

CITY COUNCIL ROLL CALL

DATE: August 16, 2000

<u>NAME</u>	<u>PRESENT</u>	<u>EXCUSED</u>	<u>ABSENT</u>
Mayor Jack Barry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Troy Romero	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phil Dyer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Gerend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Haworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen Huckabay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kenneth Kilroy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**CITY OF SAMMAMISH
CITY COUNCIL AGENDA
SPECIAL MEETING
August 16, 2000**

Wednesday, August 16, 2000, 7:00 p.m., 486 228th Ave. N.E., City Hall Chambers

CALL TO ORDER

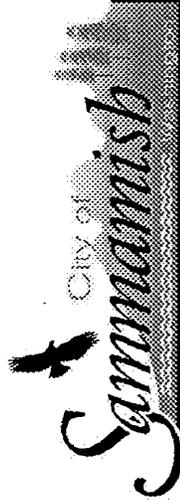
ROLL CALL/PLEDGE

INTRODUCTION OF SPECIAL GUESTS AND PRESENTATIONS

1. Approval of Agenda
2. Public Comment (For members of the public to speak to the Council regarding items NOT on the agenda. Please limit remarks to three minutes)
3. Consent Calendar
 - a) Approve payroll and benefits for period ending July 31, 2000 in the amount of \$79,867.32
 - b) Claims for the period ending August 16, 2000 in the amount of \$1,483,854.46
 - c) Minutes of Regular Council Meeting, August 2, 2000
4. Public Hearing – Building Moratorium Extension
5. New Business
 - a) Ordinance No. O2000-69: An Ordinance for the City of Sammamish, Washington, relating to land use and zoning, and extending a moratorium on the filing of applications for development permits and approvals within the corporate limits of the City of Sammamish.
8. Public Comments
9. Adjourn

AUGUST 2000

City Meeting Calendar



Day	1	2	3	4	5
6	7	8	9	10	11
13	14	15	16	17	18
20	21	22	23	24	25
27	28	29	30	31	

All hearings are at City Hall unless otherwise noted...

City Hall Location:
486 228th Avenue NE
Sammamish, Washington

Mailing Address:
407 228th Ave. NE, PMB 491
Sammamish, WA 98074

Off Site Location:
Plateau Water & Sewer Dist.
1510 228th Avenue SE
Sammamish, Washington

Sammamish Library
825 228th Avenue NE

Beaver Lake MS
25025 SE 32nd Street

Meeting dates are
Subject to change.

SAMMAMISH CITY COUNCIL AGENDA CALENDAR

All Meetings Are Held At 7:30 pm In The City Hall Council Chambers Unless Otherwise Noted
*This document changes frequently, and is for planning purposes only.
 Refer to the City Council agenda for definite times and issues.*

AUGUST 16, 2000 ITEM COMMITTEE DATE LIAISON TIME

Regular Meeting

	ITEM	COMMITTEE DATE	LIAISON	TIME
Public Hearing	Building Moratorium Extension		Community Development	:30
Ordinance	Building Moratorium Extension		CD	

AUGUST 23, 2000 ITEM COMMITTEE DATE LIAISON TIME

Study Session

Ordinance	System Development Charges		Public Works	
Contract	Developer Review/CH2Mhill		Public Works	
	Vision Statement	08/16/00		
Approval	Raising of 212 th Street SE		Public Works	

AUGUST 30, 2000 ITEM COMMITTEE DATE LIAISON TIME

Study Session

	Joint Council/PAB Meeting		Community Development	
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8/11/00

SEPTEMBER 6, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Regular Meeting

	Parks & Trails Survey Report	08/21/00	Parks	
	Mediator Services		Finance	
Ordinance	Modification to Tree Cutting Ordinance		Community Development	
	Exceptions Granted to Moratorium		Community Development	

SEPTEMBER 13, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Study Session

SEPTEMBER 20, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Regular Meeting

SEPTEMBER 27, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Study Session

ITEM	COMMITTEE DATE	LIAISON	TIME

OCTOBER 4, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Regular Meeting

ITEM	COMMITTEE DATE	LIAISON	TIME
Interlocal Shared Use Agreement-Issaquah SD		Parks	
Ordinance Telecommunications Revisions		Community Development	

OCTOBER 11, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Study Session

ITEM	COMMITTEE DATE	LIAISON	TIME

8/11/00

OCTOBER 18, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Regular Meeting

ITEM	COMMITTEE DATE	LIAISON	TIME

OCTOBER 25, 2000 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Study Session

ITEM	COMMITTEE DATE	LIAISON	TIME
Report		Parks	
Community Center Task Force			



700 108th Avenue N.E., Suite 205
Bellevue, WA. 98004
Phone: (425) 688-0025
Fax: (425) 688-0030
E-Mail: ahmenginrs@aol.com

PROPOSAL FOR PROFESSIONAL SERVICES

*Received at Meeting
August 16, 2000
Public Comment
M. Anderson*

May 9, 1999

Mr. Ali Ghanbari
19680 Southeast 24th Way
Issaquah, Washington 98029

Ref.: 2 lot short plat

Dear Ali:

Thank you for the opportunity to submit a proposal for Civil Engineering services. We are equipped with the state of the art computers and proficient in the latest engineering application programs that allows us to apply cost effective and sophisticated construction techniques to our designs to minimize the construction cost and expedite the process.

We have reviewed the existing site drawing. We are assuming that the storm drain line on southeast 24th Way has the capacity to receive the additional flow from the proposed project and there is no restriction utilizing this line.

Construction documents preparation and permitting

This phase will include the following tasks:

1. Prepare temporary erosion and sedimentation control plan based on Best Management Practices (BMP) required by city of Sammamish.
2. Prepare drainage control plan and design storm water management system per city of Sammamish requirements.
3. Prepare final grading and storm drain conveyance system per city of Sammamish requirements.
4. Provide drainage report.
5. Prepare traffic study and sight distance analysis.
6. Design Approximately 350 LF of sanitary sewer line and connection into the existing system.
7. Provide surveying services and prepare short plat documents for recording.

Estimated number of the sheets..... 5
Our fee for Civil Engineering.....\$ 15,500

A level I drainage report will be included in this agreement. A Technical Information Report (TIR) is not included in this proposal. This service will be provided at a set fee of \$2800.

Construction administration and additional services :

This phase will include construction management services and additional services/changes requested during either design phase or construction phase.

1. Prepare Wet season (October-April) temporary erosion and sedimentation control plan.
2. Additional site visits.
3. Change orders.

The service for this phase will be on an hourly basis as follows:

- | | |
|--------------------|-------------|
| 1. Principal: | \$85 / hour |
| 2. Engineer I: | \$75 / hour |
| 3. Engineer II: | \$65 / hour |
| 4. Technician: | \$50 / hour |
| 5. Administration: | \$25 / hour |

If you concur with this proposal, please sign below and forward one copy back to our office. If you have any questions, please call us at (425) 688-0025.

Sincerely,
AHM Inc. Consulting Civil Engineers
Amir Moazzami
President

I authorize work to proceed for the fee set forth in this agreement.

		6/1/00
Name/Signature	Title	Date

am/lm

NWMLS Form 24
CBA Form No. PS-1A
Purchase & Sale Agreement
Rev. 12/99
Page 6 of 6

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**COMMERCIAL AND INVESTMENT REAL ESTATE
PURCHASE AND SALE AGREEMENT
(CONTINUED)**

- 26. **CONFIDENTIALITY.** Until and unless closing has been consummated, Buyer will treat all information obtained in 290
connection with the negotiation and performance of this Agreement as confidential (except for any information that Buyer 291
is required by law to disclose and then only after giving Seller written notice at least three (3) days prior to the disclosure) 292
and will not use or knowingly permit the use of any confidential information in any manner detrimental to Seller. 293
- 27. **SELLER'S ACCEPTANCE AND BROKERAGE AGREEMENT.** Seller agrees to sell the Property on the terms and 294
conditions herein, and further agrees to pay a commission in a total amount computed in accordance with the listing 295
agreement. If there is no written listing agreement, Seller agrees to pay a commission of _____% of the sales price or 296
\$ _____. The commission shall be apportioned between Listing Agent and Selling Licensee as specified 297
in the listing agreement or any co-brokerage agreement. Seller assigns to Listing Agent and Selling Licensee a portion 298
of the sales proceeds equal to the commission. If the earnest money is retained as liquidated damages, any costs advanced 299
or committed by Listing Agent or Selling Licensee for Buyer or Seller shall be reimbursed or paid therefrom, and the balance 300
shall be paid one-half to Seller and one-half to Listing Agent and Selling Licensee according to the listing agreement and 301
any co-brokerage agreement. In any action by Listing Agent or Selling Licensee to enforce this Section, the prevailing 302
party is entitled to reasonable attorneys' fees and expenses. Neither Listing Agent nor Selling Licensee are receiving 303
compensation from more than one party to this transaction unless disclosed on an attached addendum, in which case 304
Buyer and Seller consent to such compensation. The Property described in attached Exhibit A, is commercial real estate. 305
Notwithstanding Section 26 above, the pages containing this section, the parties' signatures and an attachment describing 306
the Property may be recorded. 307
- 28. **LISTING AGENT AND SELLING LICENSEE DISCLOSURE.** EXCEPT AS OTHERWISE DISCLOSED IN WRITING TO 308
BUYER OR SELLER, THE SELLING LICENSEE, LISTING AGENT, AND BROKERS HAVE NOT MADE ANY REPRE- 309
SENTATIONS OR WARRANTIES CONCERNING THE LEGAL EFFECT OF THIS AGREEMENT, BUYER'S OR 310
SELLER'S FINANCIAL STRENGTH, OR THE PROPERTY, INCLUDING WITHOUT LIMITATION, THE PROPERTY'S 311
ZONING, COMPLIANCE WITH APPLICABLE LAWS (INCLUDING LAWS REGARDING ACCESSIBILITY FOR DIS- 312
ABLED PERSONS), OR HAZARDOUS MATERIALS. SELLER AND BUYER ARE EACH ADVISED TO SEEK INDEPEN- 313
DENT LEGAL AND TAX ADVICE ON THESE AND OTHER MATTERS RELATED TO THIS AGREEMENT. 314

Buyer Thomas Yung-Kuei Lin Date 6/21/00 315
 Buyer _____ Date _____ 316
 Office Phone _____ Fax No. _____ Home Phone _____ 317
 Print Buyer's Name _____ 318
 Buyer's Address _____ 319
 Selling Office _____ 320
 Office Phone _____ Other Phone _____ Fax No. _____ 321
 Address _____ MLS Office No. _____ 322
 By _____ Print Name _____ 323
 Seller [Signature] Date 6/21/00 324
 Seller [Signature] Date 6/21/00 325
 Home Phone _____ Office Phone _____ Fax No. _____ 326
 Print Seller's Name _____ 327
 Seller's Address _____ 328
 Listing Office _____ 329
 Office Phone No. _____ Other Phone _____ Fax No. _____ 330
 Address _____ MLS Office No. _____ 331

27. **BUYER'S RECEIPT.** Buyer acknowledges receipt of a Seller signed copy of this Agreement, on 332
 _____ 333
 BUYER _____ BUYER _____ 334

August 16, 2000

I live in Coyote Country which is within the proposed Equestrian Overlay that was presented to the City by the Sammamish Saddle Club earlier this year. Coyote Country is a community of 48 residents.

On July 18th the Community Development Committee convened to consider the proposed Equestrian Overlay. No public hearings had been held regarding the Overlay. In addition, the Saddle Club converted an interest survey taken in Coyote Country into a petition and presented it to the City without the knowledge of Coyote Country residents. In fact, the proposed overlay would have an adverse affect on property owners on 248th and 14th without their prior knowledge. Fortunately, the council members present opened the meeting up to public comment. The council then expressed concern about the alleged misrepresentation of the facts to the residents of Coyote Country by the Sammamish Saddle Club. As a result, the council decided that more public input was needed and evaluation by the Parks and Recreation Department.

Since the CDCs meeting on July 18th, my husband and I together with a large number of our concerned neighbors formed a new community group called SONN, Save our Neighborhoods Now. The purpose of SONN is to:

1. Educate our neighbors regarding the proposed Sammamish Saddle Club's Equestrian Overlay.
2. Circulate a survey to learn the neighborhood opinions regarding the important issues that are raised by the proposed Overlay.

Although not all of the survey results have been received, I would like to share with you some of the important results we've collected as of today:

- out of the 48 landowners in Coyote Country, 29 (60%) state that they do not want their land to be made part of the proposed overlay.
- 18 (38%) believe they were misled by the Saddle Club about numerous aspects of its proposed Overlay as it applied to their land and the neighborhood.

We anticipate completing the survey and distributing copies to the City Council, the Community Development Committee and the Parks and Recreation department within the next 10 days.

Thank you.

Christine W. McClure
Co-Chair of SONN
24810 SE 14th St.
Sammamish, WA 98075
(425) 391-1891
E-mail: christinemcclure@hotmail.com

*Received at Meeting
August 16, 2000
Public Comment
M. Anderson*

Len & Sally Mattson

From: Len & Sally Mattson <LenSally@Mattson.net>
To: Len Mattson <lensally@mattson.net>
Sent: Wednesday, August 16, 2000 6:27 PM

To: Sammamish City Council
From: Len Mattson
Date: 08/16/00

The last time I presented my hardship request to the council, you tabled my request stating you needed more time. Three months later, I have still not received an answer. Mat Mathes, in a working session meeting, stated are request had all the characteristics of others granted with two exceptions. One, it being larger than others granted, and two we had not paid for our certificates at that time. We have since had to pay for the certificates before the expiration date and so now we will loose that money if the hardship is not granted. The present moratorium addresses the loss of funds during the moratorium. Also the present moratorium does not say anything about a hardship being under a certain number. Since our last meeting we were told to submit for developing in two phases over a couple of years. The developer agreed to this and started to proceed. Then he was told by Mr. Sawyer we were just trying to do a long plat in disguise.

I guess you might say that, but it was your planning dept. who told us to do it that way. Our request should be considered under the existing moratorium not one that is made to cover your mistakes . We expect an answer at the first council meeting in Sept. Our only other choice is to let the courts decide and with the evidence we our confident the decision will be in our favor. Thank You

*Received at Meeting
8/16/2000
Public Comment
M. Anderson 8/16/00*

Lee & Sally Mathis

From: Lee & Sally Mathis <mathis@leeandmathis.com>
To: Lee & Sally Mathis <mathis@leeandmathis.com>
Sent: Wednesday, August 12, 2009 12:23 PM

1111 Commonwealth City Council
1111 Commonwealth City Council
1111 Commonwealth City Council

The last time I presented in person to the council, you
to give me my
request stating you needed more time. Three months later, I have still not
received an answer. Matt Mathis in a previous meeting stated and
request had all the characteristics of other requests with two exceptions:
One, it being longer than other requests, and two, it had not had the
characteristics of a request. We have since had to say for our certificates
before the expiration date and so now we will lose that money. If the
request is not granted, the next metropolitan address the lost. I found
during the meeting. Also, the present metropolitan does not say anything
about a hearing being under a certain number. Since our last meeting we
were told to submit for developing
in two phases over a couple of years. The developer agreed to this and
attended in person. Then he was told by Mr. Sawyer we were just trying to do
a long plan in a couple of
I guess you might say that but it was your planning dept. who told us to do
that way. Our request should be considered under the existing metropolitan
as one that is made to cover your mistakes. You expect an answer at the
first council meeting in Sept. Our only other choice is to let the council
decide and with the evidence we are confident the decision will be in our
favor. Thank you

3E032

Check: 2464	08/10/2000		
Vendor: EDAW	Edaw, Inc.	<u>Amount</u>	<u>Invoice No</u>
		20,000.00	10944
	Total for Check Number 2464:	-----	
		20,000.00	
Check: 2465	08/10/2000		
Vendor: GILMOR	Ray Gilmore	<u>Amount</u>	<u>Invoice No</u>
		434.39	
		13.48	
	Total for Check Number 2465:	-----	
		447.87	
Check: 2466	08/10/2000		
Vendor: KINGPET	King County Pet Licenses	<u>Amount</u>	<u>Invoice No</u>
		135.00	
	Total for Check Number 2466:	-----	
		135.00	
	Total for Accounts Payable Check Run:	-----	
		20,582.87	①

{ \$1,483,854.46

Check: 2423	08/16/2000		
Vendor: ACE	Ace Hardware	<u>Amount</u>	<u>Invoice No</u>
		92.42	7964
		12.58	8004
		10.25	8033
		11.48	8103
		162.89	8112

	Total for Check Number 2423:	289.62	
Check: 2424	08/16/2000		
Vendor: ADP	ADP, Inc.	<u>Amount</u>	<u>Invoice No</u>
		10.00	424415

	Total for Check Number 2424:	10.00	
Check: 2425	08/16/2000		
Vendor: Alden	Alden Associates, Inc.	<u>Amount</u>	<u>Invoice No</u>
		203.44	22054.1
		133.93	000291

	Total for Check Number 2425:	337.37	
Check: 2426	08/16/2000		
Vendor: ATT01	AT&T Wireless Services	<u>Amount</u>	<u>Invoice No</u>
		8.88	

	Total for Check Number 2426:	8.88	
Check: 2427	08/16/2000		
Vendor: AUTOAIR	Auto Air & Heating	<u>Amount</u>	<u>Invoice No</u>
		2,598.00	4954/4946

	Total for Check Number 2427:	2,598.00	
Check: 2428	08/16/2000		
Vendor: Bogdan	Bogdan's Janitorial	<u>Amount</u>	<u>Invoice No</u>
		712.00	73100SAM

	Total for Check Number 2428:	712.00	
Check: 2429	08/16/2000		
Vendor: CAPITAL	Capital Enterprise & Eng Corp	<u>Amount</u>	<u>Invoice No</u>
		3,964.12	108520

	Total for Check Number 2429:	3,964.12	
Check: 2430	08/16/2000		
Vendor: CH2MHI	CH2MHill	<u>Amount</u>	<u>Invoice No</u>
		8,546.03	3228968

	Total for Check Number 2430:	8,546.03	

Check: 2431	08/16/2000		
Vendor: Coca	Coca Cola Bottling Company	<u>Amount</u>	<u>Invoice No</u>
		13.90	

	Total for Check Number 2431:	13.90	
Check: 2432	08/16/2000		
Vendor: CONSUP	Contractor Supply	<u>Amount</u>	<u>Invoice No</u>
		2,702.90	821502

	Total for Check Number 2432:	2,702.90	
Check: 2433	08/16/2000		
Vendor: CORPEX	Corporate Express	<u>Amount</u>	<u>Invoice No</u>
		36.49	98610560
		56.77	98722010
		12.18	98610580
		94.84	98597350
		61.91	98721760
		628.62	98605920
		9.71	98610661
		145.63	98665391
		31.97	98721870
		100.02	98722060
		188.07	98610060
		-325.69	97916532CM
		-3.63	98180821CM
		-55.00	98180862CM

	Total for Check Number 2433:	981.89	
Check: 2434	08/16/2000		
Vendor: CRAN	GORDON CRANDALL	<u>Amount</u>	<u>Invoice No</u>
		1,936.70	

	Total for Check Number 2434:	1,936.70	
Check: 2435	08/16/2000		
Vendor: CWA	CWA Consultants	<u>Amount</u>	<u>Invoice No</u>
		6,497.68	00-225
		1,502.06	00-229

	Total for Check Number 2435:	7,999.74	
Check: 2436	08/16/2000		
Vendor: EVERGR	Evergreen FSI	<u>Amount</u>	<u>Invoice No</u>
		340.31	22546

	Total for Check Number 2436:	340.31	
Check: 2437	08/16/2000		
Vendor: FRANCO2	U. S. Postal Service/ Francotyp-Postalia Teleset	<u>Amount</u>	<u>Invoice No</u>
		500.00	

	Total for Check Number 2437:	500.00	

Check: 2438	08/16/2000		
Vendor: GRAYOS	Gray & Osborne, Inc.	<u>Amount</u>	<u>Invoice No</u>
		896.39	00537.00-1
	Total for Check Number 2438:	-----	
		896.39	
Check: 2439	08/16/2000		
Vendor: GTENW	GTE Northwest	<u>Amount</u>	<u>Invoice No</u>
		170.68	
		1,443.51	
	Total for Check Number 2439:	-----	
		1,614.19	
Check: 2440	08/16/2000		
Vendor: ICMA		<u>Amount</u>	<u>Invoice No</u>
		250.00	15942
	Total for Check Number 2440:	-----	
		250.00	
Check: 2441	08/16/2000		
Vendor: ICMA457	ICMA	<u>Amount</u>	<u>Invoice No</u>
		77.50	
		77.50	
	Total for Check Number 2441:	-----	
		155.00	- VOID
Check: 2442	08/16/2000		
Vendor: ISD	Issaquah School District	<u>Amount</u>	<u>Invoice No</u>
		207.00	22045
	Total for Check Number 2442:	-----	
		207.00	
Check: 2443	08/16/2000		
Vendor: KINGFI	King County Finance A/R	<u>Amount</u>	<u>Invoice No</u>
		10.05	0054677
		14,059.09	0054675
		14,496.14	0054674
		11,394.80	0054676
		64,338.40	0054673
	Total for Check Number 2443:	-----	
		104,298.48	
Check: 2444	08/16/2000		
Vendor: KINGJO	King County Journal Newspapers	<u>Amount</u>	<u>Invoice No</u>
		685.66	5012370
	Total for Check Number 2444:	-----	
		685.66	
Check: 2445	08/16/2000		
Vendor: KINGSH	King County Sheriff's Office	<u>Amount</u>	<u>Invoice No</u>
		672.00	00-120
		1,227,280.50	00-132
		673.99	00-016
	Total for Check Number 2445:	-----	
		1,228,626.49	

Check: 2446	08/16/2000		
Vendor: LANDER	Landerman-Moore Assc.	<u>Amount</u>	<u>Invoice No</u>
		3,366.26	1439

	Total for Check Number 2446:	3,366.26	
Check: 2447	08/16/2000		
Vendor: MAILPO	Mail Post	<u>Amount</u>	<u>Invoice No</u>
		799.08	
		8.16	
		2.17	
		223.17	
		10.86	
		32.58	
		58.64	
		43.44	
		1,367.27	
		142.99	
		156.96	

	Total for Check Number 2447:	2,845.32	
Check: 2448	08/16/2000		
Vendor: MANNNS	Manns Hitch & Truck Accessorie	<u>Amount</u>	<u>Invoice No</u>
		315.48	6003

	Total for Check Number 2448:	315.48	
Check: 2449	08/16/2000		
Vendor: NOVA	Nova Networks, Inc.	<u>Amount</u>	<u>Invoice No</u>
		1,552.98	020878

	Total for Check Number 2449:	1,552.98	
Check: 2450	08/16/2000		
Vendor: OFFDEP	Office Depot	<u>Amount</u>	<u>Invoice No</u>
		45.08	906116494000
		-38.92	906116494000

	Total for Check Number 2450:	6.16	
Check: 2451	08/16/2000		
Vendor: PSE	Puget Sound Energy	<u>Amount</u>	<u>Invoice No</u>
		172.44	

	Total for Check Number 2451:	172.44	
Check: 2452	08/16/2000		
Vendor: REDLAWN	Redmond Lawn & Equipment	<u>Amount</u>	<u>Invoice No</u>
		727.57	74439
		122.79	305900

	Total for Check Number 2452:	850.36	
Check: 2453	08/16/2000		
Vendor: REGENC	Regency Realty Corp.	<u>Amount</u>	<u>Invoice No</u>
		14,407.00	

	Total for Check Number 2453:		14,407.00
Check: 2454	08/16/2000		
Vendor: SAM	Sammamish Plateau Water Sewer	<u>Amount</u>	<u>Invoice No</u>
		137.23	2000-230
		811.60	2000-231

	Total for Check Number 2454:		948.83
Check: 2455	08/16/2000		
Vendor: Shell	Shell Oil Company	<u>Amount</u>	<u>Invoice No</u>
		25.00	650-507-908
		53.77	650-507-908
		137.35	650-507-908
		97.20	650-507-908
		203.02	650-507-908

	Total for Check Number 2455:		516.34
Check: 2456	08/16/2000		
Vendor: SHURG	Shurgard Storage	<u>Amount</u>	<u>Invoice No</u>
		209.00	
		99.00	

	Total for Check Number 2456:		308.00
Check: 2457	08/16/2000		
Vendor: SPRING	Springbrook Software, Inc.	<u>Amount</u>	<u>Invoice No</u>
		250.00	6603
		860.00	6603

	Total for Check Number 2457:		1,110.00
Check: 2458	08/16/2000		
Vendor: TORK	Torklift	<u>Amount</u>	<u>Invoice No</u>
		216.93	573

	Total for Check Number 2458:		216.93
Check: 2459	08/16/2000		
Vendor: UPS	United Parcel Service	<u>Amount</u>	<u>Invoice No</u>
		17.75	14AV93-300
		13.58	14AV93-310

	Total for Check Number 2459:		31.33
Check: 2460	08/16/2000		
Vendor: Verizon	Verizon Wireless	<u>Amount</u>	<u>Invoice No</u>
		27.16	
		42.36	
		102.36	
		-12.21	

	Total for Check Number 2460:		159.67

Check: 2461
Vendor: VOICE

08/16/2000
Voice Stream Wireless

Amount
898.36
81.10
45.03
98.35

Invoice No

Total for Check Number 2461:

1,122.84

Total for Accounts Payable Check Run:

1,395,604.61

- 155,00

1,395,449.61 (1)

City: City of Sammamish
User: marlene

Accounts Payable
Computer Check Register

Printed: 08/11/0008:58

JE 035.2000

<u>Check:</u>	<u>Date:</u>	<u>Vendor:</u>	<u>Amount</u>	<u>Invoice No</u>
2467	08/16/2000	King County Finance Water & Land Division	22,639.07	SammILA#2
			45,182.91	SammILA##
		Total for Check Number 2467:	67,821.98	
		Total for Accounts Payable Check Run:	① 67,821.98	

**City of Sammamish
City Council Minutes
Regular Meeting
August 2, 2000**

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

Staff present: City Attorney Bruce Disend, Director of Administrative Services Dennis Richards, Chief Richard Baranzini, Public Works Director Ben Yazici, City Engineer Dick Thiel, Community Development Director Ray Gilmore, and City Clerk Melonie Anderson.

Student Liaisons: Linn Yang, Eastlake High School

MOTION: Councilmember Kilroy moved to excuse Councilmember Phil Dyer from the meeting. Councilmember Gerend second the motion. The motion carried unanimously 6-0.

Roll Call/Pledge

Roll was called. Lin Yang led the pledge.

1. Approval of Agenda

MOTION: Councilmember Huckabay moved to approve the agenda. Councilmember Gerend seconded. Motion carried 6-0.

2. Public Comment

Virginia Kuhn, 21822 NE 1st Street, As a member of the Sammamish Heritage Society she presented to Council a book written by Bert McNae, long time local real estate agent, entitled Vision, Guts and Money.

Susan Baker, 24215 SE 18th Place, Expressed concern over the fact that she and many of her neighbors were not informed about the public hearing for the development called the Laurels. She said they are listed as parties of record.

Dutch Hixenburg, 2707 Sahalee Drive E./Matt Holtmeier, 2204 226th Place NE, Spoke in support of building a skate park in the City for area youth to use.

3. Consent Calendar

MOTION: Councilmember Huckabay moved to approve the consent agenda. Deputy Mayor Romero seconded. Motion carried 6-0

- a) **Claims for the period ending August 2, 2000 in amount of \$76,765.18.**
- b) **Payroll for period ending July 15 totaled \$58,975.23.**
- c) **Minutes of Special Meeting/Study Session June 28, 2000.**
- d) **Minutes of Regular Council Meeting July 5, 2000.**
- e) **Minutes of Regular Meeting July 19, 2000.**
- f) **Adoption of Vision Statement for the City**

4. Unfinished Business

5) New Business

- a) **Ordinance No. O2000-67: Amending Ordinance No. O99-15 for the purpose of modifying the Building Code requirements for automatic sprinkler systems.**

Community Development Director, Ray Gilmore gave the staff report. This ordinance was presented to the Community Development Committee several weeks ago. The major change was to increase the square footage threshold from 6,0000 to 10,000 square feet.

Councilmember Gerend questioned the last line of the ordinance 904.22, section 6 suggesting the last part of the line should stop at 10,0000 square feet.

MOTION: Councilmember Kilroy moved to approve an Ordinance for the City of Sammamish amending Ordinance No. O99-15 for the purpose of modifying the Building Code requirements for automatic sprinkler systems. Deputy Mayor Romero seconded the motion.

AMENDMENT: Councilmember Gerend moved to amend the ordinance by deleting the words in 904.22 , section 6: “or when the value of the structure alteration or repair of an existing building exceeds 50 per cent of the recognized replacement cost of the structure, without consideration of the depreciation, as determined under the Marshall Valuation Service Cost Handbook, whichever is greater.” Councilmember Kilroy seconded. Amendment carried 6-0.

AMENDED MOTION: Passed 6-0.

- b) **Ordinance No. O2000-68: Establishing a Surface Water System Development Deposit.**

Public Works Director Ben Yazici presented the staff report. this ordinance would ensure developers, not the subsequent homeowners, would pay The Surface Water fees, as Council directed. He then introduced Angie Sanchez Virmoche of Economic & Engineering Services. In her presentation she explained the process used to determine the Interim Development Deposit for Surface Water. All funds collected will be placed in an interest-bearing account until the formal system of development charges analysis is completed. No funds will be expended until the system has been adopted by ordinance.

Mr. Yazici said the formal system of development charges should be completed with 60 to 90 days. He recommended Council discuss this ordinance tonight, ask questions, and suggest changes. Staff would make the recommended changes to the ordinance and bring it back for final consideration at the next regular meeting.

Councilmember Gerend suggested making the payment of such funds a condition on the final plat map to ensure that the cost of the development deposit is not being passed on to the new homeowner. Mr. Yazici said the Finance Department also requested that the disposition of the funds be changed. Changes to the ordinance will be made and the ordinance will be presented to Council again at the August 16, 2000 Regular Meeting

c) Contract No. C2000-58: Interlocal Agreement between King County and the City of Sammamish relating to Law Enforcement Services.

Administrative Services Director Dennis Richards gave the staff report. He reported that the Public Safety Committee has approved this contract.

MOTION: Councilmember Kilroy moved to approve the Interlocal Agreement with King County and the City of Sammamish for Law Enforcement Services. Deputy Mayor Romero seconded. Motion carried 6-0.

This contract will be in effect until 2002 and may be extended until December 31, 2004.

d) Discussion: Fire Services Agreement – Eastside Fire & Rescue.

City Manager Michael Wilson gave the staff report. This contract is important because it has opened a venue for dialogue that addresses regional planning for services, not just providing services to the City. The contract creates a coalition between Issaquah, Redmond and North Bend. It will be presented at the Study Session scheduled for Council on August 9 and then presented for final approval at the August 16 Regular Meeting. The contract provides for the City to receive Fire Services in the amount of \$3.7 million dollars for fiscal year 2001 at the same or enhanced level the City receives now. The only thing left to revise in the agreement is payment in respect to capital equipment and facilities.

Councilmember Haworth pointed out the City will have representation on the board as soon as the agreement is signed. He also recommended that himself and two other Councilmembers should have positions on the board.

6. Council and Committee Reports

- Council/Staff retreat will be held on September 9th from 9:00 AM to 4:00 PM. Topics to be considered are Budget and Committee procedures. Items to be discussed will be the budget, committee assignments and committee procedures.

- Councilmember Huckabay reported on the activities of the Finance Committee. They discussed the addition of the Accounting Clerk, The Development Services/Code Enforcement Officer and Public Works Administrative Assistant. The committee is strongly recommending approval and hiring of the additional staff.
- She then reported on the Suburban City meeting she attended. The Metropolitan Transportation Plan was presented. It is a five year plan and will be setting guidelines for transportation the City of Sammamish must meet in order to receive federal and state money.
- Councilmember Kilroy reported that the Public Safety Committee would begin dealing with safety issues on the Eastlake Sammamish Trail. He asked for staff to arrange to have the appropriate County staff attend the next Public Safety Committee meeting

7. City Manager and Staff Reports

- Community Development Director, Ray Gilmore reported the Planning Advisory Board will have an preliminary meeting on August 10, 2000 to establish meeting dates, times and place.
- There will be another Public Hearing for the Laurels on August 22 at Beaver Lake Middle School.
- Administrative Services Director Dennis Richards reported the City is advertising for a Senior Planner. Staff is also working on finding some additional office space.
- Police Chief Baranzini reported on the first annual National Night out. The final draft of the Emergency Plan has gone out to the members of the Emergency Planning Committee and will be presented to the Public Safety Committee soon. There were no juvenile alcohol-related fatalities during June.
- Public Works is tracking the contracts Council has previously approved. 212th Street SE will be raised to prevent annual flooding. Staff is preparing for TIB grants. The department is also looking for additional space for staff.
- City Attorney Bruce Disend reported that staff has developed a draft mediation process and it will be presented to Council soon.
- City Manager Michael Wilson said the first "Friday Letter" with information for Council will be printed this Friday. Staff is enhancing the Complaint Tracking System. He also asked for some clarification on the requested staff positions.

MOTION: Councilmember Kilroy moved to direct the City Manager to hire a Finance Specialist and Development Services Technician. Councilmember Haworth seconded. Motion passed 6-0.

8. Public Comment

Gearod Gargitz, 50 201 Place SE, Asked for a completion date on 212th Street SE. He is concerned about emergency access on the street.

Tom Harmon, 2302 West Beaver Lake Drive, Beaver Lake is having a Triathlon on August 18.

Chris Layerly, 2634 208th Avenue SE, Commended the Council on their accomplishments since incorporation. He also commented on the road improvements at Pine Lake Middle School.

Deputy Mayor Romero asked Mr. Gilmore to add the Vision Statement to the Community Development Committee agenda for the next meeting.

MOTION: Deputy Mayor Romero moved to adjourn the meeting to Executive Session for the purpose of completing the City Manager's six-month evaluation. Councilmember Huckabay seconded. Motion carried 6-0.

Council recessed from 9:45 PM to 9:50 PM. Executive Session began at 9:50 PM

9. Adjournment: Mayor Barry adjourned the meeting at 10:25 PM

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2000-68**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
RELATING TO LAND USE AND ZONING, AND EXTENDING A
MORATORIUM ON THE FILING OF APPLICATIONS FOR
DEVELOPMENT PERMITS AND APPROVALS WITHIN THE
CORPORATE LIMITS OF THE CITY OF SAMMAMISH**

WHEREAS, incorporation of the City of Sammamish was approved at an election held on November 8, 1998; and

WHEREAS, the City Council was elected on April 27, 1999, and sworn in on May 8, 1999; and

WHEREAS, the City of Sammamish officially incorporated on August 31, 1999; and

WHEREAS, there has been rapid and substantial growth in and around the City of Sammamish; and

WHEREAS, one of the concerns of the citizens of Sammamish which led to incorporation of the City was the impact of County land use decisions on the Sammamish community; and

WHEREAS, state law, RCW 35.02.137, authorizes the City Council of a newly incorporated city to adopt moratoriums during the interim transition period between the incorporation election and the date of official incorporation; and

WHEREAS, in accordance with state law, the City Council passed Resolution No. R99-04 on May 19, 1999, which adopted a moratorium during the interim transition period on the filing of applications with King County for development permits and approvals including, but not limited to, subdivision approvals, short subdivision approvals, and building permits; and

WHEREAS, state law, RCW 35A.63.220, authorizes the City Council to adopt moratoriums following incorporation; and

WHEREAS, a public hearing was conducted on July 28, 1999 to receive comment on the impacts and effectiveness of the moratorium imposed by Resolution No. R99-04 and the need to continue and/or modify the moratorium following the date of incorporation; and

WHEREAS, based upon the public testimony and other evidence presented at the July 28, 1999 public hearing, the City Council passed Ordinance No. O99-28, on August 25, 1999, to extend the moratorium from the date of incorporation until February 18, 2000; and

WHEREAS, a public hearing was conducted on February 9, 2000 to receive comment on the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and the need to continue and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence presented at the February 9, 2000, public hearing, the City Council passed Ordinance No. 2000-51, on February 16, 2000, to extend the moratorium from February 18, 2000 until August 16, 2000; and

WHEREAS, a public hearing was conducted on August 16, 2000 to receive comment on the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and extended by Ordinance 2000-51 and the need to continue and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the August 16, 2000 public hearing, the City Council finds that there is a substantial basis and public support for extension of the moratorium; and

WHEREAS, in accordance with the State Growth Management Act, the City is diligently pursuing a planning process that will result in the adoption of the City's first comprehensive plan; and

WHEREAS, the City Council needs sufficient time to carefully consider the appropriate land use designations and development regulations of property within the City limits; and

WHEREAS, the City Council desires to prevent further overburdening of the existing municipal infrastructure pending completion of the City's Growth Management Act planning process; and

WHEREAS, absent an extension of the moratorium, property owners could obtain vested rights to develop their property contrary to the City's planning process; and

WHEREAS, at the time of the February 9, 2000 extension, the Council established a categorical exemption from the terms of the moratorium for property owners who applied for water certificates prior to the August 25, 1999 extension, and whose water certificates will lapse unless exercised during the term of this moratorium; and

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports extending the moratorium on applications for development permits and approvals for property within the corporate limits of the City of Sammamish;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The “Whereas” clauses above shall constitute findings of fact in support of the moratorium hereafter set forth and are incorporated herein.

Section 2. Moratorium Established. Except as hereinafter set forth, a moratorium is imposed upon the filing of applications for development permits and approvals for property located within the corporate limits of the City of Sammamish. For purposes of this moratorium, the terms "development permits and approvals" include:

- a. Subdivision approvals;
- b. Short subdivision approvals;
- c. Site plan approvals;
- d. Multi-family dwelling unit approvals (apartments, townhouses, condominiums, mobile home parks, group residences);
- e. Rezones;
- f. Building permits;
- g. Conditional use or special use permits;
- h. Communication facilities;
- i. Commercial construction in business and office zones; and
- j. Shoreline substantial development permits.

Section 3. Categorical Exemptions. Except as hereafter set forth, the terms "development permits and approvals" do not include the following:

- a. Permits and approvals for churches, synagogues, and temples (SIC Code 866); health service uses; educational service uses; park and recreational uses; and day care facilities I and II (all as defined per ISDC 21A.06);
- b. Permits and approvals for additions or alterations to existing multi-family residential and commercial structures when such additions or alterations do not result in the creation of new units, and permits for structures replacing pre-existing structures destroyed by fire or other unintentional casualty;
- c. Permits and approvals for government facilities and structures including, but not limited to, streets, utilities, and surface water improvements;
- d. Permits and approvals for construction of single family residences;

- e. Permits and approvals for signs;
- f. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage;
- g. Permits and approvals for lot line adjustments;
- h. Permits and approvals for any land use permitted by ISDC when all of the following conditions are met: (1) The property owner(s) applied for the right to connect to a public water supply before August 25, 1999; (2) The property owner(s) were granted the right to connect to a public water supply; and (3) The property owner(s) right to connect to a public water supply will lapse unless exercised by a completed development permit application to the City of Sammamish during the term of this moratorium.

Provided, an exemption shall not be granted if it includes the division of land; and, this moratorium shall not affect vested rights established prior to the imposition of the moratorium.

Section 4. Effective Period of Moratorium. This moratorium, as a public emergency measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately upon termination of the moratorium imposed by Ordinance No. O99-51 (August 16, 2000) and shall continue in effect until February 16, 2001 unless earlier repealed, renewed or modified by the City Council as provided by state law.

Section 5. Hardship Exceptions. In the event of unusual or unreasonable hardships caused by this moratorium, appeal may be made to the City Council for an exception from the provisions of the moratorium. The City Council may grant an exception upon a showing of such unusual or unreasonable hardship.

Section 6. Severability. If any section, sentence, or phrase of this ordinance should be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON,
ON THIS 16th DAY OF AUGUST, 2000.

CITY OF SAMMAMISH

Mayor Jack Barry

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Publication Date:
Effective Date:

Received at Meeting
August 16, 2000
Public Hearing
M. Anderson

August 16, 2000

Mayor Jack Barry
City of Sammamish
Sammamish City Hall
486 228th Ave. N.E.
Sammamish, WA 98053

Re: Proposed Ordinance 2000-68
Moratorium on Filing/Processing Land Use Applications

Dear Mayor Barry:

We represent VoiceStream Wireless, Inc. ("VoiceStream"). We write to request that proposed Ordinance 2000-68 be amended to except wireless communications facilities from the continuing land use moratorium or to authorize temporary wireless facilities for the duration of the moratorium. By continuing the current moratorium without such amendments, the City of Sammamish risks violating the Federal Telecommunications Act of 1996 and Washington's recently enacted right-of-way access statute.

VoiceStream's national headquarters are located in Bellevue and Issaquah. VoiceStream has provided wireless services in the Puget Sound area for nearly a decade. VoiceStream has six wireless communications sites located within Sammamish's borders, all of which were permitted under the King County land use code prior to Sammamish's incorporation. With only these few sites, VoiceStream's service in the City of Sammamish suffers from significant gaps or "dead spots" that VoiceStream must fill in order to avoid dropped and static-filled calls. Due to the continuing moratorium, however, which has been in effect for more than 450 days, VoiceStream has been unable to fill these service gaps.

While cities have authority to enact zoning or land use moratoria, this authority is limited by both federal and state law. In 1996, the United States Congress adopted the Federal Telecommunications Act ("FTA"). In enacting the FTA, Congress sought to create a pro-competitive, deregulatory framework designed to accelerate the deployment of

telecommunication services by opening markets to competition. *See Sprint Spectrum, L.P. v. Town of Easton*, 892 F. Supp 47 (D. Mass. 1997). While the FTA does not eliminate local regulation of wireless facilities, it subjects such local authority to a number of significant substantive and procedural restrictions. These restrictions include:

- (1) State and local governments may not use land use or zoning restrictions to prohibit or have the effect of prohibiting the provision of personal wireless services.
- (2) State and local governments may not use land use or zoning restrictions to unreasonably discriminate between providers of functionally equivalent services.
- (3) State and local governments must respond in a timely manner to any request for authorization to place, construct, or modify personal wireless service facilities.

See 47 U.S.C. §332(c)(7)(i)-(ii).

In interpreting these restrictions, federal courts have repeatedly struck down local moratoria on siting wireless facilities. In *Sprint Spectrum, LP v. Jefferson County*, 968 F.Supp. 1457 (N.D. Ala. 1997), for example, the court struck down a moratorium enacted by the Jefferson County Commission on the ground that it violated each of these restrictions. *See id.*, at 1468. There, Jefferson County enacted a series of three moratoria on siting wireless facilities as part of its effort to fine tune its wireless ordinance. The court found that by refusing to process wireless applications, the County had effectively prohibited the provision of wireless service. The court also found that the County's refusal to process wireless applications violated the FTA's timely response requirement:

[T]he Commission has not kept plaintiffs "tied up in the hearing process": it has excluded them from it altogether. The Commission has not processed an application since March 21, 1997 (over 70 days ago), and the third moratorium is not scheduled to expire until "August 31, 1997, or upon the adoption . . . of the zoning amendments . . . whichever shall first occur, unless extended by further action of the County." There is no guarantee the Commission will not again extend its moratorium.

Id. (citations omitted). Further, the court found that by enacting these moratoria the Commission unreasonably discriminated among providers of functionally equivalent services. While earlier market entrants had earlier secured coverage in the County, later entrants, offering the most advanced technologies, were excluded by the moratorium. The court found that the County had not articulated any legitimate reason for its divergent

treatment of wireless carriers: “[T]he Jefferson County Commission said only that ‘it is in the best interest of the County that no further communications towers be authorized or permitted pending the consideration and adoption of the proposed amendments.’ Such a vague assertion, without supporting evidence, does nothing to explain the Commission’s actions.” *Id.*

Similarly, in *Sprint Spectrum, LP v. Town of Farmington*, the court determined that a single nine-month moratorium on new wireless communications facilities violated the timely response requirement and constituted a prohibition of service. The court held:

By prohibiting Sprint from constructing a telecommunication facility, or even submitting an application for approval, for 270 days, the moratorium unreasonably delays consideration of Sprint’s implementation requests and effectively prohibits wireless telecommunications services in violation of §§ 332(C)(7)(B)(ii) and (B)(i)(I).

1997 U.S. Dist. LEXIS 15832 (D.Conn. Oct, 6, 1997), p. *17.

While some federal courts have been sympathetic to the City of Sammamish’s initial desire for time to adopt a comprehensive planning policy, *see e.g., Sprint Spectrum, LP v. City of Medina*, 924 F.Supp. 1036 (W.D. Wash. 1996), courts have firmly struck down more extended moratoria. Moratoriums of six months to a year may be acceptable so long as the jurisdiction is actively pursuing a new or revised wireless ordinance. Where a jurisdiction, however, repeatedly renews its moratorium without specifically referencing its concerns or difficulties with wireless applications or providing assurances that a new or revised wireless ordinance will be adopted within the moratorium period, courts have found the jurisdiction’s action unacceptable.

The FTA’s limitation on such moratoria is reinforced by Washington’s new right-of-way access statute, which became effective June 8, 2000. *See* ESSB 6676 (enacted March 24, 2000; effective June 8, 2000). Consistent with the FTA, this statute opens the telecommunications market to greater competition among carriers by making local rights-of-way accessible for siting telecommunications facilities, including wireless facilities. This statute expressly limits the authority of cities and towns to adopt or continue moratoria on permitting wireless communications facilities:

A city or town shall not place or extend a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, except as consistent with the guidelines for facilities siting implementation, as agreed to on August 5, 1998, by the federal communications

commission's local and state government advisory committee, the cellular telecommunications industry association, the personal communications industry association, and the American mobile telecommunications association.

ESSB 6676, § 5. The Guidelines for Facility Siting Implementation provide:

Moratoria should be for a fixed (as opposed to open ended) period of time, with a specified termination date. The length of the moratorium should be that which is reasonably necessary for the local government to adequately address the issues [relating to the siting of wireless telecommunications facilities]. In many cases, the issues that need to be addressed during a moratorium can be resolved *within 180 days*. All parties understand that cases may arise where the length of a moratorium may need to be longer than 180 days. Moratoria should not be used to stall or discourage the placement of wireless telecommunications facilities within a community, but should be used in a judicious and constructive manner.

Guidelines for Facility Siting Implementation, August 5, 2000, Sec. I.B (emphasis added). Thus, while cities and towns are authorized to adopt moratoria, this authority is restricted. Again, while cities or towns may enact a six-month moratorium on the understanding that it will adopt a new or revised right-of-way ordinance regarding siting wireless facilities within that period, continuous renewal of moratoria that absolutely prohibit wireless carriers from siting new facilities are indefensible. By again extending its moratorium, to a total of more than 630 days, the City of Sammamish's actions will extend beyond what is acceptable to the courts under either statute.

Furthermore, this moratorium should be amended to preserve public health and safety. VoiceStream, like its competitors, provides vital communications services for a wide range of the population, including emergency service agencies, government personnel and agencies, health care providers, businesses, residences, parents and children. The timely construction of new wireless facilities is critical to ensuring that these users have service when and where they need them.

To address these issues, VoiceStream asks that the Sammamish City Council amend its proposed ordinance to provide relief for wireless providers. We hope to work with the City to

Mayor Jack Barry
August 16, 2000
Page 5

develop a creative solution that meets the needs of both VoiceStream, as well as other wireless carriers, and the City.

Very truly yours,

PRESTON GATES & ELLIS LLP

A handwritten signature in black ink, appearing to read "Molly Lawrence", with a long horizontal flourish extending to the right.

By
Molly Lawrence

MAL:mal

cc: Laura Altschul, VoiceStream Wireless, Inc.
Bruce Disend, Sammamish City Attorney
Ray Gilmore, Director of Community Development
Eric Shields, VoiceStream Wireless, Inc.

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