

COUNCIL MINUTES

Regular Meeting September 15, 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 Mark Cross, Lee Felling, Michele Petitti (arrived at 7:00 pm and left at 10:30 pm) and Nancy Whitten.

Councilmember absent: Councilmember Kathleen Huckabay.

MOTION: Councilmember Whitten moved to excuse Councilmember Huckabay. Councilmember Felling seconded. Motion carried unanimously 6-0.

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 City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. City Manager Ben Yazici led the pledge.

Public Comment

David Paul, 2718 204th Avenue SE, Submitted two petitions from 258 residents requesting separated walkways be constructed on the south side of SE 24th Street between 204th Avenue SE and 200th Avenue SE and on the west side of 212th Avenue SE from the north edge of SE 34th Street to approximately 80 ft. north of the driveway at 2525 212th Avenue SE.

Linda Hall, 118 5th Avenue Seattle, WA, Representing the YWCA. She spoke in favor of the ARCH funding (on the consent agenda) which will partially fund the YWCA Family Village in Issaquah.

George Toskey 2430 238th Place NE, (submitted written comments)

John Galvin 432 228th Avenue SE, He hopes that all of the residents that have participated in the Shoreline Master Plan will continue to be involved with City Council business, even after the plan has been adopted.

Fanny Beyeler-Vasquez, 19821 SE 19th Street, She spoke in favor of the petition requesting walkways on SE 24th to improve pedestrian safety.

Anna Whitfield, 19415 SE 21st Street, She also spoke in favor of a walkway on SE 24th and 212th Avenue SE. The street is very narrow, steep and often icy in the winter.

Dave Douglas, Waterfront Construction 10315 19th Avenue SE, Everett, He thanked the Council and staff for their hard work on the Shoreline Master Plan.

Mary Rice, 20106 SE 20th Plane, She also spoke in favor of the proposed walkways on SE 24th and 212th Avenue SE.

Approval of Agenda

MOTION: Councilmember Whitten moved to approve the agenda. Councilmember Fellingse seconded. Motion carried unanimously 5-0.

Proclamations/Presentations

Proclamation: Mayor's Month of Concern for the Hungry

PROCLAMATION MAYOR'S MONTH OF CONCERN FOR THE HUNGRY

WHEREAS, our Cities of Kirkland, Redmond, Bellevue, Issaquah, Sammamish, and Mercer Island, recognize adequate nutrition as a basic goal for each citizen; and

WHEREAS, no parent should have to send a child to school hungry, no baby should be without the comfort of the feedings needed for mental and physical growth, no elderly person's health should be jeopardized by lack of appropriate foods; and

WHEREAS, food banks, emergency and hot meal programs working with our cities, local churches, social service agencies, and hundreds of volunteers are striving day in and day out to stem the rising tide of hunger, but still need more help; and

WHEREAS, we believe that when the citizens who are not involved hear of the especially desperate needs of the hungry as winter approaches and their low incomes must stretch to cover increasing fuel, electricity and rental costs—leaving even less money for monthly food purchase, an outpouring of community assistance will follow; and

WHEREAS, the Emergency Feeding Program of Seattle & King County coordinates an annual food drive to help support the efforts of their program and the area's food banks in fighting hunger which will be held at grocery stores throughout King County on Saturday, September 26, 2009; and

WHEREAS, the Cities of Kirkland, Redmond, Bellevue, Issaquah, Sammamish, and Mercer Island would like to launch a Month of Concern for the Hungry, beginning on September 26, 2009;

NOW, THEREFORE, I, Mayor Don Gerend, on behalf of the Sammamish City Council, do hereby proclaim **September 26 - October 24, 2009** as

East King County Month of Concern for the Hungry

and strongly urge all citizens to join the Emergency Feeding Program, Hopelink, Renewal Food Bank, Issaquah Food Bank, Mercer Island Food Bank and the A.R.A.S. Foundation to nourish those who are hungry.

Consent Calendar

Payroll for pay period ending August 31, 2009 for pay date September 5, 2009 in the amount of \$262,334.06

Approval: Claims for period ending September 15, 2009 in the amount of \$2,502,671.25 for check No. 24453 through check No. 24593

Resolution: Accepting The Pine Lake Park Phase IIb Site And Shoreline Construction Project As Complete. (R2009-381)

Resolution: Setting A Public Hearing Date To Consider The Vacation Of A Portion Of Unopened Thomas Alexander Road (County Road No. 867) (R2009-382)

Resolution: Approving Certain Expenditures From The Regional Coalition For Housing Trust Fund For 2009/2010 (R2009-383)

Approval: Sween House Lease Agreement

Resolution: Adopting Evans Creek Preserve Master Plan (R2009-384)

MOTION: Councilmember Felling moved to approve consent calendar. Councilmember Whitten seconded. Motion carried unanimously 6-0.

Patti Skelton, Friends of Youth, thanked the Council for approving the Sween House Lease Agreement allowing them to use the Sween House as a Counseling center.

Unfinished Business

Ordinance: Adopting The 2009 Sammamish Shoreline Master Program And Replacing The King County Shoreline Master Program Adopted By King County Ordinance 3688; Amending The City Of Sammamish Comprehensive Plan; Adopting Shoreline Maps; And Codifying The Shoreline Master Program Into Title 25 Of The Sammamish Municipal Code (O2009-264)

Ordinance Of The City Of Sammamish, Washington, Amending Chapter 21a.50 (Environmentally Critical Areas), Of The Sammamish Municipal Code (O2009-265)

Topic 3: Vegetation Enhancement Area/Shoreline Setback – All Lakes

3-f (25.06.020[9]) and Table 1: Councilmember Whitten moved and Councilmember Barry seconded amending Table 1 as follows:

	Number of feet the standard Lake Sammamish shoreline setback may be reduced	Reduction Criteria
		Delete 25.06.020(10)((a). Have a menu choice system that is ordered by setback reduction rather than priority of use.
1	10 feet	For establishment of a 15-foot VEA along the shoreline
2	15 feet	<ul style="list-style-type: none"> a. For removal of an existing bulkhead located at, below, or within five feet landward of the lake's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or semi-natural state, including the restoration of topography, soil composition, and vegetation; or b. For restoration of the shoreline to a natural or semi-natural state if no bulkhead is present, but other existing unnatural shoreline contours are present; or c. For preservation of the existing natural shoreline conditions if no bulkhead or other unnatural shoreline features are present.
3	10 feet	For establishment of at least a 5 foot width of native vegetation along the entire water ward side of a modified bulkhead, including the use of small gravel or rock fill, as part of an Army Corps of Engineer approved plan and in compliance with all WDFW and other appropriate agency regulations.
4	5-10 feet	Reduction of 5 feet for impervious surface coverage 10 percent less than the city standard (45% rather than 55% coverage) or 10 feet for coverage 20 percent less than the city standard (35% rather than 55% coverage).
5	5 feet	For limiting lawn area to no greater than 20 percent of the shoreline jurisdiction area
6	1-10 feet	For every 50 square feet of native planting area added landward of and adjacent to the VEA, 1 foot reduction (up to 10 feet maximum reduction).
7	5 feet	For preservation of existing native vegetation or restoration of native vegetation, as necessary, in a minimum 5 foot wide nearshore area below the lake's OHWM
8	5 feet	For preparation of, and agreement to adhere to a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizer, herbicides, and pesticides to protect lake water quality.

3-g (25.06.020[10]): Councilmember Whitten moved to retain the language in the SMP regarding tree retention. Mayor Gerend seconded. Motion carried 4-2 with Councilmembers Felling and Petitti dissenting.

Topic 4: Docks and Moorage Structures/Boat Launches

4a,b,c (25.07.050[2]): Councilmember Barry moved to increase the private docks size on Lake Sammamish to 600 sq ft, to increase the joint-use dock size to 800 sq ft and change the dock length to COE standards.. Councilmember Whitten seconded. Motion carried 5-1 with Councilmember Cross dissenting.

4 d,e (25.07.050[3]): Councilmember Whitten moved to increase the private dock size on Pine and Beaver Lake to 600 sq ft., change the dock length to 8-foot depth or 80 feet length. Councilmember Felling seconded. Motion carried 5-1 with Councilmember Cross dissenting.

4-h (25.07.050[1]): Consensus was reached to require joint use docks for all new subdivisions.

Topic 6: Other

6a (25.01.090): Councilmember Barry moved to delete the Liberal Construction language in the SMP Plan. Mayor Gerend seconded. Motion failed 2-4 with Councilmembers Whitten, Petitti, Felling and Cross dissenting.

6-d (25.02.010[18]): Deputy Mayor Barry moved to add “revetments” into the definition of bulkhead alternatives: (Bulkhead alternatives) may consist of large rocks or revetments integrated with vegetation and other materials. Councilmember Petitti seconded. Motion carried unanimously 6-0.

Topic 7: Access/Public Recreation

7-b(25.06.030[2]): Councilmember Whitten moved to change the language to read “New public access is not required for new single-family subdivisions. Councilmember Felling seconded. Motion carried unanimously 6-0.

Topic 9: Designations – Urban Conservancy

9-b (25.070.010): Councilmember Felling moved to remove the Urban Conservancy designation from the SMP. Councilmember Petitti seconded. Motion carried 4-2 with Councilmembers Cross and Petitti dissenting.

Topic 11: Councilmember Amendments not otherwise included

11a (25.07.080[4]): Mayor Gerend moved to allow an access easement across subdivided lots for parcels created landward from the new shoreline lot: For lots fronting directly on the OHWM,

the lot width circle shall touch the OHWM. An access easement may be included in the lot width circle. Councilmember Petitti seconded. Motion carried 5-0.

Topic 16: Jurisdiction and Environmental Designations & General Shoreline Regulations – Environmental Protection and Conservation

16b (25-06.020[5]): Councilmember Felling move to delete the following language: Mitigation measures shall be implemented in the sequence prescribed in SMC 21A.50.135, and mitigation provisions in SMC 21A.50.140 and SMC 21A.50.145 shall apply. Mayor Gerend seconded. Motion carried 4-1 with Councilmember Cross dissenting.

16c (25.06.020[7]): Consensus was reached to add the following language: A shoreline setback is established for Lake Sammamish, Pine Lake, and Beaver Lake. The shoreline setback area is the area extending forty-five (45) feet (or as reduced by SMC 25.06.020[10]) landward from the OHWM.

16d (25.06.020) Councilmember Cross moved to revise partial exemption language to allow expansion in the “shadow” only. Councilmember Felling seconded. Motion carried 5-0. (Staff will develop language to define the word “shadow” in the SMP).

16f(25.06.050[1]): Consensus was reached regarding additions of the word “new” as follows: (1) New shoreline uses and developments (and their related construction processes) shall incorporate all known, available, and reasonable methods of preventing, controlling, and treating storm water. (3) To avoid water quality degradation by malfunctioning or failing septic systems located in the shoreline jurisdiction, new on-site sewage systems shall be located, designed, and maintained to meet all applicable water quality, utility, and health standards. (4) New structures installed below OHWM or that regularly and frequently come in contact with water shall be constructed of Washington Department of Fish and Wildlife (WDFW) approved materials.

Topic 17: Use/Development Regulations

17c, (25.07.030[5](c) & new): Consensus was reached to add the following underlined language: Filling waterward of the OHWM shall only be allowed when necessary to support one or more of the following: (c) Bio-engineered shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments when associated with a permitted or conditional use and as required by state or federal agencies.

17g (25.07.070[2]): Councilmember Whitten moved to change the language to: Such alternatives (bulkhead alternatives and bio-stabilization) include large rocks, logs, revetments and other natural materials integrated with native vegetation to prevent erosion of land into lakes. Councilmember Cross seconded. Motion carried unanimously 5-0.

Topic 19: Shoreline Jurisdiction/Designations

19b(25.05.010[2]): Councilmember Cross moved to change the language as follows: The OHWM shall be determined based on site-specific observation and assessment using accepted

protocols and criteria established by the Department of Ecology in accordance with RCW 98.58.030(2)(b). Councilmember Barry seconded. Motion carried 5-0.

19c (25.05.020[3]): Consensus was reached to amend the language as follows: The map does not necessarily identify or depict the actual extent of shoreline jurisdiction or all associated wetlands.

New Business - None

Council Reports - None

City Manager Report - None

Executive Session – No Executive Session was held.

Meeting adjourned at 11:00 pm

Melonie Anderson, City Clerk

Donald L. Gerend, Mayor