



**COUNCIL** *City of Sammamish* **MINUTES**  
Washington

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**Special Meeting/Study Session**  
**March 2, 2004**

Mayor Kathleen Huckabay called the regular meeting of the Sammamish City Council to order at 7:35 pm.

**Councilmembers present:** Mayor Kathleen Huckabay, Deputy Mayor Don Gerend, Councilmembers Jack Barry, Mark Cross, Lee Felling, Michele Petitti and Nancy Whitten (arrived late).

**Staff present:** City Manager Ben Yazici, Director of Administrative Services/Assistant City Manager Pete Butkus, Director of Community Development Ray Gilmore, Public Works Director Delora Kerber, City Engineer Steve Roberge, Senior Transportation Program Engineer Jeff Brauns, Deputy Director Community Development Susan Cezar, Senior Planner Mark Rodriguez, Senior Planner Emily Artech, 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 Petitti moved to approve the agenda. Councilmember Cross seconded the motion. Motion carried unanimously 6-0.

**Presentations/Proclamations**

Councilmember Felling explained the purpose of the Citizen Emergency Response Team (CERT) and the training they have received. The intent of this program is to develop response teams for national emergencies to provide assistance to Police and Fire. Jan Bromberg introduced the following residents who have completed the training and Mayor Huckabay presented them with certificates of completion:

*Jan Bromberg  
Greg Clark  
Gary Connelly  
David Findley  
Victoria Findley  
George Levinthal*

*Peter McHargue  
Joan Owens  
Elizabeth Peterson  
David Plowman  
Carol Rosenthal*

### **Mayor/Council/Committee Reports**

- *Public Safety Committee (Councilmember Felling)*: No report
- *Finance Committee (Deputy Mayor Gerend)*: Deputy Mayor Gerend attended the Regional Transit Committee meeting. They discussed vanpools. Carpools and vanpools should be highly encouraged. Metro is currently providing some very nice vans, but Don suggested luxury vans might entice people from the plateau out of their cars. Finance committee met. Finances are doing well so far though it is early in the year. Discussed when the budget process should begin for next biennial budget.
- *Community Development Committee (Councilmember Cross)*: The committee met today. There were several members of public. Proposed development code changes were discussed. All proposed changes would be brought to the full council for approval before being assigned to the Planning Commission. They prepared for the joint meeting with the Planning Commission next week.
- *City Council Round Table (Councilmember Barry)*: He believes the City has a need for clear definition of direction. He is proposing to have another roundtable similar to the one held last spring. He asked for input from other Councilmembers for available dates and numbers of people to invite and ideas for outcomes. Council decided on a tentative date of May 22 with each Councilmember inviting 7-8 people each.
- *Public Works Committee (Councilmember Petitti)*: Reported on meeting with Sammamish Plateau Water & Sewer District about a joint public works facility. The district's consultant gave a presentation. Staff and Board members gave input on where to go next. The next meeting's focus will be the water situation in Sammamish.
- *Parks, Recreations & Natural Resources Committee (Councilmember Whitten)*: The committee met on 2/23 and 3/1. Council still needs to define the scope of this committee. They discussed prioritizing parks projects. The committee has asked the Parks & Recreation Commission to start working on that so they will be ready to discuss the topic at a joint meeting with Council in March. They also studied the public involvement process.
- *Legislative Committee (Mayor Huckabay)*: No report
- *Skyline High School Student (Lindsey Bull, Amber Hargraves)*: No Report
- *Eastlake High School Student Liaison (Alex Madison)*: She reported on the activities at Eastlake High School.
- *Mayor Report*: Kathy attended the Puget Sound Regional Executive Board Meeting. Topic was how to split the funds that have been collected for road projects in the Puget Sound area. The Board voted for a 50/40 split between cities and regional projects. Deb Eddy is stepping down as director of Suburban Cities Association. Mayor Huckabay also reported on joint meeting with Issaquah Council. Topics discussed were the East Lake Sammamish Trail, Laughing Jacobs Trail and

requesting the city ensure that sidewalks, including bike lanes, match up with what is on the Issaquah section of Issaquah / Pine Lake Road.

### **Proclamations/Presentations**

Mayor Huckabay gave the State of the City Address accompanied by a PowerPoint presentation (Complete presentation available upon request.)

### **PUBLIC COMMENT:**

Marianne Wilkins, 20917 SE 12<sup>th</sup> Street, Spoke regarding setbacks. Setbacks for parks from residential homes should be larger than the setbacks required for a single-family home. Parks are much more intrusive with more people, more noise and more cars. She asked Council to carefully consider increasing these buffers.

John Galvin, 432 228<sup>th</sup> Avenue, Thinks city projects are moving too slowly. Read various articles from newsletters and Sammamish review showing the City is not coming through on their promises. The City has a pattern of late starts and late finishes.

Lawrence Shack, 22176 NE 25<sup>th</sup> Way, Asked Council to take a good look at the requirements for placement of wireless facilities. He thinks that any ordinance that allows facilities to be built within 14 feet of any residence is not protecting the public.

Ilene Stahl 21553 SE 20<sup>th</sup> Lane, Asked for relaxation of road standards near sensitive areas and the edges of the plateau by not requiring curbs, sidewalks and gutters. This would save money and the environment. She hopes council will require larger culverts on the ELST.

### **CONSENT CALENDAR**

- Payroll for pay period ending January 31, 2004 for pay date February 5, 2004 in the amount of \$142,561.31.
- Payroll for pay period ending February 15, 2004 for pay date February 20, 2004 in the amount of \$140,580.97.
- Claims for period ending February 17, 2004 in the amount of \$742,989.76 for Check No. 9509 through Check No.9617
- Claims for period ending March 2, 2004 in the amount of \$596,448.96 for Check No. 9618 through Check No.9695
- Resolution: A Coalition for Housing (ARCH) 2004 Workplan
- Interlocal: King County/Waste Reduction
- Contract: Janitorial Services/Advantage
- Contract: Landscape Services/Northwestern Landscape Services
- Contract: Landscape Services ROW/Total Landscape Company
- Contract: Concurrency Modeling/David Evans
- Approval: Minutes for January 13, 2004 Special Meeting/Study Session
- Approval: Minutes for January 20, 2004 Special Meeting/Study Session
- Approval: Notes for January 27, 2004 Study Session
- Approval: Notes for February 2, 2004 Study Session

**MOTION:** Councilmember Pettit moved to approve the consent calendar. Councilmember Felling seconded. Motion carried unanimously 7-0.

**Unfinished Business - None**

### **New Business**

**Ordinance: First Reading Amending Ordinance No. O2004-135 To Remove Wireless Communications Facilities From The Ordinance's List Of Categorical Exemptions; And Placing A Moratorium On The Filing Of Applications For Wireless Communications Facilities Within The Corporate Limits Of The City Of Sammamish.**

Public Works Director Delora Kerber gave the staff report. Currently the City allows placement of wireless facilities in right of way. Council asked staff to study the issues surrounding this. Making the placement of wireless facilities subject to the moratorium will allow a study throughout city to see where facilities could be located without negative impacts. This moratorium will only affect applications submitted after approval of this ordinance. Currently six applications are in process.

### **Public Comment**

Molly Lawrence, Representing AT & T, 2025 1<sup>st</sup> Ave, Seattle, WA, Encouraged Council not to take action tonight because this ordinance violates RCW 35.99.050 which states that cities must accept and process application, but this moratorium prohibits applications. The ordinance does not provide a fixed period of time for ending the moratorium, even though it is tied to the current land use moratorium. Wireless carriers are trying to be good neighbors and she does not think the City is treating them very good with this ordinance. The ordinance is inconsistent with the Telecommunications act and this jurisdiction will be responsible for attorney fees if they lose a lawsuit.

**MOTION:** Councilmember Pettiti moved to approve the ordinance to make placement of wireless communication facilities part of the moratorium. Councilmember Whitten seconded.

Deputy Mayor Gerend questioned why we would continue to accept applications. He asked City Attorney Bruce Disend to respond to Ms. Lawrence's comments.

Mr. Disend agrees the ordinance requires some minor corrections regarding the acceptance of applications. The City will work rapidly to end the moratorium. In terms of lawsuits, he is not worried because he does not anticipate any.

Councilmember Whitten thinks this ordinance should be adopted to prevent telecommunication agencies from submitting and being vested under the current inadequate ordinance.

Councilmember Cross is in favor. He doesn't like the visuals of the facilities along the road and some are too close to the road. The current ordinance forces companies to go into the right of way.

**AMENDMENT:** Councilmember Barry moved to amend Section 3 of the ordinance to read: The moratorium is imposed upon the final approval of permits. This shall not affect vested rights. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0.

**MOTION:** Councilmember Fellingee moved to suspend the rules and approve the ordinance on the first reading. Councilmember Barry seconded. Motion carried unanimously 7-0.

**AMENDED MOTION:** Motion carried as amended unanimously 7-0 (O2004-141).

**Ordinance: First Reading Amending Title 13, Utilities, Of The Sammamish Municipal Code By The Addition Of A New Chapter, 13.01, Right Of Way Standards**

Ms. Kerber gave the staff report. Based on citizen input, staff is recommending that all future utility cabinets shall be placed under ground. Bellevue and Mercer Island require this. This requirement will not conflict with current underground facilities because most gas and sewer facilities are under the road.

**MOTION:** Councilmember Petitti moved to suspend the rules and pass this ordinance on the first reading. Councilmember Cross seconded. Motion carried unanimously 7-0.

**MOTION:** Councilmember Whitten moved to approve the ordinance amending Title 13 by adding a new Chapter 13.01. Councilmember Cross seconded. Motion carried unanimously 7-0 (O2004-142).

Deputy Mayor Gerend questioned why the ordinance needed to pass on the first reading. Councilmember Whitten explained the ordinance would require all future applications to comply with the under grounding requirement. If the moratorium still allows application then any applications accepted between now and the next meeting would be vested under the old requirements.

**Resolution: Amending The City's Master Fee Schedule To Add A Fee For Site Specific Right Of Way Fee Agreement For Wireless Facilities**

Ms. Kerber gave the staff report. King County has been granting Right of Way permits for the City and entering into franchise agreement with facilities. The city will now be issuing the Right of Way permits and will have all applicants sign an agreement for rental fee to be paid directly to the City. The proposed fees are consistent with fees charged by other cities. This fee will be applied to current applications in process.

Councilmember Whitten asked if fees could be increased and how long would they be effective. She thinks the fees are too low. City Manager Ben Yazici said the fee issue would be reexamined after the comprehensive study is complete.

Councilmember Cross suggested offering fee discounts to current providers if they volunteer to underground their facility.

**MOTION:** Councilmember Felling moved to approve the resolution amending the Master Fee Schedule to add a fee for site specific right of way fee agreement for wireless facilities. Councilmember Petitti seconded.

**AMENDMENT:** Councilmember Cross moved to amend the resolution to add a 10% discount to carriers if they volunteer to underground their facilities. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0

**MAIN MOTION:** Adopted as amended unanimously 7-0 (R2004-165).

**Resolution: Final Plat Approval Cedar Cove Subdivision**

Community Development Director Ray Gilmore gave the staff report. This plat was given preliminary approval by King County. The City Hearing Examiner accepted an agreement eliminating a requirement for a through access in the plat. The current developer agrees to provide easement for a trail that could provide for some connectivity between this development and surrounding developments. The density of the original plan has been reduced thereby eliminated the need for a through street. All fees have been paid. All conditions of preliminary plat have been met. Staff is recommending approval of the final plat.

Applicant Jim Tosti stated for the record that he is agreeing to the easement for a pedestrian trail. The City must contact Sammamish Plateau Water & Sewer to see if there are any issues that would prevent a trail because it will be close to a detention facility.

**MOTION:** Councilmember Whitten moved to grant final plat approval to the Cedar Cove subdivision. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0 (R2004-166)

Deputy Mayor Gerend expressed his disappointment that there is no through street in the plat. He hopes future developments will provide for more connectivity, even though he approves of the trail.

**Resolution: Final Plat Approval: Llama Landing Subdivision**

Deputy Director Susan Cezar gave staff report. This plat is vested to King County standards. The City Hearing Examiner heard and rendered an appeal decision. The applicant has complied with all conditions of approval. Bonds have been posted for unfinished work. Fees have been paid to Washington State Department of Transportation for improvements to SR 202. Mitigation fees and 50% of Lake Wash. School District impact fees have been paid as well. Mr. Burnstead made some last minute changes to the plat to allow trail easements.

Mr. Yazici said that the City would not have to refund the impact fees if SR 202 is not completed because Right of Way has been acquired.

Deputy Mayor Gerend asked when the City draws the line at completion of a plat and how much work has to be in place before the City allows for bonding. Ms. Cezar said that the developer must show that they can complete the bonded improvements to the subdivision within two years.

**MOTION:** Councilmember Whitten moved to approve the final plat of the Llama Landing subdivision. Councilmember Cross seconded. Motion carried unanimously 7-0 (R2004-167)

**Contract: Issaquah Pine Lake Road Extension/David Evans**

Councilmember Gerend excused himself from the discussion and vote to prevent any appearance of conflict of interest.

Ms. Kerber gave the staff report. This contract will refine existing preliminary engineering to allow for completion of the project. It will be built in conjunction with the Sound Transit Park & Ride lot. The City held a public meeting on February 26, 2004 and 41 people attended. Questions were answered and comment forms were passed out. Eight forms have been returned so far. Most concerns were for safety on the southern portion of the extension. The City will try to add lighting and sidewalks. Moving ahead now will allow this project to be built in conjunction with park n ride which will provide a savings of scale and prevent two different opportunities for pollution of Pine Lake during two different construction periods. Significant run off treatments are part of the plan. Sidewalks will only be on one side of road to reduce impervious surface and pervious surface concrete may be used for the sidewalks. Passage of contract will not prohibit changes to design in response to citizen input.

**MOTION:** Motion to authorize the City Manager to amend the contract with David Evans for the Issaquah-Pine Lake Road Extension in an amount not to exceed \$158,500. Motion carried 6-0 with Deputy Mayor Gerend not voting.

Council recessed from 9:40 pm to 9:55 pm.

City Manager Report

**Open Study Session**

**9:55 pm**

**Transportation Project List**

Finance Director Lyman Howard began the study session by outlining funds that will be available to finance the transportation projects currently on the list. Council considered all the projects on the list and Public Works Director Kerber gave them several options and explained the interrelatedness of Level of Service and funds available to provide concurrency.

**Close Study Session**

**11:40 pm**

**City Manager Report**

Mr. Yazici said that there is a very real need for additional staff in the IT department. Currently there is one full time position and that person is trying to juggle the webpage, TV and technical service to the city. He will be asking for one more additional full-time employee.

The Mayor and Deputy Mayor did a great job meeting with King County regarding the transfer of Section 6 to the City. There is tentative agreement although the entire King County Council must approve the transfer.

Staff is hoping for 100% approval from neighbor adjacent to the proposed ball fields at Eastlake High School.

**Adjournment** – Mayor Huckabay adjourned the meeting at 11: 55 pm.

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Melonie Anderson, City Clerk

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Kathleen Huckabay, Mayor