

# COUNCIL MINUTES

## Regular Meeting July 11, 2001

Mayor Troy Romero called the regular meeting of the Sammamish City Council to order at 7:30 pm.

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

Councilmembers absent: Councilmember Jack Barry.

**MOTION:** Councilmember Dyer moved to excuse Councilmember Barry. Councilmember Kilroy seconded. Motion passed unanimously 6-0.

**Staff present:** City Manager Ben Yazici, Assistant City Manager Pete Butkus, Director of Public Works John Cunningham, Director of Community Development Ray Gilmore, Parks Manager Jeff Watling, Transportation Manager Lee Haro, City Attorney Bruce Disend and City Clerk Melonie Anderson.

### **Roll Call/Pledge**

Roll was called. Councilmember Gerend led the pledge.

### **Approval of Agenda**

**MOTION:** Deputy Mayor Kilroy moved to amend the agenda by moving the Executive Session to the end of the meeting. Councilmember Haworth seconded. Motion passed unanimously 6-0.

**MOTION:** Councilmember Gerend moved amend the agenda by moving Item 10 to Item 3b. Deputy Mayor Kilroy seconded. Motion passed unanimously 6-0.

**MOTION:** Councilmember Huckabay moved to approve the agenda as amended. Councilmember Haworth seconded. Motion passed unanimously 6-0.

### **Introduction and Presentations**

*No introductions or presentations*

## Mayor/Council/Committee Reports

- *Public Safety Committee* (Councilmember Haworth): Eastside Fire and Rescue reported 24 “fireworks” related incidents, which included three structure fires. Two of those structure fires will probably result in a total loss. The property owners did not cause the fires. Eastside Fire and Rescue will be recommending a total ban on sale and use of fireworks for next year.
- *Finance Committee* (Councilmember Huckabay): Attended a meeting with Councilmember Barry sponsored by a group organizing the presentation of the “Sammy Awards”.
- *Community Development Committee* (Councilmember Dyer): Committee reviewed the proposed noise ordinance. They reviewed the land use moratorium extension.
- *Public Works* (Councilmember Gerend): The committee discussed the revised Six-Year Transportation Improvement Plan. This plan has been discussed at area neighborhood meetings and will be the subject of a public hearing at this meeting. 228<sup>th</sup> Phase 1b is moving along nicely with Right-of-Way acquisitions almost complete. Staff is working on a proposal to receive \$10 million in Sound Transit Funds. He also attended a board retreat for the Suburban Cities Association. Councilmember Gerend suggested changing the Council meeting night to Tuesdays so there would not be a conflict with these and other meetings that traditionally occur on Wednesdays.
- *Mayors Report*: Family Summit Follow up meeting occurred on July 10<sup>th</sup> and was very productive.

## Public Comment

Tom Harman, 2302 West Beaver Lake Dr., He complimented the Council and Staff on the Incorporation at a Glance presentation made at the last meeting and announced the presentation will be shown on the public access channel.

## 1 - 3. Consent Calendar

1. **Claims for period ending July 4, 2001, Check Nos. 3861 through 3911 in the amount of \$117,354.47.**
2. **Payroll for pay period ending June 15 for pay date June 20, 2001 in the amount of \$85,527.54, and payroll for pay period ending June 30, 2001 for pay date July 4, 2001 in the amount of \$117,194.70**
3. **Minutes of June 20, 2001 Regular Meeting**

**MOTION:** Deputy Mayor Kilroy moved to approve the Consent Calendar. Councilmember Huckabay seconded. Motion passed unanimously 6-0.

**3b. Resolution: Appointing Members to the Sammamish Youth Board**

Parks Manager Jeff Watling gave the staff report. At the last meeting Council approved the formation of the Sammamish Youth Board. This resolution is presenting Council with appointments of members to the Youth Board.

MOTION: Deputy Mayor Kilroy moved to approve the resolution appointing the members of the Sammamish Youth Board. Councilmember Haworth seconded. Motion passed unanimously 6-0 (R2001-79).

**Public Hearing**

**4. Annual update of the Six Year Transportation Improvement Program**

Public Works Director John Cunningham introduced Transportation Manager Lee Haro who reviewed the updated plan. He explained the changes from last year. After the public hearing, and upon completion of the SEPA review, this plan will come back to Council for approval.

Public Hearing opened at 8:00 pm.

**Public Comment:**

Greg Allan, 530 254<sup>th</sup> Avenue NE, Redmond, Asked Council to amend the portion of the program in Project 10 between Main Street and NE 8<sup>th</sup> Street by deleting it from the program. Upgrading this portion of the road violates both GMA and Comprehensive Plan provisions.

Christian Cary, 22236 NE 31<sup>st</sup> Street, Requested that new projects in the City be landscaped with evergreen trees and that noise abatement take place where streets are upgraded.

Tom Harman, (spoke previously), Concerned about the lack of East/West travel corridors.

Mark Riley 17001 228<sup>th</sup> Avenue NE, Program 18 and 19 includes bike lanes. He requested Council consider physical barriers between the roadway and bike lanes for safety.

Celia Carr, 22133 NE 26<sup>th</sup> Place, She believes roundabouts should be included in project 3. She also encouraged providing roundabout etiquette information before installing them.

Public Hearing closed at 8:10 pm

**5. Regarding an Ordinance of the City of Sammamish, Washington, relating to land use and zoning, and amending Ordinance No. 2001-77, an ordinance extending a moratorium on the filing of applications for development permits and approvals within the corporate limits of the City of Sammamish**

Community Development Director Ray Gilmore gave the staff report. This will be the fourth extension of the land use moratorium since the City incorporated. The Planning Advisory Board is working on the Comprehensive Plan and has made substantial progress. There are two

amendments to this ordinance; (1) An exemption for Senior Assisted Housing and (2) An exemption for short subdivisions of no more than two lots. This is the first reading of the ordinance.

Public Hearing opened at 8:10 pm.

Carl Stixrood, 814 E. Pike Street Representing Hitt-Zollars, He has a customer interested in building a Senior Assisted Housing project. He asked Council to consider changing the definition from the state to the King County definition.

Greg Allan, (spoke previously), Recommended Council consider if Senior Assisted housing project would severely impact the community or not.

Tom Harman, (spoke previously), Believes the exemptions to the moratorium will impact on the Planning Advisory Board's ability to develop the comprehensive plan. He requested Council not adopt any new exemptions until the PAB has a chance to consider how they will impact the whole plan.

Public Hearing Closed at 8:17 pm

### **Unfinished Business**

#### **6. Ordinance: Second Reading of an Ordinance of the City of Sammamish, Washington, relating to public nuisance noise**

**MOTION: Councilmember Dyer moved to table this item and send it on the Public Safety Committee for further review. Deputy Mayor Kilroy seconded. Motion failed 3 to 2 with Councilmembers Huckabay and Haworth dissenting and Councilmember Gerend abstaining.**

City Attorney Bruce Disend explained the motivation for this ordinance was to give the police a tool to respond to citizen complaints regarding noise. Currently, the City does not have any ordinance that addresses this issue.

**MOTION: Councilmember Huckabay moved to approve the ordinance relating to public nuisance noise. Councilmember Haworth seconded.**

**MOTION: Councilmember Dyer moved to refer this ordinance back to the Public Safety Committee for further review. Councilmember Gerend seconded. Motion passed unanimously 6-0.**

Councilmember Gerend and Deputy Mayor Kilroy feel the ordinance is too restrictive. Councilmember Dyer believe this is not an area government should be involved in and that the ordinance is too subjective.

**7. Ordinance: Second Reading Amending Ordinance No. 099-15 to add penalties for violations of the hours of construction**

Mr. Gilmore gave the staff report. The intent of this ordinance is to add civil penalties for violation of construction hours. This would be limited to non-occupied homes. The complete ban on construction on Sunday was eliminated. The hours were changed to include Sundays in the Saturday and Holiday hours.

**MOTION: Deputy Mayor Kilroy moved to refer this ordinance back to the Community Development Committee. Councilmember Haworth seconded. The motion passed unanimously 6-0.**

Mayor Romero and Councilmember Huckabay were not in agreement with eliminating the ban on Sunday construction. Councilmember Haworth feels this ordinance will not eliminate bulldozing or road construction.

Council recessed from 8:50 to 9:00 pm.

**New Business**

**8. Ordinance: First reading of an ordinance of the City of Sammamish, Washington, relating to land use and zoning, and amending Ordinance No. 2001-77, an ordinance extending a moratorium on the filing of applications for development permits and approvals within the corporate limits of the City of Sammamish**

First reading. No action taken. Mr. Dyer requested the staff to prepare an amendment to this ordinance which would take in to account the definition allowed by King County for senior assisted housing. Mr. Gilmore explained the PAB had concerns about any modification to the moratorium that could have more than just a local area impact. Councilmember Gerend feels the senior assisted exemption may be allowing for spot-approval. Councilmember Haworth is in opposition to the exemptions, however there is not enough time to send this back to Community Development Committee before the current moratorium expires.

**9. Resolution: Of the City of Sammamish, Washington setting a hearing date to consider vacation of portions of NE 9<sup>th</sup> Street and 205<sup>th</sup> Avenue NE**

Mr. Cunningham explained the process for street vacation. A petition has been submitted to the City requesting the street vacation and was signed by 100% of the residents living adjacent to the area.

**MOTION: Deputy Mayor Kilroy moved to set the Public Hearing date to consider the requested street vacation for August 1, 2001. Councilmember Dyer seconded. Motion passed unanimously 6-0 (R2001-80).**

**10. Contract: Approval of bid award for construction of 2001 Sidewalk Improvement Projects**

Mr. Cunningham explained that this is the contract award for the 2001 Sidewalk Improvement project. Seven bids were received. The apparent low responsible bidder is Ortiz Construction for all three phases of the project.

**MOTION:** Councilmember Haworth moved to authorize the City Manager to sign a contract with Ortiz Construction in an amount not to exceed \$417,255. Deputy Mayor Kilroy seconded. Motion passed unanimously 6-0.

**City Manager's Report**

City Manager Ben Yazici reported on three items: (1) Goals and Objectives Update, (2) King County Jail Contract, (3) Council salaries. He also recommended that Council meeting dates be changed to Tuesday nights.

**Executive Session**

Council recessed to Executive Session at 9:30 pm and returned at 10:00 pm to discuss possible litigation and property acquisition. No action is anticipated after the session.

**8. Adjournment** – Mayor Romero adjourned the meeting at 10:00 pm

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Melonie Anderson, City Clerk

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H. Troy Romero, Mayor