

# COUNCIL MINUTES

## Study Session/Special Meeting September 17, 2002

Deputy Mayor Ken Kilroy opened the Study Session at 7:30 pm.

### ❖ **Topic for Study Session: Comprehensive Plan Schedule and Timing**

Planning Advisory Board Members and City Council members discussed the timing and schedule for the completion of the City's first Comprehensive Plan. Mayor Troy Romero participated in the discussion via telephone as he was unable to attend the meeting. The final date for completion of the Comprehensive Plan will be discussed and presented to the City Council at the next regular meeting, or as soon thereafter as possible.

Study Session ended at 8:00 pm.

Deputy Mayor Kilroy called the Special Meeting of the Sammamish City Council to order at 8:15 pm.

**Councilmembers present:** Deputy Mayor Ken Kilroy, Councilmembers Jack Barry, Don Gerend, Ron Haworth, Kathleen Huckabay and Michele Petitti.

**Councilmembers absent:** Mayor Troy Romero.

**MOTION:** Councilmember Haworth moved to excuse Mayor Romero . Councilmember Huckabay seconded. Motion passed unanimously 6-0.

**Staff present:** City Manager Ben Yazici, Director of Administrative Services/Assistant City Manager Pete Butkus, Director of Public Works/Assistant City Manager John Cunningham, Director of Community Development Ray Gilmore, Police Chief Richard Baranzini, Special Project Manager Matt Mathes, Drainage Engineer Eric LaFrance, City Attorney Bruce Disend and City Clerk Melonie Anderson.

### **Roll Call/Pledge**

Roll was called. The visiting Boy Scout Troop member led the pledge.

### **Approval of Agenda**

**AMENDMENT:** Councilmember Barry moved to delete Mayor and Committee Reports from the agenda. Councilmember Huckabay seconded the motion. Motion passed unanimously 6-0.

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

**PUBLIC COMMENT:** No public comment.

**CONSENT CALENDAR**

- 1) **Payroll for pay period ending August 31, 2002 for pay date September 5, 2002 in the amount of \$114,969.16.**
- 2) **Claims for period ending September 17, 2002 in the amount of \$945,320.01 for Check No. 6272 through Check No. 6349**
- 3) **Minutes For September 3, 2002 Regular Meeting**
- 4) **Interlocal: King County Jail Services**
- 5) **Resolution: Establishing Travel Policies That Conform To State Law Requirements For City-Related Travel And Reimbursement. (R2002-127)**
- 6) **Amendment: City Manager's Contract**

**MOTION:** Councilmember Haworth moved to approve the consent calendar. Councilmember Barry seconded. Motion passed unanimously 6-0.

**Unfinished Business**

7. **Ordinance: Second Reading of an Ordinance Granting The Hearing Examiner Authority To Hear Fire And Building Code Appeals, Repealing Section 105 Of The Building Code, Creating A New Section 105 Of The Building Code Entitled "Appeals," And Amending Subsection 103.1.4 Of The Fire Code**

Community Development Director Ray Gilmore gave the staff report. The City has been operating without an appeal process since incorporation. Many cities are opting to use a Hearing Examiner for such appeals rather than a Citizen's Appeals Board. The City currently has a Hearing Examiner who would be qualified to hear such appeals. The \$125 Appeal Fee will cover the cost of the hearing. This is the second reading of this ordinance and staff is recommending approval.

**MOTION:** Councilmember Huckabay moved to adopt the ordinance granting the Hearing Examiner Authority to hear Fire and Building Code appeals. Councilmember Petitti seconded. Motion passed unanimously 6-0. (O2002-109)

**8. Ordinance: Second Reading of an Ordinance Adopting By Reference King County Code Chapter 6.64, Taxis – Businesses And Drivers**

City Clerk Melonie Anderson gave the staff report. This ordinance is required before the City can enter into an interlocal agreement with King County to provide business licensing and regulating of taxis in the City. The only additional information provided since the last reading is that this ordinance will not cover limousines (who are licensed by the State of Washington) and airport shuttle buses (which are licensed by the Washington State Commission on Transportation). Staff is recommending adoption of the ordinance

MOTION: Councilmember Haworth moved to adopt an ordinance adopting by reference Chapter 6.64 of the King County Code. Councilmember Barry seconded. Motion passed unanimously 6-0. (O2002-110)

**New Business**

**9. Ordinance: First Reading of an Ordinance Relating To Land Use And Zoning, Amending Ordinance No. O2002-106, Clarifying The Intent Of Hardship Exceptions As Providing Relief To A Particular Person(s) And Further Stating Said Exception Is Not Transferable To A Third Party**

City Manager Ben Yazici gave the staff report. This amending ordinance is being brought to Council at their request in an attempt to clarify to anyone requesting a hardship exception to the moratorium that exceptions are granted to the property owner and are not transferable with the sale of the property. This is the first reading. Staff is not making any recommendation at this time.

Councilmember Gerend asked what percentage of ownership must be retained in the property before it is considered a sale or transfer. He feels that should be clarified. He also wondered if this ordinance would be retroactive to previous exception approvals. City Attorney Bruce Disend explained this amendment is simply meant clarifying Council's original intent and stating it more clearly. Councilmember Huckabay questioned whether there should be a time set when the a developed property can no longer be transferred.

MOTION: Councilmember Gerend moved to refer this ordinance back to the Community Development Committee. Councilmember Petitti seconded. Motion passed unanimously 6-0.

**10. Resolution: Forming An Arts Task Force To Assist In Encouraging The Arts And To Provide Public Art In The Community.**

Mr. Yazici gave the staff report. During the Council's January Retreat, they indicated the desire to form an Arts Task Force. In an effort to recruit for this task force staff advertised in the City Newsletter, the Sammamish Review and the Eastside Journal. Five letters of interest were received. This resolution is presented to form the task force. The term would be for one year with a limit of five members. Staff is recommending the appointment of the five residents who have applied.

Councilmember Huckabay explained that staff and Councilmembers have been working on this for about a year. She did feel that five members were too few to represent all art forms in

the community. The task force will be charged with providing Council with ideas for encouraging the arts in the community, which may include forming an Arts Commission.

**MOTION:** Councilmember Barry moved to adopt a resolution forming the Arts Commission Task Force. Councilmember Huckabay seconded.

**AMENDMENT:** Councilmember Haworth recommended changing the term limit to be “upon completion of the tasks listed in Section 1 of the resolution, but not to exceed two years.” Councilmember Gerend seconded. Amendment passed unanimously 6-0.

**AMENDMENT:** Councilmember Huckabay moved to limit the membership to no more than 15 members, who shall be appointed by October 1. A quorum shall consist of a majority of the members appointed. She also moved to add that the term of the appointment would begin on October 1, 2002. Motion passed unanimously 6-0.

**MAIN MOTION:** Motion passed as amended unanimously 6-0. (R2002-128)

#### **11. Resolution: Norris Estates Division I Final Plat Approval**

Mr. Gilmore gave the staff report. This application is for a King County transfer project. It was subject to an Environmental Impact Study and brought before the City’s Hearing Examiner for decision. It was given preliminary approval for 226 lots. Phase 1 is for 121 lots. Site is 60% complete and roads are built to King County road standards except for SE 24<sup>th</sup>, which was voluntarily built to City standards.

**MOTION:** Councilmember Gerend moved to approve final plat for Norris Estates Phase 1. Councilmember Haworth seconded. Motion passed unanimously 6-0. (R2002-129)

In response to Councilmember Gerend’s question, Mr. Cunningham explained that some of the traffic impact fees paid by this developer went to improvements at the intersection of SR202 and Sahalee Way and the rest of the impact fees will go to improving City streets, specifically SE 24<sup>th</sup>.

Councilmember Petitti questioned whether staff has checked the viability of the drainage system located in Beaver Lake Park. Mr. Cunningham said this drainage system has been closely inspected and been given approval by the City Engineer. The system has already been built. He also explained that the barricades within the development will only be used to keep traffic out of the second phase of the project and when development begins on the Phase 2 they will be removed. A discussion followed with the developer about what types of trail/sidewalk might be installed. Mr. Cunningham said this was a bonded improvement and the City would probably be able to work with the developer on the sidewalk issue. Councilmember Petitti also requested the staff look into acquiring the easement listed on Condition 36 Hearing Examiner’s report.

#### **12. Interlocal: King County Taxi Licensing**

Ms. Anderson gave the staff report. This interlocal is with King County to provide for business licensing and regulating of taxi services within the City. Staff is recommending Council authorize the City Manager to enter into this agreement.

**MOTION: Councilmember Haworth moved to authorize the City Manager to enter into an interlocal agreement with King County to provide licensing and regulation of taxis in the city. Councilmember Gerend seconded. Motion passed unanimously 6-0.**

### **13. Contract: City Views Permit Tracking System**

Mr. Gilmore gave the staff report. Staff reviewed three commercially available software programs. Staff is recommending City View as being the best suited to City needs and the most cost effective.

**MOTION: Councilmember Gerend moved to authorize the City Manager to enter into an agreement with City Views for Permit Tracking Software in an amount not to exceed \$85, 850. Councilmember Petitti seconded. Motion passed unanimously 6-0.**

Deputy Mayor Kilroy requested staff investigate the company's financial status before entering into the contract.

### **City Manager Report**

Mr. Yazici explained that the per diem resolution passed earlier tonight only allows for a certain dollar limit. Any travel that requires a hirer per diem needs to be approved by Council.

**MOTION: Councilmember Barry moved to authorize reimbursement for Deputy Mayor Kilroy's conference attendance under the 150% standards because of expected business interaction at this conference. Councilmember Petitti seconded. Motion passed unanimously 6-0..**

**MOTION: Councilmember Barry moved to fully reimburse Councilmember Haworth's recent trip. Deputy Mayor Kilroy seconded. Motion passed unanimously 6-0.**

**MOTION: Councilmember Haworth moved to amend the per diem resolution to allow the City Manager to authorize overages without bringing it to Council. Councilmember Huckabay seconded. Motion passed unanimously 6-0.**

Mr. Yazici said the staff has received a proposal from Hebert Research to do a Census Verification study which would include a five-square mile area (representing 20% of the community) including 3,000 homes (about 8,000 people) at a cost of \$49,820.

**MOTION: Councilmember Haworth moved to authorize the City Manager to enter into a contract with Hebert Research to conduct Census Verification in an amount not to exceed \$50,000. Councilmember Huckabay seconded. Motion passed unanimously 6-0.**

Mr. Yazici reported that the search for the Planning Manager has not turned up any acceptable candidates. Staff is requesting to upgrade the position to Deputy Director and increase the salary. If Council is in agreement a new position description will be presented to Council at the next regular meeting.

**Executive Session – for potential litigation and personnel issues.**

Council adjourned to Executive Session at 9:45 pm.

Council reconvened at 10:00 pm

Motion: Councilmember Gerend moved to approve the damage settlements for 228<sup>th</sup> Phase 1b in the amount not to exceed \$9,000 to Catherine Kendall and \$17,500 for Adams. Councilmember Barry seconded. Motion passed unanimously 6-0.

**Adjournment** – Mayor Romero adjourned the meeting at 10:05 pm

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Melonie Anderson, City Clerk

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H. Troy Romero, Mayor