

COUNCIL MINUTES

Regular Meeting November 18, 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, and Michele Petitti.

Staff present: City Manager Ben Yazici, Director of Administrative Services/Assistant City Manager Pete Butkus, Director of Community Development Ray Gilmore, Public Works Director/Assistant City Manager John Cunningham, City Engineer Delora Kerber, Deputy Director Community Development Susan Cezar, Senior Planner Emily Arteché, Associate Planner Evan Maxim, Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Councilmember Gerend led the pledge.

Approval of Agenda

MOTION: Councilmember Barry moved to add Item 3a; resolution regarding the City Management. Councilmember Haworth seconded. The agenda was approved as amended unanimously 6-0.

Presentations/Proclamations

MAYOR/COUNCIL/COMMITTEE REPORTS

- *Public Safety Committee (Councilmember Gerend):* Councilmember Gerend reported on the Eastside Transportation Partnership Meeting and the discussion of the Regional Transportation Improvement District (RTID) projects for next year. There is still money being allocated for the 244th Street project. A sales tax increase is one of the proposals to raise the \$14 billion necessary to fund these projects. This is a matter that will be voted upon by the public. Sound Transit still has funding for eastside projects that is not being used. In an effort to make sure those funds are not transferred to the west side, options are being considered such as HOV lanes on I-90.
- *Finance Committee (Councilmember Barry):* The committee met tonight. Some modifications have been made to the proposed budget for 2004. The committee discussed the property tax levy for 2004 but will defer discussion until the public hearing scheduled for tonight. The 2004 salary schedule proposes a 1.2% Cost of Living Adjustment (C.O.L.A.) based on the Consumer Price Index-Urban (CPI-U) for all urban consumers in the Seattle-Tacoma-Bremerton area dated June 2002 to

June 2003. This will be brought before Council at a later date. The committee recommends doubling the life insurance death benefit for employees rather than increasing the C.O.L.A. more than 1.2%, as it will be cheaper for the City and more in line with what other cities are doing.

MOTION: Councilmember Barry moved to increase the death benefit to employees to twice their annual salary. Councilmember Huckabay seconded. Motion carried unanimously 6-0.

Councilmember Haworth asked if the city salaries would still be competitive with other cities without a larger C.O.L.A. increase.

- *Community Development Committee (Councilmember Huckabay):* Councilmember Huckabay spent the day interviewing candidates for the Puget Sound Regional Council Executive Director. They interviewed many highly qualified applicants.
- *Public Works Committee (Councilmember Petitti):* Councilmember Petitti attended the Eastside Human Services Forum. This forum is brainstorming ideas for long term funding for different human services groups.
- *Skyline High School (Lindsay Bull):* Winter Wonder Week will be next week. Nightly events are planned to generate money to donate to charities.
- *Issaquah High School (Alex Madison):* The quarter ended last week. A blood drive is planned. Winter sports have begun. The production of A Midsummer Night's Dream will begin tomorrow.
- *Mayor Report:* No report

PUBLIC COMMENT: None

CONSENT CALENDAR

Claims for period ending November 18, 2003 in the amount of \$521,354.55 for Check No. 8951 through Check No. 9048

Approval: October 21, 2003 Regular Meeting Minutes

Approval: November 4, 2003 Regular Meeting Minutes

MOTION: Councilmember Huckabay moved to approve the consent calendar. Deputy Mayor Haworth seconded. Consent Calendar was approved as amended unanimously 6-0.

AMENDMENT: Councilmember Huckabay moved to amend the minutes of the November 4, 2003 meeting to reflectx that Councilmember Romero announced his intent to resign on November 4. Councilmember Petitti seconded.

POINT OF ORDER: Councilmember Gerend said this item should be removed from the Consent Agenda before voting on it. City Attorney Disend said the Mayor could use his discretion.

A Resolution Of The City Of Sammamish, Washington, Expressing Gratitude And Support For City Manager Ben Yazici

Councilmember Barry presented this resolution to the Council. He said it is not uncommon that with a change in leadership there might be people who want to talk. He proposed this resolution to ensure that everyone is aware of how much the current Council supports Mr. Yazici as City Manager. He then read the resolution

MOTION: Deputy Mayor Haworth moved to adopt the resolution. Councilmember Gerend seconded. Motion carried unanimously 6-0.

PUBLIC HEARING (Continued from November 4,2003)

Ordinance Of The City Of Sammamish, Washington, Modifying The Sammamish Municipal Code By Repealing Portions Of: TITLE 14, PUBLIC WORKS AND TRANSPORTATION; Title 19, Subdivisions; Title 20, Administrative Procedures, Environmental Policy; Title 21a, Development Code; And Title 24, Comprehensive Plan; And By Amending The Municipal Code To Adopt New Development Regulations In Order To Implement The Sammamish Comprehensive Plan

Community Development Director Ray Gilmore gave the staff report. This is the continued public hearing and second reading of this ordinance. Language has been added regarding setbacks in the R-4 residential area. Setbacks will be seven feet from the property line with some allowances for variance. Chapter 14 has not been included in these changes but will stand alone and be addressed at the next public hearing.

Councilmember Gerend had some questions on the footnotes in the table of residential land uses. He thinks the city has a paucity of low-income housing units and accessory dwelling units may be a way to address this need and he suggested changes. He proposed several changes to section 24.15.080.

MOTION: Councilmember Huckabay moved to refer these suggested changes to the Community Development Committee for study. Councilmember Petitti seconded. Motion carried unanimously 6-0.

Public Hearing Opened at 8:10 pm.

No public Comment

Public Hearing Closed at 8:11 pm.

Public Hearing (Continued from November 4, 2003)
Concurrency Ordinances:

Ordinance: Of The City Of Sammamish Adding Chapter 14A.05 To Define Terms For Concurrency, Impact Fees And Traffic Impact Analysis; Providing An Effective Date

Ordinance: Of The City Of Sammamish Adding Chapter 14A.10 To Require Adequate Public Facilities Concurrent With Development; Providing An Effective Date

Ordinance: Of The City Of Sammamish Adding Chapter 14A.15 Authorizing The Collection Of Impact Fees For Roads; Providing Findings And Definitions; Providing For The Time Of Payment; Providing Exemptions And Credits; Providing For The Appeals Of Fees And Other Determinations; Providing For The Establishment Of Impact Fee Accounts, Refunds, And The Use Of Funds; Providing For Reviews And Annual Adjustment Of Fee Schedules; Providing The Schedules For Impact Fees And Authorizing Independent Fee Calculations; And Providing For Certain Other Matters In Connection Therewith.

City Engineer Delora Kerber gave the staff report. Some revisions were made to the ordinances since the last time. She gave a PowerPoint presentation explaining the changes and the process that will be used. (Copies of this presentation are available upon request.)

Deputy Mayor Haworth asked several questions regarding the length of time being granted for concurrency and the approval of building permits. He does not think five years will be enough. He questioned how other cities deal with this. Staff will research that.

Ms. Kerber also outlined the Mitigation Fee Schedule. The fee for building a single-family residence will be \$7,636.98. No effective date has been established. Staff is recommending implementing the ordinance as soon as possible.

Council then discussed the fee requirement for concurrency modeling and whether this fee should be applied to single-family homes.

Public Hearing opened at 8:35 pm

Public Comment

Scott Hamilton, 19727 SE 19th Street, Handed out written comments. (Available upon request).

William Dunlap, 14410 Bel-Red Road, (Pacific Properties), Handed out written comments. He made three points (1) Any failing links in the city will prevent development in the whole city, even if that development does not affect the failing links. (2) Payment of several thousand dollars

in advance of the application approval is not reasonable. He believes you should not have to place any substantial deposit until after final plat has been approved. (3) The time limit of five years from concurrency to securing the last building permit is not a reasonable expectation.

Mike Miller, (President, Pacific Properties), No other jurisdictions put a time limit on concurrency certificates. He explained it takes about 3 ½ years just to get to the final plat stage. It is not possible to get all the building permits within the time frame allowed. He suggested exempting single-family residents from the concurrency requirements.

Mark Cross 247 208th Avenue NE, Concurrency is a very complex issue and suggested the Council study several other jurisdictions and their ordinances. He recommended not collecting fees until after final plat approval. He also recommended that no time limit be set on the concurrency certificate.

Public Hearing closed at 8:47 pm.

Council recessed from 8:47 pm to 9:00 pm.

Public Hearing

Ordinance Amending Ordinance No. 02002-116, The 2003-2004 City Budget, For The Purpose Of Revising The 2003-2004 Budget.

Finance Director Lyman Howard gave the presentation. This ordinance provides adjustments to the biennial budget for 2003/2004. After considering all of the adjustments, which are relatively minor, at the end of 2004 there will be a \$1.7 to \$1.8 million increase in the ending fund balance.

Public Hearing opened at 9:05 pm.

No public comment

Public Hearing closed at 9:06 pm.

Public Hearing

Ordinance Relating To The Levying Of Taxes And Establishing The Amount To Be Raised In 2004 On The Assessed Valuation Of The Property Within The City.

Mr. Howard gave the staff report. The current tax levy rate is \$2.60 per \$1,000 in assessed evaluation. The proposal for next year is also \$2.60 per \$1,000 in assessed evaluation. This rate is projected to raise approximately \$15.45 million dollars. The maximum the City could set the rate at \$2.81 per thousand.

Public Hearing opened at 9:06 pm

No public comment

Public Hearing closed at 9:07 pm

Unfinished Business

Second Reading: Ordinance modifying the Sammamish municipal code by repealing portions of: Title 19, subdivisions; title 20, administrative procedures, environmental policy; title 21A, development code; and title 24, comprehensive plan; and by amending the Municipal Code to adopt new development regulations in order to implement the Sammamish Comprehensive Plan

Mr. Gilmore gave the staff report. This is the second reading and the ordinance can be passed. He handed out some suggested wording for Interlocal agreements for transportation facilities. The current wording puts the city in a position where there is no room for negotiating with other cities. Since Council approves any Interlocal, staff is recommending deleting this language as shown in the handout.

Councilmember Huckabay said that the wording could be changed to a softer of approach of the “Interlocal should” contain the suggested language. Mr. Yazici said that using the word “should” instead of shall often leads to further problems. That is why staff is recommending removal of the language.

MOTION: Deputy Mayor Haworth moved to approve the to removal of 24.15.080 paragraph (4). from the ordinance Councilmember Barry seconded.

Mr. Gilmore recommended changing the language to “a neighboring D.O.T. or a neighboring jurisdiction shall consider incorporating provisions which indicate that the city may deny development proposals that create a significant adverse impact....”

Amendment: Councilmember Gerend moved to amend the motion with the above language. Councilmember Petitti seconded. Amendment carried unanimously 6-0.

Main Motion carried unanimously 6-0.

Councilmember Gerend asked how the accessory dwelling unit changes would be made if the ordinance was passed tonight.

MOTION: Councilmember Huckabay moved to table the motion to the next meeting. Councilmember Petitti seconded. Motion carried unanimously.

New Business

5) Concurrency Ordinances:

- **First Reading: Ordinance Adding Chapter 14A.05 To Define Terms For Concurrency, Impact Fees And Traffic Impact Analysis; Providing An Effective Date**

- **First Reading: Ordinance Adding Chapter 14A.10 To Require Adequate Public Facilities Concurrent With Development; Providing An Effective Date**
- **First Reading: Ordinance Adding Chapter 14A.15 Authorizing The Collection Of Impact Fees For Roads; Providing Findings And Definitions; Providing For The Time Of Payment; Providing Exemptions And Credits; Providing For The Appeals Of Fees And Other Determinations; Providing For The Establishment Of Impact Fee Accounts, Refunds, And The Use Of Funds; Providing For Reviews And Annual Adjustment Of Fee Schedules; Providing The Schedules For Impact Fees And Authorizing Independent Fee Calculations; And Providing For Certain Other Matters In Connection Therewith.**

Ms. Kerber said that this was the first reading of the ordinance and no action is recommended tonight.

Councilmember Huckabay requested a study session be scheduled to go over the changes that have been recommended. This is a very complicated issue. Mr. Yazici said that information would be gathered and a study session would be scheduled after the next regular meeting on December 2 and the second reading of the ordinances could be moved the December 16, 2003 meeting.

MOTION: Councilmember Huckabay moved to extend the meeting since it had extended past the advertised time. Councilmember Barry seconded. Motion carried unanimously 6-0.

A discussion ensued regarding the process for selecting a person to fill the vacant position on the Council. After extensive discussion regarding how best to incorporate public input on the selection the decision was made to interview six candidates on January 10, 2003 at a place to be determined later. This will allow the new Councilmember to be selected before the Council Retreat and in time to attend the New Councilmember Training. The candidates would be asked questions from both the Council and the audience. After the question and answer period, there will be an informal gathering to meet the candidates. The audience will be provided a sheet with the candidate's names and given the opportunity to submit comments. These comments will be collected and distributed to all Council members

MOTION: Councilmember Huckabay moved to fill the council vacancy in January to allow ample time for public notice. Councilmember Petitti seconded. Motion carried unanimously 6-0.

Bid Rejection: Pine Lake Park Improvements

Park & Recreation Manager Jeff Watling gave the staff report. One of the Council's top priorities was the improvement of existing parks starting with Pine Lake Park. The project was put out to bid and received five bids. The bids were opened November 3, 2003. After careful review of the bids it was determined that the two lowest bids contained errors that rendered them unresponsive and were therefore rejected. The lowest bidder made an error in addition and the second lowest bid contained a stormwater vault that was not consistent with the specifications.

The substantial increase in bid price between the second lowest bid and the third lowest bid, and the potential for legal action by one of the other bidders, has prompted the City Attorney to recommend that all bids be rejected and the project go out to bid again rather than award to the third lowest bidder.

MOTION: Councilmember Petitti moved to reject all bids for the Pine Lake Park Improvement Project and start the process over again. Councilmember Huckabay seconded. Motion carried unanimously 6-0.

Appointments: Arts Commissioners

Mr. Yazici gave the staff report. The Arts Commission was originally formed on July 22, 2003 and five members were appointed to it. This left 2 vacancies. These vacancies were advertised and five applications were received. They were:

Jeff Crompe
Marc Goodman
Joe McConnell
Carole McCallum
Kent Greene

Staff is recommending Council choose two from this list to fill the vacancies on the Arts Commission.

MOTION: Councilmember Petitti moved to appoint Joe McConnell and Carole McCallum to fill the two two-year vacancies and the remaining candidates be appointed as alternates.

AMENDMENT: Councilmember Petitti made a friendly amendment to delete appointing the remaining candidates as alternates.

Main Motion carried unanimously 6-0.

City Manager Report

Mr. Yazici gave an update on the King County Solid Waste situation. King County wants to increase the fee for dumping at the solid waste facilities to raise \$7 million. This money would then be used to fund human services. The members of Suburban Cities Association are against this because funds raised for enterprise funds should not be used as general funds. If there are efficiencies in the solid waste department, this should lower rates, not increase them. With Council's approval, he will draft a letter to send to King County Council/King County Executive and Suburban Cities Association asking them to delay this decision for one year. Several Councilmembers expressed disagreement with this compromise. Mr. Yazici will send a letter opposing the first two concerns but not agreeing to a one-year delay.

Council agreed to a preliminary study of the Kellman property, which is adjacent to the proposed City Hall, to see if there would be some way to incorporate it into the plan. An offer had been

made by a credible person to develop a business plan, either for the City or for private purposes at no cost for the property.

Executive Session

Council retired to Executive Session at 10:35 pm.

Council returned to Session at 10:40 pm

No action was taken.

Adjournment – Mayor Kilroy adjourned the meeting at 10:40 pmpm

Melonie Anderson, City Clerk

Kenneth J. Kilroy, Mayor