

COUNCIL MINUTES

Regular Meeting September 7, 2010

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 Nancy Whitten, Councilmembers Mark Cross, John Curley (arrived 7:30 pm), John James, Tom Odell, and Michele Petitti.

Councilmembers absent: Councilmember John Curley.

MOTION: Councilmember James moved to excuse Councilmember Curley. Councilmember Cross 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 of Allegiance

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

Approval of Agenda

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

Proclamations/Presentations

➤ Comprehensive Annual Financial Report
Assistant City Manager/Finance Director Lyman Howard reported the City produced their first ever Comprehensive Annual Financial Report. The city went far beyond the state requirements for this report providing a high level of transparency. Mary Lou Moore, Treasurer for the Washington State Finance Officers Association (WFOA) presented the city with the Distinguished Comprehensive Annual Financial Report (CAFR) Award.

Public Comment

Dwight Martin, 5101 E Lake Sammamish Parkway NE, Spoke regarding the Critical Areas Update. He praised the City Staff and related to the Council that he has received extremely great service and pleasurable interactions with them.

Consent Calendar

Payroll for period ending July 31, 2010 for pay date August 5, 2010 in the amount of \$286,161.68

Payroll for period ending August 15, 2010 for pay date August 20, 2010 in the amount of \$277,168.89

Payroll for period ending August 31, 2010 for pay date September 3, 2010 in the amount of \$288,273.89

Approval: Claims for period ending August 3, 2010 in the amount of \$2,637,535.19 for Check No.27016 through No.27126

Approval: Claims for period ending August 17, 2010 in the amount of \$1,846,006.39 for Check No.27127 through No.27247

Approval: Claims for period ending September 7, 2010 in the amount of \$2,065,222.90 for Check No.27248 through No.27348

Approval: Minutes for July 13, 2010 Joint Meeting

Approval: Minutes for July 20, 2010 Regular Meeting

Approval: Minutes for July 27 Special Meeting/Study Session

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

Public Hearing

Ordinance: Sixth Reading Adopting The Town Center Development Regulations As Title 21B Of The Sammamish Municipal Code; Adopting Zoning Map Amendments For The Town Center Subarea; Amending Provisions Of Title 20; And Adopting The Town Center Infrastructure Plan

Supplemental Actions:

- Ordinance: Adopting Amendments To Title 21A Of The Sammamish Municipal Code And Adopting Zoning Map Amendments For The Town Center Subarea
- Resolution: Adopting Interim Stormwater Development Standards For Sammamish Town Center
- Resolution: Adopting Interim Street Standards For Sammamish Town Center

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

Public Hearing Opened at 6:50 pm

Public Comment

Bob Lynette, They own property on the corner of 228th Avenue SE and SE 8th Street, He is in partnership with Mr. Lui. They are trying to jointly develop their property located within the Town Center. The project is called the Village at the Park. He read a comment letter into the record from Mr. Lui. Mr. Lynette feels that most people located within the Town Center are in favor of the zoning as proposed.

Alex Kimball, 1406 Western Avenue #810, He is the architect for the Village at the Park project and showed slides of what the project will look like. He feels the Town Center is a very exciting project.

John Potter, 3611, 29th Avenue W, Seattle, He is involved in the Village at the Park and he explained that the proposed zoning is necessary to attract investors. He encouraged Council to adopt Option A.

Tom Granger, 16315 NE 87th Street, Redmond, Representing Habitat for Humanity, he spoke in favor of the 10% Affordable Housing Requirement that is currently being proposed for the Town Center. Even the 10% requirement will not meet the City's stated goals for affordable housing. He also feels that developers will be able to provide this level of affordable housing.

Bill Stern, 13212 178th Avenue NE, Redmond, He urged Council to pass the zoning and development regulations and to complete this plan as soon as possible. He reiterated that most people in the Town Center are in favor of the plan. He is against adding more E zoning to the plan.

Denise Stiffarm, Representing the Lake Washington School District, She urged the Council to adopt the amendment that will not count schools in the commercial cap and that they be allowed in all areas of the Town Center.

Peter Klaussen, 21410 SE 5th Place, He encouraged Council to ensure that there will be bike lanes and sidewalks will be part of the Town Center. He feels the plan looks great.

John Galvin, 432 228th Avenue SE, He compared the Town Center plan to a poorly built Danish war ship. He feels the Town Center Plan will not meet the real life test.

MOTION: Councilmember James moved to close the public comment. Councilmember Odell seconded. Motion carried unanimously 7-0

Councilmember Odell requested an update of the Financials for this project before making any other decisions.

MOTION: Councilmember Cross moved to approve the ordinance and accompanying regulations to adopt the Town Center Plan Development Regulations. Deputy Mayor Whitten seconded.

Council then began to consider the following policy issues:

Policy Issue #1: Where should the 240 Dwelling Units be allocated, and should they be used for site amenities incentives?

- Policy options:
- A) Retain Planning Commission Recommendation (Would require an amendment to the plan)
 - B) TC-D zone can allocate 240 DU to Incentive Pool for use in TC-A and TC-B zones – activated through installation of site amenities

After much discussion Council directed staff to develop language for Option B+ which would include the option of allocating 240 dwelling units to the TC-D zone and made the 240 dwelling units available for use in the TC-D zone, leveraging site amenities, Transfer of Development Rights (TDRs), and for sale.

Policy Issue #2 Retain current zoning and require project re-zones in order to respond to specific property owners' requests that their property be zoned residential to avoid increased tax liability. (**Note:** *Certain property owners have requested TC-E zone designations to address these concerns – this would require a Town Center Plan amendment.*)

- Policy options:
- A) Re-zone consistent with Planning Commission recommendation, which implements the Town Center Plan Land Use Designation
 - B) Retain current zoning (R-1 through R-8), require project re-zones
 - C) Re-zone consistent with PC recommendation, but delay effective date of re-zone for 3 years where property owner's request relief

- Result:
- 1) GMA requires zoning to be consistent with Comp Plan
 - 2) Property owner constrained to sell at current zoning
 - 3) Development financing challenges related to zoning
 - 4) Allows development to "opt out" of TC regulations

MOTION: Councilmember Cross moved to rezone the Town Center to be consistent with the Planning Commission recommendation. Councilmember James seconded. Motion carried 4-3 with Mayor Gerend, Deputy Mayor Whitten and Councilmember Curley dissenting.

Council recessed from 8: 50 pm to 9:00 pm.

Policy Issue #3: Should commercial square footage allocation include educational and/or recreational uses

Policy options:

- A) DO NOT COUNT schools and recreational facilities against the commercial square footage allocation cap
- B) DO COUNT schools and recreational facilities against the commercial square footage allocation
- C) PARTIALLY COUNT schools and recreational facilities against the commercial square footage allocation cap, depending on intensity of use (e.g. sports fields, tennis courts, etc)

Result:

- 1) Clarifies if schools and recreational facilities compete with commercial development
- 2) When combined area of commercial, school, and recreational facilities exceed 675,000 square feet, additional traffic studies may be required

MOTION: Councilmember James moved to not count public schools and public recreational facilities against the commercial square footage cap. Partially count private schools and private recreational facilities against the commercial square footage cap; in particular, do not count aspects of private schools and private recreational facilities that are low intensity uses (e.g. those portions of the facility dedicated to sports fields or sports courts such as soccer fields, tennis courts, basketball courts, swimming pools, etc). Councilmember Curley seconded. Motion carried 6-1 with Deputy Mayor Whitten dissenting.

Policy Issue #4: Modify Unified Zone Development Process (UZDP) process to further increase development options

Policy options:

- A) Modify UZDP process to:
 - 1. Eliminate 40% requirement
 - 2. Allow individual development while ensuring integration
- B) Retain current UZDP process

Result:

- 1) Could adversely affect integrated site development
- 2) Does not encourage land-assembly

MOTION: Councilmember Cross moved to retain 40 % requirement for UZDP for the initial application in each TC-A zone (i.e. first application in TC-A1, first application in TC-A2, first application in TC-A3, first application in TC-A4, and first application in TC-A5). Modify 21B.95.020(2)(b) to include edits by City Attorney reflected in option B) of the Decision Point 4 paper. Councilmember Petitti seconded. Motion carried unanimously 7-0.

Policy Issue #8: Include TC-A4 and TC-A5 in UZDP process

Policy options:

- A) Include in UZDP
- B) Not include in UZDP

- Result:
- 1) Option B) precludes TC-A4 and TC-A5 from accessing commercial and residential mixed use
 - 2) Appropriate to include these zones in UZDP to require adherence to development principles

Council reach consensus to require the UZDP process for new development in the TC-A4 and TC-A5 zones consistent with option A) of the Decision Point 8 paper.

Unfinished Business - None

New Business

Ordinance: First Reading Amending Chapter 21A.25 (Development Standards – Density And Dimensions), Of The Sammamish Municipal Code

Mr. Gurol gave the staff report. This is a housekeeping ordinance to remove language that is no longer necessary. This is the first reading, no action is being recommended.

Council Reports

Councilmember Odell reported on a meeting between Councilmembers, City staff and EF & R staff. The meeting was quite productive although there are some significant issues to be worked out between the city and EF & R. Fire Union representatives and volunteer fire fighters will be participating in a future meeting. The city continues to maintain that they are not interested in being part of a fire district.

Councilmember Odell asked how the board members should vote if it will cost the city an additional \$100,000 to annex Fire District 27, Fall City into EF & R? Council consensus was to vote no.

Councilmember Cross acknowledged the opening of the 244th Avenue SE Project. He announced that the Family Resource Center has changed their name to The Together Center.

City Manager Report – No report

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

Council recessed to Executive Session 10:00 pm and return at 10:30 pm.

City Attorney Bruce Disend explained that the Eastlake Sammamish Parkway Project Phase 1B has encountered cost overruns.

MOTION: Deputy Mayor Whitten moved to authorize the City Manager to execute Change Order No. 7 in the amount of \$299,576.93 and remit immediate payment. Additionally, move

to increase the City Manager's construction contingency authorization for the East Lake Sammamish Parkway NE Phase 1B – NE 18th Place to 2200 Block by an additional \$300,423 in recognition for known and anticipated changes to efficiently maintain the construction progress. Councilmember Cross seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Petitti moved to authorize the City Manager to execute a contract amendment with AECOM, Inc. in the amount of \$105,577, bringing the total contract amount to \$572,266, for Professional Services, for construction related professional services in association with the East lake Sammamish Parkway Project NE, Phase 1B, NE 18th Place to 2200 Block project. Motion carried 7-0 unanimously.

Meeting adjourned at 10:30 pm

Melonie Anderson, City Clerk

Donald J. Gerend, Mayor