

**City of Sammamish  
City Council Minutes  
Regular Meeting  
August 11, 1999**

The regular meeting of the Sammamish City Council was called to order by Mayor Phil Dyer at 7:30 p.m.

**Councilmembers present:** Mayor Phil Dyer, Deputy Mayor Jack Barry, Councilmembers Don Gerend, Ron Haworth, Kathleen Huckabay and Troy Romero

**Councilmember excused:** Councilmember Kenneth Kilroy

**Staff present:** Interim City Manager Lee Walton, Interim Planning Manager Kelly Robinson, Interim Finance Manager Bob Noack, Interim City Attorney Bruce Disend, Interim Assistant to Manager Randy Suko, Interim Senior Planner Matt Mathes, Interim Accountant Diane Lukin and Interim City Clerk Ruth Muller

**Roll Call and Pledge**

Roll was called and Deputy Mayor Barry led the pledge.

**Introduction of Special Guests and Presentations**

Suburban Cities Association President Judy Clibborn and Interim Executive Director Debbie Eddy presented information on the Suburban Cities Association, its mission statement and vision. They confirmed that cost for Sammamish to join this organization would be free for 1999 and one-half of the per capita rate for the year 2000.

**Approval of Agenda**

Deputy Mayor Barry moved to approve the agenda. Councilmember Gerend seconded the motion. Mayor Dyer moved to amend the agenda to add an executive session after Item 9.-- the purpose to discuss property/space management and personnel issues. Councilmember Haworth seconded the motion. The motion to amend the agenda carried unanimously. The motion to approve the agenda as amended carried unanimously.

**Public Comment**

Bob George, 3030 East Beaver Lake Drive, said that he has developed a new rhododendron that he has named Sammamish and provided a picture of a blooming Sammamish Rhododendron. The Council congratulated Mr. George on this accomplishment.

Betty DeWitt, 21130 28<sup>th</sup> Place S.E., announced that there will be a classic car show as a part of the City's August 28 incorporation celebration. These cars will be from pre-World War I up to the year 1959.

Dan Swallow, 4449 229<sup>th</sup> Pl. S.E., said that he is concerned about the storm vault at the Highland Creek Estates development. This storm vault is now proposed to be above ground rather than underground as originally approved; he is concerned that this may be in violation of the codes. He requests that the City check to see if this type of structure can be built in a residential neighborhood. The mayor advised that Interim Planning Manager Robinson can work with Mr. Swallow on this issue.

Courtney Wade, 518 227<sup>th</sup> Lane N.E., said that he lives in the Highland Park Town Homes and is concerned about the McFlurry sign on top of the McDonald's Restaurant that is lighted during the night-time and disturbs neighboring residents. He said that if this approximately 15-foot tall sign is allowed, then any of the local businesses could install similar signs; he feels that the City should look into some controls for this type signage.

Tom Harmon, 2302 West Beaver Lake Road, said that he has available a video tape of the Beaver Lake hearing; the July 28, 1999 council meeting and land use moratorium hearing will be on television August 13 at 7:30 p.m.; he suggests that the City consider establishing a Citizen Technology Board as advisory to the Council.

### **Consent Calendar**

Councilmember Huckabay moved that the consent calendar be approved as submitted changing the total dollar amount for claims approval to \$66,758.83. Councilmember Haworth seconded the motion. The motion carried unanimously to approve (a) council minutes of regular meeting, June 30, 1999; (b) council minutes of regular meeting, July 14, 1999; (c) claims for the period ending August 5, 1999 in amount of \$66,758.83; and (d) Waldron Resources Staffing Ratification for Interim Engineer. The motion carried unanimously.

### **Public Hearing**

Mayor Dyer opened the public hearing on the 1999 Interim Budget and First Year Budget at 8:15 p.m.

Interim Finance Manager Noack presented the proposed budget for the interim period May 8, 1999 through August 30, 1999 and the first year budget from August 31, 1999 through December 31, 1999, noting several adjustments and changes to staffing suggestions and line item dollars. These changes do not change the total for each fund nor the total proposed budget for the year 1999 as printed in the document published by the Finance Department. Responding to questions of councilmembers, Noack said that the proposed fulltime employees total 14-1/2; the areas to evaluate with the figures presented in the Feasibility Study are property tax and sales tax equalization revenue, as the impacts of Initiative 695 are studied.

The mayor opened the hearing for public comment.

Tom Harmon, 2302 West Beaver Lake Road, said that cable television revenue is available from two sources – franchise fees and right-of-way use permits for installation

of necessary cable wiring. He requested that the City consider providing money for the arts programs and for youth from earmarked revenue.

Rory Crispin, 3032 East Lake Sammamish Parkway N.E., suggested that there will be a need for some part-time code enforcement to address the East Lake Sammamish Trail activity before the projected October hiring of a code enforcement officer.

Dan Swallow, 4449 229<sup>th</sup> Place S.E., questioned if the City is able to realize the revenue paid to King County for parks impact fees on subdivisions filed before incorporation; it was noted that these fees will be transferred to the City.

The mayor closed the public hearing at 9:00 p.m.

### **Unfinished Business**

**Contract C99-09(1):** Interim Senior Planner Mathes said that the Council agreed that firms considered for doing concurrency audits would not make a presentation before the Council, but that Staff would provide contracts with two firms who will be available for on-call services. Contracts are proposed with KJS Associates and The Transpo Group. Staff responded to questions of Councilmember Romero on the process for determining the need for an audit; if the dollars proposed in the contracts is sufficient to address required audits; if the insurance coverage requirement should be increased to \$1,000,000; the indemnification language; representation of the consultant as to no conflict with a proposed project audit; and expert witness requirements.

Councilmember Gerend moved that the Interim City Manager be authorized to approve Contract C99-09(1) with City of Sammamish and KJS Associates, Inc. for concurrency audit services. Deputy Mayor Barry seconded the motion.

Councilmember Romero moved to amend the motion to require minimum coverage of \$1,000,000 insurance in Sections 7.A. and 7.B. Councilmember Haworth seconded the motion. The motion to amend carried unanimously.

Councilmember Romero moved to amend the motion to add language in Section 6 as follows: Line 3 to read “.....damage to property *or claims for damages by any third party* resulting.....”. Councilmember Haworth seconded the motion. The motion to amend carried unanimously.

Councilmember Romero moved to amend the motion to add language in Section 6 as follows: Line 2 to read “City, its agents, *its officials*, and .....” Councilmember Huckabay seconded the motion. The motion carried unanimously.

Councilmember Romero moved to amend the motion to add a new Section 16 as follows: **16. Representation of Consultant.** *Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit “A”.* Councilmember Huckabay seconded the motion. Mayor Dyer moved to amend the

amendment to add a second sentence to Section 16 as follows: *In the event that consultant is asked to perform services for a project in which it may have a conflict, it will disclose conflict to the City.* Councilmember Gerend seconded the motion. The amendment to the amendment carried unanimously. The motion to amend as amended carried unanimously.

Councilmember Romero moved to amend the motion to add an additional sentence to the Scope of Services in Exhibit “A” as follows: “*Consultant agrees to provide such expert testimony.*” Councilmember Gerend seconded the motion. Mayor Dyer moved to strike that motion to amend and change the third line from the end to read “...by the audit of a certificate, *if required the consultant will ...*”. Councilmember Huckabay seconded the motion. The amendment to the amendment carried unanimously. The motion to amend as amended carried unanimously.

Councilmember Haworth moved to amend the motion to add word in Exhibit “A”, Line 4, to read “When directed by the City *Council*, the ....”. Councilmember Gerend seconded the motion. The amendment to the motion carried unanimously.

The motion to authorize execution of Contract C99-09(1) as amended carried unanimously.

**Contract C99-09(2):** Interim Senior Planner Mathes said that this agreement with The Transpo Group is identical to the one just amended. Councilmember Gerend moved that the Interim City Manager be authorized to execute a Contract for Services between the City of Sammamish and The Transpo Group. Deputy Mayor Barry seconded the motion. Councilmember Gerend moved to amend the motion to incorporate all amendments approved for Contract C99-09(1) into this contract. Councilmember Haworth seconded the motion. The motion to amend carried unanimously. The motion to authorize execution of Contract C99-09(2) as amended carried unanimously.

**Resolution R99-16:** Councilmember Haworth said that approving this resolution annexing the City of Sammamish into the fire protection districts allows the districts to continue to serve the residents and the districts can levy taxes for operation in the year 2000; there will be companion resolutions from each of the districts accepting annexation of the City into the districts. Councilmember Haworth moved to adopt Resolution R99-16 Concurring With the Automatic Annexation of the City of Sammamish to King County Fire Protection District Nos. 10, 27 and 34; and Approving Extension of the Automatic Annexation Through December 31, 2000. Councilmember Huckabay seconded the motion. The motion carried unanimously.

**Contract C99-24:** Ruth Harvey, King County, said that the previous contract executed for road maintenance services was for the interim period prior to incorporation; this proposed contract covers on-going road maintenance services for the City of Sammamish. C. R. Holman, King County Superintendent for Roads Maintenance, Phil Thomas, King County Traffic Supervisor, and Ray Sugi, Intergovernment Services Staff, responded to questions from the Council relating to snow removal service, level of

service provided in this contract, dedicated on-site rapid response staff, level of service under this contract for the \$1.4 million cost, termination requirements, and potential County budget cuts if Initiative 695 should pass in November.

The mayor recessed the meeting for ten minutes at 9:35 p.m.

The meeting reconvened at 9:45 p.m.

**Contract C99-24:** Councilmember Gerend moved to authorize the Interim City Manager to execute an Interlocal Agreement Between King County and The City of Sammamish for Provision of Services by the King County Road Services Division. Deputy Mayor Barry seconded the motion. Councilmember Romero moved to amend the motion to change Section 3.1 by deleting “customarily provided by the county in unincorporated King County” and replace with “historically provided in the city area”. Deputy Mayor Barry seconded the motion. The amendment carried unanimously.

Mayor Dyer moved to amend the motion to authorize City Attorney and Staff to prepare alternative language for review with King County legal counsel for Section 10, Indemnification. Councilmember Huckabay seconded the motion. The motion to amend carried unanimously.

Mayor Dyer moved to add in Section 9.2, Duration, language prepared by the City Attorney and King County legal counsel that the City would consider the contract null and void in the event Initiative 695 passes in November. Councilmember Haworth seconded the motion. The motion to amend carried unanimously.

The main motion as amended authorizing execution of Contract C99-24 carried unanimously.

**Ordinance O99-24:** Interim Finance Manager Noack presented the proposed budget for Sammamish for the period May 8, 1999 through December 31, 1999, noting that the public hearing was held earlier this meeting. Councilmember Huckabay moved to approve Ordinance O99-24 Adopting a Budget for the Start-Up Period of May 8, 1999 Through December 31, 1999; Appropriating of Funds and Establishing Positions and Salary Schedules. Councilmember Haworth seconded the motion. The motion carried unanimously.

**Ordinance O99-25:** Interim Planning Manager Robinson said that in accordance with Contract C99-14 providing for King County to continue processing building and land use permit applications filed prior to incorporation, the City needs to adopt King County regulations for processing of these permits. Councilmember Romero moved to adopt Ordinance O99-25 Relating to Processing of Building Permits and Land Use Applications by King County on Behalf of the City of Sammamish. Deputy Mayor Barry seconded the motion. The motion carried unanimously.

**Contract C99-22:** Interim Planning Manager Robinson said that City hearing examiner services will be required to conduct quasi-judicial hearings on appealed applications that are in the “pipeline”. The Land Use and Zoning Committee recommends appointing a City hearing examiner rather than using King County’s hearing examiner for these hearings; rules for operation will be included in the City’s interim development code. Councilmember Romero moved that the Interim City Manager be authorized to execute a Contract for Services between the City of Sammamish and Gordon F. Crandall. Councilmember Huckabay seconded the motion. The motion carried unanimously.

**Contract C99-23:** Interim Planning Manager Robinson said that this contract is not ready for Council action at this time since there have been some questions raised that still need to be addressed. Councilmember Romero moved to table Contract C99-23. Councilmember Huckabay seconded the motion. The motion carried unanimously.

### **Council and Committee Reports**

Deputy Mayor Barry reported that the Human Services Committee is working on plans for the incorporation celebration on August 28 and it looks like this will be a great event.

Councilmember Gerend reported that the Transportation Committee met August 10. There was discussion on the 228<sup>th</sup> Avenue project and possible modification to extend a left turn lane from 228<sup>th</sup> Avenue into the Pine Lake Middle School south parking lot entrance to address traffic backup during the morning rush hour. The committee also is recommending that each of the consultants be assigned one project for running a concurrency test. A traffic mitigation system for the City of Sammamish is under development with Earth Tech.

Councilmember Gerend moved that the Laurelwood project and The Crossings at Pine Lake project be assigned one each to The Transpo Group and KJS Associates for concurrency test. Deputy Mayor Barry seconded the motion. The motion carried unanimously.

Councilmember Romero reported that the Land Use and Zoning Committee will have a draft interim development code ready for Council review prior to the August 25 meeting when it will be on the agenda for adoption.

Councilmember Haworth reported that the Finance and Administration Committees are finalizing personnel policies and fringe benefits that will be ready for adoption soon.

Mayor Dyer read a letter from the Issaquah Alps Club endorsing the Interim Use Plan for the East Lake Sammamish Trail.

**Public Comment**

Tom Harmon, 2302 West Beaver Lake Road, suggested that the City may want to look at the Hazelwood project for concurrency testing and questioned the length of the contract with the hearing examiner.

Mayor Dyer announced that an executive session for approximately 30 minutes for discussion of personnel and property negotiations will be held.

The meeting recessed at 10:25 p.m. to executive session.

The meeting reconvened at 10:56 p.m.

Councilmember Romero moved that the meeting recess to Wednesday August 18, 1999 at 7:00 p.m. at City Hall offices, 482 228<sup>th</sup> Avenue N.E. Councilmember Haworth seconded the motion. The motion carried unanimously.

The meeting recessed at 11:00 p.m.

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Ruth Muller, Interim City Clerk

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Mayor Phil Dyer