

COUNCIL MINUTES

Regular Meeting April 1, 2003

Mayor Kenneth J. Kilroy called the regular meeting of the Sammamish City Council to order at 7:30 pm.

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

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 Finance Lyman Howard, Parks Manager Jeff Watling, Deputy Director of Community Development Susan Cezar, Recreation Coordinator Lynn Handlos, Park Planner Hope Gibson, Police Chief Richard Baranzini, City Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Girl Scout Troop #3168 led the pledge.

Approval of Agenda

MOTION: Councilmember Barry moved to approve the agenda. Deputy Mayor Haworth seconded. The motion carried unanimously 7-0.

Presentations/Proclamations

Mayor Kilroy presented nine members of Girl Scout Troop #3168 with Bronze Service Medals. They Scouts have been working to provide blankets and clothing for homeless shelters.

Mayor Kilroy presented Sammamish Police Det. Bill Albright with the Police Officer of the Year award.

MAYOR/COUNCIL/COMMITTEE REPORTS

- *Public Safety Committee (Councilmember Gerend):* Attended a meeting in Olympia to discuss four Senate Bills that are going before Congress regarding transportation issues. If necessary, they will hold a 24-hour session.
- *Finance Committee (Councilmember Barry):* No report.

- *Community Development Committee (Councilmember Huckabay):* (1) The committee reviewed the Eastside Catholic High School E.I.S. It has taken longer than usual to complete due to parking issues. (2) Evergreen Christian Church project has been re-engineered and will be coming for City review soon. (3) The committee is recommending Council concentrate on four or five major policy issues at the Study Session on April 22. If necessary, additional study sessions will be planned. Councilmember Huckabay announced that Puget Sound Regional Council gave out awards to local projects. City of Seattle won an award by creating street scapes that help improve water quality. The committee that planned the project would be willing to address the Public Works Committee with their ideas.
- *Public Works Committee (Councilmember Petitti):* (1) Discussed the sidewalk improvements for SE 24th. All the designs have come in over the projected budget for this project. The consultant has agreed to develop one more alternative. (2) The Beaver Lake Maintenance Facility was discussed. The City is considering partnering with Sammamish Plateau Water & Sewer for fleet maintenance. (3) The proposed park and ride facility was discussed. A developer is proposing a joint transit/commercial development for the site. (4) Options for the Issaquah Pine Lake Road Improvements were reviewed. (5) The committee tabled a discussion on the Pine Lake Road extension. (6) Alternatives for the extension of 244th SE were discussed.
- *Legislative Committee (Councilmember Romero):* No report.
- *Eastlake High School Report (Student Liaison Will Voinot Baron):* Spring sports began this week. Last Wednesday the school sponsored the Mr. Eastlake Contest. Spring break is next week. Senior projects will be presented May 5. Sammamish Youth Board is soliciting applications for next year. Selections will be made on May 19. The youth board is also sponsoring a Bingo night on April 11 and Teen Feed at the University District Homeless Shelter on April 12.
- *Skyline High School Report (Student Liaison Elizabeth Cochrane):* No report
- *Mayor Report:* City held a joint meeting last week with Issaquah City Council.

PUBLIC COMMENT:

Bente Pasko, 22109 NE 21st Pl, Urged Council to consider putting bike lanes on the roadway as part of construction of 228th Phase 1C2. Having cyclists on the sidewalk is dangerous to both pedestrians and cyclists. There has been a lot of public testimony regarding bike lanes at the Bike, Trails and Pathways subcommittee meetings.

Ilene Stahl, 21553 SE 28th Lane, She expressed dismay with an article written by Tim Larsen, Communications Manager for the City that appeared in the City Newsletter. She believes her activities to protect Ebright Creek have been trivialized in the article. She believes the City is putting a spin on this issue. She felt it inappropriate that City Staff showed up at a Skyline HS class trying to convince students that Ebright Creek Park was a good idea. This is not an appropriate way to spend city funds.

Mary Doerr, 1224 212th Avenue SE, She quoted from an article from the Sammamish newsletter regarding Ebright Creek Park, specifically rebutting remarks made by City Manager Ben Yazici. She also said that their group has been looking for alternate sites for ball fields.

Klaus Dassel, 20929 SE 14th Place. He continued the rebutting the remarks made by the City Manager in a recent City Newsletter. (A complete copy of the above three public comments is available from the City Clerk).

Walter Pereyra, 148 E. Lake Sammamish Parkway SE, He is concerned that development of Ebright Creek Park will increase flooding of his property as well as damage the salmon in the creek. The City must protect the environment by performing studies before designing the park.

CONSENT CALENDAR

- 1) **Payroll for pay period ending March 15, 2003 for pay date March 20, 2003 in the amount of \$127,287.45.**
- 2) **Claims for period ending March 18, 2003 in the amount of \$798,581.78 for Check No. 7429 through Check No. 7529**
- 3) **Claims for period ending April 1, 2003 in the amount of \$601,755.51 for Check No. 7530 through Check No. 7600.**
- 4) **Minutes for February 18, 2003 Public Hearing**
- 5) **Minutes for February 25 Special Meeting/Study Session**
- 6) **Minutes for March 4, 2003 Regular Meeting**
- 7) **Minutes for March 11, 2003 Special Meeting**

MOTION: Councilmember Huckabay moved to approve the consent calendar. Councilmember Barry seconded. Motion passed unanimously 7-0.

Unfinished Business

Ordinance: Second Reading Amending King County Code Section 17.04.070(J), As Adopted By City Of Sammamish Ordinance No. O2000-64, To Increase The Penalties For Blocking A Fire Lane Or Failing To Mark Or Maintain A Fire Lane

Administrative Services Director/Assistant City Manager gave the staff report. This is the second reading. No changes were made from the first reading. This ordinance is similar to Issaquah's ordinance.

Deputy Mayor Haworth was concerned that there was no provision for charging additional penalties if the fire lanes are not maintain. He recommended reducing the fine to \$150 that could be charged daily commencing five days after notification for each day no repairs are made.

MOTION: Councilmember Barry moved to approve the ordinance as presented. Councilmember Gerend seconded.

MOTION: Deputy Mayor Haworth moved to table this ordinance. Councilmember Gerend seconded. Motion carried unanimously 7-0.

Ordinance: Second Reading Amending Ordinance No. O2000-52 To Authorize Impounding A Vehicle When It's Driver Is Arrested For Driving Under The Influence Or For Having Physical Control Of The Vehicle While Under The Influence

Police Chief Richard Baranzini gave the staff report. Driving while under the influence is a problem on the plateau. This is the second reading of the ordinance and has been corrected from the first ordinance.

MOTION: Deputy Mayor Haworth moved to approve the ordinance amending Ordinance O2000-52. Councilmember Huckabay seconded. Motion carried unanimously 7-0 (O2003-123).

Ordinance: Second Reading Restricting The Operation Of Internal Combustion Engines On Pine Lake; And Amending Ordinance No. 099-31 To Include Additional Water Skiing Regulations

Chief Baranzini gave the staff report. When the City adopted the King County Marine ordinance, some sections regarding water skiing were not adopted. This ordinance will correct this as well as restrict internal combustion engines on Pine Lake. This ordinance will take effect next year.

MOTION: Councilmember Huckabay moved to approve the ordinance restricting internal combustion engines on Pine Lake. Councilmember Petitti seconded. Motion carried unanimously 7-0 (O2003-124)

Councilmember Gerend requested signs be posted at the Pine Lake boat launch as soon as possible announcing this restriction.

New Business

Hardship Exception/Deisher (414 214th Avenue SE)

Deputy Director Susan Cezar gave the staff report. This is the second request for exception to divide 4.87 acres into 17 lots for development. Dr. Deisher came before Council on September 2002. At that time the request was denied.

Glenn Amster, Lane Powell, 1420 4th Avenue, Seattle, The attorney representing the Deishers. The hardship request is based Dr. Deisher's health problems and his inability to remain in his assisted living situation. This property is his sole asset. He was told in September that the building moratorium would be lifted February. Based upon this advice, the Deisher's applied for and received water certificates for this property. The money they spent on these certificates is not refundable. They cannot wait any longer for the moratorium to be lifted.

Councilmember Gerend asked if an extension had been applied for the water certificates. Councilmember Haworth asked if the Deishers plan to sell the property. Mr. Amster said they plan to develop the project themselves.

MOTION: Councilmember Romero moved to approve the hardship request. Councilmember Petitti seconded. Motion carried 5-2 with Councilmembers Gerend and Huckabay dissenting.

Councilmember Romero is in favor of the exception since it seems that staff led the Deishers to believe the moratorium would be lifted, thereby encouraging the them to acquire water certificates.

Deputy Mayor Haworth is in favor of the exception since the Deishers will be developing the property and not selling it.

Councilmember Gerend is not in favor of the exception, even though the development meets current density requirements, the Planning Advisory Board had asked Council not to approve any more exceptions until the comprehensive plan is in place.

Councilmember Huckabay said that the Council has denied requests for exceptions when the water certificates were acquired during the moratorium. To be consistent, the hardship should not be granted.

Councilmember Petitti feels Dr. Deisher's deteriorating health is a good reason for granting the exception.

Mayor Kilroy is in favor of the exception because of the long duration of the moratorium.

Resolution: Identifying Year 2003 Street Paving Projects And Enacting Ordinance O2001-78 Prohibiting Excavations Of These Newly Overlaid Streets

Public Works Director/Assistant City Manager John Cunningham gave the staff report. This resolution will apply O2001-78 to this year's street overlay projects as follows:

2003 Pavement Management Program

- 236th Ave NE from NE 19th Street to NE 23rd Street
- NE 16th Street from 216th Ave NE to 211th Way NE
- NE 10th Street from 212th Ave NE to 213th Place NE
- NE 12th Street from 213th Place NE to the end of the cul-de-sac
- 211th Way NE from NE 16th Street to NE 19th Street
- SE Duthie Hill Road from Beaver Lake Road to City Limits

And the 2003 Transportation Capital Projects Program

- 228th Avenue – SE 8th Street to NE 12th Street
- Issaquah-Pine Lake Road – 231st Lane SE to 234th Avenue SE

Councilmember Haworth questioned why this ordinance has not been applied to developers. Mr. Cunningham said he would look into this issue.

MOTION: Councilmember Petitti moved to adopt the resolution. Councilmember Gerend seconded. Motion carried unanimously (R2003-139).

A Resolution Of The City Of Sammamish City Council Appointing Two Members To Fill Vacancies On The Park And Recreation Commission.

City Manager Ben Yazici gave the staff report. The proposed appointees are David W. Lee and Cornell Amaya, currently alternate members of the Commission.

MOTION: Councilmember Romero moved to approve the two appointments to fill vacancies on the Park and Recreation Commission. Councilmember Petitti seconded. Motion carried unanimously 7-0 (R2003-140).

Contract: Property Management/Beaver Lake Lodge

Mr. Yazici gave the staff report. This contract will allow for some free or discounted use of the lodge for community organizations during the week.

MOTION: Councilmember Petitti moved to authorize the City Manager to sign a contract with Premier Property for property management of Beaver Lake Lodge. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

Ordinance: First Reading Amending O2002-118 Business License

Finance Director Lyman Howard gave the staff report. The purpose of this amendment is to bring our ordinance into agreement with the state requirement licensing thresholds. It also explicitly authorizes the City Manager to enter into an interlocal agreement with the state and it allows for termination date of city licenses to coincide with state license termination date. This is the first reading of the ordinance. No action is required.

Council recessed from 9:30 pm to 9:40 pm

City Manager Report

Mr. Yazici reported that staff is working on partnering with Issaquah School District to see if it is feasible to build an additional ball field at Pine Lake Middle School near the proposed bus barn site. The proposed site is difficult and many trees would have to be removed.

He handed out copies of the 2003/2004 Budget in Brief which was developed by the Finance Committee.

Mr. Yazici asked the Council to give staff direction on whether the bike lanes should be kept on the sidewalk or moved to the road. Though there are many benefits to moving the bike lanes to the street, (not many that benefit bikers), he reminded Council that the participants of the design charettes for 228th choose to keep the sidewalk on the streets. He handed out some alternatives as to how the bike lanes could be added to the roadway, even though the street design is complete. He also gave the costs associated with each option. Staff is recommending that no change be made on this project, but to consider this option for future projects.

MOTION: Councilmember Haworth moved to leave the bike lanes on the sidewalk as originally designed. Councilmember Romero seconded. Motion carried 5-2 with Councilmembers Petitti and Huckabay dissenting.

Mr. Yazici said there might be an opportunity for the City Hall to move to an interim facility while city hall is being built. He asked for Council authority to pursue this option and see if it would be feasible. Council directed the City Manager to pursue this option as long as there is no additional cost involved in moving.

Mr. Cunningham asked Council permission to hire a new Project Manager Engineer at Level D. The City has had a difficult time recruiting suitable candidates for this position and has finally found a qualified candidate. Council must give permission to hire at any level above a C.

MOTION: Councilmember Petitti moved to authorize the City Manager to hire a new Project Manager Engineer at a Level D on the pay scale. Councilmember Barry seconded. Motion failed 2-5 with Gerend, Huckabay, Romero, Deputy Mayor Haworth and Mayor Kilroy dissenting.

Jeff Watling, Parks Manager gave an update on the Bike, Trails and Pathways plan. Staff has been holding public meetings in different sectors of the City to get citizen input. Council will be kept up to date on further developments.

Mr. Yazici gave copies of all the applications received to date for the Planning Commission.

Adjournment – Mayor Kilroy adjourned the meeting at 10:00 pm

Melonie Anderson, City Clerk

Kenneth J. Kilroy, Mayor