

# COUNCIL MINUTES

## Regular Meeting December 16, 2003

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

**Council members 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, Director of Public Works/Assistant City Manager John Cunningham, City Engineer Delora Kerber, City Attorney Bruce Disend, Executive Assistant Lola Nelson-Mills, Administrative Assistant Stacy Herman.

### Roll Call/Pledge

Roll was called. Councilmember Ron Haworth led the pledge.

### Approval of Agenda

MOTION: Councilmember Huckabay moved to approve the agenda Councilmember Haworth seconded the motion. Motion carried 6-0 unanimously.

### Presentations/Proclamations:

Mayor Ken Kilroy presented Senator Dino Rossi with an award of accomplishment of funding \$102 million dollars for a fly over ramp and to improve SR202 from the Gray Barn to SR520. Mr. Rossi has benefited the entire region and the City of Sammamish by taking a regional approach. Mayor Kilroy's presentation: "With our deepest appreciation, for your powerful leadership in Washington State Senate, and your unparalleled service, provided to the residents of Sammamish in the 5<sup>th</sup> District, your understanding of how regional issues affect Sammamish and your willingness to reach across partisan lines, to find solutions, have made us a safer, healthier, and more prosperous community."

Councilmember Huckabay presented a plaque to the outgoing Mayor Kilroy.

Councilmember Gerend presented a plaque to the outgoing Deputy Mayor Haworth.

Councilmember Haworth said "Goodbye" to the community and expressed his feelings about the process of elections and how important it is for all people in the City to let the candidates do the campaigning.

Mayor Kilroy said he would leave a happy camper. He wanted to be involved with a city that has a good, lean government and that has been accomplished.

Councilmember Petitti presented gifts to Deputy Mayor Haworth and Mayor Kilroy on behalf of the remaining Councilmembers.

## MAYOR/COUNCIL/COMMITTEE REPORTS

- **Public Safety Committee:** (*Councilmember Gerend*): Councilmember Gerend attended a National League of Cities Convention last week in Nashville. Special Study Area, creative zoning, and wireless communications (DSL capability and fiber optic technology) would be areas that the City of Sammamish would benefit from by examining closely. Councilmember Gerend was particularly interested in some branch public library systems that cost approximately \$7 million to complete.
- **Finance Committee:** (*Councilmember Barry*): November was a busy month adopting the budget, no meeting for the month of December.
- **Community Development Committee:**(*Councilmember Huckabay*): Councilmember Huckabay also attended the National League of Cities Convention in Nashville. Councilmember Huckabay was very impressed that some cities have codebooks that include pictures and graphs to illustrate the entire code. Councilmember Huckabay will be bringing some of these ideas to the upcoming retreat.
- **Public Works Committee:** (*Councilmember Petitti*): No Report
- **Legislative Committee:** No report
- **Skyline High School Student Liaison:** Getting ready for school break and the leadership conferences in marketing. Boys basketball game tonight against Bellevue and the girls basketball game tomorrow night. Skyline staff has also been working on the rerouting of traffic into the school to cut down on 228<sup>th</sup> traffic.
- **Eastlake High School Student Liaison:** Students are preparing for winter break. Winter sports have begun. Staff has revised the school schedule to see, on the interim, how it works out. Eastlake students have been working on a giving tree and also a food drive to benefit Hopelink in Redmond .
- **Mayor Report:** No report
- **Deputy Mayor:** (*Councilmember Haworth*); Eastside Fire and Rescue is having a budget meeting on December 18, 2003 in Issaquah regarding “charging for aid car transport”. There has been quite a bit of controversy whether we should or should not adopt this policy. Councilmember Haworth is in favor of a transport charge. Eastside Fire would have to transport in the event that an aid car is not available and that takes the fire trucks away from the residents. The budget that will be approved is approximately \$16 million dollars, and would be the biggest increase in the budget.

## PUBLIC COMMENT:

James A. Wexler, 2025 201<sup>st</sup> Avenue SE, personally thanked the Council. He is concerned about Mr. Romero, and would recommend council look into loopholes that relate to electing Councilmembers to avoid electing members who serve on a part-time basis. Concerned about the process of electing a full-time member. It is very important where people live. We should also look into a medical facility in our City so that we may cut down on the costs, charged to citizens, in relation to Eastside Fire and Rescue new tax increase, for transporting to medical facilities outside the City.

Betty Dewitt 21130 SE 28<sup>th</sup> Place, Betty read a letter to the Councilmembers. She is a proud citizen of the city but it has come time for Ms. Dewitt to retire. She has gone through two mixers and two oven elements through the four years of her bi-weekly goodies. Thank you for the kind words two weeks ago, as they are hanging in a small room where they can be admired. Thank you to the Council for their dedication and hard work.

Lisa Varner 22710 SE 20<sup>th</sup> Street, During phase II of 228<sup>th</sup> project and expansion of 20<sup>th</sup> in front of their house, cutting the slope away and removing timbers cut away the stability of the two remaining 130- foot trees. During the last windstorm, a tree fell down and hit another healthy tree at the base of their driveway, causing this tree to fall on the neighbor's yard, taking out the neighbors' trees. She would like the City to fix the problem and would like a phone call as soon as possible.

David Jacobs 2807 257<sup>th</sup> Place SE, President of Beaver Lake Homeowners Association, representing over one hundred homeowners. A tree buffer in the plat extends on to his property and takes up approximately 20% of his property. He says it was originally there to protect the watershed and it would not hurt to remove it. Ground caveat, sallal and sticker bushes occupy a large portion of his property that he can't touch or mow and would like the City to remove such restrictions.

Michael Adam 2809 257<sup>th</sup> Place SE, He is also a member of Beaver Lake Homeowner Association and would like to talk about the tree retention area. My wife and I care very much about trees and landscaping that is responsible. We have spent about \$600 trying to prolong the life of a tree. Mr. Adams agrees that trees should be protected, however, the ground caveat is creating problems and is very difficult to manage. Mr. Adams points out that it is an unfair burden paying taxes and the homeowners' are unable to have full use of their property. He is asking for the City Council to remove the ground caveat restriction.

John Galvin 432 228<sup>th</sup> Ave, He walks 228<sup>th</sup> Avenue every week and encourages the City Council and administrators to think about re-zoning the 228<sup>th</sup> corridor. This would attract pedestrians to use the sidewalk.

#### **CONSENT CALENDAR**

- Payroll for pay period ending November 30, 2003 for pay date December 5, 2003 in the amount of \$136,120.14
- Claims for period ending December 16, 2003 in the amount of \$1,084,093.31 for Check No. 9112 through Check No. 9236
- Approval: October 28, 2003 Study Session Minutes
- Approval: November 18, 2003 Regular Meeting Minutes
- Approval: December 2, 2003 Regular Meeting/Study Session Minutes

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

## Unfinished Business

- 6) **Second Reading: Ordinance Adding Chapter 14A.05 To Define Terms For Concurrency, Impact Fees And Traffic Impact Analysis; Providing An Effective Date.**
- 7) **Second Reading: Ordinance Adding Chapter 14A.10 To Require Adequate Public Facilities Concurrent With Development; Providing An Effective Date**
- 8) **Second 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.**

Delora Kerber, City Engineer & Randy Young (Consultant with Henderson & Young) gave the staff report.

Councilmember Gerend questioned the application of concurrency to accessory dwelling units.

Councilmember Petitti questioned the “significant past tax payment” 14A.05 (AJ). "Significant Past Tax Payment" means taxes exceeding five percent of the amount of the Impact Fee, and which were paid prior to the date the Impact Fee is assessed and were earmarked or proratable to the same System Improvements for which the Impact Fee is assessed.

Councilmember Gerend questioned impact fees paid in the past – the proposal penalizes the person that has paid in the past. The person that pays later gets a pro-rata credit. 14A.15.020 (D) “assessment of impact fees”

**MOTION: Councilmember Huckabay motioned to table all three ordinances relating to Concurrency, Councilmember Haworth seconded. Motion carried 5-1 with Councilmember Barry dissenting.**

## New Business

### 9) **Hardship Exception Request: Labrador Ventures (Representative Brad Hughes)**

Mr. Gilmore gave the staff report. This request is to subdivide 10.5 acres into 23 or 24 lots in an R-6 district. The Applicant’s water certificates are due to expire January 10<sup>th</sup> of 2004. Applicants have been through the water lottery six times and have been successful only twice. Brad Hughes of Labrador Ventures claims expiration of his water certificate as their hardship.

Councilmember Gerend questioned how many lots the applicant actually plans on developing. Councilmember Gerend asked if the applicant would be subject to the new traffic impact fees and concurrency.

Councilmember Huckabay has concerns regarding the comprehensive plan and development regulations, to which the development would be conditioned under.

**MOTION:** Ron Haworth moved to approve the Hardship limited to 24 lots and meet all concurrency requirements that will be adopted by the City Council in the next ninety days.

Friendly Amendment: Councilmember Huckabay would like to state that the applicant would agree to meet any comprehensive plan requirements that are not yet in code.

Councilmember Haworth mentions that it would not be fair to hold the applicant to conditions not yet adopted by the Council. Ordinances adopted by council in the next ninety days should be sufficient.

Councilmember Huckabay is hesitant because not all the regulations have been translated into code.

Councilmember Gerend feels that the development regulations that are currently adopted would be sufficient.

Councilmember Petitti is comfortable with the existing comprehensive plan.

Councilmember Barry calls the question to the friendly amendment. Friendly Amendment failed unanimously 0-6.

Friendly Amendment to the Motion: Councilmember Gerend would like the original motion to add traffic impact fees that will be adopted in the next ninety days.

**MOTION:** Councilmember Haworth moved to approve the hardship limited to 24 lots and meet all concurrency requirements and traffic impact fees to be adopted by the City Council in the next ninety days. Councilmember Haworth restated the motion and added traffic impact fees. Motion carried 5-1 with Councilmember Huckabay dissenting.

#### **10) Pine Lake Park Improvements Bid Award:**

Park and Recreation Manager Jeff Watling gave the staff report. Staff requests the City Council to award the contract for the improvements to Pine Lake Park to Wyser Construction. The improvements will update the park and add additional opportunities to the park. This is the second time this project has been advertised and Wyser Construction is the lowest responsive bidder at \$979,600. Jeff thanked the Councilmembers for choosing to re-advertise the bid, as this has saved citizens approximately \$165,000.00. Major components of the project include new multi-use sports field, formalizing the parking lot, and making it a little more pedestrian friendly. The thirty-year-old sewer system will be updated.

Councilmember Huckabay asked if the project includes hooking the park up to the sanitary sewer lines. She is very hesitant to leave the septic system. Some septic systems fail and are not noticed for years. Councilmember Huckabay's preference is to go ahead with the sanitary sewer now.

Mr. Watling explained the current sewer connection fee charged by Sammamish Plateau Water and Sewer District is approximately \$42,500.00.

Councilmember Barry will vote for the motion because it is probably the right thing to do. Councilmember Barry would like to emphasize that we have a lot of future projects including costs to City Hall. We currently need \$300 million, for future infrastructure improvements, that we don't have. Councilmember Barry states "Small leaks sink big ships" It will be interesting when we try to find money for those future projects.

**MOTION: Councilmember Haworth moved to award the contract to Wyser Construction for the improvements to Pine Lake Park for a total not to exceed \$979,600 plus the cost for sanitary sewer hook-up fee, not to exceed \$50,000. Councilmember Huckabay seconded. Motion passed unanimously 6-0.**

**11) RESOLUTION: Declaring December 26, 2003 and January 2, 2004 to be City Holidays.**

Administrative Services Director/Assistant City Manager Pete Butkus gave the staff report. Work volumes during these holidays are historically low. It would be a nice message to send to employees. This resolution would apply to this year only.

Councilmember Huckabay is very appreciative of the City Staff. She asked whether there would be staff available in the event of an emergency. Mr. Butkus verified that there would be adequate emergency staff available.

**MOTION: Councilmember Petitti moved to approve December 26, 2003 and January 2, 2004 as City Holidays. Councilmember Barry seconded. Motion passed unanimously 6-0.**

**12) Election: Mayor Pro Tem:**

**MOTION: Councilmember Haworth nominated Don Gerend Mayor Pro Tem. Councilmember Petitti seconded. Motion passed unanimously 6-0.**

**MOTION: Councilmember Haworth nominated Councilmember Huckabay as Deputy Mayor Pro Tem. Councilmember Barry seconded. Motion passed unanimously 6-0.**

**City Manager Report:**

Mr. Yazici would like to address a couple housekeeping items:

- 1) AWC share representations information needs to be sent by January 6, 2004.

Councilmember Gerend informs the Council that the original deadline date has been extended and this item can be handled at the next meeting.

Windstorm clean up that was set up at the Beaver Lake Park has been very successful. It was a great service to provide to our citizens and the response has been very positive. Costs are a little more than previously expected, approximately \$10,000, however, it fell within the budgeted amount.

2) Taggart settlement – Sammamish Plateau Water & Sewer District and the City of Sammamish have been negotiating a settlement agreement. Taggart construction filed a claim with the City and the Water & Sewer District that was originally \$250,000. They later submitted documentation in an amount close to \$600,000. City Attorney Bruce Disend presented Council with a proposed settlement. The City's share would be \$47,000 and this is within the amount authorized by City Council. The District's share would be approximately \$93,000. Mr. Disend requested authorization, for the City Manager to sign the settlement agreement, subject to the final review by Bruce Disend, City Attorney.

**MOTION:** Councilmember Huckabay moved to authorize Mr. Disend to negotiate the settlement between Taggart Construction, City of Sammamish, and the Water & Sewer District not to exceed \$47,000. The City Manager will sign the document subject to the final review by Bruce Disend, City Attorney. Councilmember Barry seconded. Motion passed unanimously 6-0.

Councilmember Barry requested the Council retreat should be scheduled to a location closer to home.

Ben Yazici will look into scheduling the retreat at a closer location.

Mayor Kilroy requested Interim Mayor Gerend to close the meeting.

**Adjournment** –Interim Deputy Mayor Gerend adjourned the meeting at 9:30 pm

---

Stacy Herman, Administrative Assistant

---

Don Gerend, Interim Mayor