

# COUNCIL MINUTES

## Regular Meeting May 20, 2008

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

**Councilmembers present:** Mayor Lee Felling, Deputy Mayor Don Gerend, Councilmembers Jack Barry, 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. Councilmember led the pledge.

### **Public Comment**

Tom Young, Constituent Services Manager, Office of Congressman Reichart: He reported on obtaining a Sammamish City Post Office and offered their services with any of the 117 Federal Agencies including help with federal grant money.

### **Approval of Agenda**

**MOTION:** Councilmember Huckabay moved to approve the agenda. Deputy Mayor Gerend seconded.

**AMENDMENT:** Councilmember Petitti moved to approve the agenda as revised adding Bill #'s 13a, 13b and 18. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0.

**MAIN MOTION:** Motion to approve agenda as amended. Motion carried unanimously 7-0.

### **Student Liaison Report**

**Skyline Student Liaisons** (*Kim Lammers*): She reported on Olympian tryouts on May 28<sup>th</sup> and 29<sup>th</sup>, senior testing, prom, senior finals and graduation on June 12<sup>th</sup> at Safeco Field.

### **Proclamations/Presentations**

Debbie Young, Confluence Sculpture Artist presented a book to the City Council. Her art display can be seen at the front of City Hall. She described the process of designing her sculpture and emphasized the importance of the piece being one that could be site responsive.

### **Consent Calendar**

**Payroll for pay period ending April 30, 2008 for pay date May 5, 2008 in the amount of \$222,567.60**

- 1. Approval: Claims for period ending May 20, 2008 for Check No. 20764 through Check No. 20773 in the amount of \$109,600.87 (dollar amount approved May 6, 2008 but check numbers were incorrect) and Check No. 20774 through Check # 20852 in the amount of \$734,506.04.**
- 2. Approval: 2007 to 2008 Carry Forward Budget Adjustments**
- 3. Change Order: Pergola Improvement Project/Ellis**
- 4. Change Order: Pine Lake Park Phase 2 Picnic Shelter Project/Danneko**
- 5. Interlocal: Special Property Tax Levy Agreement/King County**
- 6. Amendment: Annexation Study/BHC**
- 7. Amendment: ROW Maintenance/Northwest Landscape**
- 8. Agreement: 4<sup>th</sup> on the Plateau /Donation**
- 9. Contract: 4<sup>th</sup> of July Fireworks/Western Display Fireworks**
- 10. Resolution: Establishing Parking Regulations And Left Turn Restrictions On The 4th Of July (R2008-327)**
  
- 11. Resolution: Final Acceptance 2007 Curb And Sidewalk Repairs Project/Edge Concrete (R2008-328)**
  
- 12. Resolution: Accepting The “Sammamish Commons Project” As Complete/Bayley Construction (R2008-329)**
  
- 13. Resolution: Appointing Members To The Sammamish Youth Board (R2008-330)**
  
- 13A. Resolution: Granting Final Plat Approval To The Plat Of Crofton, Aka Evergreen Subdivision (R2008-331)**
  
- 13B. Bid Award: Portable Stage**

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

## **Public Hearing:**

### **Ordinance: First Reading amending the City of Sammamish Comprehensive Plan Land Use Element Figure Iii-2 for the adoption the the City's Town Center Plan.**

Community Development Director Kamuron Gurol presented the staff report. This is the first reading of the Ordinance that would adopt a Town Center Plan. A detailed staff report was presented at previous meetings. Public comment forms are available on the city's website and should be turned in tonight. Council Members have until next Tuesday to turn in their proposed amendments to the plan.

**Forest Miller, Lake Washington School District:** The district owns a 15 acre undeveloped site in the northeast planning area. They request the Council restore the A-2 designation as set forth in the preferred alternative. It would permit mixed-uses including commercial uses. They also requested the Council consider an amendment to the permissible square footage for commercial uses in the northeast quadrant. The District would like to see some flexibility in the quadrant and are interested in possibly developing a non-conventional school. *(A PowerPoint was presented and is available in the Clerk's office upon request)*

**John James 24108 SE 16<sup>th</sup> Place:** He represents the Chamber of Commerce. He reported on a survey conducted by the Chamber. The survey concluded that the business community is looking for smaller retail, rather than big box retail and community in general are interested in shopping on the Plateau.

**Ellie Bump 23010 SE 8<sup>th</sup> Street:** She has concerns with being taxed out of her home and requests that the Council grant R-1 single-family residential to allow for homeowners located on the outskirts of the planning area to continue their current tax assessment base which would allow them to afford to continue to live in the Town Center. The Lutheran Church concurs with the request as well. *(Copies of comments are available in the City Clerk's Office upon request.)*

**Dick Gram 19306 SE 21<sup>st</sup> Street (Volunteer with Habitat for Humanity):** He communicated that he is in favor of an affordable housing approach within the Town Center Plan, and suggested including Habit for Humanity in that process.

**Tom Granger, Habitat for Humanity (Executive Director):** He is encouraged by the 10% mandatory affordable requirement and the incentives for an additional 10%. He strongly encourages waiver of impact fees for affordable housing. Habitat for Humanity is participating in a nationwide partnership with Home Depot of \$30 million dollars for affordable housing.

**Ed Zercher 22244 SE 4<sup>th</sup> Street:** He commented on the following: decrease structured parking requirements from 80% to 50%, affordable housing requirements from 10% to 5%, revise a portion of "C" zoned property directly north of "A" property, to "B" zoning (within the NW quadrant), increase "B" zoned properties max building footprint from 30% to 50%, include language committing the city to bond and fund infrastructure to SE 4<sup>th</sup> and improvement from 224<sup>th</sup> to 228<sup>th</sup>, buffers and Master Plan requirements. *(Copies of comments are available in the City Clerk's Office upon request.)*

**Helen Albrecht 22605 SE 4<sup>th</sup> Street:** Her and her husband Donovan have concerns with the recommended zoning in the town center area surrounding their property and are concerned that they would be taxed out of her home. *(Copies of comments are available in the City Clerk's Office upon request.)*

**Mary O'Brien 1107 228<sup>th</sup> Avenue SE:** She owns the Arbors School. She urged council to zone her property "A" for highest and best use. *(Copies of comments are available in the City Clerk's Office upon request.)*

**Paul Stickney 432 228<sup>th</sup> Avenue SE:** He also represented Dick Birgh. His comments included the wedding cake approach around the southwest quadrant, transportation, removal of the 450,000 hard caps for office and retail space and instead put a policy of No of caps. *(Copies of proposed amendments are available in the City Clerk's Office upon request.)*

**John Hansen 506 228<sup>th</sup> Avenue SE:** He commented on the following; either doing away with or significantly increasing caps for all three categories of use, allow mixed use in the SE quadrant (east side of 228<sup>th</sup>), and provide flexibility in any caps on various types of development. *(Copies of proposed amendments are available in the City Clerk's Office upon request.)*

**Linda Dulken 23117 E. Main Street:** She encourages development on Main Street and suggested the Wedding Cake approach is misrepresented in the NE "B" zone. *(Copies of proposed amendments are available in the City Clerk's Office upon request.)*

**Chuck Dulken 23117 E. Main Street:** He requests the Council look at the NE quadrant. They own property in the NE quadrant. He endorses multi-use and best use in this area.

**Betsy Reali 23123 E. Main Street:** She also requests the Council look at the NE quadrant. She believes that the infrastructure is there to accommodate growth.

**Michael Rutt 22832 SE 1<sup>st</sup> Street:** He urges Council to go back to mixed-use on the east side, particularly the NE quadrant. He would be disappointed with R-4 or R-8 zoning. He's been waiting for 9 years to do something with his property. He submitted informational documents on smart growth. *(Copies of proposed amendments are available in the City Clerk's Office upon request.)*

**Doug Ramsey 23112 SE 8<sup>th</sup> Street:** He has concerns with buffers within the Town Center and how those buffers could affect his property, who pays for the buffers, whether the buffers are temporary or permanent. His property is only 157 feet wide and substantial portion of his property could be taken up by buffers.

**John Galvin 432 228<sup>th</sup> Avenue SE:** He commented on the SE Quadrant of the Town Center Plan and encouraged the Council to make an informed decision and to do what is best for the City.

**Rachel Krefetz Housing Development Consortium 1402 3rdn Avenue Seattle:** They encourage development regulations requiring all residential developments provide housing affordable to person of low and moderate income, development regulations encouraging affordable housing above and beyond the minimum 10 percent requirement, regulations that allow affordable housing be located off-site, provided they are still within Town Center, requiring a recorded agreement ensuring sustained affordability for required affordable housing units, TDR program, and incentives.

**Robert Canaan owns property west of 228<sup>th</sup> and Main street:** He encourages higher retail and commercial type uses within the City's Town Center Plan. Viable services are important for the City.

**Alex Kimball speaking on behalf of the Liu/Lynettes:** He made a PowerPoint presentation of the Liu/Lynette proposal and how they would like to develop their property. *(A copy of the PowerPoint presentation is available in the Clerk's office upon request.)*

Public hearing opened at 6:55 p.m. closed the public hearing at 7:55 p.m.

Community Development Director Kamuron Gurol announced that the deadline for Council Members to submit suggested amendments on the Town Center Plan to staff is next Tuesday, May 27<sup>th</sup>.

City Manager Yazici commended Community Development Kamuron Gurol and Project Manager Michael Matthias for all their hard work through the process of the Town Center.

**Ordinance: First Reading Declaring Public Use and Necessity For Land And Property To Be Condemned As Required For 244<sup>th</sup> Avenue Improvements Project; And Authorizing Payment Therefore From The City's Transportation Capital Improvement Program**

Public Works Director John Cunningham gave the staff report. This ordinance would allow the City to use, if needed the process of condemnation to acquire right-of-way and easements necessary for the construction of the 244<sup>th</sup> Avenue Improvement Project. There are two properties being proposed for possible inclusion in a process of condemnation. Current negotiations are taking place with one of the property owners, but could possibly delay construction of the project. The first property is needed for the construction of the bridge across the wetland and the other property is needed to construct the proposed roundabout. The second property owners are concerned that a large portion of their backyard is impacted by the right-of-way dedication for the Main Street roundabout. In all, the City is seeking portions of seventeen properties, one has been acquired and a second has been resolved. He reiterated that it is the City's hope to negotiate and reach an agreement with all property owners.

City Attorney Bruce Disend reiterated tonight's action is not a final action. This is a legal requirement if the City decides to proceed in the condemnation process. It is the City's intent to work with the property owners to reach a settlement. This is part of a statutory requirement to start the condemnation process, while working with the property owners.

City Manager Yazici explained that it is very rare that these reach the court level. This process, if a settlement is not resolved, allows property owners to recover any potential legal costs that they may incur as giving the use in possession agreement. The roundabout idea came during some public meetings during the Corridor Study and Environmental Impact Study to address some of the speeding concerns at NE 8<sup>th</sup> and 244<sup>th</sup>. He pointed out that if a roundabout were not to be constructed, a traffic signal would not be warranted. It would be a stop controlled intersection with stops on the side streets with no speed control on 244<sup>th</sup>.

Senior Project Engineer Jed Ireland presented visuals/aerial photos of the affected property owners and discussed impacts to the properties being considered for property acquisition. Mr. Alvendia has concerns of future sewer hook up.

City Manager commented that he will be working with staff and looking at other options. He will be working with staff and consultants. A second reading will not come back at the next regular meeting. He suggests listening to public testimony and closing the public hearing. Mr. Yazici suggests talking with the affected property owners prior to coming back for a second reading of the ordinance.

City Attorney announced that if there are some changes to the project another public hearing would be scheduled.

**Vinaya Kulkarni 103 245<sup>th</sup> Place SE:** She has concerns with the plans at the intersection. She believes the roundabout is not necessary. (*Her concerns were submitted in writing, a copy is available in the City Clerk's office upon request.*) They request that Council not approve the ordinance.

**Manoj Gupta 103 245<sup>th</sup> Place SE:** He is opposed to condemnation of his property and encouraged Council to strike the ordinance. He is not opposed to the 244<sup>th</sup> project, and does not object to roundabouts in general. He does not believe the roundabout at this intersection is necessary. When he purchased his property, he understood there would not be a direct impact to his home.

**Prateek Jetly 102 243<sup>rd</sup> Place SE:** He is also a homeowner affected by the roundabout along the 244<sup>th</sup> corridor project. He does not believe a roundabout is necessary and encourages the Council to look at alternatives.

City Manager Yazici is looking for alternatives that will minimize the impacts to the 244<sup>th</sup> project and right-of-way take issue. He reiterated his earlier comments and that the design component of the project will not be revisited at this point, there was extensive public process. His suggestion was merely looking at options of possibly shifting the roundabout, or making it smaller.

**Navjot Virk 102 243<sup>rd</sup> Place SE:** She is opposed to building the roundabout. She doesn't believe the traffic warrants the roundabout. Her suggestion is to look at other options.

**Saleel Sathe 24336 E. Main Dr.:** He commented on safety of children, pets, bicyclists and elderly that should be considered while planning for the project. He suggested that pedestrian traffic as part of the new school being built on 244<sup>th</sup> was not considered as part of the 244<sup>th</sup> project. He suggests other traffic calming options at that particular intersection.

**T. Bhet 24328 E. Main Dr. :** He is not directly affected by the condemnation ordinance, but is a neighboring property owner and has safety concerns with the proposed roundabout.

**M. Hollinsworth 135 245<sup>th</sup> Place SE:** He mentioned that the size of the roundabout was not publicized. In addition, he suggests looking at the size of the roundabout.

**Sandeep Mangla: 23804 SE 6<sup>th</sup> Street:** He supports the 244<sup>th</sup> project, but not the construction of the roundabout. Roundabout benefits are not clear to him. In summary, he suggests looking at other traffic calming measures.

**Ramon Alvendia :** He owns the 10 acre parcel in question. He has concerns with adverse impacts to his property. Mr. Alvendia is currently working with City Staff on property negotiations. His concerns are related to hooking up to sewer lines when he decides to develop his property. Construction of the bridge and retaining wall would require him to dig very deep to hook up to the sewer line. Secondly, he has concerns with ingress and egress. There is only one way to get in and out of his property because of the proposed island for the 244<sup>th</sup> project. He wants to make sure that the impacts to his property are addressed.

**Karen Cox 117 246<sup>th</sup> Way SE:** Has concerns with the roundabout and her children walking to and from school.

**Lora Angiuli 24530 SE 1<sup>st</sup> Street:** Her property backs up to E. Main Street. She suggests the traffic does not warrant the roundabout. Secondly, she has concerns with teenagers driving through a roundabout.

**Leticia Unger 22958 SE 43<sup>rd</sup> Place:** She suggests revisiting the roundabout design and that maybe years ago when the project was being considered a roundabout was a good idea, she pointed out that perhaps situations have changed.

**Jan Clier 105 243<sup>rd</sup> Place SE:** He commented on the value of the roundabout on speeders. He suggests updating the traffic study. Even if a traffic light is there, it may not be adequate to slow speeders down.

**Sheryl Loller 24218 E. Main Drive:** The Provence neighborhood could be affected. She is opposed to a roundabout.

**Noelle Burtfeld 24604 SE 1<sup>st</sup> Street:** She is opposed to the roundabout and suggested looking at alternatives. Her concerns focused mainly on safety concerns for children and drivers.

Opened public hearing at 8:30 p.m. closed the public hearing 9:35 pm.

City Manager Yazici identified primary concerns of the affected property owners and suggested that staff look at some other options before this item comes back for second reading.

### **Unfinished Business**

#### **Ordinance: Second Reading Extending The Temporary Interim Siting Hierarchy For Wireless Communication Facilities (WCF) Of SMC Chapter 21A.55 As Adopted In Ordinance 2007-223; And Declaring An Emergency**

A full staff report was presented at the previous meeting.

The public hearing opened at 9:35 p.m. closed public hearing at 9:36 p.m. There was no public comment.

**MOTION:** Councilmember Petitti moved to approve an Ordinance extending the temporary interim siting hierarchy for wireless communication facilities and declaring an emergency. Councilmember Whitten seconded. Motion carried unanimously 6-0. (O2008-230)

Councilmember Jack Barry was out of the room during the vote.

#### **Ordinance: Second Reading amending The Sammamish Municipal Code, Chapter 21A.75, To Extend Temporary Interim Zoning Controls Eliminating The Residential Density Incentives In R-4 And R-6 Zones And Declaring An Emergency**

A full staff report was presented at the previous meeting.

The public hearing opened at 9:36 p.m. closed public hearing at 9:37pm. There was no public comment.

**MOTION:** Councilmember Petitti moved to approve an Ordinance amending the Sammamish Municipal Code, Chapter 21A.75, to extend temporary interim zoning controls eliminating the residential density incentives in R-4 and R-6 zones and declaring an emergency. Seconded by Councilmember Huckabay. Motion carried unanimously 7-0. (O2008-231)

### **New Business**

#### **Ordinance: First Reading Amending Ordinance O2003-128 to Add One Alternative Commission Member to the Sammamish Arts Commission**

City Manager Yazici gave the staff report. The Ordinance would increase the Arts Commission membership from nine to ten. This would allow seven voting commissioners and three alternates. This is the first reading of the ordinance.

**Council Reports**

**Deputy Mayor Gerend:** He attended WRIA8 Water Resource Inventory 8 meeting last week. They discussed Chinook Salmon Recovery.

**City Manager Report** – No Report.

**Executive Session** – If Necessary

**MOTION:** Councilmember Cross moved to adjourn the meeting. Mayor Fellingge seconded. Meeting adjourned at 9:4 p.m.

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Stacy Herman, Deputy City Clerk

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Lee Fellingge, Mayor