

COUNCIL MINUTES

Regular Meeting April 6, 2004

Mayor Kathleen Huckabay called the regular meeting of the Sammamish City Council to order at 7:30 pm.

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

Staff present: City Manager Ben Yazici, Assistant City Manager Pete Butkus, Director of Community Development Ray Gilmore, Public Works Director Delora Kerber, Finance Director Lyman Howard, Financial Analyst Aaron Antin, Deputy Director Community Development Susan Cezar, Associate Planner Evan Maxim, City Attorney Bruce Disend and Administrative Assistant Stacy Herman.

Roll Call/Pledge

Roll was called. Councilmember Felling led the pledge.

Approval of Agenda

MOTION: Deputy Mayor Gerend moved to approve the agenda. Councilmember Petitti seconded the motion. Motion carried unanimously 7-0.

MAYOR/COUNCIL/COMMITTEE REPORTS

- *Public Safety Committee (Councilmember Felling):* No Report
- *Finance Committee (Deputy Mayor Gerend):* Deputy Mayor Gerend, Planning Commission Bob Keller and several staff members interviewed three consultants, one of which was selected, to help with the public process for the Special Study Area. Berk & Associates was chosen. The public process will probably take six to eight months.
- *Community Development Committee (Councilmember Cross):* He distributed invitations to the Eastside King County Human Services Workshop and invited each councilmember to attend. The Committee met tonight. Topics discussed were (1) the timing of code amendments tree retention, growth rate control, sensitive areas, trails, and the Six Year Transportation Plan. The Planning Commission will be considering these amendments and making a recommendation to Council soon. (2) Discussed having a water quality control board. This item will receive further study and consideration which might involve input from citizens with expertise in this area.
- *Public Works Committee (Councilmember Petitti):* No Report
- *Legislative Committee (Mayor Huckabay):*

- *Parks, Open Space & Natural Resources Committee (Councilmember Whitten):* The committee met on Monday. The items discussed were (1) the opening of Pine Lake for fishing will be delayed because the park construction project is not complete. Stocking will not take place, if at all until the park project is completed in May. The public will be directed to Beaver Lake for fishing. (2) Update on the interlocal between the City and Lake Washington school District for joint use of facilities. The agreement is moving along well and will be presented to Council for consideration soon. (3) Children's play structures in Sammamish Parks were reviewed. There are play structures in Pine Lake Park, Beaver Lake Park and Northeast Sammamish Park. The committee met with a consultant who is trying to get state funding to develop a model that will help cities develop trails and pathways. Staff will meet with this consultant to see if this option should be pursued.
- *Skyline High School Student Liaison:* DECA to 22 students to the Nationals. Spartan Night Live was a great success. Juniors and seniors are applying to be camp counselors at Challenger Elementary camp experience.
- *Eastlake High School Student Liaison:* The drama club play was very successful. Prom night and graduation are coming up. Spring break will be soon.
- *Mayor Report:* One Councilmember requested that the meeting schedule be changed to eliminate the Study Session on the second week and have an additional meeting on the fourth Thursday of the month. Mayor Huckabay asked all councilmembers to check their calendars to see if this would fit their schedule. Deb Eddy, Director of Suburban Cities has stepped down. An interim Director will be named next week and will remain for at least a year. The Mayor invited everyone to attend the Arts Commission presentation to be held at Eastlake High school next week.

PUBLIC COMMENT:

Pam Mauk, 247 208th Avenue NE, Executive Director of Family Resource Center. She represents the East King County Human Services Alliance as treasurer. She distributed the results from the Eastside Human Services Alliance Annual Assembly. She said the survey indicates there are low income people living in Sammamish and the east King County area. Funding is shifting to other areas. Refugee populations are increasing. There is no sustainable source of income for Human Services. She encouraged the Council to increase the Human Services Budget for next year.

Susie Latham, 20735 SE 3rd Way, She is disappointed that Ebright Creek has not proceeded very rapidly. She encouraged Council to amend the municipal code regarding wetland buffer setbacks. This presents a major obstacle to developing more trails in the city. She would not like to see changes made just to apply to the East Lake Sammamish Trail. The clock is ticking on this project and she would like to have this park.

Stephanie Crinklaw, 20750 SE 3rd Way, She voiced her support for an active park facility at Ebright Creek including a sports field. To create anything less will be useless for the rest of the population. This park should serve the majority, not the minority. She also feels constant public input at Council meetings is a waste of time.

City Manager Ben Yazici explained the process the city must follow to change the development code. It is a long process but should be completed by August.

Daniel Higgins, 20745 SE 3rd Way, He has lived here for 25 years. Many people have moved here during that time. Roads have been improved but there have been no additional public facilities to accommodate the increased population. He is also a soccer coach and has been frustrated by the lack of soccer fields. Although it is difficult to install infrastructure into existing neighborhoods, it must be done.

Brad Charlston, 24841 NE 3rd Place, He hopes that the council is making decisions that benefit the community as a whole. He supports active sports at Ebright Creek Park.

Paul Wisinski, Cameron Anderson, 1760 E. Lake Sammamish Parkway, He said that he would be at the next council meeting to request a hardship exemption.

CONSENT CALENDAR

Payroll for Pay Period Ending March 15, 2004 For Pay Date March 19, 2004 In The Amount Of \$144,255.27

Payroll for Pay Period Ending March 31, 2004 For Pay Date April 5, 2004 In The Amount Of \$223,530.78

Claims for Period Ending April 6, 2004 In The Amount Of \$1,502,598.75 For Check No. 9798 Through Check No. 9945

Approval: Minutes for February 10, 2004 Special Meeting/Study Session

Approval: Minutes for March 2, 2004 Regular Meeting

Approval: Minutes for March 16, 2004 Regular Meeting

Approval: Notes for March 23, 2004 Study Session

Resolution: Amending The City's Master Fee Schedule To Update Fees In Accordance With The Uniform Plumbing Code Of 2000

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

Public Hearing

Ordinance 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. On March 3, 2004 the council approved an ordinance placing wireless facilities under the moratorium to give the City more time to review facilities and develop a master plan for locating future facilities. This action required a public hearing to be held within 60 days of adopting this ordinance.

Public Hearing Opened at 8:15 pm

No Public Comment

Public Hearing Closed at 8:20 pm.

Unfinished Business - None

New Business

Hardship Exception: Scheckler (218th Avenue & NE 16th Street)

Director of Community Development Ray Gilmore gave the staff report. The parcel is located at 218th Avenue NE, south of NE 16th Street. The parcel is zoned R-4. The initial short plat application was applied for under King County and was granted. They now want to further subdivide their property. Their hardship is financial.

Mark Isaacs, 10003 132nd Avenue NE, Kirkland, He is their realtor. He advised them initially to subdivide the lots into as many as possible. They decided to only subdivide in two lots. Their costs to develop this property have skyrocketed and it is not cost effective to only develop and sell one lot. Their request complies with city code. Mr. Scheckler is also quite ill due to going through this process.

Councilmember Felling asked how the granting of this request would help the Schecklers. Mr. Isaacs said the salable value of two lots is worth twice as much as one, but costs the same to develop.

Deputy Mayor Gerend pointed out that even if this exception was approved, they would still have to qualify for concurrency.

MOTION: Councilmember Whitten moved to discuss the exception. Councilmember Cross seconded.

Deputy Mayor Gerend said that since the applicant has a developer extension on their water certificate, perhaps they could wait to develop.

MOTION: Councilmember Barry moved to approve the hardship. Councilmember Petitti seconded.

Councilmember Barry will vote for this because the applicant meets the hardship requirements.

Councilmember Cross feels that granting this exception would be inconsistent with previous requests that have been denied. There is no time deadline on this property development so he will vote no.

Councilmember Whitten is does not like granting exceptions when the water certificates were applied for after the moratorium was in place. She does feel there is a financial hardship issue.

Councilmember Fellingge asked if there have been previous hardships granted for financial reasons only. Deputy Mayor Gerend said there was always the added risk of losing the water certificates.

MOTION: Deputy Mayor Gerend moved to table the exception to the next regular meeting so further information can be gathered. Councilmember Petitti seconded. Motion carried 5-2 with Councilmembers Barry and Whitten dissenting.

Hardship Exception: Stoddard/O'Brien (2621 244th Avenue NE)

This request is for a seven lot subdivision on 1.89 acres. The property is located at 2621 244th Avenue NE. The request is based on financial hardship.

The Stoddard family was available to answer questions from Council. They would like to develop the property since they cannot afford to fix the houses up. They were told that the moratorium would be lifted in February.

Deputy Mayor Gerend concurred that the houses were in bad shape and the value is in the land. He also asked if they could try to extend their water certificates in hopes that the moratorium will be lifted soon. He would be more sensitive to this request if the moratorium is extended.

Councilmember Whitten is concerned about the exceptions that are being granted, especially since the moratorium will probably be lifted soon.

Public Works Director Delora Kerber explained that this development would not qualify for concurrency until the Six Year Transportation Program is adopted, probably sometime in June.

MOTION: Councilmember Barry moved to discuss and approve this hardship. Councilmember Petitti seconded. Motion carried 6-1 with Councilmember Barry dissenting.

Councilmember Barry believes. There is a significant hardship and he will vote in favor of it.

Councilmember Fellingge is frustrated because although there is a hardship here, previous hardships have not been granted solely for financial reasons. If the council changes their reasons for granting hardships now, it would be unfair to others who have been denied.

Councilmember Cross is afraid that granting these hardships will result in the city being limited in what they can do in the future. He is not sure that maximum development of the property is necessary to relieve this hardship. Perhaps getting just one lot would be enough.

Councilmember Petitti also feels that the council must remain consistent in granting these exceptions. There are many other people in this same situation. She will vote no because they have the opportunity to renew their water certificates and she feels that the moratorium will be lifted soon.

Councilmember Whitten feels the property could be subdivided into two lots without an exception and to grant the exception undermines the intent of having a moratorium in place until regulations are in place.

Deputy Mayor Gerend says that splitting the property is not very feasible. He does agree that to be consistent with past practice this exception should be denied.

Ordinance: First Reading Repealing Sammamish Municipal Code Chapter 2.25, Compensation Plan

Assistant City Manager Pete Butkus gave the staff report. This is basically a housekeeping issue to revise the municipal code. The provisions of this code are duplicative and unnecessary because they are covered in other documents. This is the first reading of this ordinance and no action is recommended.

Resolution: Granting Final Plat Approval To The Plat Of The Sammamish Trails (AKA Highland Ridge) Subdivision

Deputy Director of Community Development Susan Cezar gave the staff report. This is the final approval of an 11-lot subdivision. The preliminary plat approval was given by the City of Sammamish Hearing Examiner in August 13, 2001. All development conditions are vested to King County Standards. All the appropriate bonds are in place and problems with the stormwater vault have been repaired. 50% of the school impact fees have been paid and the applicant has demonstrated that all conditions have been met. The staff recommends granting final plat approval

Deputy Mayor Gerend asked if the impact fees were paid under King County's fee schedule or the city's. Ms. Cezar said that the initial fees were paid in full and were vested to King County's fees. Deputy Mayor Gerend asked when the first lot could be sold. Ms. Cezar said that they cannot sell any lots until final approval. He also feels the plat is very far from being built, there are no roads, curbs or gutter. At what point can a build bond for? Ms. Cezar said the only restriction is that the plat must be completed within two years.

Mayor Huckabay asked why there was no agreement for frontage improvements. Project Engineer Aaron Sundberg said that there were no conditions for improvements as part of the plat because it would require improving all of 212th.

Deputy Mayor Gerend asked if the visible storm water pipe would be landscaped and who was going to be responsible for maintenance of the system. Ms. Cezar said that the part of the pipe that is in the City's right of way would be landscaped and the developer is responsible for the maintenance of the system.

Mayor Huckabay asked if the developer was exempt from the weight restrictions that are in place on 212th. Mr. Yazici said that delivery trucks are exempt from the restriction.

Ms. Cezar said that the developer is dedicating 40 feet for any future improvements that might be necessary on 212th.

MOTION: Councilmember Petitti moved to approve the final plat of Sammamish Trails. Councilmember Fellingge seconded. Motion carried 6-0 with Councilmember Whitten abstaining.

Approval: Wireless Facility Master Plan

Public Works Director Delora Kerber gave the staff report. At Council's direction staff is proceeding to develop a Wireless Facility Master Plan. A consultant has not been chosen yet but several consultants have been interviewed. The contract amount is up to \$50,000. This plan will limit the number of future facilities that will be located in the right of way. The plan will also include what the wireless equipment will look like and what the leasing fee should be. After these elements come forth from the master plan, the consultant will also develop ordinances to modify the municipal code.

MOTION: Councilmember Petitti moved to authorize up to \$50,000 to be used to hire a consultant to develop the Wireless Facility Master Plan. Councilmember Petitti seconded. Motion carried unanimously 7-0.

Approval: Web Developer/ Communications Support Tech Position

Assistant City Manager Pete Butkus gave the staff report. In an effort to improve communication between the Council and the community, including the introduction of Sammamish TV a part time web developer was hired. His contract is coming to an end. After some analysis staff is recommending hiring a full time employee to fill this position.

Councilmember Cross thinks the web site is a very important tool for getting out information.

Councilmember Whitten said that if a new position were being created, there are more important areas in need.

MOTION: Deputy Mayor Gerend moved to approve the position. Councilmember Fellingge seconded. Motion carried unanimously 7-0.

City Manager Report

Work Load Issues

Mr. Yazici said the city is experiencing an unusual increase in the work load, particularly in permits. 60 Applications were received in March representing a 30% increase from last year. Customer service is suffering as a result. The increase in permits impacts all the other departments as well. Public Works projects require many hours of staff time, closing out the

228th Avenue Project, preparing for the Issaquah-Pine Lake Road extension, the roundabout at SE 32nd and Issaquah-Pine Lake road, the Pine Lake Park improvements, traffic control problems, transportation plan, speed control represent some of the work load in the Public Works department. The Parks Department is working on interlocal agreements, park improvements, grants and recreation activities. Community Development also has a very heavy workload. The staff is being stretched too thin. He will come back to the Council with some ideas on how to address the workload issue. As a stop-gap measure temporary help has been hired to help process the incoming permits and plan review. There is not budget impact.

Sammamish Commons

Mr. Butkus gave the report. He outlined the current plans for the upper 10 acres of the property. The plan calls for City Hall, amphitheatre, skate park, parking and space for an unidentified future building.

The skate park will be located 150 feet north of the Arbor School. There will be two walls and a basketball court between the school and the skate park to reduce noise. The skate park is located below the level of the ground. He showed what the park would look like from several different angles. The City Hall will have a brick/wood and steel exterior.

The current budget is within \$200,000. Steel prices are rising. This could affect the cost. The plan is continually evolving.

Councilmember Whitten asked for a timeline on the construction of the Commons.

Mayor Huckabay asked if any thought had been given to putting a roof on the skate park. It would be very useful in this part of the country.

Mr. Yazici said that staff would get a bid on the price of adding a roof to the skate park. However, he cautioned staff that this would increase the cost.

Council took a break from 9:50 pm to 10:40 pm.

Executive Session - Potential Litigation pursuant to RCW 42.30.110 (I)

Council retired to Executive Session at 10:10. They returned to open session at 10:40 pm.

City Attorney Bruce Disend explained that the Timberline neighborhood has requested curb and sidewalk repair. After reviewing the situation, staff is recommending the Council authorize the City Manager to enter into an agreement with Ortiz Construction to do the repair work in an amount not to exceed \$41,000.

MOTION: Councilmember Petitti moved to authorize the City Manager to enter into an agreement with Ortiz Construction to do the repair work in an amount not to exceed \$41,000. Councilmember Felling seconded. Motion carried unanimously 7-0.

Adjournment – Mayor Huckabay adjourned the meeting at 10:45 pm

Melonie Anderson, City Clerk

Kathleen Huckabay, Mayor