

# COUNCIL MINUTES

## Regular Meeting June 15, 2004

Mayor Kathleen Huckabay called the regular meeting of the Sammamish City Council to order at 6:30 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 Administrative Services Mike Sauerwein, Director of Community Development Ray Gilmore, Deputy Director of Community Development Susan Cezar, City Engineer Steven Hartwig, Senior Transportation Engineer Jeff Brauns, Director of Parks & Recreation Jeff Watling, Building Official Jan Vogee, Permit Manager Kimberlee Henning, Permit Technician Cindy Reddecopp, Building Inspectors Ron Seward and Kurt Aldworth, Plans Examiner Dawn Flores, Police Chief Richard Baranzini, Communications Manager Tim Larson, Intern Bryan Case, City Attorney Bruce Disend and City Clerk Melonie Anderson.

### Roll Call/Pledge

Roll was called. Councilmember Petitti led the pledge.

### Approval of Agenda

**MOTION:** Councilmember Petitti moved to approve the agenda. Councilmember Cross seconded the motion. Motion carried unanimously 7-0.

**AMENDMENT:** Deputy Mayor Gerend moved to amend the agenda to add an Executive Session after the presentations. Councilmember Whitten seconded. Motion carried unanimously 7-0.

#### ❖ *Friends of Youth/Sammamish Youth Board*

Kelly Land, on behalf of Friends of Youth thanked the Sammamish Youth Board for all their help this year, including helping with facilities, coordinating a fundraiser for the program and other areas. Their help is especially important because this help it comes from the peers of Friends of Youth's clients. She presented a Volunteer Service Certificate to Lynne Handlos on behalf of the Youth Board.

#### ❖ *Sammamish Youth Board*

Mayor Huckabay and Lynne Handlos presented the 2003/2004 Youth Board members with certificates of participation for all their work this year.

❖ *2003-2004 Student Liaisons*

Mayor Huckabay presented plaques and certificates to Amber Hargraves and Lindsey Bull, Student Liaisons from Skyline High School and Alex Madison, Student Liaison from Eastlake High School, for their participation at council meetings this year.

❖ *Permit Center/Building Division*

Mayor Huckabay read a letter of appreciation sent by a resident praising the Permit Center, especially Permit Technician Cindy Reddecopp, for the great customer service they provide. City Manager Ben Yazici presented certificates of accomplishments to the staff of both the Permit Center and Building Division.

**Executive Session** - Potential Litigation pursuant to RCW 42.30.110(1)(i).

Council retired to Executive Session at 6:45 pm. They returned to open session at 7:05 pm. No action was taken.

**Mayor/Council/Committee Reports**

- *Public Safety Committee (Councilmember Felling)* Committee will meet Wednesday June 23. They will be discussing the International Building Code in relation to the sprinkler requirement. They will bring a recommendation back to Council at a later meeting. They will also discuss motorized scooters. There have been comments regarding noise/safety issues related to scooter use. Staff is checking on how other cities handle this problem. Currently there are no regulations on these machines.
- *Finance Committee (Deputy Mayor Gerend)*: Finance committee has not met. They meet on the fourth Tuesday. He attended the Suburban Cities Association Retreat. A tentative mission statement was developed. There may be a "single issue committee" formed to research and work specific issues. Each city would have a representative. The board of directors would take care of the day-to-day operations. Minutes from the retreat will be provided to all cities.
- *Community Development Committee (Councilmember Cross)*: The committee will meet July 6 at 5:00 pm. He would like to move the meeting to a different day of the week.
- *Public Works Committee (Councilmember Petitti)*: She attended Eastside Transportation Partnership meeting. The new meeting location is in Unigard Park off 152<sup>nd</sup> NE in Redmond. Several King County Councilmembers were there to discuss why the RDIT package will not go on the ballot this year. They feel that more public education needs to be done. They also discussed a bus study performed by Microsoft. Public Works met tonight. They discussed (1) an update on Issaquah Pine Lake Rd, 228<sup>th</sup> Street road improvement project punch-list, (2) East Lake Sammamish Trail, (3) Pine Lake Study, (4) Inglewood Basin study, (5) SE 24<sup>th</sup> Street sidewalk and 244<sup>th</sup>

corridor will be discussed at the next study session. An invitation was sent out to all the residents inviting them to a workshop being presented by Dan Burden, an expert in designing walkable, livable communities. The topic will be street design standards. The committee is also working on prioritizing sidewalk projects. Council would like a city map on a disc.

- *Legislative Committee (Mayor Huckabay):* The committee met with Sammamish Plateau Water & Sewer District to discuss the joint use maintenance facility. They discussed several options regarding renting vs. purchasing the site. There was not enough background information to make a decision. The committee also discussed a future merger with the district.
- *Parks, Open Space & Natural Resources Committee (Councilmember Whitten):* The committee met last week. (1) Update on Ebright Creek Process. Survey results were discussed. (2) Agreement with Lake Washington School District for joint use of sports facilities. (3) Negotiation with Issaquah School district for joint use. The committee has asked for a comprehensive overview of the needs for ball fields. The committee will meet on July 19. The public is welcome.
- *Skyline High School Student Liaison:* No report.
- *Eastlake High School Student Liaison:* No report
- *Mayor Report:* She represented the city at the induction of Skyline High School students into the National Honor Society. 65 students were inducted. Burlington Northern has offered to sell right of way to Eastside Cities Association. Mayor Huckabay polled the Councilmembers to see if either June 28/29 would be the best date to hold a study session with Dan Burden. The meeting of July 6 will need a quorum because there will be a public hearing and some major items on the agenda.

#### **Public Comment – None**

#### **Consent Calendar**

- ❖ **Payroll for Pay Period Ending May 31, 2004 For Pay Date June 4, 2004, In The Amount Of \$157,655.44.**
- ❖ **Claims for Period Ending June 15, 2004 In The Amount Of \$3,062,326.48 For Check No. 10314 Through Check No. 10427**
- ❖ **Approval: Minutes For April 6, 2004 Regular Meeting**
- ❖ **Approval: Minutes For April 27, 2004 Special Meeting/Study Session.**
- ❖ **Approval: Notes For The May 11, 2004 Study Session**
- ❖ **Approval: Minutes For The May 25, 2004 Special Meeting**
- ❖ **Approval: Minutes For June 1, 2004 Special Meeting/Study Session**

**MOTION:** Deputy Mayor Gerend moved to approve the consent calendar. Councilmember Cross seconded. Motion passed unanimously 7-0.

## Public Hearing

### **Public Hearing/First Reading**

- **Ordinance Pertaining To Clearing And Grading; Amending Section 16.15.020 Of The Sammamish Municipal Code (SMC) To Establish The Definition Of Tree Diameter; Amending Section 16.15.050 SMC To Clarify Permit Requirements For The Clearing Of Trees Outside Of Sensitive Areas Or Buffers Based Upon A Diameter Of Eight Inches Or Less For Coniferous Trees And Twelve Inches Or Less For Deciduous Trees.**
- **Ordinance Relating To Type 1 Permits With A SEPA Determination; Amending Sections 20.05.020 Exhibit A (Land Use Decision Type), 20.05.020(1)A, To Eliminate The Requirement Of A Type 1 Application As Being Considered As A Type 2 Application When A SEPA Threshold Determination Is Required**
- **Ordinance Repealing Chapter 20.20.050 Of The Sammamish Municipal Code Pertaining To Neighborhood Meetings For Plats And Adopting A New Chapter 20.05.035 SMC Pertaining To Neighborhood Meetings**
- **Ordinance Pertaining To Land Use And Zoning, Amending Chapter 21A.15 To Revise The Definition Of Public Agency And Utility Yards, Amending Chapter 21A.20 To Allow Public Agency Utility Yards As A Conditional Use In All Zoning Districts, Amending Chapter 21A.20 To Allow Public Agency Archives In All Zoning Districts And Amending Chapter, 21A.30 To Add A New Section 21A.30.175, Public Agency Or Utility Yard-Design Standards.**
- **Ordinance Pertaining To Land Use And Zoning, Amending Sammamish Municipal Code Chapters 21A.15, Definitions, And 21A.45, Signs, To Permit Changing Message Center Signs As A Community Bulletin Board In Residential Zones For City Hall Facilities; And Further Amending SMC Sections 21A.15.1100, Sections 21A.45.060 (4) And (6), And 21A.45.070(1).**
- **Ordinance Pertaining To On-Site Recreation Facilities For Residential Development; Amending Section 21A.30.140 Of The Sammamish Municipal Code To Require Minimum On-Site Recreational Facilities For All New Residential Developments Of More Than Four Dwelling Units**
- **An Ordinance Pertaining To Land Use And Zoning; Amending Chapter 21A.35 Of The Sammamish Municipal Code To Add A New Section 21A.35.055 Pertaining To Landscaping Requirements For Storm Drainage Facilities.**

Director of Community Development Ray Gilmore gave the staff report. This is the first recommendation being forwarded to council by the Planning Commission. There are seven ordinances being proposed. He summarized each ordinance. The first ordinance has always

been practiced although it is not in the code. The second amendment relates to SEPA requirements and the appeal period. The third ordinance relates to the neighborhood meeting requirements. It is currently in the wrong part of the code and so will be moved to the procedure sections. Ordinance four relates to locating public facilities in the city. Ordinance number five relates to electronic bulletin boards to allow one at the city hall site. Ordinance number six adds an open space requirement for all new subdivisions. Ordinance number seven relates to stormwater facilities and the requirement for landscaping. This is the first reading. No action is required.

Councilmember Whitten asked if the amendment for public facilities would allow a facility that generates extensive truck traffic in a residential area. There are no limitations on maximum size. Mr. Gilmore explained that this would apply only to public agencies such as the City or the sewer districts. Deputy Mayor Gerend pointed out that this would be a Conditional Use Permit and would also have to meet additional criteria. Staff will address Councilmember Whitten's concerns between now and the second reading of these ordinances.

Public Hearing opened at 7:40 pm.

No public comment.

Hearing closed at 7:41 pm.

### **Public Hearing**

#### **Adopting An Updated Six-Year Transportation Improvement Plan For 2005-2010**

City Engineer Steve Hartwig and Senior Transportation Program Engineer Jeff Brauns gave the staff report. City Manager Ben Yazici explained that this plan is a result of a four month long process based on the City Council priorities. Several study sessions have been held on this topic. The Planning Commission studied the plan and recommends adoption. This plan is a planning document only and does not commit any funds to any particular project.

Each city is required to update their six year plan yearly. As directed by Council, the concurrency projects were all elevated to the funded section of the plan. One project, on NE 8<sup>th</sup> was added to the plan. This is the second recommendation of the Planning Commission to Council. Though there are some deficits in some of the years, at the end of the six years, the budget balances. Interfund loans could be used in the deficit years. Mr. Hartwig explained that some projects were listed as three lanes, etc. only to help staff project a budget. If Council would like, a footnote could be added explaining why this was done. Actual funding of specific projects will be identified in the 2005/2006 budget.

Mr. Brauns explained that further study will be done on both street standards and level of service standards with the help of Dan Burden.

Councilmember Cross asked for further explanation on projects 5, 6 and 7 from Inglewood Hill Road to the Redmond city limits. It has been broken into pieces to keep the projects at a

manageable level and to provide flexibility. A consultant is currently being sought to perform a study along the route. Once the consultant is on board, the costs will be refined. There will be a significant amount of public involvement in designing this corridor.

Councilmember Whitten asked if any improvements are planned for SE 29<sup>th</sup> Street. Mayor Huckabay said that these projects may be re prioritized during the budget process. Mr. Hartwig said some preliminary work has been done to see if there are inexpensive options that can be applied to this street.

Public Hearing opened at 7:55 pm.

Public Comment – None

Public Hearing closed at 7:56 pm

### **Unfinished Business**

#### **Ordinance: Second Reading An Ordinance Of The City Of Sammamish, Washington, Amending Sammamish Municipal Code Section 8.10.150 To Make The Discharge Of Certain Fireworks A Civil Infraction And Repealing Sammamish Municipal Code Section 8.10.060**

Police Chief Baranzini gave the staff report. This ordinance will provide efficiency and equity. The violation can be written on the spot and there are no court or jail costs. Fireworks violation is not really an offense for which people should be put in jail.

**MOTION:** Councilmember Whitten moved to adopt the ordinance. Councilmember Cross seconded. Motion carried unanimously 7-0 (O2004-146).

#### **Ordinance: Second Reading of an Ordinance Of The City Of Sammamish, Washington, Amending Sammamish Municipal Code Section 22.10.030, Inattentive Driving, To Adopt The Penalties Set Forth In The Infraction Rules For Courts Of Limited Jurisdiction**

Chief Baranzini gave the staff report. This is the second reading and staff is recommending approval.

Councilmember Whitten said that this ordinance is subjective and will be decided by the individual officer on a case by case basis. She feels it will be difficult to enforce this ordinance objectively. Why is there no definition of inattentive driving at the state level? City Attorney Bruce Disend explained it is difficult to identify each and every activity the causes accidents. This allows the officer flexibility when faced with an accident. This violation does go on the driving record. Deputy Mayor Gerend feels this ordinance could be used for profiling drivers, especially teenagers. He suggests this should be a non-moving violation that would not go on the driving record. Chief Baranzini said this ordinance has always been part of the City code, this ordinance changes the city penalty to align with the state penalty.

**MOTION:** Councilmember Felling moved to approve the ordinance. Councilmember Cross seconded. Motion carried unanimously 7-0 (O2004-147).

Councilmember Cross supports the ordinance. He sees a lot of inattentive driving.

Council recessed from 8:09 pm until 8:15 pm.

### **New Business**

**Ordinance: First Reading Amending Title 16, Buildings And Construction, Of The Sammamish Municipal Code By Repealing Chapter 16.05, Building Codes And Fire Code; And Adopting New Chapters 16.05, Construction Codes, 16.20, Construction Administrative Code, And 16.25, Sammamish Building And Property Maintenance Code**

Mr. Gilmore gave the staff report. Deputy Chief/Sammamish Fire Chief John Murphy, Fire Marshall Lee Soptich, and Fire Marshall Tim Pilling were present to answer questions. This ordinance adopts the International Building Code. The goal is to make the building requirements uniform from city to city. Building Official Jan Vogee explained that parts of the international building code can be amended to be more, but not less restrictive. This ordinance does not amend the residential code at all. The sprinkler requirement is a carry-over of a law already in the code. If this code is not approved before July 1, the city will have no building codes to enforce.

Mr. Pilling gave background on the 5,000 square foot sprinkler requirement. Most cities had different requirements. In an effort to unify these requirements all the Eastside fire districts met to develop a uniform requirement. Six jurisdictions have already approved the amendment. This requirement is mainly to control side-by-side condominiums that exceed 5,000 square feet. Currently they are exempt from the requirement. Sprinkler requirements delay the damage a fire will do, allowing for a longer emergency response time. This is necessary for a department such as Eastside Fire and Rescue that is covering a very large area.

Councilmember Whitten asked if any other equipment would be required such as alarms and ADA accommodations. Mr. Spilling said there would not be additional requirements.

Deputy Mayor Gerend asked if the required firewall in new structures between town homes would be enough. Older town homes, without the firewalls would not be required to retrofit for sprinklers. He does not feel that lowering the square footage will accomplish anything. Chief Pilling said that if fire walls are perforated for wiring or plumbing they no longer work. A single sprinkler head can put out a fire. The cost to sprinkle a 5,000 square foot home would be around \$8,000 on a \$700,000 home. There is minimal savings on insurance.

Deputy Mayor Gerend said that he is concerned this requirement would increase the cost of accessory dwelling units, which the city is encouraging to help meet the city's paucity of low income housing.

Chief Murphy explained that sprinklers also protect the firefighters and are safer for the community at large.

**MOTION:** Deputy Mayor Gerend moved to suspend the rules to adopt the ordinance on first reading. Councilmember Whitten seconded. Motion carried unanimously 7-0.

Public Comment – none.

**MOTION:** Councilmember Whitten moved to adopt the ordinance as written with the exception of the sprinkler requirement and that portion will be referred to the Public Safety Committee.

Motion withdrawn.

Councilmember Felling recommended that this part of the ordinance be referred on the Public Safety Committee for further consideration. He also said it would be appropriate to adopt the ordinance as is, it would facilitate amending the ordinance later.

**MOTION:** Councilmember Whitten moved to adopt the ordinance as presented. Councilmember Felling seconded. Motion carried unanimously 7-0 with the understanding that the sprinkler requirement section would be referred to the Public Safety Committee for further consideration and recommendation. (O2004-148).

### **Resolution: Adopting An Updated Six-Year Transportation Improvement Plan For 2005-2010**

**MOTION:** Councilmember Petitti moved to approve the plan. Councilmember Felling seconded. Motion carried unanimously 7-0 (R2004-172).

Deputy Mayor Gerend said to add the footnote explaining the roadway design.

Councilmember Cross will vote for the resolution with the understanding that the priority of the projects will be reviewed in the near future.

### **Bid Award: Issaquah-Pine Lake Road Improvement Project**

Mr. Hartwig gave the staff report. Because this project is located between three schools, the project must be completed before the summer vacation concludes. The Transportation Improvement Board has contributed \$800,000 to the project. All bids have come in over the engineer's estimate. Staff is recommending that Council authorize the City Manger to reject all bids and to re-advertise the project within a two week time frame and that Council authorize the City Manager to award the bid to the lowest responsible bidder.

## Public Comment

John Lukjanowicz, Ols, Morris etc., representing Northwest Road Construction, Inc. They are proposing that the contract be awarded to Road Construction Northwest, since they are the lowest bidder or allow the City Manager and Staff to come up with a solution to the problems surrounding this bid. This would allow the project to get done on time and be less expensive.

Jeff Levere, President MidMountain Contractor's, Inc., They believe they are the lowest responsible bidder but they are prepared to re-bid the project.

**MOTION: Councilmember Petitti moved to authorize the City Manger to reject all bids and to re-advertise the project within a two week time frame and that Council authorize the City Manager to award the bid to the lowest responsible bidder. Councilmember Cross seconded. Motion carried unanimously 7-0.**

Councilmember Felling asked Mr. Disend for the definition of responsive bidder. He explained the bidder must show that they can perform the bid specifications satisfactorily. The bid specifications allow the Council to reject all bids with or without cause.

### **Interlocal: Joint Use Agreement/Lake Washington School District**

Parks & Recreation Director Jeff Watling gave the staff report. This is a cooperative effort on the part of both the city and the school district. The city will schedule the outdoor facilities at the four elementary schools. They are currently being used to a very high degree. There is also a provision for joint improvements that could benefit both agencies. Staff is recommending that the City Manager be given authority to enter into amendments to this interlocal without further Council approval.

Mr. Watling explained that at school properties, school events would come first. At city park facilities city events would get priority.

**MOTION: Deputy Mayor Gerend moved to authorize the City Manager to enter into the interlocal agreement and also to authorize him to enter into future amendments to the interlocal. Councilmember Petitti seconded. Motion carried unanimously 7-0.**

Councilmember Petitti said that this interlocal has been something the city has been working for since its incorporation. The council expressed appreciation to Mr. Watling for all his hard work in completing the interlocal agreement. The hope was expressed that a similar agreement could be negotiated with Issaquah School District as well.

### **City Manager Report**

Tomorrow is the Association of Washington Cities conference. There are still spaces for carpooling to this conference.

He gave Council a status report on the contingency fund balances. \$2.8 million is left in various funds. He cautioned Council about depleting the contingency funds before the projects are complete.

He said that Intern Bryon Case has compiled an excellent report on police services. He will share this report after he has had a chance to review it and it has gone to the public safety committee. Our police department is doing very well compared with 11 other eastside cities.

### **Sammamish Commons Entry Design**

Architect Rex Bond gave the presentation. He explained that changes have been made to the color of the materials could be used to add visual enhancement to the outside of the building. He also explained that the landscaping around the building will also be very important to the appearance of the building. Planters will be added to the front of the building. Several different options were presented to the Council for their approval.

Council agreed having a corner window on the wall of the council meeting room with small windows set at the nine foot level. Different colored bricks will be used along the long side wall.

They recommended the Arts Commission look at ways to soften the entryway.

### **Executive Session – Pursuant to RCW 42.30.110(1)(g) to evaluate the performance of a public employee.**

Council adjourned to executive session at 9:55 pm. They returned at 11:30 pm. No action was taken.

### **City Manager Report**

**Adjournment** – Mayor Huckabay adjourned the meeting at 11:30 pm

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Melonie Anderson, City Clerk

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Kathleen Huckabay, Mayor