

**City of Sammamish
City Council Minutes
Regular Meeting
December 6, 2000**

Mayor Jack Barry called the regular meeting of the Sammamish City Council to order at 7:35 pm.

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

Staff present: City Manager Michael Wilson, Director of Public Works/Finance Ben Yazici, Director of Administrative Services Dennis Richards, Director of Community Development Ray Gilmore, City Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Deputy Mayor Romero led the pledge.

1. Approval of Agenda

MOTION: Councilmember Dyer moved to approve the agenda. Councilmember Gerend seconded. Motion passed unanimously 7-0.

2. Mayor/Council/Committee Reports

- Public Works Committee (Councilmember Haworth): No report.
- Public Safety (Councilmember Kilroy): Chief Baranzini and Councilmember Kilroy attended the National Chief's of Police Convention to gather information on the pros and cons of the City establishing its own police force. A presentation of their research will be made a meeting later next year.
- Finance/Transportation Committee (Councilmember Huckabay): Has been attending meetings on regional transportation issues.
- Community Development Committee (Councilmember Dyer): Committee will meet on December 20, 2000 even though the Council meeting is cancelled.
- Councilmember Gerend reported on the status of the East Lake Sammamish Trail and the proposed interlocal agreement between the City and King County. He proposed the agreement be prepared and presented to the County Council before they meet next week. It appears the County is continuing with their planning process without the City. Bob White, Director of Sound Transit will make a presentation before Council on January 10, 2001 at the Study Session.

- Eastlake High School Report (Student Liaison Lin Yang): Winter sports programs are going well. The school held a successful blood drive last week. The honor society will be hosting a canned food drive next week. Work is progressing on the formation of the Youth Advisory Board.
- Skyline High School Report (Student Liaison Mary Vinuelas): The Skyline Football team won the 3A State Championship. The Key Club and the National Honor Society are making sandwiches for the homeless next week. Students invited Chief Baranzini to chaperone the dance on December 20, 2000. The school is looking for a new principal. Councilmember Kilroy directed staff to prepare a proclamation honoring the football team for their accomplishments.

3. Public Comment

James McGraw, 1525 248th Avenue SE, He handed out a map regarding the proposed road alignment going through the Laurels Plat. He is concerned that 244th is not following the correct route.

4. Consent Calendar

- Claims for period ending November, 2000 in the amount of \$1,417,659.54**
- Payroll and benefits for pay date of November 20, 2000 in the amount of \$74,035.83 and pay date of December 5, 2000 in the amount of. \$93,681.52**
- Minutes of Regular Meeting November 1, 2000**
- Minutes of Regular Meeting November 15, 2000**

MOTION: Councilmember Dyer moved to approve the Consent Calendar. Councilmember Huckabay seconded. Motion passed unanimously 7-0.

AMENDMENT: Councilmember Gerend moved to remove the November 15, 2000 minutes from the Consent Agenda. Councilmember Haworth seconded. Motion passed unanimously 7-0.

5. Public Hearing

Mayor Barry declared the Public Hearing open at 7:55 pm

Ordinance proposal to amend ordinance O2000-68, which extended the moratorium on the filing of applications for development permits and approvals within the corporate limits of the City of Sammamish, by the addition of a categorical exemption for certain wireless communications facilities

Community Development Director Ray Gilmore gave the staff report. The ordinance would amend the Building Moratorium to allow wireless communications facilities that would be located within the public rights-of-way of 228th Avenue, Sahalee Way NE, Inglewood Hill Road,

East Lake Sammamish Parkway SE, SE 43rd Street, 212th Avenue SE, NE 20th Street and Lewis-Thompson Road.

Public Comment

Molly Lawrence, 701 5th Avenue, Suite 5000, Seattle, representing Voicestream Wireless. She explained the types of facilities her company would use. The company would probably request to build one or two new facilities in the next 18 months.

Eric Shield, representing Voicestream Wireless, Answered questions posed by Council.

Lisa Verner, PO Box 70372, Seattle, representing Metricom Wireless, She explained her company offers internet access and is not in competition with Voicestream. Their units are attached to pre-existing light standards. The company would probably require a total 150 units to cover the City.

Tom Slade, 3315 Montevilla Parkway, Bothell, representing Sprint, He answered questions regarding the types of facilities his company would require in the City.

Councilmember Haworth asked why these facilities could not be placed in underground vaults. Mr. Slade explained the equipment needed good ventilation to keep the equipment running correctly. He ensured that the company would be responsible for maintaining any facilities they build.

James McGraw, (spoke earlier), He pointed out that some of these facilities make noise, due to the ventilation fans and sometimes require lighting, which he finds concerning.

Mayor Barry declared the public hearing closed at 8:20 pm.

6. Unfinished Business

MOTION: Councilmember Dyer moved to suspend the rules and remove Item 6a from the agenda and to continue this meeting to December 13, 2000. Councilmember Gerend seconded. Motion passed unanimously 7-0.

Council recessed from 8:25 pm to 8:40 pm.

MOTION: Councilmember Haworth moved to hold a study session on Tuesday, December 12, 2000 beginning at 7:00 pm for the purpose of further consideration of the budget. Councilmember Gerend seconded. Motion passed unanimously 7-0.

- b) Ordinance: an ordinance of the City of Sammamish, Washington, relating to the levying of taxes and establishing the amount to be raised in 2001 on the assessed valuation of the property within the city.**

MOTION: Councilmember Huckabay moved to adopt an ordinance for the City of Sammamish relating to the levying of taxes and establishing the amount to be raised in 2001 on the assessed valuation of the property within the City. Councilmember Dyer seconded. Motion unanimously 7-0.

Councilmember Huckabay explained the four options available for Council to choose from. Option 1, 2 and 3 were prepared by King County and option 4 was prepared and recommended by the Finance Committee. Option 1 is the tax amount recommended by I-722 and is a .47 % reduction from last year. Option 2 uses a 2.6 % implicit price deflation and is a .45% decrease from last year. Option three is a 6% increase which results in a .35% decrease from last year. Option four is a decrease of .56%, the largest decrease of the four options. The Finance Committee is recommending option four because it addresses the citizens' expressed desire to keep property taxes as low as possible.

Councilmember Haworth said he would not support Option 4 because the City needs as much money as can be collected. Unfortunately, under the current taxing system, the state does not allow a city to recapture any dropped revenue. He feels that option 1 would be the best alternative since it complies with the intent of I-722, is still a decrease in taxes and will collect enough money for operating expenses for the City.

Councilmember Huckabay explained the Finance Committee's position was that if taxes are kept as low as possible, the citizens would respond favorably if approached to approve other types of funding for capital improvement projects.

Councilmember Gerend commented that property taxes are already high enough and keep increasing due to the fact that property values are rising. He advocated a real estate excise tax or other types of revenue sources.

Deputy Mayor Romero concurred with Councilmember Gerend. Residents on fixed incomes will appreciate even a small decrease in their property taxes.

Councilmember Kilroy favors Option 4 but does not endorse a real estate excise tax.

AMENDMENT: Councilmember Huckabay moved to change the dollar amount in Section 1 from \$13,895,578 to \$13,500,000 and the total levy rate is being set at \$13,500,000 which is a decrease of \$217,342 from last year. Councilmember Kilroy seconded. Motion passed 5-2 with Mayor Barry and Councilmember Haworth dissenting.

After discussing what clarification should be added to the ordinance to explain the difference in the dollar amounts from last year to reflect the collection of money for the fire department and the library district, Council directed staff to add a "Whereas" clause to the ordinance. This clause would explain the difference in the amount of money collected.

7. New Business

a) Hardship Exception Request/Evans

Community Development Director Ray Gilmore explained that this request is for an exception to the building moratorium to allow the application submittal for a two-lot short plat.

Councilmember Gerend said that because full infrastructure was installed on both halves of the lot, he believes this would lead the applicant to believe he had the right to proceed with the short plat and to deny the exception would place them under extreme hardship.

MOTION: Councilmember Kilroy moved to grant the exception. Councilmember Haworth seconded. Motion passed unanimously 7-0.

b) Resolution: Final Plat Approval of Beaver Lake Park

Mr. Gilmore explained this was a 22-lot subdivision that was granted preliminary approval under King County. They have met all conditions set by King County. Special Projects Manager Matt Mathes was in attendance to answer staff questions.

Councilmember Gerend asked some questions about the type of drainage required. His concern was that there was not an infiltration drainage requirement in place for this subdivision. Questions were raised about the tree buffer for the natural border. Councilmember Gerend requested staff to consider restricting the cutting of buffer trees once the building moratorium is lifted.

Mr. Mathes explained this subdivision is not being held to City street standards.

Councilmember Huckabay inquired whether the City could require anything to prevent future tree blow downs on this project. Mr. Mathes explained the applicant could be urged to protect their own self-interest by having an arborist check out the plat.

Public Comment:

Tom Harmon, 2302 W. Beaver Lake Drive: He believes the requirements for the plat have changed significantly from preliminary plat approval to final plat approval without allowing for citizen input. He asked Council to table the approval of the plat until more input from the community can be gathered.

City Attorney Bruce Disend explained that the time had passed for holding public hearings and the applicant is now entitled to final plat approval.

Tim Cowling, Applicant: Explained that delay in granting final plat approval would cost him \$2,500 per day and that he had complied with all conditions for final plat approval.

Susan Cartozian, 2830 East Beaver Lake Drive SE: She believes the applicant has not met all the conditions for final plat approval and explained there is a dispute regarding the property line between her property and the applicant's.

Sharon Friethell, 25607 SE 28th Street: She does not believe the public was kept informed about changes made to the conditions on the plat after preliminary approval.

MOTION: Councilmember Kilroy moved to approve a resolution granting final approval for Beaver Lake Park. Deputy Mayor Romero seconded. Motion passed 7-0.

- c) **Ordinance: an ordinance of the City of Sammamish, Washington, amending ordinance O2000-68, which extended the moratorium on the filing of applications for development permits and approvals within the corporate limits of the City of Sammamish, by the addition of a categorical exemption for certain wireless communications facilities**

MOTION: Deputy Mayor Romero moved to adopt the ordinance allowing categorical exemptions for certain wireless communications facilities. Councilmember Gerend seconded. Motion passed unanimously 7-0. (O2000-74)

AMENDMENT: Deputy Mayor Romero moved to change the wording in the ordinance as follows: In Section 1, i, (1) drop the SE from 228th Avenue. Change the last sentence in the criteria to read fifteen inches cubed (not fifteen cubic inches). In (3) change the word collectors to collocated. Councilmember Kilroy seconded. Amendment passed unanimously 7-0

- d) **Ordinance: First reading of an ordinance of the City of Sammamish, Washington, amending chapter 16.82, Clearing and Grading, of the Interim Sammamish Development Code by creating a new section 16.82.025 that sets forth which actions require a clearing and grading permit and amending section 16.82.050(2) to create an exception for normal and routine maintenance of lawns and landscaping.**

Mr. Gilmore explained this ordinance would correct an oversight in the Interim Development Code that defines which actions require a clearing and grading permit and sets standards for obtaining such permits.

- e) **Ordinance: First reading of an ordinance of the City of Sammamish, Washington, amending chapter 23.32, civil fines and civil penalties, of the Interim Sammamish Development Code by amending section 23.32.010(1) that sets forth new penalties for the unauthorized removal of trees or the clearing of land.**

Mr. Gilmore gave the staff report. The City has been experiencing instances where tree cutting or land clearing has occurred without the proper permits. The current penalties in place do not seem to be a sufficient deterrence. This ordinance would establish a “stepped” civil penalty for repeat violators. The penalties are significantly higher than the current code provides. Councilmembers Gerend, Kilroy and Huckabay requested the City Attorney to add additional language that will allow an increase in penalties for more serious violations. Deputy Mayor Romero suggested adding additional penalties based on lot valuation. Councilmember Haworth explained he does not feel these penalties should apply to individual homeowners. He suggested a higher threshold so the ordinance would be applicable mainly to developers and not homeowners.

- f) **Ordinance: An ordinance of the City of Sammamish, Washington, amending Ordinance No. 099-15 to add penalties for violations of the hours of construction**

Mr. Gilmore requested Council suspend their rules, and adopt this ordinance on the first reading. The City has been experiencing repeated violations of construction hours. This ordinance will increase the penalty and allow the police to give citations.

MOTION: Councilmember Dyer moved to suspend Council rules to adopt the ordinance on the first reading. Councilmember Huckabay seconded. Motion passed unanimously 7-0.

MOTION: Councilmember Dyer moved to adopt an ordinance amending Ordinance No. 099-15 to add penalties for violations of the hours of construction. Councilmember Kilroy seconded.

Councilmembers asked various questions for clarification on what would constitute a violation, should the first offense incur a penalty or just a warning, should the hours be extended, would the penalties be assessed against individual homeowners, etc. Since Council had some concerns about this ordinance the recommendation was to send it back to the Community Development Committee for changes.

MOTION: Councilmember Dyer moved to refer this ordinance back to the Community Development Committee. Councilmember Kilroy seconded. Motion passed unanimously 7-0.

g) Interlocal: District Court Services

Chief Baranzini gave the staff report. This interlocal agreement provides for the King County Prosecutor's office to hear first appearance and warrant cases at the downtown and Regional Justice Center on behalf of municipal prisoners thus reducing the amount of transport time for our police offices.

MOTION: Councilmember Kilroy moved to authorize the City Manager to sign an interlocal agreement with King County to provide for District Court services. Councilmember Haworth seconded. Motion passed unanimously 7-0.

8. Adjournment: Mayor Barry adjourned the meeting at 10:10 pm

Melonie Anderson, City Clerk

Jack Barry, Mayor