

COUNCIL MINUTES

Regular Meeting July 20, 2004

Deputy Mayor Gerend called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present: Mayor Kathleen Huckabay (arrived at 6:35 pm), Deputy Mayor Don Gerend, Councilmembers Jack Barry, Mark Cross, Lee Felling, Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Public Works Director Delora Kerber, Interim Director of Community Development Susan Cezar, Financial Analyst Aaron Anton, City Engineer Steve Hartwig, Director of Administrative Services Mike Sauerwein, Sammamish Commons Project Manager Sevda Baran, Police Chief Richard Baranzini, Parks & Recreation Director Jeff Watling, Associate Planner Evan Maxim, City Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Justin Kong of Boy Scout Troop 695 led the pledge.

Approval of Agenda

MOTION: Councilmember Gerend moved to approve the agenda. Councilmember Cross seconded. Motion carried as amended unanimously 7-0.

AMENDMENT: Deputy Mayor Gerend moved to put Presentations/Proclamations to immediately follow approval of the agenda. Councilmember Cross seconded. Motion carried unanimously 7-0.

Presentations/Proclamation Members of Boy Scout Troop 695 were in attendance. They are working on merit badges for citizenship.

Executive Session – personnel pursuant to RCW42.30(1)(g) and property acquisition pursuant to RCW42.30(1)(b)

Council retired to executive session at 6:37 pm and returned at 7:30 pm. No action was taken.

Mayor/Council/Committee Reports

- *Public Safety Committee (Councilmember Felling):* Councilmember Felling announced the Public Safety Committee will meet next Wednesday. They will discuss what regulations are appropriate for motorized scooters and will have a presentation

on police productivity. The committee will also begin to discuss fireworks regulations and determine if they should be banned entirely

- *Finance Committee (Councilmember Gerend):* The committee will meet Friday at 8:30 pm at City Hall to kick off the budget process. On July 8, 2004 Deputy Mayor Gerend attended the Water Resource Inventory Area 8 (WRIA 8) Forum. This group is working to identify projects that will restore habitats for salmon and bull trout. He suggested that Kokanee restoration projects be undertaken next year. Eastside Transportation Partnership discussed Sound Transit phase 2 projects.
- *Community Development Committee (Councilmember Cross):* No regular meeting date for this committee has been established. A permanent day will be set in September. Councilmember Cross expressed disappointment that the Planning Commission Open House and the Ebright Creek Open house will be occurring on the same night. The committee discussed the sensitive area code amendment. An open house is being planned to get public response to the proposed ordinance. A public hearing will be held August 26 by the Planning Commission and they will make a recommendation to Council in late September or October. There is very good information on this ordinance on city website (www.ci.sammamish.wa.us). Growth metering was discussed. Planning commission has already begun to discuss this issue. Discussed the maintenance facility ordinance and staff is working on tightening the regulations regarding where and how these facilities can be built. Community Development Committee will attend the Public Works Committee meeting on August 17. Councilmember Cross said the City should have a water advisory committee to advise the Council on drainage and water quality issues. Perhaps this could be established next year.
- *Public Works Committee (Councilmember Petitti):* The meeting started with a discussion regarding the purpose and goals of committees in general. The committee suggested this topic should be discussed at the next Council retreat. Members of this committee feel the some of the benefits to having committees are being able to talk in depth with staff, address questions and exchange more information in an informal setting. The committee worked on prioritizing sidewalk projects. They ranked 12 projects based on the following criteria: High pedestrian generators, safety history, construction cost and environmental issues and whether the project creates connectivity or is a spot fix. The 228th speed study was discussed. After reviewing all the data again the committee is recommending approving the staff recommendation. Enforcement is a major concern. If the speed limit is not set according to data recommendations, they are not enforceable. The Pine Lake Study is beginning. Councilmember Petitti will chair the citizen board for this study. The Public Works Committee will meet August 17, at City Hall, to discuss level of service and revisions to the public works standards.
- *Legislative Committee (Mayor Huckabay):* No report.
- *Parks, Open Space & Natural Resources Committee (Councilmember Whitten):* The committee discussed the following topics: (1) Trails, Bikeways and Paths master plan is being revised. She asked staff to address these revisions. The park planning process has not been included in the master plan. (2) Review of needs assessment for baseball and soccer fields. (3) Discussed the three conceptual designs for the park along with the fourth alternative that is completely passive.

- *Mayor Report:* Mayor Huckabay and Fred Butler (Sound Transit Representative) attended the Sound Transit meeting. They discussed concepts the City would like to see in Phase 2 of the project. Sound Transit requested the City put their ideas in writing to submit to the committee. She will work with City Manager Ben Yazici to put that together. Connie Marshall is leaving this committee and will be replaced by a representative from Bellevue. The Mayor invited everyone to attend the ribbon cutting on 228th & SE 8th at 3:00 pm and directly after will be a celebration for the reopening of Pine Lake Park at 4:00 pm with Ice cream social.
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Public Comment

Seyed Safavian, 21714 NE 29th Street, complimented Council and staff on the beautiful job done on 228th. He thinks that the north end of the city has been neglected. He disagrees with the suggested speed limit in 228th. It should be lower than the data recommends. The current 45 mph is too fast. He urged Council to check out the data and consider lowering the speed limits.

Consent Agenda

Approval: Claims for period ending July 20, 2004 in the amount of \$986,025.93 for Check No. 10587 through Check No. 10693

Approval: Minutes for July 6, 2004 Regular Council Meeting

Contract: Plan Review Services/Waldron

Ordinance: Second Reading SMC 9.05.240 Regarding Fraud; Amending 69.05.010 Regarding Controlled Substances; Providing For Severability; And Establishing An Effective Date (O2004-152).

MOTION: Councilmember Whitten moved to approve the consent agenda. Councilmember Fellingse seconded. Motion carried unanimously 7-0.

Unfinished Business

Ordinance: Second Reading 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 Comment

LaVerne Poston, 23720 NE 22nd Street, He appreciates the position of the Council in wanting development regulations complete before lifting the moratorium. However people are getting frustrated waiting for this moratorium to be lifted. He feels that there are enough regulations in place now. He hopes the Council will keep their word, and not extend this moratorium again.

John Hanson, 24240 NE 8th Street, he asked Council not to extend the moratorium again. Several Councilmembers said they would not vote to extend the moratorium again the last time they voted on it. The comprehensive plan is in place. There is a Planning Commission and still everything keeps getting delayed. Development regulations never seem to be completed. There is never a firm deadline when the regulations will be in place.

MOTION: Councilmember Whitten moved to approve the ordinance extending the moratorium. Deputy Mayor Gerend seconded. Motion carried 6-0-1 with Councilmember Barry abstaining (O2004-156).

Councilmember Felling is frustrated that the moratorium still allows for too much building. Too many projects are exempt from the moratorium. There is nothing in place to limit continued growth if the moratorium is not in place. He does feel the moratorium should remain in place until the Planning Commission has put growth controls in place.

Councilmember Barry shares Councilmember Felling's concern about the length of the moratorium and the inability of the Council to have regulations in place that would allow the moratorium to be lifted. He will abstain from voting on this ordinance to send a message to the Planning Commission that it is time to get the job done and lift the moratorium.

Councilmember Petitti said that the issues surrounding the moratorium are very complex and she thinks the moratorium should be extended one more time. She will not vote to extend it again after it expires in February.

Deputy Mayor Gerend pointed out that the Sammamish Plateau Water and Sewer district has had a defacto moratorium in place for the last four years by limiting water availability. He feels the moratorium should be extended.

Councilmember Cross feels it is important to develop regulations to restrict growth before lifting the moratorium. The comprehensive plan cannot be changed for at least one year. The Council must solve the concurrency issues and the land use issues before lifting the moratorium. These decisions should not be made in haste.

Councilmember Whitten concurred with Councilmember Cross. She feels the moratorium should be extended. There is a hardship exception that allows for development in case of hardship.

Council recessed at 8:25 pm. Returned at 8:35 pm.

New Business

Approval: Sammamish Youth Board Members/2004-2005

Director of Parks and Recreation Jeff Watling gave the staff report. 45 students applied for the youth board positions. City staff and the Sammamish Youth Board leadership team reviewed applications and are recommending 36 members for next year.

MOTION: Councilmember Felling moved to approve the nominations for the 2004/2005 Sammamish Youth Board members. Councilmembers Petitti seconded. Motion carried unanimously 7-0 (R2004-175).

The members appointed for the next school year are:

Asiya Khaki	Andrea Gorder	Kellen Klein
Paul Knudsen	Andrew Seliber	Ashley Uno
Robert Baxter	Ryan Nguyen	Nickie Bastine
Alexa Cabellon	Bridget Beattie	Juli Crompe
Heather Hergert	Erin Horvath	Ashley Craig
Katie Cochrane	Katie Caudle	Connor Bishak
Lauren Hawkins	Alex Feng	Allison Dunham
Sangita Kode	Morgan Hargraves	David Vautin
Matt Falkin	Rachana Kode	Courtney Allen
Lindsey Wilson	Emily Wilson	Robert Borrego
Maggie Harlow	Rachel Steel	Kush Badshah
Ben Dulben	Brian Kurkky	Carrie Hollenbeck

Michele noted that 20 of these members have signed up to help the rotary club with their haunted house next year.

Hardship Exception Evergreen Christian Church/3016 – 224th Avenue SE

Interim Community Development Director Susan Cezar gave the staff report. This hardship request is for a 14-lot subdivision on 4.46 acres zoned R-4. The hardship is financial as the church will be unable to complete construction of their new church if they are not allowed to subdivide and sell the property. There is a dispute with Sammamish Plateau Water and Sewer district as to whether the water certificates would be transferable to a new owner. There is another issue regarding the building of a retention pond in conjunction with this project but it is an unrelated issue for this hardship exception.

Don Riggs, Deputy Pastor, 24919 SE 30th Street, The Church has prepared a written statement regarding their request (available upon request). Their ability to sell this property at the highest value of the property is contingent on being able to subdivide this property.

The church has only three years left in which to begin construction. He explained that the original intent of the water certificates were for a subdivision plat. The church purchased the property with these water certificates and they were changed to certificates for the purpose of a church.

Councilmember Whitten is concerned about how development on this site would affect the water quality of Pine Lake. The City is just entering into a contract to do a water quality study on the lake, but this will take some time. Expiration of the water certificates is not a reason for this request. She questioned why there was a hardship at the church's new location as opposed to the old location since there is no change in the financial situation of the church.

City Manager Ben Yazici reemphasized that partnering with the potential developer on the project for the Issaquah-Pine Lake Road to lower the cost of the retention facility should not be considered a reason for granting the hardship.

Councilmember Barry will vote against the request because he does not feel that it is really a financial hardship.

Councilmember Petitti feels that allowing this hardship would be inconsistent with past practice. She thinks the church will be a great addition to the community but they were donated their current property so they should be able to finance the church.

Mayor Huckabay said that a hardship exception is only for extreme hardship. Granting the hardship would allow the applicant to jump ahead of other applicants. Based on the information given, she does not feel this is a financial hardship.

MOTION: Motion failed unanimously 0-7.

Resolution: Appointing Members To The Special Study Area Task Force To Assist In The Development Of A Community Vision For The Special Study Area.

City Clerk Melonie Anderson gave the staff report. The Comprehensive Plan requires the formation of a special study area along 228th Avenue. To satisfy this requirement, the Council is forming a Special Study Area Task Force. The task force will be composed as follows: 6 members would own land within the special study area, 6 members would be from area businesses and 6 members would be from the community at large. The Council retired to executive session to discuss the appointments to this committee pursuant to RCW 42.30.110(1)(g).

Adjourned to executive at 9:30 pm returned at 9:55 pm.

MOTION: Councilmember Barry nominated Stanley Bump. Councilmember Petitti seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Barry nominated Anne Burke. Councilmember Petitti seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Barry nominated Mary O'Brien. Councilmember Fellingge seconded. Motion carried 6-1 with Councilmember Cross dissenting.

MOTION: Councilmember Barry nominated Dawn Sanders. Councilmember Petitti seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining.

MOTION: Councilmember Fellingge nominated Ping Ching-Liu. Councilmember Petitti seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining.

MOTION: Councilmember Fellingge nominated Robert Sorensen. Councilmember Cross seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Felling nominated Brandon Stock. Councilmember Petitti seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining

MOTION: Councilmember Felling nominated Michael Immel. Councilmember Petitti seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining.

MOTION: Councilmember Whitten nominated Erica Tiliacos. Councilmember Cross seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Whitten nominated Mary Pigott. Councilmember Petitti seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Whitten nominated David Wilson. Councilmember Felling seconded. Motion failed 3-3-1 with Councilmember Barry, Gerend, Petitti, dissenting and Whitten abstaining.

MOTION: Councilmember Petitti nominated Jeff Hankin. Councilmember Felling seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Petitti nominated Petra Johnson. Deputy Mayor Gerend seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining.

MOTION: Councilmember Petitti nominated James Jordan. Councilmember Cross seconded. Motion carried 5-1-1 with Deputy Mayor Gerend dissenting and Councilmember Whitten abstaining.

MOTION: Councilmember Cross nominated Bob Abbott. Councilmember Whitten seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Cross nominated Gail Twelves. Councilmember Whitten seconded. Motion carried unanimously 7-0.

MOTION: Deputy Mayor Gerend nominated Bill Gasparetti. Councilmember Petitti seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining.

MOTION: Deputy Mayor Gerend nominated David Misakian. Councilmember Felling seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining.

MOTION: Deputy Mayor Gerend nominated Bob White. Councilmember Felling seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Petitti moved to approve resolution forming Special Study area task force. Councilmember Cross seconded. Motion carried unanimously 7-0 (R2004-176).

Interlocal: Mutual Assistance Concerning Building Permit Applications And Inspections

Ms. Cezar gave a brief staff report. This agreement came out of the E-Gov alliance. The interlocal implements mutual aid between cities during times of excessive work loads to review permit applications. There is no cost associated with this agreement unless one city provides more assistance than it is getting.

MOTION: Councilmember Petitti to approve the interlocal agreement to provide mutual assistance concerning building permit applications and inspections. Councilmember Cross seconded. Motion carried unanimously 7-0.

Contract: Pine Lake Water Quality Study/Tetra Tech, Inc.

Public Works Director Delora Kerber gave the staff report. Council has desired to conduct a water quality study on Pine Lake. This contract provides for the City and the consultant to work closely with residents and stakeholders throughout the project. Volunteers will be recruited and trained to gather data. There will be multiple public meetings and workshops that will be announced with citywide mailings. A Citizen Advisory Committee will be established early in the project and will work with city staff and the consultant throughout the project. The Consultant will also prepare notices that will be posted on the City's website. Staff is recommending the Council authorize the City Manager to sign a contract with Tetra Tech, Inc. in an amount not to exceed \$140,133 for the contract and \$8,300 for the public process.

MOTION: Councilmember Whitten moved to authorize the City Manager to sign a contract with Tetra Tech to develop a water management study for Pine Lake in an amount not to exceed \$140,133 plus \$8,300 for public process. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0.

Contract: 228th Avenue Fences/City Wide Fencing

Ms. Kerber gave the staff report. There were numerous agreements entered into with property owners along 228th as part of the road improvement project that were not included in the construction budget. Four contractors were solicited and City Wide Fencing provided the lowest bid. The fences will be cedar with a few being black chain link.

Councilmember Petitti would have liked to see some other options besides fencing such as hedging. She hopes other options will be pursued in the future.

MOTION: Motion carried unanimously 7-0.

Contract: Lamb House Re-Roof/The Woodway Roofing Company

Ms. Kerber gave the staff report. The roof being replaced in on the public works house on 228th Avenue SE. Bids were solicited from firms on the Small Works Roster. Woodway Roofing was the lowest bidder.

MOTION: Motion carried unanimously 7-0.

Amendment: Sammamish Commons Project/Kleinfelder Inc.

Assistant City Manager Pete Butkus gave the staff report. This amendment is for additional geotechnical work. This request is to extend the contract for one year and to add an additional \$3,000 to perform inspections to ensure the building complies with the International Building Code.

MOTION: Deputy Mayor Gerend moved to authorize the City Manager to amend the contract with Kleinfelder, Inc. in an amount not to exceed an additional \$3,000. Councilmember Petitti seconded. Motion carried unanimously 7-0.

City Manager Report

The meeting on July 29th will be cancelled.

The Arts Commission would like to hire a consultant to engage in fundraising for the commission. This contract will be brought forward at a later date.

Ms. Cezar gave an update on growth targets.

Mr. Yazici gave a handout regarding the city-owned water front property. He asked Council to contact him if they had further questions.

Council recessed from 11:20 pm to 11:25 pm.

Mr. Butkus gave a staff report outlining the process that Council has gone through in the development of the new city hall design. (Complete report available upon request)

Mayor Huckabay adjourned the meeting at 12:20 pm.

Melonie Anderson, City Clerk

Kathleen Huckabay, Mayor