

COUNCIL  *MINUTES*

**Regular Meeting
October 7, 2003**

Mayor Kenneth J. Kilroy called the regular meeting of the Sammamish City Council to order at 7:35 pm.

Councilmembers present: Mayor Kenneth J. Kilroy, Councilmembers Jack Barry, Don Gerend, Kathleen Huckabay, and Troy Romero. Councilmember Michele Pettit arrived at 8:10 pm.

Councilmembers absent: Councilmember Huckabay moved to excuse Deputy Mayor Ron Haworth. Councilmember Romero seconded. Motion carried 5-0.

Staff present: City Manager Ben Yazici, Director of Administrative Services/Assistant City Manager Pete Butkus, Director of Community Development Ray Gilmore, City Engineer Delora Kerber, Parks Manager Jeff Watling, Fire Chief John Murphy, Recreation Coordinator Lynne Handlos, Project Engineer Aaron Sundberg, Associate Planner Evan Maxim, Executive Assistant Lola Nelson-Mills, Finance Specialist Jodee Bass, City Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Councilmember Barry led the pledge.

Approval of Agenda

MOTION: Councilmember Huckabay moved to approve the agenda. Councilmember Barry seconded the motion. Motion carried unanimously 5-0.

Presentations/Proclamations

Mayor Kilroy and Recreation Coordinator Lynne Handlos presented a Certificate of Appreciation to Bank of America for help in financing the **c**Concerts and Shakespeare **p**Plays at Pine Lake Park this summer.

Mayor Ken Kilroy declared the month of October as Domestic Violence Awareness Month.

Mayor Kilroy, along with Director of Finance Lyman Howard presented ~~certificates to~~ Executive Assistant Lola Nelson-Mills and Finance Specialist Jodee Bass with a Certificate of Achievement for Budget Reporting for their help in preparing the 2004 City Budget. This budget has won numerous awards including the Washington Finance Association Budget Award.

MAYOR/COUNCIL/COMMITTEE REPORTS

- *Public Safety Committee (Councilmember Gerend)*: Councilmember Gerend attended the Regional Transit Committee meeting. They discussed additional “free ride” areas on the Eastside and will pursue studying the concept. He also attended the King County Governance hearing to review county services and how they can be improved. Councilmember Gerend attended the Eastside Transportation Partnership Subcommittee on Sound Transit. They discussed options for the excess funds that have been accumulating. The subcommittee is trying to convince Sound Transit that these funds should be spent on eastside projects such as acquiring right of way for HOV lanes on I-90.
- *Finance Committee (Councilmember Barry)*: No report.
- *Community Development Committee (Councilmember Huckabay)*: Councilmember Huckabay attended the King County Criminal Justice Seminar. The criminal justice system in King County has many problems. The topics discussed were: Inter-jurisdictional issues, regional cooperation, improved transport of prisoners, reverse contracting, legal review, and improved tracking of prisoners.
- *Public Works Committee (Councilmember Petitti)*: No Report
- *Legislative Committee (Councilmember Romero)*: No Report
- *Eastlake High School Student Liaison (Alexanne Madison)*: Students are adjusting to school/homework. Last week the school hosted a Community Service Fair. Students are required to have community service hours and this fair presented various opportunities for the students to choose from. Traffic around the school has been severely impacted by the 228th Street improvements. The project will be completed in November and these problems should be alleviated. Homecoming is the last week of October.
- *Skyline High School Student Liaisons: (Amber Hargraves/Lindsey Bull)* Homecoming festivities are being planned. Students are working on having a parade down 228th with each class having a float. This would be the first time this has happened. Traffic is an issue at Skyline due to parents driving students to school instead of students taking the bus.
- *Mayor Report*: No report

PUBLIC COMMENT: None

CONSENT CALENDAR

- 1) **Payroll for pay period ending September 15, 2003 for pay date September 19, 2003 in the amount of \$133,509.82.
Payroll for pay period ending September 30, 2003 for pay date October 3, 2003 i the amount of \$129,495.89.**
- 2) **Claims for period ending October 7, 2003 in the amount of \$632,798.78 for Check No.8678 through Check No.8779.**
- 3) **Minutes for September 16, 2003 Regular Meeting.**

MOTION: Councilmember Romero moved to approve the consent calendar. Councilmember Gerend seconded. Motion carried unanimously 5-0.

Public Hearing

Deputy Director, Community Development Susan Cezar gave the staff report. The purpose of this hearing is to consider public comment on the proposed codification of the city's ordinances into the first Municipal Code for Sammamish. There have been some minor changes for clarification and some renumbering of the code for continuity. No substantial changes to the ordinances or development code have occurred.

City of Sammamish Municipal Code

Mayor Kilroy opened the Public Hearing at 7:50 pm.

Officer Bill Bonar, Operations Sergeant for Sammamish Police, He explained that the changes made to the municipal code will save the ~~offieers-officers'~~ time in paper and citation writing. The changes will bring Sammamish in line with other cities and this will help in training programs.

Public Hearing closed at 7:52 pm.

Unfinished Business

Ordinance: Second Reading Adopting the City of Sammamish Municipal Code.

Ms. Cezar added that this code has been available for review on the website, at the library and at City Hall. The City has received one comment letter from the Sammamish Plateau Water & Sewer District.

MOTION: Councilmember Romero moved to approve the ordinance codifying the Sammamish Municipal Code. Councilmember Gerend seconded. Motion carried unanimously 6-0.

Councilmember Huckabay asked if the changes suggested by the Water District have been incorporated. Ms. Cezar said the comments were received very late in the day but appear to be more substantial changes than are allowed under this process. In response to Councilmember Romero's question, Ms. Cezar said the municipal code could be changed at any time. Councilmember Gerend questioned whether the code automatically adopts changes to the King County Code and who monitors the changes. Ms. Cezar said that is true and staff is responsible for monitoring these changes. Councilmember Gerend questioned where the enabling ordinances were for chapter 7 – Parks and Recreation. City Attorney Bruce Disend explained the enabling ordinances are in a different section of the code. Councilmember Romero asked if "vegetation" should be more clearly defined. Mr. Disend explained that word is broadly defined to provide opportunity for law enforcement officers to use their best judgment.

New Business

Hardship Request – Fred Beaudette (616 233rd Avenue NE)

Ms. Cezar gave the staff report. The request is for an exception to the development moratorium to subdivide 2 acres into 8 lots. The exception is based on financial hardship.

Mr. Beaudette spoke on his own behalf, explaining the hardships he is experiencing. Councilmember Gerend clarified that Mr. Beaudette is asking for a long plat not a short plat. Councilmember Romero asked when the water certificates would expire. Councilmember Gerend believes the moratorium has extended much longer than most people would expect so he sees this as a real hardship.

MOTION: Motion carried unanimously 6-0.

Hardship Request – Ron & Ardath Kenyon (228th Avenue NE & NE 4th Street)

Ms. Cezar gave the staff report. This request is to grant an exception to allow the Kenyons to develop their property as commercial. Last year the two adjoining lots were granted a hardship exception and the original project included all three adjoining properties.

Bill Williamson, Attorney, and the Kenyons were available to answer questions. This project has been in process since 1995 and all three parcels have been linked. Mr. Kenyon explained the reasons for hardship exception. The water certificates are also tied to all three parcels.

Mayor Kilroy asked if the project would become unviable if this hardship as not be granted. Mr. Williamson said he is not sure, but they would probably lose the water certificates. One of the parcels is already out of the project because the City purchased it for the 228th project. If the completion of the project would be in jeopardy without this approval he would favor the exception.

Councilmember Huckabay asked why this hardship exception was not requested when the other hardship was brought before Council. Mr. Williamson said that was an oversight.

Councilmember Romero suggested tabling the request until such time as the applicant determines whether or not they will lose their water certificates.

Mayor Kilroy suggested combining the ~~stormwater~~storm water pond on the City's property with the pond planned for the Kenyon property instead of having two side by side.

MOTION: Councilmember Romero moved to approve the hardship exception. Councilmember Gerend seconded. Motion carried 5-1 with Councilmember Huckabay dissenting.

Councilmember Petitti will vote in favor of the exception but is very uncomfortable with the procedure that has been used.

Final Plat Resolution: Norris Estates Phase 11.

Community Development Director Ray Gilmore gave the staff report. This project was granted preliminary plat approval from King County and is vested to their standards. This

request is for the second phase of the project and proposes 105 lots. The applicant has demonstrated to staff that they have met all the requirements, have all the required bonds in place and has posted all necessary mitigation fees.

MOTION: Councilmember Barry moved to approve the resolution granting final plat approval to the plat of Norris Estates, Phase 2. Councilmember Gerend seconded. Motion carried unanimously 6-0 (R2003-152).

Final Plat Resolution: Laurels

Mr. Gilmore gave the staff report. This is the third phase of the Laurels subdivision. It proposes 36 lots. The application is vested with King County. Applicant has posted all required bonds, mitigation fees and transportation fees. Previously surrounding neighbors have expressed concern over impacts of drainage, health of trees in open space Tract Q, and Sensitive Area signage concerns. Staff believes the applicant has successfully addressed all these concerns. Staff is recommending approval.

MOTION: Councilmember Gerend moved to approve the final plat of The Laurels, Phase 3 subdivision. Councilmember Barry seconded. Motion carried unanimously 6-0 (R2003-153).

City Manager Report

Council directed the City Manager to schedule interviews for the Arts Commission Candidates at the next regular meeting. Appointments will be made at a following meeting.

Two volunteer appreciation dinners will be scheduled: Planning Advisory Board on November 19 and City Volunteers on December 3.

The Public Works Director position will be advertised internally and the Assistant City Manager Title will be dropped.

Councilmember Huckabay said that she was relaying a resident concern to Council about the traffic problems after the last ~~Eastside-Eastlake~~ Football game. She requested clarification of the City's policy on the use of police personnel for traffic control at football games.

Executive Session – Potential Litigation pursuant to RCW 42.30.110(1)(i) and Personnel pursuant to RCW 42.30.110(1)(g).

Council recessed to Executive session from 9:30 pm to 9:45 pm

MOTION: Councilmember Gerend moved approval of the 2003 Addendum to the City Managers Contract dated January 30, 2001. Councilmember Huckabay seconded. Motion carried unanimously 6-0.

Adjournment – Mayor Kilroy adjourned the meeting at 9:47 pm

Melonie Anderson, City Clerk

Kenneth J. Kilroy, Mayor