

COUNCIL  **MINUTES**

**Regular Meeting
January 20, 2009**

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

Councilmembers present: Mayor Don Gerend, Deputy Mayor Jack Barry, Councilmembers Lee Felling, Kathleen Huckabay, Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Deputy City Manager Pete Butkus, Public Works Director John Cunningham, Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and Deputy City Clerk Stacy Herman.

Roll Call/Pledge

Roll was called. Eastlake Student Liaison Natalie Wang led the pledge.

Public Comment

Tom O'Dell 2831 220th Place NE: He has concerns with peddlers and solicitation in his neighborhood. There are safety concerns regarding women and children at home alone. He urged the Council to consider not allowing solicitation within the City limits.

City Manager Yazici explained the current ordinance requires solicitors to register with the city prior to soliciting in neighborhoods.

Approval of Agenda

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

Student Liaison Report

Eastlake Student Liaison Natalie Wang: She reported on finals week, student play "Unattended" scheduled for January 29th & 30th, beginning at 7:30 p.m., benefit concert tentatively scheduled for early May, used book and clothing drive the month of January and Rachel's Challenge. She explained the need for an electronic reader board. The Unplugged event has been rescheduled to February 4th, due to the snow.

Proclamations/Presentations

- **Proclamation: Declaring January 20, 2009 Skyline Spartans Day**

WHEREAS, Skyline High School has consistently produced quality sports teams, and

WHEREAS, this year both the Spartan football team and girls soccer team each won the 4A Washington State Championship in their respective sports, and

WHEREAS, this is the second year in a row that the football team had an undefeated season on the way to the state title, and

WHEREAS, the girls soccer team had a 15-2 record and defeated Woodinville for the state championship, and

WHEREAS the success of both teams is an example of the enthusiasm, commitment to excellence, and community spirit embraced by the City of Sammamish, NOW, THEREFORE,

On behalf of the Sammamish City Council, and in recognition of the outstanding achievement of the Spartan players, coaches and fans, and on behalf of the Sammamish City Council, I hereby proclaim

January 20, 2009, to be Skyline Spartan Day in the City of Sammamish.

Mayor Gerend read and presented the proclamation to the Skyline Spartans 4A girls soccer champions and Spartans undefeated football team, declaring January 20th Skyline Spartans Day.

Coach Don Braman introduced the soccer team players in attendance.

Soccer players: Coral Anderson, Kayla Shim, Maddie Christ, Tina Vargas, Mindy Nation, Kristina Enyeart and Kiara Williams

Coach Mat Taylor introduced the football team players in attendance.

Football players: Team Captains Ryan Somers, Gino Simone and Jake Heaps.

- **Annual Growth Report: King County**

Chandler Phelps and Michael Hubner reported on Growth numbers in King County. (Available on the City's website at www.ci.sammamish.wa.us)

- **Emergency Preparedness**

Deputy City Manager Pete Butkus presented a PowerPoint presentation (Available on the City's website at www.ci.sammamish.wa.us) on the Emergency Management Plan which the City has had in place since

- **2008 Snow and Ice Report**

Public Works Director John Cunningham presented a PowerPoint presentation that reported on the work completed by the Operations and Maintenance crews during the recent snow storm. (Available on the City's website at www.ci.sammamish.wa.us)

Consent Calendar

Payroll for pay period ending December 15, 2008 for pay date December 19, 2008 in the amount of \$224,085.11

Payroll for pay period ending December 31, 2008 for pay date January 5, 2009 in the amount of \$278,744.42

Payroll for pay period ending January 15, 2009 for pay date January 20, 2009 in the amount of \$244,585.55

1. **Approval: Claims for period ending January 20, 2009 in the amount of \$1,043,780.59 for check No. 22601 through No. 22744**
2. **Resolution: Supporting The Continuation Of The Eastside Transportation Partnership (ETP) As The East King County Forum For Information Sharing, Consensus Building And Coordinating To Provide Advice On Regional Transportation Issues And Approve Continued Participation By The City Of Sammamish, Washington (R2009-357)**
3. **Contract: 2009 Fourth of July Fireworks/Western Display**
4. **Contract: Customer Service Training/Performance Journeys**
5. **Contract: ELSP Project Construction Management/Perteet**
6. **Approval: Minutes for the November 18, 2008 Regular Meeting**
7. **Approval: Notes for the December 9, 2008 Joint Study Session**
8. **Approval: Notes for the January 4, 2009 Special Meeting/Holiday Dinner**
9. **Approval: Minutes for the January 6, 2009 Regular Meeting**
10. **Approval: Notes for the January 13, 2009 Study Session**

MOTION: To approve consent calendar. Motion carried unanimously 7-0.

Public Hearings

Ordinance: First Reading Declaring Public Use and Necessity for Land and Property to Be Condemned As Required For 244th Avenue Improvements Project; And Authorizing payment Therefore From the City's Transportation Capital Improvement Program fund

Public Works Director John Cunningham and Jed Ireland presented the City's staff report. Three properties are being proposed for inclusion in a process of condemnation. Portions of these three properties are needed in order for the City to begin construction on the new bridge across the wetland and the roundabout at Main Street. The majority of the acquisition is within the wetland

or wetland buffer. Negotiations with these owners have encountered roadblocks that, without use of the condemnation process, could delay construction of the project. Staff's recommendation is open the public hearing, take public testimony and continue the public Hearing to the next regular meeting. (February 3, 2009)

The three properties consists of the Alvendia's, Ford, and Vintage III aka Provence and Pomerol HOA. All three parcels have been notified of the public hearing. This is the first reading of the ordinance.

Public Hearing opened at 8:30 p.m. There was no public comment. Hearing was continued to the next regular meeting (February 3, 2009).

Councilmember Whitten commended staff for communication efforts with the property owners surrounding the project.

Public Hearings Continued from December 16, 2008 Regular Meeting:

Community Development Director Kamuron Gurol presented a report on each ordinance. The public hearing was opened for public comment on each of the ordinances. There was one public comment.

Public hearing opened at 9:00 p.m. and closed at 9:05 p.m.

Ilene Stahl 21553 SE 28th Lane: She is opposed to allowing exemptions within the Erosion Hazards near Sensitive Water Bodies/Special District Overlay.

Ordinance: Second Reading Amending Section 21A.05 Of The Sammamish Municipal Code To Refine And Clarify Administrative Procedures Related To The Issuance Of Interpretations Of The Development Code, And Amending Certain Other Chapters Of The City Of Sammamish Municipal Code For Consistency With Section 21A.05 (O2009-248)

Director of Community Development Kamuron Gurol gave the staff report. This ordinance would allow for an administrative appeal to the City's Hearing Examiner, for interpretation of the City's development codes. The amendment includes specific decision criteria for issuing an interpretation, and clarifies the appeal process to the Hearing Examiner. This amendment was proposed as part of a settlement agreement.

MOTION: Councilmember Whitten moved to approve an Ordinance as amended and presented in the packet for this meeting **O2009-248** amending section 21A.05 of the Sammamish Municipal Code to refine and clarify administrative procedures related to the issuance of interpretations of the development code. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

Ordinance: Second Reading Amending Titles 16, 20, 21A, And 23 Of The Sammamish Municipal Code (O2009-249)

Senior Planner Rob Garwood presented the staff report. Changes were made to correct numbering and/or correct municipal code citations, reintroducing the exemptions to the Clear and Grade section (unintentionally removed when the IBC was adopted) and corrections in the definitions section. Revisions to interior lot line setback distances in R-4 were made to be consistent with other zones. Elimination for allowance of commercial establishments of 5,000 square feet or less in any residential zone, where the parcel is at least one mile from the nearest commercial area and corrections to Title 21A eliminating conflicts with other municipal code sections and standards. All requested amendments recommended by City Council at the January 13th study session were incorporated in the ordinance presented at this meeting.

MOTION: Deputy Mayor Barry made a motion to approve the ordinance as presented at the January 20th meeting.

AMENDMENT: Deputy Mayor Barry offered an amendment by removing the verbiage “real estate offices” at 21A.65.050 (4)(e) and revising the language at section 3 to read no more than one nonresident shall work at the home occupation location. Councilmember Whitten seconded. Motion carried unanimously 7-0.

MAIN MOTION: Motion to approve the ordinance **O2009-249** as amended. Motion carried unanimously 7-0.

Community Development Kamuron Gurol simplified the language to no more than one nonresident shall work at the home occupation location, which is reflected in the amendment.

Ordinance: Second Reading Amending Sections 21A.25.210 (Lot Divided By Zone Boundary), 21A.50.225 (Erosion Hazards Near Sensitive Water Bodies-Special District Overlay), And 21A.260 (Landslide Hazard Areas-Development Standards), Of The Sammamish Municipal Code (O2009-250)

A replacement page was distributed to the Council that adds a fourth exemption to the no disturbance area, which would allow for development of public park facilities (such as parking lot for the proposed Sammamish Landing).

Councilmember Petitti moved to consider Mr. Osgood’s proposed amendment for subdivision in a no disturbance area. Deputy Mayor Barry seconded. Councilmember Petitti withdrew her amendment.

The amendments to the ordinance proposed by Mr. Osgood were discussed

Councilmember Cross has concerns that there is no permanent protection for landslide areas.

Director of Community Development Kamuron Gurol explained that staff is not recommending the Osgood amendment, because of concerns with risk. Staff is unable to gauge the effect of his proposed amendment at this time.

Gurol also reiterated that once a transfer of development rights ordinance has been completed, Mr. Osgood could possibly benefit. Planning Commission will be reviewing this in the near future.

There was discussion on the Planning Commission's recommendation to defer action on proposed amendments allowing alternatives for infiltration or tight line systems.

Councilmember Gerend will vote in favor of the amendment.

MOTION: Councilmember Huckabay moved to approve the ordinance as presented in the packet. Councilmember Whitten seconded.

AMENDMENT: Councilmember Felling moved to approve the ordinance with the staff proposed amendment including the additional exemption for development of a park facility in the no disturbance area. Councilmember Huckabay seconded. Motion carried unanimously 7-0

MAIN MOTION: to approve the ordinance **O2009-250** as amended. Motion carried 6-1 with Councilmember Whitten dissenting.

Ordinance: Second Reading Amending Section 20.15 Of The Sammamish Municipal Code (State Environmental Policy Act Procedures) To Revise SEPA Flexible Exemption Threshold Levels For Minor New Construction (O2009-251)

Community Development Director Kamuron Gurol gave the staff report. SEPA threshold amendments would increase the exemption levels as allowed under state law, WAC 197-11-800(1)-Minor new construction-flexible thresholds. Environmental protections are provided by review under the city's development regulations. All projects would continue to be required to comply with applicable codes and standards. Revisions in these code requirements would provide relief for applicants while maintaining environmental protections.

Councilmember Whitten is not in favor of this ordinance.

Councilmember Cross is in favor of raising the SEPA thresholds for minor construction.

Councilmember Felling supports this ordinance. Government should be responsive and cost effective.

MOTION: Councilmember Petitti moved to approve ordinance **O2009-251** amending section 20.15 of the Sammamish Municipal Code revising SEPA flexible exemption threshold levels for minor new construction. Councilmember Huckabay seconded. Motion carried unanimously 6-1 with Councilmember Whitten dissenting.

Council Reports

Councilmember Cross: Suggested moving the council meetings to a different night during an election year on election night

Councilmember Whitten: She attended the PIC meeting she attended last week.

Councilmember Felling: He met with Directors from Eastside Fire and Rescue regarding labor contract issues and labor relations issues. An advisory team was formed with representative from district #10, #38, Issaquah and Sammamish to review these issues. He discussed cities and loss of municipal bond ratings.

Mayor Gerend: Announced the City Council Retreat will take place this Friday. A revised copy of the retreat agenda was handed out. If they are unable to get through the agenda, the council will calendar the leftover items for future study sessions. He attended a Kiwanis meeting and they discussed PSE and development of energy and their meeting the state guidelines with renewable energy.

City Manager Report

City Manager Ben Yazici reported on the SE 20th sidewalk project and working in conjunction with water and sewer district to run sewer utilities at the same as the sidewalk project.

MOTION: Councilmember Petitti moved to adjourn. Councilmember Cross seconded. Motion carried unanimously 7-0.

Meeting adjourned at 10:30 p.m.

Stacy Herman, Deputy City Clerk

Mayor Donald J. Gerend