shall prepare a listing of the pre-filed exhibits. The listing and the original (or if the original cannot be provided for exhibit purposes, one clear copy) of each of the pre-filed exhibits shall be available at City Hall, 801 228th Avenue SE, Sammamish, for public review at the same time that the required Staff Report becomes available.
- e) The Staff shall mail a copy of the listing and each pre-filed exhibit to the Examiner at the same time that the required Staff Report becomes available.

224 Pre-filing of Evidence by Principal Parties - Appeal cases

- a) The intent of the following rules is to insure that all documents and arguments to be relied upon by any of the principal parties in an open record appeal hearing before the Examiner are available for review by all other principal parties prior to the open record hearing, thus preventing "surprise" at the hearing and facilitating efficiency. These rules will be interpreted by the Examiner to facilitate that purpose. Requirements of this Rule may be modified through the prehearing conference process. (See Rule 208.)
- b) Pre-filing submittals shall be made to the Community Development Department, 801 228th Avenue SE, Sammamish.
 - 1) Each principal party shall number its own pre-filing submittals for identification purposes using the form "X n", where "X" represents an identifying prefix capital letter assigned to each principal party and "n" represents a sequential integer number beginning with 1.

The prefix letter for City exhibits shall be "S". The prefix for other principal parties exhibits shall be the first letter of the party's last name (or corporate name) unless that letter would be "A" or "S", in which case the party shall choose another unique letter for its exhibits. The parties may ask the Examiner to assign prefix letters in case of conflicts.

An exhibit number shall be assigned to individual documents, not to each page in a document. If a document contains sub-parts or attachments which are not uniquely identified within the document, you must identify each sub-part with a suffix composed of a decimal point followed by either an integer or a lower case letter. For example, subparts of Exhibit Q1 would be Q1.1, Q1.2, etc. or Q1.a, Q1.b, etc.

Briefs and hearing memoranda are to be assigned exhibit numbers like any other pre-filed document. Enclosures or attachments to briefs/memoranda are permissible; enclosures or attachments shall be labeled as described above.

Pages in documents should be numbered. If the original document does not have page numbers, please use a "Bates" number stamp or something similar to number each page.

Remember that the purpose of this Rule is simply to facilitate easy reference to each document and to each page within a document by all hearing participants. Please keep that purpose in mind as you prepare your documents for pre-filing.

- 2) Each principal party shall include a list of its exhibits with its submittal. The list shall not be assigned a pre-filed exhibit number as exhibit lists are normally not entered into the record

as exhibits.

- 3) Each principal party, including the City, shall cross-copy its pre-filing to the other principal parties.
 - 4) Each principal party, including the City, shall send or cause to be delivered a copy of its exhibit list and pre-filed exhibits to the Examiner at the same time those documents are filed with the City. The Examiner's business mailing address is 927 Grand Avenue, Everett, WA 98201-1305.
- c) The Examiner will assign pre-filed exhibit numbers using the prefix letter "A" to administrative documents which will be entered into the hearing record. Those documents will be made available at City Hall.
 - d) Not less than 14 days prior to the scheduled hearing, the respondent department shall assemble and file the original or a clear and complete copy of all items within the application/appeal file which it believes in its professional judgment will have probative value in the open record hearing process and/or which will be necessary for preparation of a properly and fully considered decision. The original application and/or appeal, documentation of application completeness, current site plan(s), documentation of compliance with the procedural requirements of the State Environmental Policy Act (SEPA), required public notices, any documents specifically requested by the Applicant to be included as an Exhibit, and all substantive letters from citizens regarding the application/appeal shall be included. (Duplication of items filed under Rule 224(c) is strongly discouraged.)
 - e) Not less than seven days prior to the scheduled hearing, each appellant shall assemble and file one copy of all documents or exhibits, including any pre-hearing brief and/or memorandum, which that party intends to submit. (Duplication of items filed under Rule 224(c) and (d) is strongly discouraged.)
 - f) Not less than seven days prior to the scheduled hearing, the parties shall assemble and file a list of persons the party expects to call as witnesses, and the following information for each person (excluding City staff) the party expects to call as an expert witness: name, resume, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion. The witness information also shall not be assigned a pre-filed exhibit number as the Examiner does not anticipate that witness lists need to be entered into the record as exhibits.
 - g) The staff report (the "department ... final decision or recommendation" required by SMC 20.05.090(1)) shall be filed not less than seven days prior to the scheduled hearing.
 - h) Principal Parties have a duty under the following circumstances to supplement at the earliest possible opportunity their submittals made under subsections (d) - (f):
 - 1) Whenever an additional expert witness is identified whose participation in the proceedings could not reasonably have been foreseen before the close of the exhibit pre-filing period, the information required by Rule 224(f) shall be provided.

2) Whenever a party obtains information upon the basis of which (A) the party knows that the material submitted was incorrect when submitted, or (B) the party knows that the material submitted, though believed correct when submitted, is no longer correct and the circumstances are such that failure to amend the submittal would constitute knowing concealment of information central to the issues in the appeal.

Exhibit supplements required by this Rule shall be marked, filed, cross-copied to the parties, and provided to the Examiner as required by Rule 224(b).

i) Documents, materials, studies, analyses, etc. not disclosed through the exhibit pre-filing process, other than those offered in response/rebuttal, will not be considered in adjudicating the appeal except by agreement of the other principal parties or at the Examiner's discretion in extraordinary circumstances.

228 Summary Dismissal – Appeals

a) The Examiner may summarily dismiss an appeal in whole or in part on the motion of a principal party or on the Examiner's own motion if the Examiner concludes that: The appeal was untimely filed or fails to state a claim for which the Examiner has jurisdiction to grant relief. (See SMC 20.10.090.)

b) Summary dismissal may be requested by a principal party by filing a Motion pursuant to Rule 204 or may be initiated by the Examiner.

c) The Examiner will allow the principal parties a reasonable time in which to submit written responses to a Motion for or Proposed Order of Summary Dismissal.

d) An Order summarily dismissing the entirety of an appeal (or all appeals where more than one has been filed and consolidated for processing) constitutes the Examiner's final decision on the appeal/appeals and is subject to reconsideration/appeal in accordance with City code and these Rules. In all other situations, the Order is interlocutory and not subject to reconsideration or appeal until the Examiner issues the final decision on the remaining appeal/appeals.

e) When the Respondent Department withdraws or vacates the decision or action being appealed, the appeal becomes moot and shall automatically be dismissed. (Withdrawal of an appeal by the appellant is addressed in Rule 620.)

f) The Examiner shall mail or FAX summary dismissal orders to the principal parties.

PART 300

CONDUCT OF HEARINGS

304 Format

- a) The format for an open record hearing will be of an informal nature yet designed in such a way that the evidence and facts relevant to a particular proceeding will be readily and efficiently available to the Examiner. An open record hearing will normally include, but need not be limited to, the following elements: a brief prefatory statement of procedures and introduction of pre-filed exhibits by the Examiner; a presentation by the applicant/appellant which shall include an explanation of the request, explanation of relevant visual aids (maps or plans), and a discussion of the reasons why the application/appeal should be approved/granted; testimony of any public agencies, including the Staff; testimony by the public; and opportunity for rebuttal.
- b) All testimony will be taken under oath or affirmation administered by the Examiner. Any potential witness who declines to be sworn in shall be barred from testifying, except that attorneys who will not be offering testimony will not be required to be sworn in.
- c) The Examiner may ask questions of any witness, including agency and Staff, at any time during their testimony to seek clarification or elaboration of testimony being given. Further, the Examiner may request submittal of additional information to better make a complete and accurate evaluation of the issues.
- d) The Examiner may indicate, at the outset of the hearing, that she/he has studied the materials relating to the case and has preliminarily determined that there seem to be certain central issues which need to be addressed. The Examiner may request that these issues be addressed in testimony to be offered.
- e) The normal sequence of hearing proceedings shall be as follows:

<u>Project Permit Hearings</u>	Applicant	Respondent (Agency) Appellant
Introduction by Hearing Examiner		<u>Combined Project Permit and Appeal Hearings</u>
		Introduction by Hearing Examiner
Direct Testimony & Evidence		Direct Testimony & Evidence
Applicant		Applicant - on the merits
City Staff		Appellant- on the appeal & merits
General Public		Respondent (Agency)- on the appeal & merits
		General Public
Rebuttal Testimony & Evidence		Rebuttal Testimony & Evidence
Applicant		Applicant
City Staff		Appellant
General Public		Respondent (Agency)
		General Public
Closing Statements (Optional)		Closing Statements (Optional)
City Staff		Applicant

Exhibit 1

<u>Enforcement Appeal Hearings</u>	<u>All Other Appeal Hearings</u>
Introduction by Hearing Examiner	Introduction by Hearing Examiner
Direct Testimony & Evidence Respondent (Agency) Appellant General Public	Direct Testimony & Evidence Appellant Respondent (Agency) General Public
Rebuttal Testimony & Evidence Respondent (Agency) Appellant General Public	Rebuttal Testimony & Evidence Appellant Respondent (Agency) General Public
Closing Statements (optional) Appellant Respondent (Agency)	Closing Statements (Optional) Respondent (Agency) Appellant

- f) The Examiner reserves the right to abbreviate the normal sequence of events at a hearing when it appears that no one's rights would be infringed upon by such abbreviation and that detailed exposition of the facts is not necessary to the Examiner's understanding of the case. The Examiner also reserves the right to vary from the normal sequence of events in order to ensure due process and/or for convenience or efficiency.

- g) Each public hearing will be recorded in analog or digital format or taken by a certified court reporter to preserve a verbatim record of the proceedings. Where necessary to acquire a good-quality recording, all parties wishing to offer verbal testimony may be required to speak into a microphone provided for that purpose. All hearing participants shall preface their remarks with their full name and the spelling of their last name. Hearing recordings will be retained by the City as required by state law/rule. Hearing recordings may be destroyed, erased, deleted, or otherwise disposed of at the City's convenience after the end of the retention period.

308 Clerk

The City shall provide a clerk during hearings. It shall be the responsibility of the clerk to maintain the register of parties of record, to mark exhibits, to keep a list of exhibits and witnesses, and to perform such other ministerial duties as may be assigned by the Examiner.

312 Rights of Parties

- a) General. Every hearing participant shall have all rights essential to a fair hearing. The Examiner may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony. Where time limits are imposed, time is not cumulative and may not be given or traded to any other party. Testimony shall be concise and non-repetitious.

Exhibit 1

b) Cross-Examination

- 1) Cross-examination generally is not necessary to the Examiner's fact-finding process. However, where the hearing exhibits distinctly adversarial characteristics, expert witnesses are called, and/or complex, technical, and disputed factors are involved, the Examiner may allow cross-examination. Cross-examination of non-experts expressing a personal opinion or concern will not be allowed except in extraordinary circumstances.
- 2) When allowed, the cross-examination by principal parties of expert witnesses (which term includes public agency staff) and of principal party witnesses will be in accordance with these guidelines. Only one person representing each principal party may cross examine any given witness. (This Rule does not prevent different persons representing one party from cross examining different witnesses. It only prohibits more than one person representing a given party from cross examining a single witness.) Cross-examination after any re-direct testimony shall be limited strictly to the subject(s) of the re-direct testimony.
- 3) Within the above guidelines, the allowance and scope of cross-examination is within the discretion of the Examiner.

316 Evidence

- a) Burden of Proof The applicant/appellant shall have the burden of proof as to material factual issues except: in code enforcement proceedings where the City has the burden of proving the violation; and except where applicable City code provisions or state law provide otherwise.
- b) Admissibility The hearing generally will not be conducted according to technical rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type that possesses probative value commonly accepted by reasonably prudent people in the conduct of their affairs. Irrelevant, immaterial, unreliable, or unduly repetitious evidence may be excluded. The rules of privilege shall be effective to the extent recognized by law.
- c) Pre-filed Exhibits The Examiner shall enter Exhibits pre-filed in accordance with Rules 220 and 224 into the record at the outset of the open record hearing.
- d) Formal Submittal of Evidence Hearing participants may submit documentary evidence to the record during their direct and rebuttal portions of the open record hearing (subject to the restrictions of Rules 216 and 224). A copy of each item offered for submission by a principal party shall be provided by the offering party to all other principal parties (unless previously disclosed through the pre-filing process under Rule 224 in appeal cases). Such evidence will be marked as exhibits when accepted for entry by the Examiner.
- e) Handling of E-mail, Facsimile Transmittals, and Hand Deliveries to the City Neither the City nor the Examiner shall be responsible for ensuring that E-mail, facsimile transmittals, and post- and hand-delivered documents received after 8:00 a.m. on the day of hearing are entered into the hearing record. Persons submitting such documents are responsible for ensuring such entry. The originator of an E-mail or facsimile transmittal is solely responsible for insuring that the transmittal was successfully and timely received by the City/Examiner.

Exhibit 1

- f) Receipt and Retention All documentary or other physical evidence submitted shall be sequentially numbered as exhibits and retained by the City as a part of the official case record, except City codes, laws, comprehensive plans or other readily available public documents. Materials which the offering party is not willing to have become City property will not be accepted as evidence except, at the discretion of the Examiner, in unusual circumstances.
- g) Oversize, Mounted, and Three Dimensional Models Reduced scale/size copies and/or copies which can easily be folded for storage in a legal sized file folder are preferred whenever oversized and mounted documents are used for display purposes at hearing. Three dimensional models may not be used in presentations unless the offering party has color photographs of the model to offer as evidence.
- h) Copies Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original.
- i) Official Notice The Examiner may take official notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within her/his specialized knowledge. When any decision of the Examiner rests in whole or in part upon the taking of official notice of a material fact not appearing in evidence of record, the Examiner shall so state in her/his decision. Appellate court decisions and adopted state and local laws, ordinances, motions, policies, plans, and other similar documents in the public domain may be referenced, cited, quoted, and relied upon.
- j) Evidence received subsequent to the hearing No documentary material submitted after the close of the open record hearing will be considered by the Examiner unless, at such hearing, the Examiner granted additional time to submit such material and stated on the record that the hearing record was left open for such receipt.
- k) Updating of Exhibit List The City shall be responsible for updating the initial exhibit list to include all additional materials admitted during the hearing process.

320 Optional Written Closing Statement Process

- a) A written closing statement process may be established by the Examiner upon the request of one or more of the principal parties. Establishment of such a process may be dependent upon execution by the applicant (or appellant where there is no underlying applicant) of a waiver of decision time line to provide for the time required for the submittal of written closing statements.
- b) Any principal party may request establishment of a written closing statement process. Any such request must be made prior to the close of the open record hearing. The written closing statement submittal schedule shall be established either at a prehearing conference or before the close of the open record hearing.
- c) When employed, the written closing statement process shall take the place of the oral closing statement portion of the open record hearing. (See Rule 304(e).)
- d) Written closing statements shall be submitted in the same order as oral closing statements would have been offered. (See Rule 304(e).) The first written closing statement will be due one week after

the close of the hearing; the remaining statements will be due at one week intervals thereafter. All written closing statements will be entered as exhibits in the hearing record. No new evidence may be presented in a closing statement. The hearing record shall close upon receipt of the last closing statement or upon expiration of the period for submittal of closing statements, whichever occurs first.

- e) No principal party shall be compelled to produce a written closing statement. Non-submittal of a written closing statement before the established deadline shall not be held against the party which did not submit the statement. The running of a time period without submittal of the expected closing statement(s) shall constitute a waiver of the right to submit a statement by the principal party who fails to submit the statement.
- f) Special procedures and timing may be established where to do so would serve the interests and preserve the due process rights of the parties.

324 Examiner's Power to Maintain Order During Hearing

- a) The Examiner shall have the power to maintain order and decorum during the conduct of all hearings before her/him. The Examiner may remove or have removed from the hearing room any person whose conduct is interrupting the hearing.
- b) In the event that any person or persons interrupt any hearing before the Examiner such that it becomes impossible to conduct an orderly hearing and order cannot be restored by removal of the individuals interrupting the hearing, the following steps may be taken:
 - 1) The Examiner may order the hearing room cleared and continue in session; or,
 - 2) The Examiner may adjourn the hearing and reconvene the hearing at another location.
- c) Whenever the Examiner deems it necessary to reconvene a hearing in a new location because of interruptions preventing an orderly hearing at the regular hearing room location:
 - 1) Final disposition may only be taken on matters appearing on the agenda at the time the disturbance arose leading to an adjournment.
 - 2) The Examiner may establish a procedure for re-admitting any persons not responsible for the disturbing of the orderly conduct of the hearing.
- d) If necessary, law enforcement officers may be summoned by the Examiner to carry out any of the provisions of this Rule and to maintain law and order.

PART 400

POSTPONEMENT OF HEARINGS

404 Postponement Due to Examiner or City Staff Unavailability

If the Examiner or City Staff cannot be present for a previously scheduled hearing due to illness or other unforeseen event, the Staff may reschedule such hearing for another date . Where the Examiner's or Staff's absence can be foreseen some days in advance, the Staff shall make a reasonable attempt to notify applicants/appellants and all others who received notice of the hearing of the new date, time, and place of the hearing. The Staff shall post a cancellation notice on the day of the scheduled hearing on the hearing room door. Where the absence becomes known only at the last minute, such posting alone will suffice for notice of the schedule change.

408 Postponement Before Hearing - Project Permit Applications

- a) Only the applicant, or City staff for good cause, may request postponement. Postponement requests made before the scheduled hearing has been convened must be filed in writing with the City. The City shall promptly FAX or E-mail the request to the Examiner.
- b) Once a project permit application hearing has been scheduled and public notice has been given, the Examiner will grant a postponement request only if the Staff has adequate time and resources (and is willing) to send timely cancellation notices to all persons who were sent the initial hearing notice. A cancellation notice is "timely" only if mailed three or more days prior to the date of the scheduled open record hearing. If timely cancellation notices are not sent, the Examiner will convene the hearing.
- c) Postponement will not be granted where to do so would violate any state or City procedural time lines, such as deadlines for bringing a matter to hearing or issuing a decision, unless the applicant agrees in writing to waive such time lines.

412 Postponement Before Hearing - Open Record Appeals

- a) Only the appellant and/or respondent may request postponement. Postponement requests made before the scheduled hearing has been convened must be filed in writing with the City. The City shall promptly FAX or E-mail the request to the Examiner.
- b) The Examiner will grant a postponement request in combined project permit application and appellate proceedings filed jointly by the principal parties only if the Staff has adequate time and resources (and is willing) to send timely cancellation notices to all persons who were sent the initial hearing notice. A cancellation notice is "timely" only if mailed three or more days prior to the date of the scheduled open record hearing. A new hearing date and time will be set in consultation with the parties. If timely cancellation notices are not sent, the Examiner will convene the hearing.
- c) The Examiner will grant postponement requests filed jointly by the principal parties in all other appellate proceedings.
- d) The Examiner will not grant *ex parte* postponement requests filed other than jointly except in extraordinary circumstances.
- e) Postponement will not be granted where to do so would violate any state or City procedural time lines, such as deadlines for bringing a matter to hearing or issuing a decision, unless the applicant (or appellant where there is no underlying applicant) agrees in writing to waive such time lines.

416 Continuation or Postponement at Hearing

- a) The Examiner may continue or postpone proceedings for any good cause she/he deems reasonable and appropriate within the time limits imposed by relevant ordinances. If the Examiner determines at a hearing that there is good cause to continue or postpone such proceeding and specifies the date, time, and place on the record, no further notice is required.
- b) Continuation/postponement will not be granted where to do so would violate any state or City procedural time lines, such as deadlines for bringing a matter to hearing or issuing a decision, unless the applicant (or appellant where there is no underlying applicant) agrees in writing or orally on the record to waive such time lines. In all cases subject to a 90-day or 120-day decision time limit, continuances/postponements shall be made to the soonest available date and time of hearing room and Examiner availability and shall in no case extend beyond Day 75 of the 90-day time limit or Day 105 of the 120-day time limit, whichever applies, unless such waiver is granted.

420 Extension of Continuation/Postponement Dates

- a) When an open record hearing has been continued or postponed to a date and time certain, the Examiner may administratively cancel the established hearing date and further continue or postpone the hearing as follows:
 - 1) The request must be made in writing by the applicant/appellant, must be received by the City not less than 30 days prior to the established hearing date, and must state why a further delay is desired.
 - 2) The Staff must assure the Examiner that it has adequate time and resources (and is willing) to send timely cancellation notices to all persons who were sent the initial hearing notice and to all parties of record. A cancellation notice is “timely” only if mailed three or more days prior to the date of the scheduled open record hearing.
 - 3) The Examiner will grant or deny the request in writing based upon consideration of the public interest impacts of the request. A copy of the Examiner’s action will be sent to the applicant/appellant and to the Staff.
 - 4) The Staff shall send cancellation notices to all parties of record. The cancellation notice shall: state the reason therefor; indicate in what fashion, if at all, the hearing will be reconvened; and be approved by the Examiner prior to its publication and distribution.
- b) When an open record hearing has been continued or postponed indefinitely subject to a “Not Later Than” (NLT) date, the Examiner may administratively grant extensions of the NLT date as follows:
 - 1) The request must be made in writing by the applicant/appellant and must state why a further delay is desired.
 - 2) The request must be received by the Examiner: not less than 30 days prior to the NLT date; and prior to the distribution of notice of the date, time and place for the continued/postponed hearing.

- 3) The Examiner will grant or deny the request in writing based upon consideration of the public interest impacts of the request. A copy of the Examiner's action will be sent to the applicant/appellant and to the Staff.

PART 500

RECONSIDERATION AND CLERICAL CORRECTIONS

504 Reconsideration

- a) Reconsideration requests shall conform with the requirements of SMC 2.10.260. Reconsideration requests must be filed in writing with the City Clerk's Office within ten (10) days of the date of the Examiner's Decision. Untimely filed requests will not be considered. A request for reconsideration filed by the applicant/appellant shall be considered an extension of time mutually agreed for the purposes of timely permit processing.
- b) Requests for reconsideration must: include the name, mailing address, and daytime telephone number of the petitioner; identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested; specify upon which of the grounds listed in SMC 20.10.260(1) the requestor relies; and describe the specific relief requested.
- c) The City shall FAX or e-mail requests for reconsideration to the Examiner within 24 hours of filing. The Examiner may consolidate for action, in whole or in part, multiple requests for reconsideration of the same decision where to do so would facilitate procedural efficiency.
- d) The Examiner shall dispose of reconsideration requests in writing. The Examiner may, at his/her discretion:
 - 1) Deny the request.
 - 2) Issue an amended decision after reconsideration.
 - 3) Issue an order giving all parties of record an opportunity to submit written comments responding to the reconsideration request(s). No written comments will be accepted until requested by the Examiner. Where comments are desired, the Examiner shall issue an order allowing parties of record 10 working days after mailing of the order to submit written comments. City staff shall mail a copy of the order and the reconsideration request(s) to all parties of record. Within 14 days after close of the comment period, the Examiner shall act in accordance with (1), (2), or (4) herein.
 - 4) Issue an order to reopen the open record hearing to consider new evidence, proposed changes in the application, and/or the arguments of the parties. Except in extraordinary circumstances, a reopened hearing shall be convened within 30 days of the issuance of the order. Notice of the reopened hearing date (which may, at the Staff's option, be the order itself) shall be mailed by the City to all parties of record not less than 10 days prior to the date of the hearing. The reopened hearing shall be limited to the matters contained within

Exhibit 1

the reconsideration request(s). Within 14 days after close of the reopened hearing, the Examiner shall act in accordance with (1) or (2) herein.

- e) A reconsideration request for which one of the actions specified in Rule 504(d) has not been taken within 10 days of close of the reconsideration period shall be deemed to have been denied.
- f) The Examiner's action following reconsideration is not subject to further requests for reconsideration.

508 Clerical Corrections

The Examiner may correct obvious clerical errors in decisions on his/her own initiative or in response to a request from a party of record. Clerical corrections are limited to those clearly identifiable from the public record. Issuance of a clerical correction has no effect upon any time limit provided under code or these Rules.

PART 600

MISCELLANEOUS PROVISIONS

604 Summary Orders on Remand

- a) When an Examiner decision has been remanded in whole or in part by an appellate body, and when the remand order either does not require or bars the taking of additional testimony or evidence, and when the Examiner believes that the record provides an adequate basis to rule on the remanded issue(s), then the Examiner shall issue a written summary order without further hearing.
- b) Summary orders shall be sent to all persons who received the original decision.
- c) Summary orders shall have the same legal effect as did the original decision except as to any code-established limits on appeal.

608 Case Record - Content

The official case record of a hearing conducted by the Examiner shall consist of:

- a) A written case record including all documentary written materials and other exhibits submitted for consideration by the Examiner and the Examiner's decision(s), together with the register of parties of record and the list of exhibits and witnesses maintained by the clerk.
- b) An analog or digital recording of the open record hearing. Where a qualified court reporter retained by the City reports the hearing, the reporter's transcript of proceedings shall constitute the official transcript of the oral proceedings.

612 Case Record - Disposition

The integrity of all materials which have become a part of the case record shall be maintained. The City is responsible for retention of the official case record as required by law.

616 Recusal of Examiner

- a) When the Examiner deems her/himself disqualified to preside in a particular proceeding, she/he shall withdraw by notice on the record as soon as the need for recusal becomes known/apparent to the Examiner.
- b) Any person may request recusal of the Examiner in a particular case. Such a request shall be raised as soon as the basis for disqualification is known to the person and shall state the grounds for the request with as much specificity as possible.
- c) The Examiner's decision on a recusal request shall be documented in writing and placed in the relevant case file (preferably as a marked exhibit whenever possible) or delivered orally during the open record hearing.

Exhibit 1

- d) If, after considering the merits of a recusal request, the Examiner determines not to recuse her/himself, the raising of such request shall in no way be considered by the Examiner in rendering a decision on the substantive case at hand.

620 Withdrawal of Applications/Appeals

- a) Withdrawal of an application/appeal shall be made by the applicant/appellant in writing, except as provided herein, and shall be accepted in the following manner:
- 1) Withdrawal Prior to Publication of Public Hearing Notice The applicant/appellant shall notify the Staff, which shall place the withdrawal in the official case file. No further action by the City is necessary.
 - 2) Withdrawal after Issuance of Public Hearing Notice but prior to Open Record Hearing The applicant/appellant shall notify the City which shall place the withdrawal in the official case file. The City shall forthwith notify the Examiner of the withdrawal. Where sufficient time and resources are available, a copy of the withdrawal may be mailed by the City to all persons to whom the notice of hearing was mailed. The scheduled hearing shall be automatically canceled.
 - 3) Withdrawal at the Open Record Hearing The Examiner shall orally accept withdrawals made during the open record hearing. Withdrawal shall be documented by issuance of a written order which shall be placed in the official case file.
 - 4) Withdrawal after the Open Record Hearing but Prior to Decision Issuance The applicant/appellant shall notify the City which shall place the withdrawal in the case file. The City shall forthwith notify the Examiner of the withdrawal. The City shall mail a copy of the withdrawal to all parties of record.
- b) No appeal from a withdrawal is authorized. Withdrawal terminates City consideration of the application/appeal.

624 Mediation

Subsection 20.10.250(2) SMC incorporates into the SMC the Chapter 35.63 RCW requirement for mediation before filing judicial appeals in certain types of land use cases. The Examiner cannot ethically provide mediation in cases which he/she has heard and decided. Therefore, parties desiring mediation shall make their own arrangements with any qualified mediator of their choice.

Exhibit 2

From: [John E. Galt](#)
To: [Melonie Anderson](#)
Cc: [Susan Cezar](#)
Subject: Request for Council Review of Hearing Examiner Rules
Date: Friday, January 20, 2012 1:24:01 PM
Attachments: [Rules-Sammamish-2012.doc](#)

Dear Melonie,

I have added the compromise language agreed to for Rules 312(b)(1) and 504(a) to the draft containing the staff changes with which I agreed and saved the result as "Rules-Sammamish-2012". The final version is attached.

Under SMC 20.10.190 the new Rules are in effect during the Council's review and approval process. Please consider the new Rules to be in effect as of today. Please disseminate them to those staffers who might have occasion to use them.

The next required step is to obtain City Council review and approval. Please transmit the following request to the Council on my behalf: (If this is not the proper way to go about this, point me in the right direction.)

Dear Sammamish City Council:

I respectfully request your review and approval pursuant to Sammamish Municipal Code (SMC) 20.10.190 of a substantially revised set of Hearing Examiner Rules of Procedure. As provided for by SMC 20.10.190, I adopted these revised Rules effective January 20, 2012, and they will remain in effect during your review process.

When I was appointed as Sammamish's Hearing Examiner in the Spring of 2008, the City operated under the 1995 version of the King County Hearing Examiner Rules which had been adopted upon incorporation of Sammamish, long before I became Sammamish's Hearing Examiner. There were parts of the old King County Rules that were awkward and other parts which seemed overly legalistic.

Staff and I have continued to work under the old Rules, while making case-by-case deviations. Although the SMC is clear that I have the authority to simply adopt a set of Rules and submit them to the Council for its review, I didn't want to do it that way. I value staff input (after all, staff has to work with the Rules almost as much as do I) and I wanted staff's input before promulgating something rather than after that something goes to the Council for review. Thus, I prepared a set of new Rules and asked staff to review and comment on my proposal. Staff offered some alternative language in a few places. The version which I promulgated on January 20, 2012, contains language which is acceptable to both staff and me.

I hope that by developing these Rules in cooperation with staff, your review process will have been made easier.

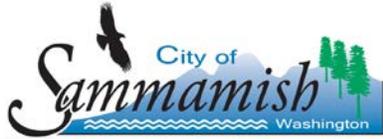
I would be pleased to attend the Council meeting where you will consider accepting these Rules, if you would like me to do so. I am, of course, also available to answer any questions which you may have about the new Rules.

Respectfully,

John E. Galt
Hearing Examiner/Officer
Mediator
Voice/FAX: (425) 259-3144

Exhibit 2

Thanks, Melonie 😊



City Council Agenda Bill

Meeting Date: March 06, 2012

Date Submitted: February 14, 2012

Originating Department: Admin Services

Clearances:

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

Subject: 2012 Contract for Legal Services

Action Required: Approve 2012 Contract for Legal Services

Exhibits: 1. 2012 Contract for Legal Services

Budget: 2011-2012 Budget \$315,402

Summary Statement:

This is a contract with the Law Firm Kenyon & Disend to provide Legal Services to the City for 2012

Background:

The City has traditionally contracted with an outside law firm to provide the following services:

- Review or draft City ordinances, contracts, resolutions, Interlocal agreements and other legal documents as requested by the City;
- Represent the City in all lawsuits and other contested administrative proceedings commenced by or against the City;
- Advise City Councilmembers and staff members with regard to legal matters relating to their respective duties for the City;
- Consult with and advise the City Councilmembers and staff members in person, by telephone, e-mail, or by written memo on City business;
- Attend all regular City Council meetings on an as-needed basis, unless excused there from by the City Manager;
- Attend Weekly Department Director Meetings
- In past years, it has been city practice to adjust the amount of this contract by the same cost of living allowance granted to city employees. For 2011 the contract was reduced by .5%. For 2012 staff is recommending an increase was 3.2%. An amount equal to city employee's cost of living



City Council Agenda Bill

allowance.

Financial Impact:

2011-2012 Budget \$315,402, Total Contract \$314,628

Recommended Motion:

Move to Approve 2012 Contract for Legal Services

**CONTRACT FOR LEGAL SERVICES
2012**

**I.
PARTIES**

This contract is made on this _____ day of _____, 2012, between the City of Sammamish (“City”) and Kenyon Disend, PLLC (“Attorneys”).

**II.
SERVICES OF THE ATTORNEYS**

The Attorneys shall work for the City at the pleasure of and under the direction of the City Manager. Bruce Disend will serve as the City Attorney and will direct the services provided under this contract.

**III.
QUALITY OF SERVICES**

The Attorneys shall perform all legal services covered by this contract in a capable and efficient manner, and in accordance with the professional standards of the Washington State Bar Association.

**IV.
SERVICES PROVIDED**

The City Attorney shall be principally responsible for performing all legal work for the City, except for prosecution services. The City Attorney may have other attorneys employed by the law firm assist him in the performance of his duties. The following list of duties is illustrative, but is not necessarily inclusive, of the services to be performed by the Attorneys:

- (1) Review or draft City ordinances, contracts, resolutions, interlocal agreements and other legal documents as requested by the City;
- (2) Represent the City in all lawsuits and other contested administrative proceedings commenced by or against the City;
- (3) Advise City Councilmembers and staff members with regard to legal matters relating to their respective duties for the City;
- (4) Consult with and advise the City Councilmembers and staff members in person, by telephone, e-mail, or by written memo on City business;

(5) Attend all regular City Council meetings on an as-needed basis, unless excused there from by the City Manager;

(6) Attend Weekly Department Director Meetings

**V.
FEES AND COSTS**

For the year 2011, the services identified in Section IV, subsections 1, 3, 4, and 5 shall be billed on a fixed fee basis of \$13,012 = (2010 Rate \$13,077 x .995) per month. The services identified in subsection 2 shall be billed at the Attorneys' and Paralegals' regular hourly rates for 2011 as set forth in Exhibit A.

For the year 2012, the services identified in Section IV, subsections 1, 3, 4, and 5 shall be billed on a fixed fee basis of \$13,428 = (2011 Rate \$13,012 x 1.032) per month. . The services identified in subsection 2 shall be billed at the Attorneys' and Paralegals' regular hourly rates for 2012 as set forth in Exhibit A.

Additional work performed under this contract shall be billed at the Attorneys' regular hourly rates. In addition, the Attorneys will charge the City ten cents per page for photocopying and facsimile, and shall be reimbursed for legal messenger services, filing fees advanced and other direct expenses.

The Attorneys shall not charge the City for any travel time or mileage costs incurred for trips to or from Sammamish, nor for long-distance telephone charges. Travel time and mileage costs for trips to locations other than Sammamish, if any, shall be reimbursed at the Attorneys' then current rates and charges.

Attorneys' current rates expressly account for any taxes, business license fees, or related charges ("charges") imposed on professional service providers by the City and State of Washington.

In the event that any such additional charges are imposed during the term of this agreement, Attorneys shall be entitled to recover any such additional charges as a reimbursable cost item on Attorneys' monthly billing statements.

**VI.
PAYMENT TERMS**

Fees and costs are due in full from the City upon billing by the Attorneys. A service charge shall accrue at the rate of 12% per annum, but shall only be added to any balance remaining unpaid sixty (60) days after the statement date.

**VII.
TIME RECORDS**

The Attorneys shall maintain accurate time records describing the services performed and the dates upon which said services were performed, and shall provide a monthly statement to the City setting forth the time expended for such services.

**VIII.
CONTRACT PERIOD**

This contract shall take effect as of January 1, 2012 and expire on December 31, 2012, unless sooner terminated by either party. Each party shall have the right to terminate this contract upon thirty (30) days written notice.

**IX.
INSURANCE**

The Attorneys agree to maintain for the protection of the City a professional errors and omissions insurance policy with minimum coverage of one million dollars per claim and three million dollars annual aggregate.

CITY OF SAMMAMISH

By: _____
Ben Yazici, City Manager

KENYON DISEND, PLLC

By: _____
Bruce L. Disend



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: February 22, 2012

Originating Department: Public Works

Clearances:

City Manager

Attorney

Admin Services

Community Development

Finance & IT

Fire

Parks & Recreation

Police

Public Works

Subject: Contract Amendment for On-Call Tree Services

Action Required: Authorize the City Manager to sign Contract Amendment #1 with Acorn Tree Services.

Exhibits: Contract Amendment

Budget: \$10,000 is available in the 2012 Streets, Parks, and Surface Water Professional service budgets for the contract amendment.

Summary Statement:

This is a contract amendment in the amount of \$10,000 for the on-call tree services contract with Acorn Tree Services.

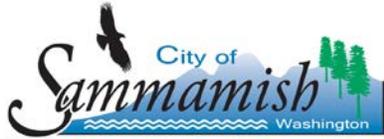
The current tree services contract in the amount of \$45,000 was approved in October 2009 and expires in December 2012. While we had hoped the existing contract would carry us through the end of 2012, the recent storm has depleted this contract with work still remaining.

In the short-term, the requested contract amendment in the amount of \$10,000 will allow us to complete the storm clean-up and tree services work. In the long-term, staff will be issuing a call for bids and anticipate bringing forth a new contract for on-call tree services in the next several months.

Background:

We utilize our on-call contractor to perform tree services in both our parks and our right-of-ways. The contractor provides a variety of services including hazard tree removal, pruning, removal of limbs, and stump grinding.

The type of tree services the on-call contractor provides are needed on an irregular basis, often following a major weather event. Prior to utilizing on-call contracts, staff had to issue separate contracts for each task, resulting in a number of "smaller" contracts throughout the year and requiring an incredible amount of staff time to administer. Utilizing the on-call contract for tree services provides access to these specialized services when needed in an efficient manner.



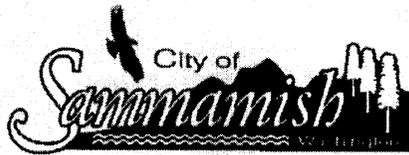
City Council Agenda Bill

Financial Impact:

\$10,000 is available in the 2012 Streets, Parks, and Surface Water Professional service budgets for the contract amendment.

Recommended Motion:

Authorize the City Manager to sign Contract Amendment #1 with Acorn Tree Services



SUPPLEMENTAL AGREEMENT

Amendment Number: One	Date: February 21, 2012
Project: On Call Tree Removal and Related Services Contract	City Project number
Consultant: Acorn Tree Services	Contract Number: C2009-176

The City of Sammamish desires to amend the agreement with Acorn Tree Services for the on-call Tree Removal Services for city Parks, ROW, and open space. All provisions in the basic agreement remain in effect except as expressly modified by this agreement.

The changes to this agreement are described as follows:

1. Additional \$10,000 to current contract.

Original Contract Amount:	Current Contract Amount	Net Change This Amendment	Estimated Contract Total After Change
<u>\$ 45,000.00</u>	<u>\$ 45,000.00</u>	<u>\$ 10,000.00</u>	<u>\$ 55,000.00</u>
_____ (consultant name)		Approved: _____ _____ City of Sammamish	
_____ Date		_____ Date	



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: March 1, 2012

Originating Department: Parks and Recreation

Clearances:

City Manager

Attorney

Admin Services

Community Development

Finance & IT

Fire

Parks & Recreation

Police

Public Works

Subject: Installation of an Access Control System at City Hall

Action Required: Authorize the City Manager to sign a contract with Western Entrance Technology, LLC for installation of an access control system at City Hall.

Exhibits: 1. Form of Proposal

Budget: 2011-12 Budget: \$50,000.00

Summary Statement:

This is a contract for the installation of an access control system (electronic card readers to replace the use of keys) in selected locations at City Hall.

A total of five qualified firms were contacted and requested to bid through the eCityGov Shared Works Roster. Western Entrance Technology, LLC was the only firm to respond. Staff evaluated the bid and have determined that Western Technology is a responsive bidder and are recommending a contract in the amount of \$48,691.91 to complete this work.

Background:

The installation of a new access control system, also known as a security card system will greatly improve security at City Hall. Staff are recommending installation of the card readers in ten locations throughout City Hall, including the garage. The security card systems will take the place of keys and are programmable, allowing access to be customized based on individual needs. Cards can also be deactivated when lost, saving the expense and hassle of re-keying the facility when keys are lost. The access control system will be managed and monitored by staff.

This is the same system installed on the second floor for the King County Sheriff's Office, although the two systems will be managed separately.

The contract includes the cost of providing and installing the security card system, cutting, coring, patching, and fixing any irregularities on the existing doors and hardware and providing training to City staff.



City Council Agenda Bill

Financial Impact:

A total of \$50,000 was allocated in the 2012-12 Facilities Budget for this project. The project cost breakdown is as follows:

Bid	\$42,350.00
5% Contingency	\$ 2,117.50
w.s.t. 9.5%	\$ 4,224.41
TOTAL	\$48,691.91

Recommended Motion:

Authorize the City Manager to sign a contract with Western Entrance Technology, LLC for installation of an access control system at City Hall.

TRENCH EXCAVATION SAFETY PROVISIONS:

If the bid contract contains any work which requires trenching exceeding a depth of four feet, all costs for adequate trench safety systems shall be identifies as a separate bid item in compliance with Chapter 39.04 RCW and WAC 296-155-650. The purpose of this provision is to ensure that the bidder agrees to comply with all the relevant trench safety requirements of Chapter 49.17 RCW. This bid amount shall be considered as part of the total base bid set forth above. Bidder must include a lump sum dollar amount in blank below (even if the value is \$0.00) to be responsive.

Trench Excavation Safety Provision Only: \$0.00.....

CONTRACT AND BOND:

If notified of the acceptance of this bid within ninety (90) days of the time set for the opening of bids, the undersigned agrees to execute a contract for the above work, for a compensation computed from the above stated sums, on the State of Washington Public Works Contract Form and to furnish Bonds as required by the Contract Documents on the forms bound herein.

ADDENDA:

Receipt of Addenda numbered 2 is hereby acknowledged.

Stephen Wilson
Legal Name of Bidder

Signature

Member
Title

P.O. BOX 159
Street Address

March 01, 2012
Date

MONROE WA
City State

WESTEET943MT
State of WA Contractor's No.

360-863-9382
Telephone

The firm represented by the above signature is:

Sole Proprietorship _____
Partnership _____
Corporation _____
Other LLC

State of Incorporation WA

END OF SECTION 00300

COUNCIL  **MINUTES**

Special Meeting
February 21, 2012

Mayor Tom Odell called the regular meeting of the Sammamish City Council to order at 6:32 pm.

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

Staff present: Assistant City Manager Lyman Howard, City Engineer Jeff Brauns, Sr. Stormwater Program Engineer Eric LaFrance, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, Assistant City Attorney Kari Sand, and Administrative Assistant to the City Clerk Lita Hachey.

Roll Call/Pledge of Allegiance

Roll was called. Student Liaison Felipe Concha led the pledge.

Approval of Agenda

MOTION: Councilmember Curley moved to approve the agenda. Deputy Mayor James seconded. Motion carried unanimously 6-0.

Councilmember Odell requested that Item 4 from the Consent Agenda be removed and placed as the first item under New Business.

Student Liaison Reports

- Eastlake High School (Felipe Concha):

Felipe is a junior at Eastlake. There have been several tragedies lately at Eastlake High School, first loosing Resource Officer Stan Chapin and last week two graduated students. It has been a trying, emotional time at school and Felipe has been impressed with the bond and support system that the students have created. Tolo dance is on March 3rd. Mayor Odell stated that the SAMMI Awards has chosen to give the Youth Advocacy Award in Officer Stan Chapin's name this year. Deputy Mayor James added that the new access road to Eastlake High School at 233rd Ave NE will be named Stan Chapin Way.

Public Comment

Jim Osgood, 19661 SE 24th Way, Would like to suggest that the Stormwater program introduced tonight is long overdue and will have a significant impact in some critical areas. He feels that it is time to get something done.

Consent Calendar

- Payroll for the period ending January 31, 2012 for pay date February 3, 2012 in the amount of \$265,535.01
 - Payroll for the period ending February 15, 2012 for pay date February 17, 2012 in the amount of \$248,098.59
1. Approval: Claims for period ending February 21, 2012 in the amount of \$892,841.97 for Check No. 31395 through No. 31483
 2. Resolution: Final Acceptance 2011 Overlay Project/Lakeside R2012- 486
 3. Resolution: Final Acceptance 244th Avenue Non-Motorized Project/Archer Construction R2012- 487
 4. ~~Amendment: Drainage Improvements/Windward Environmental~~
 5. Approval: Minutes for the February 7, 2012 Regular Meeting
 6. Approval: Minutes/Notes for the February 13, 2012 Special Meeting/Study Session

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

New Business

Amendment: Drainage Improvements/Windward Environmental

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

The Public Works Department is currently using the professional stormwater engineering services of Windward Environmental to prepare the preliminary design for a stormwater system serving the Inglewood and Tamarack neighborhoods. This contract amendment will expand the scope to include the area around SE 24th Way and the Waverly Hills Neighborhood which is east of 200th Ave SE. This contract is for study purposes only at this point. Adding this additional project could help when applying for grants in the future.

MOTION: Councilmember Gerend moved to authorize the City Manager to execute a contract amendment with Windward Environmental LLC for an amount not to exceed \$58,023 for professional stormwater engineering services. This amendment will bring the total contract authorization to \$147,878. Councilmember Curley seconded. Motion carried unanimously 6-0.

Approval: Grants - Recycling Events

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

Councilmember Whitten requested the dates for the year's recycling events but they are not scheduled yet. There will be an event in the spring, summer and the fall. Mayor Odell asked about permanent

locations to dispose of computers/monitors etc. There are a variety of recycling stations available and locations can be found on the King County website. The recycling grant comes from State funds. Councilmember Whitten suggested having a storm debris pick-up on a regular basis as it is a great service to our residents.

MOTION: Councilmember Gerend moved to authorize the City Manager to sign the grant agreements for recycling events. Councilmember Vance seconded. Motion carried unanimously 6-0.

Easement: Reard/Freed House

Parks & Recreation Director Jessi Richardson gave a staff report and PowerPoint presentation. (available on the city's website at www.ci.sammamish.wa.us).

The Heritage Society has raised the funds needed to move the Reard/Freed House so they are going forward with moving the house. Councilmember Whitten requested confirmation on the location of the easement and the liability insurance needed. Mayor Odell questioned the clause in the lease agreement if removal of the building is required. Pat Kelsey, Vice President of the Sammamish Heritage Society reported on grant applications. The King County 4Culture Historical Preservation Real Estate Action Fund: awarded \$9,200, this will assist with the house moving expense; the King County 4Culture Heritage Cultural Facilities Grant: awarded \$28,875, this will assist with the framing repair, site excavation and the foundation; the Valerie Savinsky Washington Preservation Fund: awarded \$500, this will assist with siding repair. Grant total received \$38,575 plus \$5,851 in savings; \$20,435 in pledges. Final total is \$64,861.00 The grant applications that are currently being applied for are the 4Culture Landmark Rehabilitation Grant to restore the windows; the 4Culture Landmark Challenge Grant to be used for the restoration of the exterior and the National Trust for the Historical Preservation Grant to be used for architectural fees. There is a possibility of an additional \$40,000 with these grants.

MOTION: Mayor Odell moved to authorize the City Manager to execute an easement agreement with Mary Pigott for relocation of the Reard-Freed House to parcel # 0424069019 (Site B), which is currently owned by Ms. Pigott. Motion carried unanimously 6-0.

MOTION: Councilmember Vance moved to excuse Councilmember Valderrama. Councilmember Curley seconded. Motion carried unanimously 6-0.

Council Reports

Deputy Mayor James: There is a correction on the long term calendar, the Referendum and Initiative will be added. He would like Council to get back on track with discussions on the community aquatic center.

Councilmember Whitten: Commented on the areas of new development and growth within the City. Trees are coming down and she has been getting calls from concerned citizens. She would like Council to remain sensitive to impacts of growth. The Comprehensive Plan is due to be discussed again in a few years and Assistant City Manager Lyman Howard will follow up with Council on a definite date.

Councilmember Curley: Reported on attending the District 45 Town Hall meeting with Senator Andy Hill, Rep. Goodman and Rep. Springer, this past Saturday afternoon here at Sammamish City Hall. Several districts were represented and it was a successful event.

Councilmember Vance: He also enjoyed the afternoon on Saturday with Senator Hill and neighboring cities like Redmond, Kirkland and Woodinville. He would like to invite the 41st District to future meetings.

Councilmember Gerend: Reported on his afternoon in Olympia today. He testified at two Hearings. The first meeting was with the Transportation Committee, in support of the Senate Bill # 6582 that would allow Cities and Counties to increase the motor vehicle fees from \$20.00 to \$40.00 and an option to enlist a 1% Motor Vehicle Excise Tax. At the second hearing, the House Ways and Means Committee were addressing the budget.

Mayor Odell: Reported on the Regional Transit Commission meeting and attending the Town Hall meeting, Saturday afternoon with Senator Andy Hill.

Meeting adjourned at 7:52 pm.

Lita Hachey, Administrative Assistant
to the City Clerk

Thomas T. Odell Mayor



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: February 13, 2012

Originating Department: Admin Services

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 checked="" type="checkbox"/> Police
<input checked="" type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Ordinance: First Reading regarding Solicitor Licensing

Action Required: Conduct first reading of Ordinance

Exhibits: 1. Draft Ordinance

Budget: n/a

Summary Statement

The proposed ordinance amendment and addition would change the existing licensing requirements for door to door solicitors seeking permits to work in the city. The new ordinance prohibits those with a criminal history, including but not limited to, burglary, theft or fraud from obtaining a solicitor's license in the city of Sammamish. The ordinance also gives homeowners and law enforcement a remedy when door to door solicitors violate a posted "no solicitation" or similar sign at their residence.

Background

Door to door solicitors are very active in the city of Sammamish. Last year the city issued licenses to 20 different companies and 87 individuals. Law enforcement officers respond to frequent complaints about these solicitors as their sales tactics are often aggressive and intimidating to residents. Unless the solicitors have an active warrant for arrest or have failed to obtain the proper license, law enforcement is limited in their response to such complaints.

The ordinance in its present form merely requires solicitors to obtain the \$15 permit from the City Clerk. Currently, there is no provision for background checks of those seeking to solicit within the city. Additionally, the City Clerk has no ability to revoke such a permit if a solicitor is found to be engaged in criminal behavior while working in the city. There is also no prohibition against solicitors approaching homeowners who post "no solicitation" or other similar signage on their properties.

In December, eight solicitor licenses were issued by the city. Of those individuals who obtained licenses, five would have been denied permits under the new ordinance based on their criminal history. One solicitor was arrested on an active warrant and three had suspended drivers licenses.

The city of Issaquah has an ordinance pertaining to solicitor licenses very similar to our proposed ordinance. Issaquah issued less than ten solicitor licenses for all of 2011.



City Council Agenda Bill

On February 13, 2012 the City Council considered this ordinance at a Study Session. At that time they requested staff make some changes to the proposed ordinance. The current ordinance reflects the following changes

- Section 5.06.010 (C) Definitions – Has been deleted. The definition of “Transient” in SMC Section 5.05.020(7) is modified to apply to vendors at the Farmer’s Market Pine Lake Park or church events. If these types of vendors engage in business more than four times per year, they will be required to purchase a City Business license (this is the case now for vendors of the Farmer’s Market).
- Section 5.06.120 Hours – Has been modified to allows solicitation between the hours of 9:00 am and 5:00 pm. These hours are proposed based on applicable case law. However, Council may determine different hours.
- 5.06.020 (3) (c) License – Required – No Soliciting Signs - Exemptions. Staff is recommending leaving the exemption for magazine vendors as they enjoy the same protection under the First Amendment as newspaper vendors. It is well established that canvassing and specifically the distribution of literature on the street and door to door, is in accordance with the best tradition of First Amendment expression, and thus receives the fullest constitutional protection. See *McIntyre v. Ohio Elec. Comm.*, 514 U.S. 334, 115 S.Ct. 1511, 131 L.Ed.2d 426 (1995); *Martin v. City of Struthers*, 319 U.S. 141, 63 S.Ct. 862, 87 L.Ed. 1313 (1943); *Lovell v. Griffin*, 303 U.S. 444, 58 S.Ct. 666, 82 L.Ed. 949 (1938). As such, newspaper and magazine solicitors are exempt from solicitor licensing requirements (see RCW 36.71.010, exempting vendors of periodicals from County peddler's license requirements). They will be required to apply for an exemption and will need to carry documentation with them that shows they were granted the exemption. They will be required to comply with all the other rules governing solicitation (i.e. they will only be allowed to solicit during approved hours and they will not be allowed to solicit at any home that is posted “No solicitation”).

Other Proposed Amendments & Additions:

The amendment to Chapter 5.05 and the addition of Chapter 5.06 creates more stringent requirements of those seeking to obtain a solicitor’s license within the city. Specifically, the license fee increases from \$15 to \$30 and adds the requirement of a background check prior to issuance of a license. Applicants who, within the last ten years, have been convicted of a crime related to such sales including but not limited to burglary, theft and fraud would be denied a license. The new section changes the expiration of all licenses to December 31 of each year which simplifies tracking of valid licenses. It also creates a provision whereby the City Clerk may suspend or revoke a license if a solicitor violates the conditions of the license. Finally, the new section allows residents to avoid contact with door to door solicitors entirely by adding a prohibition to the violation of a “no soliciting” or other similarly worded sign posted on their property. Solicitors who violate any provision of the new chapter shall be guilty of a misdemeanor.



City Council Agenda Bill

As with the previous version of the ordinance, charitable, religious and non-profit organizations are exempt from the licensing requirement. Additionally, based on the protections of the First Amendment, newspaper subscription solicitors and vendors of books and periodicals are also exempt.

Financial Impact: n/a

Recommended Motion: First Reading only. No action is recommended.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2012-_____**

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADDING A NEW CHAPTER 5.06 TO THE SAMMAMISH MUNICIPAL CODE TO BE ENTITLED “SOLICITOR’S LICENSE”; PROVIDING FOR SOLICITOR’S BUSINESS LICENSE FOR ENGAGING IN BUSINESS IN THE CITY; DEFINING TERMS; PROVIDING FOR PROCEDURES FOR ISSUING, SUSPENDING AND REVOKING SOLICITOR’S BUSINESS LICENSE; SETTING FORTH FEES; PROHIBITING LOUD NOISE; REGULATING USE OF CITY STREETS; RESTRICTING HOURS; REQUIRING RECORDS; AND SETTING FORTH PENALTIES; AND DELETING SECTIONS OF 5.05 RELATING TO PEDDLERS AND AMENDING SECTION 5.05.020(7) RELATING TO TRANSIENT MERCHANTS

WHEREAS, the City of Sammamish is a non-charter optional municipal code city incorporated under the laws of the State of Washington and has the power to enact ordinances and regulate solicitors for the protection of the public health, safety and general welfare;

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

Section 1. Chapter 5.06 SMC Created. A new Chapter 5.06 (“Solicitor’s License”), is hereby added to the Sammamish Municipal Code to read as shown in Attachment “A”:

Section 2. Chapter 5.05 SMC Amended. Chapter 5.05 shall be amended as follows: Delete Section 5.05.020(5) and Section 5.05.030. Amend Section 5.05.020(7) to read as follows:

(7) “Transient merchant” means any person, firm or corporation who engages in, does or transacts any temporary business at wholesale or retail for the sale of goods, wares or merchandise, or services, and who for such purpose shall use or occupy ~~any building, vehicle, booth or other structure, either temporary or permanent,~~ for the exhibition and/or sale of such property or services: any building, vehicle, booth or other structure, either temporary or permanent; or any vacant lot, parcel of land, or any other place not used by such person as a permanent place of business.

Exhibit 1

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phase of this ordinance.

Section 4. Effective Date. This Ordinance is not subject to referendum as provided by law and shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published in the official newspaper of the City.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF _____ 2012.**

CITY OF SAMMAMISH

Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: February 28, 2012
First Reading: March 6, 2012
Passed by the City Council:
Date of Publication:
Effective Date:

ATTACHMENT “A”

**Chapter 5.06
SOLICITOR’S LICENSE**

Sections:

- 5.06.010 Definitions.
- 5.06.020 License – Required – Exemptions.
- 5.06.030 License – Application.
- 5.06.040 Investigation of application – Issuance and denial of license.
- 5.06.050 Fees.
- 5.06.060 Exhibition of license.
- 5.06.070 Expiration.
- 5.06.080 Revocation or suspension of license – Grounds.
- 5.06.090 Appeal.
- 5.06.100 Loud noises, speaking devices.
- 5.06.110 Use of streets.
- 5.06.120 Hours.
- 5.06.130 Records.
- 5.06.140 Penalty for violation.

5.06.010 Definitions.

A solicitor is defined as follows:

- A. Any person, both principals and agents, who shall sell, offer or expose for sale, or trade, deal or traffic in any personal property at retail in the City by going from house to house or from place to place or by indiscriminately approaching individuals.
- B. Sales by sample or for future delivery, and executory contracts of sale by solicitors, are embraced within the preceding subsection; provided, however, that this section shall not apply to any salesman or canvasser who solicits trade from wholesale or retail dealers in the City.

5.06.020 License – Required – No Soliciting Signs - Exemptions.

- A. No person or individual shall act as a solicitor within the city limits without first obtaining a license therefor as provided in this chapter. It is a violation of this chapter to solicit without a valid license.
- B. It is a violation to solicit on premises that conspicuously display a “no solicitors” sign, or a sign with similar language.
- C. The following persons are eligible for an exemption to the license requirements

and fee provisions of this chapter:

- 1) Farmers, gardeners, or other persons who sell, deliver, or peddle agricultural, horticultural or farm products (including fruits, vegetables, berries, eggs, or other edibles) which they have actually grown, harvested, manufactured or produced, provided that this exception does not apply to sale of firewood;
- 2) Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 U.S.C. 501(c)(3) or other similar civic, charitable, educational, political, or non-profit organizations; and
- 3) Newspaper subscription solicitors and vendors of books and periodicals.

Provided, however, that any such person must first apply for an exemption on forms furnished by the City Clerk. Upon determination by the City Clerk that such person is exempt from the license requirements, a copy of the approved "application for exemption" shall be provided and must be carried by the person at all times the person solicits in the City.

5.06.030 License - Application.

- A. License applicants must file with the City Clerk a sworn application in writing on a form furnished by the City Clerk.
- B. All applicants must supply the following information:
 - 1) Name, home address, home telephone number, date of birth, valid driver's license(s), vehicle description(s), and license plate numbers(s);
 - 2) Name, business address, mailing address, and phone number of sponsor, employer or association which the solicitor is representing, if applicable;
 - 3) Description of item(s) for sale;
 - 4) Business references;
 - 5) Whether or not the solicitor has ever been convicted of a crime related to the sale or representation of any goods, wares, merchandise or anything of value, and, if so, the details thereof (i.e. burglary, theft or crimes against the person).

5.06.040 Investigation of application - Issuance and denial of license.

- A. The City Clerk or designee shall verify the information included in the application.
- B. After verifying the information contained in the application, the City Clerk shall, upon payment of the prescribed fee, issue the license to the applicant. The City Clerk shall deny a license if the applicant has:
 - 1) Within the last 10 years been convicted of a crime or offense directly related to the sale or representation of any goods, wares, merchandise or anything of value, including, but not limited to burglary, theft, and fraud;
 - 2) Made a false or misleading statement in the application.

5.06.050 Fees.

Solicitor's license shall be as shown in the most current City Fee Schedule. Such fees shall be paid at the time of filing the application without proration.

5.06.060 Exhibition of license.

Solicitors are required to exhibit their license at the time of any solicitation and upon request by a police officer and any person being solicited.

5.06.070 Expiration.

All licenses issued under this chapter shall expire on December 31st of each year.

5.06.080 Revocation or suspension of license – Grounds.

The City Clerk may, at any time, suspend or revoke any license issued under the provisions of this chapter whenever the licensee, or any officer, employee or partner thereof:

- 1) Has violated any federal, state or city statute, law, regulation or ordinance directly related to his or her fitness for a solicitor's license, whether or not the licensee, or officer or partner thereof, has been convicted in any court of competent jurisdiction of such violation; or
- 2) Is conducting or has conducted, engaged in or operated a business stated in the license which does not conform to the ordinances of the City; or
- 3) Has maintained or permitted the business stated in the license to be conducted, engaged in or operated in such manner as to constitute a public nuisance; or

- 4) Has made any material false statement or representation in connection with obtaining the license.

5.06.090 Appeal.

- A. Whenever the City Clerk determines that there is cause for denial, suspension or revocation of a solicitor's license, the Clerk shall, by certified mail, notify the applicant or licensee of the Clerk's determination, including the grounds for denial, suspension or revocation. Notice mailed to the address on the application or license shall be deemed received three days after mailing.
- B. The licensee may appeal the decision of the City Clerk to deny, suspend or revoke a solicitor's license by filing a written notice of appeal to the hearing examiner within 21 days of the City Clerk's decision, pursuant to the procedures in Chapter 20.10 SMC.

No solicitor, nor any person on the solicitor's behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any sound device, including any loud-speaking radio or sound-amplifying system for the purpose of attracting attention to any goods, wares or merchandise which such solicitor proposes to sell.

5.06.110 Use of streets.

No solicitor shall have any right to a stationary location in a public right of way.

5.06.120 Hours.

No person required to obtain a solicitor's license shall engage in the business of solicitation between the hours of 5:00 p.m. and 9:00 a.m.

5.06.130 Records.

The police shall report to the City Clerk all convictions for violations of this chapter, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

5.06.140 Penalty for violation.

Any person failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided in Chapter 1.10 SMC.



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: February 29, 2012

Originating Department: Finance/IT

Clearances:

City Manager
 Attorney
 Admin Services

Community Development
 Finance & IT
 Fire

Parks & Recreation
 Police
 Public Works

Subject: Contract between CRW Systems, Inc. and the City of Sammamish for the purchase and implementation of an integrated permit tracking system.

Action Required: Authorize the City Manager to execute the contract between CRW Systems, Inc. and the City of Sammamish

Exhibits: None

Budget: 2011-2012 – General Fund operating budget (account number 001-090-594-19-64-01) - \$550,000 for purchase and implementation.
 2011-2012 – General Fund operating budget (account number 001-090-519-90-48-01) - \$31,000 for software maintenance.

Summary Statement:

During the 2011-2012 Budget development process the City Council approved the purchase and implementation of a new permit tracking system. In conjunction with other members of the eCityGov Alliance, the City participated in a rigorous selection process. Upon the initial selection of EnerGov Solutions as the preferred vendor, the City Council authorized the City Manager to execute an agreement EnerGov Solutions on November 11, 2011. Staff continued to monitor the implementation of the EnerGov Solutions system at several neighboring jurisdictions and subsequently determined they have not been able to deliver on commitments and timelines. As a result, staff selected CRW Systems as the preferred vendor. This action authorizes the City Manager to execute the contract between CRW Systems and the City of Sammamish in the amount of \$568,719.00 (reflecting software, implementation, and ten years maintenance/support) plus applicable sales tax. This represents a savings of 15% over the contract previously negotiated with EnerGov Solutions.

Background:

Like several of the cities in the eCityGov Alliance, Sammamish's existing permit tracking system no longer effectively serves our customers and staff and does not have the functionality to accommodate electronic permitting. CityView, Sammamish's current permit tracking system, was purchased in 2003 and is partially maintained by DCD planning staff. It does not interface with the City's financial/cashiering system, has limited reporting capabilities (requiring staff to generate reports manually), and has limited mapping capabilities. Furthermore, CityView is not compatible with



City Council Agenda Bill

MyBuildingPermit.com (the regional permitting portal); requiring staff to hand enter all of the permits that were applied for online.

These shortcomings, coupled with an unclear upgrade and maintenance plan, caused the City to consider changing permit tracking systems as the Alliance began the planning stages of the ePlan project. ePlan is an eCityGov Alliance project that will allow for end-to-end electronic permitting. Several of the other Alliance cities were in a similar position. As a result, the Alliance took the lead and embarked on the selection process for a new permit tracking system.

Initial Selection Process

In 2008 the eCityGov Alliance, on behalf of its member cities, initiated the Request for Proposal (RFP) process to solicit proposals for new permit tracking systems. Jurisdictions that participated in the RFP process included Bellevue, Bothell, Issaquah, Kirkland, Redmond, Renton, and Sammamish. The Alliance retained the services of SoftResources, a firm specializing in software selection and contract negotiations, to assist in the development of the RFP and vendor selection. After 18 months of intensive research, evaluation, and negotiations, CRW Systems and EnerGov Solutions were selected as the two finalists. EnerGov Solutions was selected by five of the participating cities including Sammamish. The City of Issaquah selected CRW Systems.

Revised Vendor Selection

On November 1, 2011, the City Council authorized the City Manager to execute an agreement with EnerGov Solutions for the purchase, implementation, and maintenance of permit tracking and asset management systems in the amount of \$727,416.00 plus applicable sales tax. At that time, staff committed to continue monitoring the progress of the other cities' and to not execute the agreement with EnerGov Solutions until satisfied with their performance at the other jurisdictions. While each of the jurisdictions (Bothell, Kirkland, Redmond, and Renton) is currently at different stages of implementation, most failed to meet their targeted completion or have experienced significant implementation challenges.

Conversely, CRW Systems has successfully implemented their product in Issaquah, Marysville, and Mill Creek and feedback from those jurisdictions has been positive. As a result, staff invited CRW Systems to resubmit their proposal and, after three months of evaluating their product, has selected CRW Systems.

Financial Impact:

Software	\$137,500
Implementation	113,600
<i>Subtotal</i>	<u>\$251,100</u>
10 Years Maintenance	<u>\$317,619</u>
Contract Amount	<u>\$568,719</u>

Software purchase and implementation costs of \$550,000 are included in the 2011-2012 Adopted Budget.

This contract includes a ten year maintenance agreement that establishes annual maintenance fees of \$28,350 for the first year, reflecting 18% of the software costs, and limits the annual growth rate to 2.5%



City Council Agenda Bill

for each year after. These are fixed costs and are not subject to further growth or fluctuation over the ten year period. One year of annual maintenance costs of \$31,000 is included in the 2011-2012 Adopted Budget. Future years' maintenance costs for the term of the agreement will be accommodated during the development of the subsequent years' budgets.

Systems Cost Comparison

Software & Implementation			
	CRW		
	Systems	EnerGov	Difference
Software	\$137,500	\$103,109	\$34,391
Implementation	113,600	183,540	(69,940)
WSST @ 9.5%	23,855	27,232	(3,377)
Total Software/Implementnation	\$274,955	\$313,881	(\$38,926)

5 Year Annual Maintenance			
	CRW		
	Systems	EnerGov	Difference
5 Years Maintenance	\$149,017	\$185,831	(\$36,814)
WSST @ 9.5%	14,157	17,654	(3,497)
Total Maintenance	\$163,174	\$203,485	(\$40,311)

The chart above illustrates the comparison over a five year term (rather than the ten year term negotiated with CRW Systems) because that was the duration of the maintenance agreement with EnerGov Solutions. **Comparing the total cost of both systems over a five year period results in a 15%, or \$79,000, savings with CRW Systems.**

Schedule

Implementation of the permit tracking system is targeted to start in April and be completed by the end of November 2012.

Recommended Motion:

Move to authorize the City Manager to execute the contract with CRW Systems for the purchase and implementation of an integrated permit tracking and asset management system.



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: March 1, 2012

Originating Department: Admin Services

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 checked="" type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Fire Services Evaluation Contract

Action Required: Authorize the City Manager to execute a Fire Services Evaluation Contract for up to \$50,000

Exhibits:

Budget: \$50,000

Summary Statement:

This is a contract to perform an evaluation of the City's fire protection and emergency medical services.

Background:

The City currently receives fire protection and emergency medical services from Eastside Fire and Rescue (EF&R). EF&R is a partnership created through an Interlocal Agreement between the City of Sammamish, the City of Issaquah, the City of North Bend, Washington Fire Protection District 10, and Washington Fire Protection District 38. The current Interlocal Agreement expires December 31, 2014 and will be renewed automatically for an additional 7 years unless a partner provides notice of withdrawal by January 2014.

In order to evaluate the City's fire protection and emergency medical services, the City solicited proposals from emergency management consultants. The consultants were asked to include the following in their evaluation:

- EF&R's Finances – A review of EF&R's current finances
- Funding Model – A review of EF&R's current funding model and suggestions for alternative funding models
- Operational Issues – A review of fire and emergency medical operations



City Council Agenda Bill

- Comparison to Similarly Situated Western Washington Cities – A review of the fire and emergency medical services provided in similarly situated Western Washington cities
- Alternative Options for City Fire and Emergency Medical Service – Investigation of options for providing fire and emergency medical services

Six proposals were received.

The City Council also appointed a Technical Advisory Board comprised of former City Council Members and former Sammamish EF&R Board Representatives. The proposals were reviewed by the Technical Advisory Board and City Staff.

The Technical Advisory Board will interview consultants on Friday, March 2, 2012 and will make their recommendation regarding the contract at the City Council's March 6, 2012 meeting.

Financial Impact:

2012 Budget \$50,00

Recommended Motion:

Authorize the City Manager to execute a Fire Services Evaluation Contract for up to \$50,000



City Council Agenda Bill

Meeting Date: March 6, 2012

Date Submitted: February 29, 2012

Originating Department: City Manager

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: Resolution approving A Coalition for Affordable Housing (ARCH) 2012 Budget and Work Program

Action Required: Motion to approve resolution (with attachments)

Exhibits:

1. Draft Resolution
2. Exhibit A - ARCH 2012 Budget
3. Exhibit B – ARCH 2012 Work Program

Budget: \$46,188 allocated in Account #001-090-519-90-49-08 in 2011-2012 Budget

Summary Statement: Sammamish, as a member of ARCH, participates in budget and work program development. This proposed Resolution provides the Sammamish approval for the budget and work program as drafted.

This year, ARCH is assisting Sammamish staff with its update to the Comprehensive Plan / Housing element and Housing Strategy Plan; assisting with making a surplus site available for development by Habitat for affordable homeownership units, and decisions about senior housing opportunities. Housing produced with the assistance of the ARCH Trust Fund counts towards Sammamish's Growth Management Act housing goals.

Background:

This Resolution follows the presentation to the City on March 6, 2012 by Arthur Sullivan, ARCH Program Manager.

Financial Impact:

\$46,188 as budgeted for 2012.

Recommended Motion:

Approve the Resolution that gives approval to the 2010 proposed budget and 2012 proposed work program.

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2012 - _____**

**A RESOLUTION OF THE CITY OF SAMMAMISH CITY COUNCIL
APPROVING THE 2012 BUDGET AND WORK PROGRAM FOR
A REGIONAL COALITION FOR HOUSING**

WHEREAS, the Sammamish has adopted a comprehensive plan containing a housing element which meets the requirements of the State Growth Management ACT (GMA); and

WHEREAS, A Regional Coalition for Housing (ARCH) has assisted the City in meeting its GMA objectives in the development and implementation of the housing element of the comprehensive plan; and

WHEREAS, Council at its April 20, 2010 meeting authorized execution of the Amended and Restated Interlocal Agreement for A Regional Coalition for Housing (ARCH) by and between Sammamish, 14 other cities and King County updating and continuing the operations of ARCH; and

WHEREAS, Section 11 of the Amended and Restated Interlocal Agreement provides that the annual budget and work plan for ARCH shall be recommended by the ARCH Executive Board to each member jurisdiction, and such recommendation has been made; and

WHEREAS, Section 11 of the Amended and Restated Interlocal Agreement also provides that the recommended budget and work plan shall not become effective until approved by the legislative body of each member jurisdiction;

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

The City of Sammamish City Council hereby:

Approves the 2012 ARCH Administrative Budget and Work Program, as set forth in Attachment A and Attachment B.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
___ DAY OF _____, 2012.**

CITY OF SAMMAMISH

Mayor Thomas T. Odell

Exhibit 1

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	February 16, 2012
Passed by the City Council:	
Resolution No.	R2012-_____

Exhibit 2

Attachment A

2012 ARCH Administrative Budget

I. ANNUAL OPERATING EXPENSES

Item	2011 Budget	2012 Budget	Change Budget	Percent Change
Staffing				
Sub-total *	\$ 452,870	\$ 474,265	\$ 21,395	5%
Rent	\$ 13,364	\$ 18,000	\$ 4,636	35%
Utilities	Incl^	Incl^	Incl^	Incl^
Telephone	\$ 2,704	\$ 2,704	\$ -	0%
Operating				
Travel/Training	\$ 2,000	\$ 2,000	\$ -	0%
Auto Mileage	\$ 3,650	\$ 3,500	\$ (150)	-4%
Copier Costs	\$ 2,750	\$ 2,500	\$ (250)	-9%
Office Supplies	\$ 2,068	\$ 2,068	\$ -	0%
Office Equipment Service	\$ 3,750	\$ 1,500	\$ (2,250)	-60%
Fax/Postage	\$ 2,060	\$ 1,200	\$ (860)	-42%
Periodical/Membership	\$ 3,588	\$ 3,700	\$ 112	3%
Misc. (e.g. events,etc.)	\$ 1,680	\$ 1,680	\$ -	0%
Insurance	\$ 8,741	\$ 7,400	\$ (1,341)	-15%
Reorganization Admin	\$ 650	\$ 650	\$ -	
Sub-total	\$ 30,937	\$ 26,198	\$ (4,739)	-15%
TOTAL	\$ 499,875	\$ 521,167	\$ 21,292	4.26%

* Actual salary increases based on Bellevue's approved Cost of Living Adjustment

Exhibit 2

II. ARCH ADMINISTRATIVE BUDGET: RESOURCE DISTRIBUTION

A. Cash Contributions		2011		2012		Change		Percent Change	
Bellevue	\$	-	\$	-	\$	-			
Bothell	\$	39,191	\$	39,191	\$	-			0.00%
Issaquah	\$	14,698	\$	14,698	\$	-			0.00%
King County	\$	43,466	\$	43,466	\$	-			0.00%
Kirkland	\$	59,768	\$	59,768	\$	-			0.00%
Mercer Island	\$	29,882	\$	29,882	\$	-			0.00%
Newcastle	\$	9,960	\$	9,960	\$	-			0.00%
Redmond	\$	59,768	\$	59,768	\$	-			0.00%
Woodinville	\$	11,898	\$	11,898	\$	-			0.00%
Beaux Arts Village	\$	1,569	\$	1,569	\$	-			0.00%
Clyde Hill	\$	2,660	\$	2,660	\$	-			0.00%
Hunts Point	\$	1,569	\$	1,569	\$	-			0.00%
Medina	\$	2,660	\$	2,660	\$	-			0.00%
Yarrow Point	\$	1,569	\$	1,569	\$	-			0.00%
Sammamish	\$	46,188	\$	46,188	\$	-			0.00%
Kenmore	\$	25,195	\$	25,195	\$	-			0.00%
Other*	\$	9,500	\$	30,679	\$	21,179.00			
TOTAL	\$	359,542	\$	380,721	\$	21,179.00			
B. In-Kind Contributions		2011		2012		Change		Percent Change	
Bellevue	\$	140,446	\$	140,446	\$	(0)			0.00%
TOTAL	\$	140,446	\$	140,446	\$	(0)			
C. Total Contributions									
Bellevue	\$	140,446	\$	140,446	\$	(0)			0.00%
Bothell	\$	39,191	\$	39,191	\$	-			0.00%
Issaquah	\$	14,698	\$	14,698	\$	-			0.00%
King County	\$	43,466	\$	43,466	\$	-			0.00%
Kirkland	\$	59,768	\$	59,768	\$	-			0.00%
Mercer Island	\$	29,882	\$	29,882	\$	-			0.00%
Newcastle	\$	9,960	\$	9,960	\$	-			0.00%
Redmond	\$	59,768	\$	59,768	\$	-			0.00%
Woodinville	\$	11,898	\$	11,898	\$	-			0.00%
Beaux Arts Village	\$	1,569	\$	1,569	\$	-			0.00%
Clyde Hill	\$	2,660	\$	2,660	\$	-			0.00%
Hunts Point	\$	1,569	\$	1,569	\$	-			0.00%
Medina	\$	2,660	\$	2,660	\$	-			0.00%
Yarrow Point	\$	1,569	\$	1,569	\$	-			0.00%
Sammamish	\$	46,188	\$	46,188	\$	-			0.00%
Kenmore	\$	25,195	\$	25,195	\$	-			0.00%
Other*	\$	9,500	\$	30,679	\$	21,179.00			222.94%
TOTAL	\$	499,988	\$	521,167	\$	21,178.81			4.24%
TOTAL COSTS	\$	499,875	\$	521,167	\$	21,291.55			4.26%
BALANCE	\$	113	\$	0					

* This is combination of administrative fee collected from Redmond Ridge East; \$10,000 from national grant; and admin reserve resulting from staff vacancy in previous year

12/15/11

ARCH WORK PROGRAM: 2012

I. PROJECT ASSISTANCE

A. Oversight of Local Monetary Assistance

ARCH Trust Fund. Review applications and make recommendations for requests of local monetary funds through the ARCH Housing Trust Fund process. Includes helping to coordinate the application process and use of funds for various programs.

Objective: Allocation of \$1,000,000 or more through the ARCH Housing Trust Fund Process, and create or preserve a minimum of 50 units.

For the 'Parity Program', provide updated annual information to members, and achieve the base line goal for levels of direct assistance.

Provide a variety of types of affordable housing and that meet other funding priorities as specified in the ARCH Trust Fund Criteria.

Centralized Trust Fund System. Monitor centralized trust fund process including:

- Produce regular monitoring reports for the ARCH Trust Fund account.
- Work with Administrating Agency (Bellevue) to prepare contracts and distribute funds for awarded projects.
- Monitor funded projects including evaluating performance and tracking loan payments.

King County / State Funding Programs. Review and provide input to other funders for Eastside projects that apply for County (HOF, RAHP, HOME, etc) and State (Tax Credit, DOC) funds. Includes providing input to the King County Home Consortium on behalf of participating Eastside jurisdictions. Assist N/E consortium members with evaluating and making a recommendation to the County regarding CDBG allocations to affordable housing.

Objective: In consultation with County, local staff and housing providers, seek to have funds allocated on a countywide basis by the County and State allocated proportionately throughout the County including the ARCH Sphere of Influence.

B. Special Initiatives This includes a range of activities where ARCH staff assist local staff with specific projects. Activities can range from feasibility analysis, assisting with requests for proposals, to preparation of legal documents (e.g. contracts, covenants). Following are either existing initiatives or examples of initiatives likely to emerge:

Trust Fund Long Term Issues.

1. ARCH Trust Fund: Dedicated Funding Source. As follow up to the ARCH Workshops in 2007, explore and evaluate the feasibility of a dedicated funding source. Research and develop a menu of options for creating more sustainable funding source to supplement general fund contributions for the ARCH Trust Fund. Will require compiling variety of background information on different options (e.g. potential scale of impact for overall membership and range of impact for different members; legal/legislative constraints, etc). Convene members to evaluate options and consider next steps

2. Long Term Operation of Funded Projects. In the past few years, there has been one project funded through ARCH and other projects in the state funded by other public funders needing significant capital improvements or other needs for refinancing. Conduct a more thorough evaluation of projects funded in the past through ARCH, including convening panel of real estate experts to assess ongoing operation and long term health of projects. As necessary, develop strategies to address findings from this evaluation.

Objective: Develop a sustainable strategies for the HTF to meet local housing goals and preserve assisted affordable housing.

Surplus Property/Underdeveloped Property. Assist as needed member cities' evaluation of potentially surplus public property or underutilized private property (e.g. church properties) for suitability of affordable housing. Currently identified opportunities includes:

- Assist King County (Metro) and Kirkland (Metro) with using the South Kirkland Park n Ride site for a mix of market rate and affordable housing and expanded Park n Ride spaces.
- Assist Sammamish with making surplus city site available to Habitat for Humanity of East King County
- Explore opportunities for catalyst projects in transit oriented neighborhoods such as Bel-Red, Overlake and central Mercer Island.

As a subset of this item, convene members and other stakeholders to explore how to potentially work more proactively with faith based organizations to utilize their properties to assist with addressing affordable housing needs, especially for homeless populations.

Objective: Identify one or more specific sites in East King County to be made available for housing.

Eastside Homebuyer Assistance Program. In late 2005 the House Key Plus ARCH down payment assistance program was launched with funding from many East King County cities, King County and the Washington Housing Commission. Currently a third round of \$800,000 of funding is being implemented bringing the total amount in the revolving fund to \$2.4 million This round will include several updates to the program resulting from a review of the program.

Exhibit 3

Objective: Maintain operation of the Homebuyer Assistance Program and implement updates.

HUD Assisted Housing. Continue to monitor and actively pursue efforts to preserve existing HUD assisted affordable housing.

Objective: Preserve existing federally assisted affordable housing in East King County and prevent from converting to market rate housing.

II. HOUSING POLICY PLANNING

Work items in this section group into the following basic areas of activity:

- Work with individual members on local planning efforts.
- Efforts coordinated through ARCH that benefit multiple members of ARCH.
- Track legislation that increases tools available to cities to create affordable housing.
- Participation in regional workgroups that impact local housing efforts.

A. Local Planning Activities

ARCH Housing Strategy Program. ARCH members have identified a number of Priority Housing Strategies as well as an ongoing education program for members, several of which can impact local planning efforts, including:

- Ongoing education of staffs and officials through Housing 101 Workshops for staffs and new local officials; updating information in the Housing 101 Workbook, annual study sessions with member councils to review current issues and activities and materials profiling current programs and housing trends.
- Assist cities that incorporate priority strategies into their local work program (e.g. property tax exemption program in mixed use zones, regulatory incentive programs, regulations to increase housing diversity (mixed use, innovative housing, housing emphasis zones). (Note: See Local Housing Efforts below for specific activities by members.)

Housing Background Information. On an annual basis, ARCH will continue to provide updated housing data information as available. This updated housing information will be incorporated into the education fliers and Housing 101 report used as part of the ongoing Housing Education Program. In 2012 this will include outreach efforts targeted to newer council members.

Housing Needs Assessment In 2012 members will need Housing Needs Assessments as part of their updates to their Comprehensive Plans. Working with ARCH members, ARCH has developed an overall needs assessment covering East King County. As an initial part of each member's update of their Comprehensive Plan, ARCH will supplement the overall needs assessment with localized information.

Exhibit 3

Objective: Assist with preparation of Housing Needs Assessment for all members, and to do so through a coordinated effort in behalf of all members.

On a regular basis, conduct education sessions for new local officials and staffs on local housing conditions and programs (Housing 101 East King County, East King County Plan to End Homelessness), and hold annual discussion with member councils on recent housing trends and efforts.

Continue to keep member jurisdictions and the broader community aware of local housing conditions to assist in their efforts to evaluate current and future efforts to meet local housing objectives. Include research on recent housing trends, and responses to these trends,

Local Housing Efforts: ARCH jurisdictions are updating land use, zoning and other codes in order to implement policies identified in their Comprehensive Plans. ARCH staff will continue to assist local staffs in these efforts. Following are specifically identified areas that ARCH will assist local staff with accomplishing. For the coming year, ARCH staff expects to spend time assisting members updating local Housing Elements, with initial efforts focused on developing needs assessments for members.

Objective: Assist local staff with completion of the following updates of local codes and specific plans:

Bellevue

Assist City staff as needed with housing planning initiatives that may include review of ADU regulations

Assist City staff with developing and implementing administrative procedures for the Bel-Red land use incentive program.

Assist with Council evaluation of a MF Tax exemption program in the City. In the event Council provides direction to develop a program, assist City Staff to develop code language for a program.

Assist in identifying opportunities for affordable housing and implementation of affordable housing strategies in identified ST2 corridors where transit oriented housing and mixed income housing development is an important component of the initial planning work.

Bothell

Assist City staff with implementation of any housing strategies identified by City Council as part of the 2012 Docket process.

Work with City staff to explore opportunities for housing and affordable housing on city owned properties in the downtown revitalization area.

Clyde Hill

Assist City staff with update to the Comprehensive Plan Housing Element.

Assist City with rental of City's affordable rental unit.

Issaquah

Central Issaquah Plan: Continue work with City staff to refine housing parts of the Central Issaquah Plan as well as the related development standards and incentives. Participate in related presentations to the Planning Policy Commission and/or City Council at key milestones for assistance on affordable housing.

Issaquah Highlands: Monitor the implementation of the Issaquah Highlands affordable housing development agreement.

Kenmore

Housing Regulations: Assist city staff with their update of its zoning and subdivision codes as they relate to housing and housing affordability.

Kirkland

Continue to assist staff with local action related to the South Kirkland Park & Ride property (e.g. documentation to secure affordability requirements.)

Assist City staff with Council Housing Committee and resulting initiatives.

Assist City staff with the Housing portion of Neighborhood Plan updates.

Assist City staff with an examination of existing non-conforming multifamily densities and how that might relate to the preservation of existing affordable housing.

Mercer Island

Assist City staff with completion of administrative procedures and documents associated with the land use incentive and tax exemption programs for Town Center.

Assist City Staff and Planning Commission with updating the Housing Strategy Plan, and with initial implementation of high priority strategies.

Newcastle

Assist City staff with Council's review of affordable housing provisions for Community Business Center and other areas of the city. Assist with updating administrative procedures based on any final revisions by Council. Assist with agreements for any project that would include an affordable

Exhibit 3

housing requirement, including those related to the Community Business Center.

Assist staff with outreach effort related to ADU.

Redmond

Assist with further update of housing regulations as needed as follow up to the rewrite of the City's zoning code. Assist with the creation of user guides for implementing housing requirements

Assist with the development of a Strategic Housing Plan.

Continue to assist with negotiating and administering the provision of affordable housing in developments required to provide affordable housing units pursuant to city regulations.

Assist with the promotion of affordable housing and other programs available to Redmond residents and developers, e.g., Accessory Dwelling Units (ADUs).

Assist with carrying out implementation strategies that result from the investigation of emerging housing markets as described below under regional issues.

Assist City staff and Council with evaluating and, if appropriate, implementing a tax incentive program for affordable housing, as allowed under RCW 84.14.

Provide assistance as needed in updating neighborhood plans (e.g. Southeast Redmond) with respect to housing, including periodic attendance at Citizen Academy and CAC meetings to help identify housing issues and develop policy and regulatory responses.

Continue to work with City staff on a potential ordinance prohibiting tenant discrimination on the basis of Section 8 vouchers as a source of income.

Sammamish

Assist with update to Comprehensive Plan / Housing Element and Housing Strategy Plan.

Assist staff with making surplus site available to Habitat (see special projects).

Evaluate Strategy Plan to assess if work should commence on any median priority strategies (e.g. Senior Housing opportunities).

Woodinville

Assist with update to Comprehensive Plan / Housing Element and Housing Strategy Plan.

Review and strengthening of affordable housing and accessory dwelling unit programs and regulations.

Assist City staff and Planning Commission with evaluating and developing incentives for affordable housing as provided for in the Downtown/Little Bear Creek Master Plan area.

Yarrow Point

Assist Planning Commission and Council with a review and potential update of current ADU regulations, and assist with effort to increase public awareness of local provisions.

King County See Regional/Planning Activities below.

Complete standard covenants, and monitor the implementation of the Northridge/Blakely Ridge and Redmond Ridge Phase II affordable housing development agreements. This includes monitoring annual progress toward achieving affordability goals; and providing information to developers on details about how the program is implemented.

General Assistance. In the past, there have been numerous situations where members have had requests for support on issues not explicitly listed in the Work Program. Requests range from technical clarifications, to assisting with negotiating agreements for specific development proposals, to more substantial assistance on unforeseen planning initiatives. ARCH sees this as a valuable service to its members and will continue to accommodate such requests to the extent they do not jeopardize active work program items.

B. Regional/Countywide Planning Activities

PSRC – HUD Sustainability Planning Grant. PSRC in a partnership with public and private agencies from the Central Puget Sound region received a \$5 million HUD Sustainable Communities Planning Grant. Continue to work on several housing components of the planning effort, including developing the East King County corridor planning implementation strategies, with ARCH focusing on housing components of these strategies; and participating in the regional affordable housing work group that will be researching and where feasible implementing new tools to support local efforts for affordable housing(e.g. property acquisition fund).

One particular interest in this work in better understanding emerging housing markets. This includes investigating how to encourage housing development in new or unproven markets. What are the barriers, and how can ARCH member jurisdictions address these

Exhibit 3

issues? Further, how can ARCH assist with familiarizing the development community about housing opportunities in these areas?

Objective: Obtain information that is applicable to ARCH member cities' housing development efforts.

Countywide Planning Policies (CPP) for Affordable Housing. The Growth Management Planning Council adopted updated CPPS for housing, which included a policy regarding evaluating the methodology used to establish affordable housing targets. ARCH staff will assist the regional work group on this task with the goal of presenting a report on findings and options to the GMPC by mid-year and leading to a potential updated policy for affordable housing targets in the County.

Legislative Items. ARCH staff will track state and federal legislative items that relate to affordable housing and could impact members' ability to address affordable housing. As needed, staff will report back to the Executive Board and members, and when directed coordinate with other organizations (e.g. AWC, Prosperity Partnership, WLIHA) to contact legislators regarding proposed legislation. For the upcoming legislative session, primary emphasis would be on assisting in efforts to modify legislation related to local waiver of Impact Fees. Goal of legislation is to provide discretion to cities to waive impact fees without replacing with other public funds. This legislation had been identified by the ARCH Housing Priority Strategies.

Committee to End Homelessness (CEH)/ Eastside Homeless Advisory Committee (EHAC). Anticipated work of the CEH in the coming year include: continued coordinated allocation of resources; and initiating several specific proposals (e.g. addressing homelessness for veterans and families). Role for ARCH staff is expected to include participating in the CEH Funders group and its efforts to coordinate funding, and inform ARCH members and the general public of CEH/EHAC activities. Also continue to participate in efforts to implement homeless efforts within East King County through EHAC.

Objective: Keep member jurisdictions informed of significant regional issues and pending legislation that could affect providing housing in East King County.

Ensure that perspectives of communities in East King County are addressed in regional housing activities, including the Committee to End Homelessness.

Have one or more specific local programs initiated as part of the 10 Year Plan to End Homelessness.

III. HOUSING PROGRAM IMPLEMENTATION

Monitoring Affordable Rental Housing. Administer ongoing compliance of affordability requirements. This includes affordable rental housing created through direct assistance (e.g. Trust Fund allocation, land donations) from member jurisdictions, and through land use incentives. Some Trust Fund projects also require monitoring of project cash flow related to loans made by jurisdictions to projects (see I Project Assistance).

Objective: Ensure projects are in compliance with affordability requirements which involves collecting annual reports from projects, screening information for compliance, and preparing summary reports for local staffs. To the extent possible this work shall:

- Minimize efforts by both owners and public jurisdictions.
- Coordinate ARCH's monitoring efforts with efforts by other funding sources such as using shared monitoring reports.
- Utilize similar documents and methods for monitoring developments throughout East King County.
- Ensure accurate records for affordable ownership units, including audit units for owner occupancy and proper recording of necessary documentation.
- Establish working relationship with other public organizations that can help assess how well properties are maintained and operated (e.g. code compliance, police, and schools).

Monitoring Affordable Ownership Housing. As more price restricted homes are created, monitoring of affordable ownership housing created through local land use regulations is becoming of increased importance. In addition, will continue to monitor general trends with ownership units, enforcement of covenant provisions (e.g. leasing homes, foreclosure), and as necessary evaluate and if warranted, complete revisions to the ownership covenants in order to better insure long term affordability of ownership units. Also continue to maintain a list of households potentially interested in affordable ownership housing.

Objective: Oversee resale of affordable ownership homes. Address issues related to ongoing compliance with program requirements (e.g. leasing homes, foreclosures).

Complete revisions to the affordability covenant and administrative procedures to better protect against potential loss of long term affordability.

Information for public on Affordable Housing. Maintain lists of affordable housing in East King County (rental and ownership), and making that available as needed to people looking for affordable housing.

Objective: Maximize awareness of affordable housing opportunities in East King County through the ARCH web site and other means to assist persons looking for

affordable housing.

Relocation Plans. Assist as necessary with preparing relocation plans and coordinate monitoring procedures for developments required to prepare relocation plans pursuant to local or state funding requirements.

Objective: Maximize efforts to ensure that existing households are not unreasonably displaced as a result of the financing or development of new or existing housing.

IV. SUPPORT/EDUCATION/ADMINISTRATIVE ACTIVITIES

Education/Outreach. Education efforts should tie into efforts related to public outreach/input on regional housing issues (see local planning activities). However, much of ARCH's outreach/education work will occur through work with individual members on local housing efforts. In addition to the Housing 101 workbook and related brochures, other outreach methods may include housing tours, a portfolio of successful projects, and short videos to be broadcast on local cable channels on local efforts.

Objective: Consistent with the Education program discussed at the ARCH Workshops, using input from the broader community, develop education tools to inform councils, staffs and the broader community of current housing conditions, and of successful efforts achieved in recent years.

Be a resource for members to assist with outreach and education activities on affordable housing associated with local planning efforts.

Create outreach tools/efforts that inform the broader community of affordable housing resources available to residents.

ARCH Web site. Update on a regular basis information on the ARCH website, including information related to senior housing opportunities. Add new section to the website that provides more details and administrative materials for affordable incentive programs available through ARCH members and fair housing information. .

Objective: Maintain the ARCH web site and update the community outreach portion by incorporating information from Housing 101 East King County, as well as updated annual information, and links to other sites with relevant housing information (e.g. CEH, HDC).

Make presentations, including housing tours, to at least 10 community organizations.

Media coverage on at least six topics related to affordable housing in East King County related to work done by Cities/ARCH and articles in local city

newsletters.

Advice to Interested Groups. Provide short-term technical assistance to community groups, faith communities and developers interested in community housing efforts. Meet with groups and provide suggestions on ways they could become more involved.

Objective: Increase awareness of existing funding programs by potential users.

Increase opportunities of private developers and Realtors working in partnership with local communities on innovative/affordable housing.

Assist community based groups who want to provide housing information to the broader community by assisting with preparing background information.

Administrative Procedures. Maintain administrative procedures that efficiently provide services to both members of ARCH and community organizations utilizing programs administered through ARCH. Prepare quarterly budget performance and work program progress reports, including Trust Fund monitoring reports. Prepare the Annual Budget and Work Program. Work with Executive Board to develop multi-year strategy for the ARCH Administrative Budget. Staff the Executive and Citizen Advisory Boards.

Objective: Maintain a cost effective administrative budget for ARCH, and keep expenses within budget. Administrative costs should be equitably allocated among ARCH's members.

Maintain membership on the ARCH Citizen Advisory Board that includes broad geographic representation and wide range of housing and community perspectives.



Memorandum

Date: February 29, 2012
To: City Council
From: Laura Philpot, PE Public Works Director
Re: 2012 Pavement Management Review of Overlay Candidates

At the City Council meeting on March 6, 2012 staff will be providing an overview of Sammamish's pavement management program. In addition staff will be looking for guidance from City Council in finalizing the 2012 projects.

The following items will be covered in detail in the presentation:

- Historical overlay projects within Sammamish city limits (from 1997 through 2011);
- Explanation of Sammamish's pavement management rating system and methodology;
- Examples of various pavement conditions and appropriate treatment types;
- A summary of the Sammamish roadway network including centerline miles by roadway classification and their corresponding pavement condition index;
- Selection criteria and process staff steps through when picking overlay candidates;
- Staff recommendations including various options for 2012 overlay projects; and
- Proposed schedule and cost estimates.

Traditionally the City of Sammamish has concentrated the pavement management overlays on arterials. This is because the arterials carry the majority of traffic and typically carry the highest speeds within the City. For these reasons, it is essential to keep the arterials functional and safe for our traveling public.

Staff will show Council at the meeting on Tuesday that our arterial pavement ratings are improving. Staff's recommendations will include expanding the local street contributions this year compared to years past. The recommendations and options will still include arterial work as the highest priority.

At the March 6 meeting staff hopes to work with City Council to finalize the selection process and begin bidding the project so construction can begin as early as possible.

