

COUNCIL MINUTES

Special Meeting/Study Session July 6, 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, Michele Petitti and Nancy Whitten.

Councilmembers absent: Councilmembers Mark Cross and Lee Felling.

MOTION: Councilmember Petitti moved to excuse Councilmembers Felling and Cross. Deputy Mayor Gerend seconded. Motion carried unanimously 5-0.

Staff present: City Manager Ben Yazici, Assistant City Manager Pete Butkus, Interim Director of Community Development Susan Cezar, Public Works Director Delora Kerber, Director of Parks & Recreation Jeff Watling, Police Chief Richard Baranzini, Communications Manager Tim Larson, City Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Police Explorer Scout Trent Dow led the pledge.

Approval of Agenda

MOTION: Deputy Mayor Gerend moved to approve the agenda. Councilmember Petitti seconded the motion.

AMENDMENT: Deputy Mayor Gerend moved to amend the agenda to move Presentations/Proclamations to follow the approval of the agenda and to add an Executive Session to follow the Proclamations and Presentations. Motion unanimously 5-0.

Presentations/Proclamations - Explorer Scout Trent Dow

Police Chief Richard Baranzini introduced Trent Dow and explained that he undertook the task of procuring a golf cart and trailer for the Police Explorer Scout Post to use. As part of his Eastlake High School Senior Project he had the golf cart donated, the trailer donated and the decals donated. The golf cart matches the Ford Explorer the post uses. Mr. Trent also won an award for having one of the best Senior Projects at Eastlake High School. Mayor Huckabay presented Mr. Dow with a certificate of achievement.

Executive Session - Executive Session – Potential Litigation pursuant to RCW42.30. (1)(i) Council retired to executive session at 6:35 pm. Council returned to open session at 6:55 pm. No action was taken.

Mayor/Council/Committee Reports

- *Public Safety Committee (Councilmember Felling):* No report.
- *Finance Committee (Deputy Mayor Gerend):* Deputy Mayor Gerend said there is a competition going on between staff and Council to guess the closest to the actual revenues collected by year end. He also reported on the WRIA 8 meeting as well as the budget steering committee meeting. Sammamish currently contributes 1% of the budget and he requested Council maintain and approve continuing this level. King County Council will be meeting at Marymoor Park July 26, 9:30 am.

MOTION: Councilmember Petitti moved to continue WRIA 8 dues at the current level of 1%. Councilmember Whitten seconded. Motion carried unanimously 5-0.

- *Community Development Committee (Councilmember Cross):* No report.
- *Public Works Committee (Councilmember Petitti):* No report.
- *Legislative Committee (Mayor Huckabay):* No report.
- *Parks, Open Space & Natural Resources Committee (Councilmember Whitten):* Committee will meet on July 19th because their regular meeting date was on the July 4th Holiday.
- *Mayor Report:* Mayor Huckabay queried the Councilmembers if they would like to extend the Tuesday, July 27 Council Study Session and cancel the Thursday, July 29 meeting. She also requested that Council decide, long term, when the meetings would be scheduled. Attended Puget Sound Regional Council meeting. PRSC is considering acquiring the Burlington Northern railroad that the dinner train currently runs on. The Council will conduct a feasibility study. The Mayor will be meeting with Connie Marshall and Fred Butler from Sound Transit next week. She asked the Councilmembers to support high capacity transit lanes in the middle of I-90. She also wants to recommend that park and ride lots be built in Snoqualmie and North Bend. Another recommendation she would like the Council to support is that all park and rides have at least one express bus. Deputy Mayor Gerend feels the bus express routes should be extended out to Sammamish. Council received 35 applicants for the Sub Area Task Force. They will be considering the information presented and hope to make the appointments at the July 20 Council meeting.

Public Comment - None

Consent Calendar

Payroll for Pay Period Ending June 30, 2004, For Pay Date July 2, 2004 In The Amount Of \$179,883.18.

Claims for Period Ending July 6, 2004 In The Amount Of \$832,451.93 For Check No. 10428 Through Check No. 10586

Approval: Minutes for June 15, 2004 Regular Meeting

Approval: Minutes for June 22, 2004 Special Meeting/Study Session

Approval: Minutes for June 24, 2004 Special Meeting/Study Session

Approval: Minutes for June 29, 2004 Special Meeting/Study Session

Approval: Reclassification of Parks Planner Position

MOTION: Deputy Mayor Gerend moved to approve the consent calendar. Councilmember Whitten seconded. Motion passed unanimously 5-0.

Public Hearing

Public Hearing and First Reading To Consider An Ordinance Of The City Of Sammamish, Washington, Relating To Land Use And Zoning, Amending Ordinance No. 2004-135, To Extend A Moratorium On The Filing Of Applications For Development Permits And Approvals, Within The Corporate Limits Of The City Of Sammamish.

Public Hearing opened at 7:10 pm

Interim Director of Community Development Susan Cezar gave the staff report. This moratorium has been in place since the city incorporated. The Planning Commission is studying ordinances and regulations for future development but they will not be in place by the time this moratorium expires.

Public Comment

LaVerne Poston, 23720 NE 22nd, He requested the Council shorten the moratorium extension to three months and require the Planning Commission to finish their work sooner. He also feels that two lot short plats should be allowed during the moratorium

Public Hearing closed at 7:20 pm

Unfinished Business

Second Reading of an 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.

MOTION: Deputy Mayor Gerend moved to approve the ordinance. Councilmember Petitti seconded. Motion carried unanimously 5-0 (O2004-149).

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

MOTION: Deputy Mayor Gerend moved to approve the ordinance. Councilmember Barry seconded. Motion carried 4-1 with Councilmember Barry dissenting (O2004-150).

Public Comment

Marianne Wilkins 20917 SE 12th, She is concerned that this ordinance would not allow any appeal process of these types of permits. She questioned whether Type One permits, which do not allow for appeals either, should be allowed under the code.

Deputy Mayor Gerend explained that there are numerous opportunities to appeal these types of permits prior to this part of the process.

Ms. Cezar said that this ordinance will allow the SEPA appeal to continue through the process and no permit would be issued until the appeal is complete.

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

MOTION: Councilmember Petitti moved to approve the ordinance. Deputy Mayor Gerend seconded. Motion carried unanimously 5-0 (O2004-151).

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.

MOTION: Deputy Mayor Gerend moved to approve the ordinance. Councilmember Barry seconded.

Ms. Cezar explained the current code does not allow for these types of facilities within the city and there is a need for them. There are numerous provisions that would limit where these facilities would be built as well as limit their impact on residential neighborhoods. There is a requirement that these facilities have direct access to an arterial.

Mayor Huckabay said there has been some concern regarding this ordinance.

Councilmember Petitti pointed out the City currently is using two facilities that are located in residential areas. The current plan is to co-locate a facility at the Sammamish Plateau Water & Sewer District. If that falls through, it will be necessary to find an alternate location.

Councilmember Whitten does not feel that either the city or any other public agency should be given a blank check to build their facilities any where they decide. She feels the noise generated and safety concerns created by these facilities need to be addressed. She suggested that the city narrow down their choices of location and that Council consider spot zoning for this facility.

Public Comment

Marianne Wilkins, (spoke previously) she concurred with Councilmember Whitten's comments

Ilene Stahl, (no address given), she also agreed with Councilmember Whitten.

MOTION: Deputy Mayor Gerend moved to table the motion until such time as the Planning Commission can reconsider this ordinance. Councilmember Whitten seconded. Motion carried unanimously 5-0.

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).

MOTION: Councilmember Whitten moved to approve the ordinance. Councilmember Barry moved to second. Motion carried unanimously 5-0 (O2004-153).

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 (O2004-154)

MOTION: Deputy Mayor Gerend moved to approve the ordinance. Councilmember Petitti seconded. Motion carried unanimously 5-0.

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.

MOTION: Deputy Mayor Gerend moved to approve the ordinance. Councilmember Petitti seconded. Motion carried unanimously 5-0 (O2004-155).

Ms. Cezar gave the staff report. There have been questions regarding this ordinance relating to the definition of "adequate landscaping" and whether fencing should be required. There are several issues the Council may want to consider, amending the city's Surface Water Comprehensive Plan or if the city even should retain ownership of these retention facilities.

Councilmember Petitti said that if the ordinance is not passed tonight, any new development approved would not be subject to landscaping requirements. She suggested an ordinance must be in place before the moratorium expires.

Mr. Yazici said it would be preferable to adopt this ordinance tonight, and further changes could be made to the ordinance or the storm water manual at a later date.

Councilmember Whitten read an email from Councilmember Cross that stated: The only change he would like made to the ordinance is to require substantial landscaping and fencing around the detention facility with access for maintenance. The present code only requires 30% of the area to be landscaped.

Councilmember Whitten would like the ordinance tabled until additional language could be added and brought back to Council at the next meeting.

Mr. Yazici said that there is more to consider than just adding the fencing. For instance, the definition of "substantial" must be defined. Also, if the city is going to maintain these facilities, the cost must be factored in. He again suggested that Council pass this ordinance tonight and then make the necessary changes to the surface water manual after more consideration has been given to these requirements.

New Business

Hardship Exception: Stoddard/2621 244th Avenue NE

Ms. Cezar gave the staff report. This is the second time the applicants have been before Council. Their previous request was for a seven-lot short plat and was denied on April 6, 2004.

City Attorney Bruce Disend explained that, since several Councilmembers have had prior conversations regarding this request, they should explain the nature of their meeting and see if anyone would like to present an opposing viewpoint.

Mayor Huckabay, Deputy Mayor Gerend, Councilmember Barry and Councilmember Petitti either met or corresponded via email with the applicants.

No opposing viewpoint was expressed.

Robert Parnell, 4422 187th Place SE, Issaquah, He is representing the applicants. He explained that the last exception request was denied because their water certificates were not in danger of expiring. Tonight, he has additional information. He passed out information regarding their water certificates and a medical hardship. Their current water certificates will expire on July 18, 2004. Even with a six month extension, they would not last until the end of the current moratorium. He also feels that Sammamish Plateau Water & Sewer will continue with their water certificate lottery. He also explained they will probably only develop six lots even though they are asking for seven lots. The applicants would be very willing to allow additional right of way to accommodate the widening of 244th in the future.

Michelle Stoddard explained that she has been diagnosed with MS and the stress of this ordeal has been very hard on her. They started with good intentions to develop this property after the moratorium was lifted. They had not counted on the moratorium lasting so long. They have been basing their decisions on information given to them. Marci O'Brien also has health conditions relating to asthma and must move. She did not have time to get a doctor's note but she could if necessary.

MOTION: Councilmember Barry moved to approve the hardship exception. Councilmember Petitti seconded. Motion carried 4-0-1 with Councilmember Whitten abstaining.

Councilmember Barry is feeling very concerned because the moratorium has been extended for so long. He feels it is time for Council to start taking responsibility for this moratorium. He feels that the Stoddard's are facing a serious hardship, both medically and financially. He will support the hardship exception.

Councilmember Petitti said that not enough information was presented at the first request. With the additional information presented at this time, she will favor the hardship request.

Councilmember Whitten has mixed feelings about the hardship requests in general. She does not believe that enough information has been provided to show that this is either a true medical hardship or financial hardship. More information could sway her to grant this exemption, but any exception to the moratorium is very serious and should be given much consideration.

Ms. Cezar said the application would be vested to the regulations in place at the time of submittal of a completed application. Applicants can apply for concurrency prior to submittal. It is not necessary for a complete application, but the application cannot be approved until a concurrency certificate is approved.

Deputy Mayor Gerend asked if one of the existing houses is an accessory dwelling unit. He also feels the moratorium has been extended too long. Staff has occasionally misled applicants in the past regarding when the moratorium would be lifted. For these reasons, he supports granting the exception.

Mayor Huckabay questioned staff on what could be done to secure the offer of additional right of way. Mr. Yazici said that the applicants could either bond for later improvements or pay their share now.

Council recessed from 8:25 pm to 8:40 pm

Ordinance: First Reading Amending SMC 9.05.240 Regarding Fraud; Amending 69.05.010 Regarding Controlled Substances; Providing For Severability; And Establishing An Effective Date

Mr. Disend gave the staff report. The City has adopted, by reference, the state criminal code. Recently the state legislature made some modifications to that code, so the City must amend the Sammamish Municipal Code as well. This is the first reading. No action is required.

Amendment: Pine Lake Professional Services/Kleinfelder

Director of Parks & Recreation Jeff Watling gave the staff report. During the improvement project at Pine Lake unsuitable soil was uncovered beneath the tennis courts. Staff was left with two options, after replacing with suitable soil; the unsuitable dirt could be removed or reused to fill in the ball field. The latter action actually saved the city \$46,000 even though there is an additional increase in the amount of this contract.

MOTION: Councilmember Whitten moved to authorize the City Manager to amend the contract to add an additional \$13,217.90. Councilmember Barry seconded. Motion carried unanimously 5-0.

City Manager Report

❖ **Ebright Creek Conceptual Plans**

Mr. Watling gave the staff report. This is an update on the master planning process for Ebright Creek Park. Mr. Watling gave an outline of the park master planning process developed by the Council and what steps in the process have already been completed for this park. The next step will be a public meeting at Discovery School on July 22. The entire city will be invited to attend. Based on information from the community survey and the first public meeting, several concepts have been developed to achieve the expressed goals of celebrating the sensitive areas and creating a neighborhood park with a mix of passive and active uses. These concepts were developed to act as a starting point to encourage more ideas and develop new opportunities to achieve both of these goals. Mr. Watling stressed that these are concepts only, not alternatives. The concepts all include a parking lot and a large buffer. Most of the conceptualized trails through the buffer would require changes to the current city code and the removal of trees. Concept one shows the types of trails that could be developed under the current code and would include the most active recreation. Option two is more of a middle of the road option, and option three was the least intensive use of the property.

Council expressed a desire to have a fourth concept developed that would be entirely passive and leave all the trees.

❖ **228th Avenue Speed Study**

Director of Public Works Delora Kerber gave the staff report. 228th Avenue is a principle arterial that carries the average weekday traffic (AWT) flow as follows: South of NE 8th - 16,600 AWT, south of SE 10th – 21,200 AWT and South of SE 32nd - 15,400 AWT. Since the completion of the road improvement project no speed limit has been posted. A speed study was conducted over seven days for the entire length of the road. Typically, road speeds are set at the 85th percentile of how fast drivers will travel when no speed is posted. The results of the measured data and

application of nation-wide standards for establishing speed limits, indicate that the speed limit from SE 35th to NE 2nd should be 40 mph. From NE 2nd to NE 12 should be 35. From NE 12th to the city limits the speed limit should be 45 mph.

Mr. Yazici explained that if speed limits are set too low, it can create enforcement issues. He recommended using some traffic calming measures to lower the speed.

Council requested the Public Works Committee study the speed study and present a recommendation to Council at the next meeting.

❖ **Community Survey**

Communications Manager Tim Larsen gave a report on the community survey that will be conducted within the next several weeks. This is the second survey conducted and questions will be similar to last year. He asked Council to review the questions and get back to him with changes.

❖ **Sign Code**

Mr. Yazici explained the process that would be necessary to change the sign code regulations regarding placement of political signs. At the last election, there were many complaints regarding the number of signs that were placed. This is a first amendment issue. The process for changing the regulation requires review by the Planning Commission. The Planning Commission has already received a list of priority issues that they are working on. Does Council want this to be top a priority and be placed above other issues? Council asked that the Planning Commission begin work on this and come up with changes before next year's elections.

❖ **Sub Area Task Force**

In selecting the members for this task force the Council will try to include representatives consisting of 1/3 of the members living in the planning area, 1/3 from organizations and businesses and 1/3 members from the city in general.

Councilmember Barry requested that a review of the fire works ordinance take place and Council consider banning fireworks altogether in the city. Mayor Huckabay said the Public Safety Committee will be studying the issue.

Executive Session – Personnel pursuant to RCW42.30.(1) (g) and Property acquisition pursuant to RCW42.30.(1)(b)

Council retired to executive session at 10:00 pm. Council returned to open session at 10:30 pm.

MOTION: Councilmember Petitti moved to extend the employment agreements for Finance Director Lyman Howard and Assistant City Manager Pete Butkus for up to five years. Councilmember Whitten seconded. Motion carried unanimously 5-0.

MOTION: Councilmember Barry moved to approve the amendment to City of Sammamish Personnel Policy 4.2 to include sick, holiday and vacation hours to be calculated as overtime. Councilmember Whitten seconded. Motion carried unanimously 5-0.

MOTION: Councilmember Whitten moved to approve the computation of “stand-by” pay shall be paid at the rate of \$33 per day. Deputy Mayor Gerend seconded. Motion carried unanimously 5-0.

MOTION: Deputy Mayor Gerend moved to authorize the City Manager to purchase an easement on the Kipper family property for trail purposes in amount not to exceed \$50,000. Councilmember Petitti seconded. Motion carried unanimously 5-0.

Adjournment – Mayor Huckabay adjourned the meeting at 10:35 pm

Melonie Anderson, City Clerk

Kathleen Huckabay, Mayor