

**City of Sammamish
City Council Minutes
Regular Meeting
June 9, 1999**

The regular meeting of the City of 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 Finance Manager Bob Noack, Interim Planning Manager Kelly Robinson, Interim City Attorney Bruce Disend, Interim Planner Matt Mathis, Interim Assistant to Manager Randy Suko, and Interim City Clerk Ruth Muller.

Roll Call and Pledge

Roll was called and the salute to the flag.

Approval of Agenda

Councilmember Huckabay moved that the Agenda be accepted as presented. Councilmember Kilroy seconded the motion. Mayor Dyer moved to amend the motion to remove Item 6.® Jail Services Contract, and add Item 7.(d) Study Session Meeting Dates. Deputy Mayor Barry seconded the motion. The amendment carried unanimously. The main motion as amended carried unanimously.

Public Comment

Roy Crispin, 3023 East Lake Sammamish Parkway N.E., expressed concern about the East Sammamish Trail project as he has a small house that was recently burglarized and he fears public use of the Trail may cause more problems as his property is bisected by the railway right-of-way.

Tom Harmon, 2302 West Beaver Lake Drive N.E., is interested in commenting on the agenda item relating to cable services.

Earl Gutschmidt, 19532 S. E. 16th Street, is requesting relief from the land use moratorium for their short plat filed with King County, reading his letter of request.

Unfinished Business

Resolution R99-09: Interim Finance Manager Noack introduced resolution providing guidelines and procedures relating to travel expenses and use of credit cards for City officials. Councilmember Huckabay moved to approve Resolution No. R99-09 Adopting Guidelines and Written Procedures Relating to Employees' Travel Expenses While

Conducting Official Business and the Use of Credit Cards for Travel Purposes.
Councilmember Gerend seconded the motion. The motion carried unanimously.

New Business

Resolution R99-12: Interim City Manager Walton said that the official incorporation date of August 31, 1999 is selected for tax and revenue advantages to the city. There are studies available that have been done for several cities showing the advantages for using this date. Councilmember Romero moved that Resolution No. R99-12 be adopted Establishing the Official Date of Incorporation For the City of Sammamish as August 31, 1999. Councilmember Kilroy seconded the motion. The motion carried unanimously.

Ordinance O99-03: Finance Committee Chair Councilmember Huckabay introduced this ordinance for Council consideration, noting that this is not a new tax as it is presently collected by King County. Councilmember Huckabay moved to adopt Ordinance O99-03 Imposing a One-Quarter Percent Real Estate Excise Tax; and Imposing an Additional One-Quarter Percent Excise Tax on all Real Estate Sales. Councilmember Kilroy seconded the motion. The motion carried unanimously.

Ordinance O99-04: Finance Committee Chair Huckabay introduced this ordinance which imposes the first one-half percent sales tax presently collected by King County. Councilmember Huckabay moved to adopt Ordinance O99-04 Imposing the First One-Half Percent Sales and Use Tax Within the city of Sammamish. Councilmember Kilroy seconded the motion. The motion carried unanimously.

Ordinance O99-05: Finance Committee Chair Huckabay introduced this ordinance that imposes the second one-half percent sales tax presently collected by King County. Councilmember Kilroy moved to adopt Ordinance O99-05 Imposing the Second One-Half Percent Sales Tax Within the City of Sammamish. Councilmember Romero seconded the motion. The motion carried unanimously.

Ordinance O99-06: Finance Committee Chair Huckabay introduced this ordinance covering staff bonding. Interim Finance Manager Noack noted that all employees are covered by a blanket bond under our coverage with Washington Cities Insurance Authority, but state law requires fidelity bonds for the positions of City Manager, City Clerk and Finance Director. Councilmember Romero moved to adopt Ordinance O99-06 Requiring Fidelity Bonds for Certain Staff Positions. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Ordinance O99-07: Interim City Manager Walton said that he recommends establishment of a City Manager position, so that recruitment for this position can begin right away. Councilmember Kilroy moved to adopt Ordinance O99-07 Establishing the Office of City Manager. Councilmember Romero seconded the motion. The motion carried unanimously.

Ordinance O99-08: Finance Committee Chair Huckabay introduced the gambling tax ordinance noting that at the present time there are no businesses with gambling activities, but this will be in place if a facility proposes to operate any gambling. Councilmember Huckabay moved to adopt Ordinance O99-08 Imposing a Tax on Gambling Activities. Councilmember Kilroy seconded the motion. The motion carried unanimously.

Ordinance O99-09: Interim City Manager Walton introduced this ordinance providing for Cablevision franchise under the same terms and conditions as in King County ordinance with the franchise expiring in August 2004. Mayor Dyer recognized Tom Harmon, 2302 West Beaver Lake Drive, who favors providing for cablevision. He has not had an opportunity to review the County franchise, but urges the Council to use a government channel for community use. Councilmember Kilroy moved to adopt Ordinance O99-09 Granting a Franchise to TCI Cablevision for Operation in the City of Sammamish. Councilmember Gerend seconded the motion. The motion carried unanimously.

Ordinance O99-10: Interim City Manager Walton introduced the ordinance noting that state law requires an auditing officer to preaudit all expenditures for the City. Councilmember Kilroy moved to adopt Ordinance O99-10 Appointing the City Manager or His or Her Designee as Auditing Officer. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Ordinance O99-11: Finance Committee Chair Huckabay introduced this ordinance establishing a utility tax that would provide revenue to pick up the shortfall caused by the difference between the current \$1.74 per \$1,000 of assessed value King County road tax levy and the maximum City levy of \$1.60 per \$1,000 of assessed value. Councilmember Huckabay moved to adopt Ordinance O99-11 Establishing a Utility Tax to Provide Revenue for General City Services and Capital Facilities. Councilmember Gerend seconded the motion. Councilmember Kilroy moved to table the motion and Councilmember Romero seconded the motion. The motion to table Ordinance O99-11 carried unanimously.

Ordinance O99-12: Finance Committee Chair Huckabay introduced this ordinance establishing a tax on theater admission tickets to be in place if any theaters are constructed within the City. Councilmember Huckabay moved to adopt Ordinance O99-12 Establishing an Admissions and Entertainment Tax. Councilmember Romero seconded the motion. The motion carried unanimously.

Mayor Dyer introduced Ruth Harvey from King County who is the City's contact for coordinating all contracts for services with the County. Ms. Harvey said that the seven contracts presented for Council approval at this meeting are standard contracts that have fees from users, and there is virtually no cost to the City.

Contract C99-01: Vicki Schmitz, King County Licensing Division, said that any businesses required to obtain these licenses will apply to King County and pay a fee. King County inspects the businesses during the year. There is no charge for this service

since the license fees cover costs. Councilmember Huckabay moved that the City Manager be authorized to execute an Interlocal Agreement Between King County and the City of Sammamish for Regulatory Licensing of Certain Businesses. Councilmember Romero seconded the motion. The motion carried unanimously.

Contract C99-02: Susan Thomas of King County said this agreement designates the County as the City's agent for processing applications for use of City-owned real property. Section 1.8 is added to provide that the City is responsible for issuance of all Limited Special Use Permits such as parades, fun runs, block parties, etc. The City will pay a one-time set up fee of \$500. Responding to questions of Councilmembers, Thomas said that these are standard permit fees, this agreement covers permits only for City-owned property, and that termination notice can be changed to 60-day notice rather than 45-day notice. 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 Permits for the Use of City-Owned Real Property. Councilmember Huckabay seconded the motion. Councilmember Huckabay moved to amend the motion to execute the agreement that includes Section 1.8 with City responsibility for issuance of all Limited Special Use Permits of short duration. Councilmember Huckabay seconded the motion to amend. The motion to amend carried unanimously. Councilmember Kilroy moved to amend the motion to provide for a 60-day written notice of termination. Councilmember Romero seconded the motion to amend. The motion to amend carried unanimously. The main motion as amended carried unanimously.

Contract C99-03: C. R. Holman of King County said that this agreement is for the 60-day period following incorporation during which the County continues to provide road maintenance services within the City at no cost to the City. Another agreement will be negotiated for future contract service. The agreement covers maintenance of existing signs but does not include adding signs; there are no plans for major maintenance projects on 212th Avenue, but this street is being monitored by the County and if it should experience major failure during the 60-day period, King County would be responsible for cost of repair, however the City would be responsible for any costs after the 60-day period; and the contract includes street sweeping services. Councilmember Haworth moved that the Interim City Manager be authorized to execute an Interim Interlocal Agreement Between King County and the City of Sammamish for Provision of Road Maintenance Services. Councilmember Romero seconded the motion. The motion carried unanimously.

Contract C99-04: Vicki Schmitz of King County said that this agreement provides for licensing and enforcement of City ordinances pertaining to Animal Control at the same level of service provided to residents of unincorporated King County and that licenses will be available for purchase at City Hall. 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 Animal Control. Councilmember Huckabay seconded the motion., noting that this is for basic services and the

Administration Committee will review to see what additional services may be negotiated. The motion carried unanimously.

Contracts C99-05 and C99-06: Helen Mitecal of King County Solid Waste said that the Forum Interlocal allows the City to develop policy with King County and the Addendum was added when Metro was absorbed by King County. The Solid Waste Agreement provides for transfer and disposal of garbage and will continue service for franchising through King County; includes waste reduction/recycling; provision for household hazardous waste disposal; costs are covered by rate payers; and this is a 20-year agreement expiring in 2028. Councilmembers expressed concern about the section covering review and renegotiation, and asked who appointed the Regional Policy Committee members and how the garbage haulers are selected. Councilmember Romero moved that these two interlocal agreements be referred to the Administration Committee to secure answers to these questions and report back to the Council. Councilmember Kilroy seconded the motion. The motion carried unanimously.

Mayor Dyer recessed the meeting at 8:55 p.m. for a five-minute recess.

The meeting reconvened at 9:05 p.m.

Contracts C99-08 and C99-09: Interim Planning Manager Robinson presented a proposed contract with Earth Tech Inc. to construct a transportation model for the City, assist in development of a SEPA based mitigation system, and to perform related transportation planning services. Interim Senior Planner Matt Mathis presented a proposed contract with Johnson, Davies & Lathrop (JDL) to provide concurrency review. The Transportation Committee recommends these two contracts be authorized for execution with these firms. There were questions asked of staff about the timing for doing the transportation model, selection of the recommended consultants and qualifications of these firms, products that the City will get for these services, and potential conflict of interest of any firms interested in doing this work for Sammamish. Victor Saleman, of Earth Tech Inc., and Molly Johnson, of JDL reviewed qualifications of their firms and responded to questions of councilmembers.

Mayor Dyer opened the meeting for public comment on these proposed contracts.

Betty DeWitt, 21130 S.E. 28th Place, questioned (a) if projects are fully vested, why do a concurrency review, and (b) if there was a bid process for selection of either of these firms. Interim Planner Robinson said that in reviewing some appeals supported by private citizens, the hearing examiner said that some were issued in error. This review will give the City the ability to better determine impact on City streets if a permit were issued in error. Selection of firms for performing professional services are not issued by bid – a company is selected that can do the work specified and then a price is negotiated.

Scott Hamilton, 23410 S. E. 8th Street, said that as a participant in the Transportation workshops, he supports the concepts and strategies described by staff. He said that the concurrency review will be a lengthy process and suggests that a firm who has already

done a successful review of an appealed project would be a better selection since such a firm will already have much of the information.

Don Nelson, 1525 209th Avenue, is concerned that a transportation model will be developed before the City has crafted a Mission Statement.

Mike Rundle, 2170 186th Avenue, agrees with the recommendations of staff, noting that any data the City can obtain for leverage is helpful; he questions if there is a termination for the on-call consultant services.

Deputy Mayor Barry moved that the Interim City Manager be authorized to execute Contract C99-08 For Professional Services Between City of Sammamish and Earth Tech, Inc. Councilmember Huckabay seconded the motion. Councilmember Romero expressed concern about liability insurance requirements for Earth Tech, payment schedule and the need for a retainage percentage so that the City gets the product that we want. Councilmember Romero moved to amend the motion that the contract not be executed until it has been reviewed and approved by the city attorney with oversight by the Finance Committee and Transportation Committee chairs. Councilmember Kilroy seconded the motion. The motion to amend carried unanimously. The main motion as amended carried unanimously.

Deputy Mayor Barry moved that the Interim City Manager be authorized to execute Contract C99-09 For Professional Services Between City of Sammamish and Johnson, Davies & Lathrop. Councilmember Gerend seconded the motion. Councilmember Romero moved to table the motion to the June 30, 1999 Council agenda requesting that the Council hear the proposals submitted by Tetra Tech and Transpo. Councilmember Kilroy seconded the motion. The motion to table carried unanimously.

Council and Committee Reports

Deputy Mayor Barry introduced information and contest application form for a Logo Design Contest. Councilmember Romero moved that the City Manager be directed to continue planning and advertising this contest as presented. Councilmember Gerend seconded the motion. Councilmember Barry moved to amend the motion to include a \$500 cash prize award to the winner of the contest. Councilmember Romero seconded the motion. Mayor Dyer moved to amend the motion to establish a deadline for submission of entries to no later than the third week of July, 1999. Councilmember Romero seconded the motion. The motion to amend carried by majority vote with six aye votes – Dyer, Barry, Gerend, Haworth, Kilroy, Romero, and one nay vote – Huckabay. Councilmember Gerend moved to amend the motion to authorize the Deputy Mayor to select a panel to review all entries and make a recommendation to the Council for the official logo. Councilmember Huckabay seconded the motion. The motion to amend carried unanimously. Councilmember Gerend moved to amend the motion to allow all councilmembers and staff to participate in the contest, but to not be eligible for the cash prize. Mayor Dyer seconded the motion. The motion to amend carried

unanimously. The main motion for the logo design contest process as amended carried unanimously.

Councilmember Gerend reported that Transportation Committee workshops have been held discussing various items including consultants, maps of various types, funding sources for transportation projects and Phase 1a of the 228th Avenue project.

Mayor Dyer requested an executive session of approximately 10 minutes for discussion of legal matters. Councilmember Kilroy moved to suspend the rules to allow for a ten-minute executive session for discussion of legal matters. Councilmember Gerend seconded the motion. The motion carried unanimously.

The meeting recessed to executive session at 10:35 p.m. The meeting reconvened at 10:45 p.m.

Councilmember Romero moved that the mayor be authorized to sign a letter to be drafted and reviewed by the City Manager and City Attorney to submit to the Boundary Review Board on the proposed Issaquah annexation south of the City of Sammamish boundaries. Councilmember Huckabay seconded the motion. The motion carried unanimously.

Resolution R99-13: Interim City Manager Walton introduced the resolution establishing regular times for Council study sessions to provide opportunity for review and discussion of pertinent information that will be presented for Council action. Councilmember Huckabay moved to adopt Resolution R99-13 Establishing the Date, Time, and Location for City Council Study Sessions. Councilmember Gerend seconded the motion. The motion carried unanimously.

Councilmember Huckabay reported that the Finance and Administration committees have discussed the need to develop a proposal for obtaining the services of a systems information analyst to look at the long term needs of the City for computer systems.

Councilmember Romero reported that the Land Use and Zoning Committee has discussed the question of establishing the City's own building department.

Deputy Mayor Barry requested that staff prepare information on the duties of a Parks and Recreation Board for council consideration.

City Manager and Staff Reports

Interim City Manager Walton reported that he has two proposals from firms interested in working with the City for recruiting staff for the positions of City Manager and Community Development Director. These proposals will be reviewed by the Administration Committee and a recommendation will be presented to the Council.

Interim City Manager Walton reported that a Senior Accountant has been secured and hired as interim staff under the Waldron Resources contract and will begin work in late June.

Adjournment

There being no further business, the Mayor adjourned the meeting at 10:55 p.m.

Ruth Muller, Interim City Clerk

Phil Dyer, Mayor