

**City of Sammamish
City Council Minutes
Regular Meeting
July 28, 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, Kenneth Kilroy and Troy Romero.

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 Building Official Bob Ely, Interim Senior Accountant Diane Lukin and Interim City Clerk Ruth Muller.

Roll Call

Roll was called.

Introduction of Special Guests

Mayor Dyer introduced Katherine Siddoway, retiring principal of Eastlake High School in the Lake Washington School District. Ms. Siddoway has worked for 30 years in the Lake Washington School District, was instrumental in the building of the Eastlake High School, serving as its principal from 1993 until her retirement this year. Mayor Dyer presented to Ms. Siddoway a Certificate of Appreciation for her years of dedication and contributions to the support of the youth in our community. Ms. Siddoway congratulated the Council on the incorporation of the City and urged councilmembers to continue to listen to the youth on the Plateau as they generate great ideas as evidenced in the Youth Summit held two years ago.

Approval of Agenda

Councilmember Gerend moved to postpone Item 5.(d). Councilmember Kilroy seconded the motion. The motion carried unanimously. Councilmember Kilroy moved to add an additional agenda item after Item 8. for an executive session to discuss property acquisition. Councilmember Haworth seconded the motion. The motion carried unanimously. Councilmember Gerend moved to approve the agenda as amended. Councilmember Kilroy seconded the motion. The motion carried unanimously.

Public Comment

John Bill, 1640 West Beaver Lake Drive S.E., suggested the Council consider passing a resolution opposing condemnation of the Overby property that is being proposed for purposes of building a school.

Consent Calendar

Councilmember Haworth moved that the Consent Calendar be approved as submitted. Councilmember Romero seconded the motion. The motion carried unanimously approving claims for the period ending July 22, 1999 in amount of \$76,270.34.

Public Hearing

Councilmember Romero said that the Council passed Resolution R99-04 on May 19, 1999 imposing a land use moratorium that will expire in full on Aug. 31, 1999. This hearing has been scheduled to allow citizen input on how this moratorium is impacting the community so that the Council can make a decision about extending the moratorium. The Land Use and Zoning Committee has made no recommendation, however staff has recommended that the moratorium be continued in some form. Interim Planning Manager Robinson said that staff is not recommending any additional items be included in the moratorium, but suggests that building permits be allowed when a plat has been completed, and that hardship appeals continue to be allowed. Mayor Dyer stated that there have been five letters submitted for the record as follows:

- 1) Earl Caditz, 3719 234th Ave. S.E.
- 2) John D. Macklin, representing Roger & Helen Jenkin, 907 231st Place N.E.
- 3) Hanson Baker Ludlow Drumheller, representing Chaffey corporation developer of the Plat of Sterlingwood located on 205th Place Northeast
- 4) Francisco & Virginia Dias, 23610 N.E. 27th Street
- 5) Richard and Anna-Marta Birgh, 432 228th Avenue S.E.

Mayor Dyer opened the hearing for public comment.

Bob Johns, 601 Union St., Suite 4800, Seattle, attorney representing the Seattle Master Builders Association, said that the Association understands the reasons for establishing a moratorium and builders have paid money to King County but that money is not being used for infrastructure improvements on the Plateau. There is one aspect of the moratorium that the Builders Association has concern about, and that is that pending plats once completed are not able to proceed to get a building permit. This affects developers financially since they have spent considerable dollars to make necessary improvements for completion of the plats, and they need to proceed to prevent financial hardship. This also affects the small property owners who are developing their property as a retirement income. The Builders Association is concerned about the legality of this aspect of the moratorium since the Supreme Court has ruled that there is a vested right established when lots are created. He suggests that the exemption be extended to lots created and vested prior to May 19, 1999. Responding to the mayor's question, Mr. Johns said that he does not have statistics for just the City of Sammamish, but statistics from two years ago indicate that for the total Plateau area which extends from I-90 to SR-202, there had been approximately \$12 million to \$15 million impact fees paid by developers; he has no knowledge of bankruptcies from moratoriums in other cities, but is aware that some properties have sold at distressed prices.

Linda Youngs, 10777 Main St., Bellevue, attorney representing Chaffey Corp, said that their concerns were addressed in the letter submitted. They understand the need to

establish a moratorium to allow the City to plan for its own growth, but urge that we make sure our actions are legal and fair. The moratorium should exclude single family building permits on plats that are already vested and the moratorium should be on undeveloped property. Responding to the mayor's question, Ms. Youngs said that she will provide any information her firm has on dollars paid to King County for development on the Plateau without any improvements being made.

Sunny Wallace, 24200 N. E. 14th Street, expressed concern about traffic problems and about developers who filed applications as quickly as possible to get their property vested. She has observed a development that was allowed to build 8 houses per acre, with trees stripped from the land, contours leveled, and no parks provided for children.

Dick Birgh, 432 228th Avenue N.E., has seen some of the same things happening; he is a developer and has six acres left that he does not plan to level but to build for families who can enjoy the area. He has paid all of the impact fees to King County who had no time to schedule a pre-application meeting prior to the establishment of the Sammamish moratorium. He does not know if he qualifies for a hardship, but would like to be able to continue with his development.

Acar Z. Bill, 1640 West Beaver Lake Drive S.E., said that this moratorium should not be a surprise to developers since this has been discussed for years. He has developed two houses and complied with all of the rules. Citizens who pay taxes should have rights before outside developers. The City must stop uncontrolled growth and he feels that there could be some exceptions for single family residential development.

Rich MacIntosh, 2315 216th Place N.E., said that he does not have any problem traversing 228th Avenue, his 44-lot property immediately south of Skyline High School has been vested for many years and he did not hurry to beat the moratorium; he has spent approximately \$3.5 to \$4.0 million on this property; he has some concerns about the legality of conditions included in this moratorium; he does not want the City's tax dollars spent on any legal defense of a moratorium; and he does agree that the Council needs to take time before establishing its own land use zoning.

Art Kerr, 22133 N. E. 26th Place, is happy that the Seattle Builders Association will work with Sammamish and he is not personally impacted by the moratorium, but would like to be able to drive to work without the long delays to get off the hill.

Greg Allan, 530 254th Avenue N.E., said that he has paid \$7500 in road taxes over the past years and has not seen any improvements on the Plateau. He is concerned that if the moratorium is lifted without taking into consideration the concerns of the citizens, there will be immediate legal action. He cautions that there should be consideration of public safety and environmental concerns.

The public hearing was closed at 8:40 p.m.

Unfinished Business

Contract C99-13: Interim City Manager Walton said that this contract was reviewed with King County staff at the July 21, 1999 study session. Councilmember Huckabay moved to authorize the Interim City Manager to execute an Interlocal Agreement with King County and the City of Sammamish for Provision of Surface Water Services and Transfer of Drainage Facilities and Properties. Councilmember Kilroy seconded the motion. Morgan John, King County Natural Resources responded to questions about several sections of this agreement. Councilmember Romero expressed concern about the indemnification section of this agreement. Councilmember Romero moved to table Contract C99-13 until later on the agenda. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Mayor Dyer moved to suspend the rules to add another item to the agenda. Deputy Mayor Barry seconded the motion. The motion carried unanimously.

Councilmember Huckabay moved that staff be directed to prepare a report for Council consideration by November 15, 1999, at a cost not to exceed \$2000, responding to the following issues; (1) conduct an evaluation of the surface water system within the City of Sammamish to provide a “generalized” description of its condition and possible deficiencies; and (2) develop alternatives to contracting with King County for maintenance and upgrading of the surface water system. Deputy Mayor Barry seconded the motion. The motion carried unanimously.

Ordinance O99-15: Interim City Manager Walton said that all changes made to this ordinance at the July 14, 1999 meeting have been incorporated into this new document. Deputy Mayor Barry moved to remove from the table Ordinance O99-15. Councilmember Haworth seconded the motion. The motion carried unanimously. Question called for the motion to adopt Ordinance O99-15 as amended establishing building and related codes for the City carried unanimously.

The mayor recessed the meeting at 8:52 p.m. for five minutes.

The meeting reconvened at 9:15 p.m.

Contract C99-13: Councilmember Romero moved to remove Contract C99-13 from the table. Councilmember Gerend seconded the motion. The motion carried unanimously. Councilmember Romero moved to amend the motion to add on Page 9, at end of sentence on Line 2, “and all claims, actions, suits, liability loss, costs, expenses and damages of any nature whatsoever arising from the county’s actions or inactions arising prior to the effective date of the City’s incorporation.” Councilmember Haworth seconded the motion. Councilmember Romero said that he is uncomfortable approving this agreement without this added protection for the City, although he is confident that King County will stand behind its work and he prefers that King County continue to do this work since they now do it for other cities. The amendment to the motion carried unanimously. The motion to authorize execution of Contract C99-13 as amended carried unanimously.

Ordinance O99-17: Interim Planning Manager Robinson said that this ordinance adopts King County Code Title 9 in accordance with the interlocal agreement. Councilmember Romero moved to approve Ordinance O99-17 Adopting by Reference Title 9, Surface Water Management, of the King County Code as an Interim Regulation of the City. Councilmember Huckabay seconded the motion. The motion carried unanimously.

New Business

Contract C99-18: Councilmember Kilroy moved that the Interim City Manager be authorized to execute an Interlocal Agreement Between King County and the City of Sammamish Relating to Law Enforcement Services. Deputy Mayor Barry seconded the motion. Councilmember Kilroy explained the enhanced services and per capita coverage ratio that this proposed contract provides and that increased costs will be offset by grants available to the City. Major Robin Fenton, Capt. Bruce Kaelin, and Detective Mary-Pat Illingworth responded to questions of the Council on grant requirements and arson investigation responsibilities. The motion to authorize execution of Contract C99-18 was approved unanimously. Mayor Dyer thanked Councilmember Kilroy and staff for their work in negotiating the improved services at a reasonable cost increase.

Ordinance O99-18: Councilmember Romero moved to adopt Ordinance O99-18 Setting the Hours of Operation of City Offices. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Ordinance O99-19: Councilmember Haworth moved to adopt Ordinance O99-19 Providing for Legal Defense for City Employees, Elected Officials, and Volunteers. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Ordinance O99-20: Councilmember Haworth moved to adopt Ordinance O99-20 Establishing Procedures for the Disclosure of Public Records Maintained by the City. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Resolution R99-15: Mayor Dyer suggested that the Council consider an amendment that would trigger when the City can recoup costs covering staff time responding to requests for public records. Interim Attorney Disend advised that state law governing cities differs from that governing state government in relation to such cost recovery. Councilmember Haworth moved to approve Resolution R99-15 Adopting a Fee Schedule for Public Records Requests. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Ordinance O99-21: Councilmember Kilroy moved to approve Ordinance O99-21 Adopting Certain Traffic Infractions Established by State Statutes by Reference. Councilmember Hawroth seconded the motion. The motion carried unanimously.

Ordinance O99-22: Councilmember Kilroy moved to adopt Ordinance O99-22 Establishing the Speed Limits of the City's Roadways, Streets, and Highways, by Adopting the State Traffic Laws Regulating Speed of Vehicles, and by Establishing

Speed Limits of Streets that are to be Considered Exceptions to the State Laws.
Councilmember Haworth seconded the motion. The motion carried unanimously.

Ordinance O99-23: Councilmember Romero moved to approve Ordinance O99-23 Adopting by Reference Certain Sections of the Model Traffic Ordinance Pertaining to the Duties of the Traffic Engineer. Councilmember Haworth seconded the motion. The motion carried unanimously.

Contract C99-19: Councilmember Huckabay moved to authorize the Interim City Manager to execute a contract with Moss Bay Group for Designing and Establishing an Information Systems Network for the City of Sammamish. Councilmember Gerend seconded the motion. Assistant to City Manager Suko presented information on the process for requesting qualifications from interested firms and the interview process of four firms. Councilmember Huckabay said that help from three Information System Managers of other cities during the interview process was beneficial and two companies clearly stood out as the best for providing the services that Sammamish needs. The recommendation is to break out the needs into two parts (Designing and Establishing an Information Systems Network; and Maintenance of Network System) thus drawing on the strengths of each of the two companies. Councilmember Kilroy moved to amend the motion to limit this to one contract allowing subcontractors. Councilmember Romero seconded the motion. There was discussion on the pros and cons for limiting this project to one contract as opposed to having two contracts. Mayor Dyer moved to amend the amendment to require that the contract be returned to Council before executing so that the Council will have a clear profile of the scope of work included in the contract. Councilmember Romero seconded the motion. The amendment to the amendment carried unanimously. Councilmember Haworth moved to table the motion. Councilmember Romero seconded the motion. The motion carried by majority vote with five aye votes – Gerend, Haworth, Kilroy, Barry and Dyer; and two nay votes – Huckabay and Romero.

Contract C99-20: Councilmember Gerend moved to Authorize the City Manager to Execute a Contract with Kato and Warren for Transportation Improvement Board (TIB) Grant Application. Deputy Mayor Barry seconded the motion. Councilmember Gerend said that TIB grants must be submitted by September 30, 1999 and Kato & Warren are familiar with 228th Avenue because of their work on the King County project. The grant application would develop a design concept for the remainder of the improvements to 228th Avenue not included in the Phase 1 project. The cost estimate is approximately \$18,400 for Task 2 covering preliminary services. Councilmember Gerend moved that the Scope of Work be limited to Task 2 only. Councilmember Romero seconded the motion. The motion carried unanimously. There was brief discussion of grant matching requirements and money available to the City from King County. The motion authorizing execution of Contract C99-20 as amended carried unanimously.

Contract C99-21: Councilmember Gerend said that air photos were taken June, 1999 and since this coincides with the date of the City inception will be useful in development of the City's comprehensive plan and other areas of city planning. Councilmember

Gerend moved to authorize execution of an Agreement for Acquisition and Licensed Use of Color Digital Orthophoto Data with Neis Mapping Group, Inc. Deputy Mayor Barry seconded the motion. The motion carried unanimously.

Council and Committee Reports

Councilmember Gerend reported that there will be information provided later on County transportation projects on City-owned property.

Councilmember Romero reported that it is hoped that the Council can begin developing a process for work on the comprehensive plan soon after September 1, incorporating significant citizen participation in the process.

Deputy Mayor Barry reported that the Incorporation Celebration is being planned for Saturday, August 28. Karen Moran said that the QFC shopping center is putting together a celebration event that same day. Mayor Dyer assigned planning of the celebration event to the Human Resources Committee requesting that the two events be coordinated and that the Committee return to the Council with budget suggestions for the event.

Deputy Mayor Barry reported that the review panel for logo selection has met and made selection of a logo; the renderings have now been submitted to an artist for refinement and it is planned that the logo will be unveiled at the celebration ceremony.

City Manager and Staff Reports

Interim Finance Manager Noack reported that an interim budget is being developed by the Finance Committee and staff to be presented at the Aug. 4 study session with a public hearing scheduled for August 11, 1999.

Executive Session

Mayor Dyer said that the meeting will recess to executive session for approximately 10 minutes for discussion of property acquisition.

The meeting recessed at 10:32 p.m. to executive session.

The meeting reconvened at 10:45 p.m.

Mayor Dyer said that consensus of the Council is to authorize Staff to begin an appraisal process for a particular piece of property and report back to the Council.

Mayor Dyer recessed the meeting at 10:46 p.m. to 7:00 p.m., Thursday, July 29, 1999 at City Hall.

Thursday, July 29, 1999, City Hall Conference Room

The meeting reconvened at 7:16 p.m.

Councilmembers present: Mayor Phil Dyer, Councilmembers Don Gerend, Ron Haworth, Kathleen Huckabay, and Kenneth Kilroy.

Councilmembers excused: Deputy Mayor Jack Barry and Councilmember Troy Romero

Contract C99-19: Councilmember Haworth moved to remove the tabled motion for execution of Contract C99-19. Councilmember Huckabay seconded the motion. The motion carried unanimously. Councilmember Huckabay said that David Nixon, of Moss Bay Group is present to respond to concerns of the Council about whether it is feasible to develop and maintain the City's computer network system under two contracts with different firms. Councilmember Huckabay moved to amend the motion authorizing two contracts for development of the City's Network System, with Moss Bay Group for design and with Nova for maintenance, at a \$50,000 maximum for the two contracts, and with review and approval of contracts by the Finance and Administration Committees. Councilmember Haworth seconded the motion. The motion to amend carried unanimously. The amended motion for execution of contracts to develop the City's Network Information System carried unanimously.

Executive Session

Mayor Dyer announced that the meeting would adjourn to executive session for approximately two hours for interview of three candidates for the police chief position.

The meeting recessed to executive session at 7:30 p.m.

The meeting reconvened at 9:20 p.m.

Councilmember Kilroy moved that the City Council appoint Captain Richard Baranzini as the City of Sammamish Police Chief. Councilmember Haworth seconded the motion. Councilmember Kilroy said that Capt. Baranzini fits the image of a Police Chief for Sammamish, is comfortable in a public setting, has great enthusiasm and knowledge of the community, and charisma that will be helpful in our new City. The motion to appoint Captain Richard Baranzini Police Chief for City of Sammamish carried unanimously.

Adjourn

There being no further business, the mayor adjourned the meeting at 9:23 p.m.

Interim City Clerk, Ruth Muller

Phil Dyer, Mayor