

# COUNCIL MINUTES

## City Council Regular Meeting September 21, 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, Interim Director of Community Development Susan Cezar, Public Works Director Delora Kerber, Director of Parks & Recreation Jeff Watling, Administrative Services Director Mike Sauerwein, Police Chief Richard Baranzini, Fire Chief John Murphy, Communications Manager Tim Larson, City Attorney Bruce Disend and Administrative Assistant, Stacy Herman.

### Roll Call/Pledge

Roll was called. Skyline Student Liaisons Reese Ishmael and Liz Morgan led the pledge.

### Approval of Agenda

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

**AMENDMENT:** Deputy Mayor Gerend moved to amend the agenda by moving up presentations and proclamations immediately following approval of the agenda and adding introduction of Skyline Student Liaisons before adjourning to executive session. Councilmember Cross seconded. Motion carried unanimously 7-0.

**Motion:** Approving the agenda as amended carried unanimously 7-0.

**Presentations/Proclamations:** Mayor Kathleen Huckabay presented Amy Tryon, Olympic Medalist, with a plaque and resolution, honoring and declaring, October 1, 2004, Amy Tryon Day.

**RESOLUTION: R2004-182:** WHEREAS, Amy Tryon and her horse Poggio participated in the 2004 Olympics as part of the United States Equestrian team; and

WHEREAS, as part of this team, she performed outstandingly, electrifying the spectators, and receiving a Bronze medal; and

WHEREAS, she was not only representing the United States but the City of Sammamish, where she is employed by Eastside Fire and Rescue; and

WHEREAS, the Sammamish City Council wishes to honor Ms. Tryon for the honor she has bestowed on our City; and

WHEREAS, the Sammamish City Council wishes for all the city to be a part of this recognition;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO RESOLVE AS FOLLOWS:

In honor of her outstanding achievement in horsemanship and sportsmanship by winning the Bronze Medal at the 2004 Olympic Games, the City of Sammamish declares Friday, October 1, 2004 to be: Amy Tryon Day.

**MOTION:** Councilmember Petitti moved to approve the resolution honoring Amy Tryon, Olympic Medalist and recognizing October 1, 2004 to be Amy Tryon Day. Councilmember Felling seconded. Motion carried unanimously 7-0. (R2004-182)

**Introduction: Suburban Cities:** Executive director, Karen Goroski of Suburban Cities Association (SCA), introduced herself and promoted participation in the SCA. Ms. Goroski recently (8 weeks ago) became Executive Director of Suburban Cities. She would like to advertise that John Keister will be guest speaker at the November 17, 2004 meeting.

Mr. Cross asked what priorities Ms. Goroski will be addressing this year. Ms. Goroski said the biggest priority this year will be to re-organize the association to be a true non-profit organization. Some policy changes will occur due to the new re-organization.

Mr. Gerend said that 37 out of 39 cities in King County are members of Suburban Cities.

**Introduction Skyline High School Student Liasons:** Mayor Huckabay introduced Reese Ishmael and Liz Morgan, Skyline High School Student Liaisons.

Liz Morgan gave the update for Skyline High School. Skyline's first football game was a victory. Students are organizing a homecoming parade down 228<sup>th</sup> Avenue, tentatively scheduled for October 22, 2004.

**Executive Session:** - Property Acquisition Pursuant to RCW 42.30.110 (1)(b) and Potential Litigation pursuant to RCW 42.30.110 (1)(i) Council retired to Executive Session at 6:47 pm. They returned at 7:10 pm and no action was taken.

### **Mayor Council Committee Reports**

- *Mayor Report (Mayor Huckabay):* Mayor Huckabay, Deputy Mayor Gerend and Councilmember Petitti met with the Dean and the President of Bellevue Community College (BCC) to discuss the possibility of BCC renting the upper floor of the new City Hall. BCC will be looking to see if this makes sense. Evening classes would work better because City Hall staff would be out of the building. Parking issues would need to be addressed if classes were to occur during the day. The college will come back later with some recommendations. The Council will also be updated as new information is received.

- *Deputy Mayor Report (Deputy Mayor Gerend):* Mr. Gerend attended the Eastside Transportation Partnership meeting on Sept. 10<sup>th</sup>. Representatives from Washington State DOT also attended. The meeting addressed several highway issues, roads are in disrepair, there is a bigger demand for them, they are aging and deteriorating and funds are not available for repair. The meeting also discussed the possibility of our State Representatives requesting a gas tax increase in the next legislative session. The users of the roads and highways should contribute to the maintenance of our roads. If this tax increase was approved, it could help maintain roads, statewide and locally, by splitting the money between the state and local jurisdictions. Local planning organizations are looking at new ways to address traffic and road maintenance concerns.
- *Finance Committee (Councilmember Felling):* Councilmember Felling spoke about the Capital Budget Program. He requested staff to put some information together to better understand capital investments in the north vs. the south end of the City. All projects that benefited the City as a whole were excluded. Investment in improvements between 1999 and 2004 show that 81% of the capital investment occurred in the south and 19% occurred in the north. The new budget proposed for 2005-2006 show 3% of capital investments will occur to the north and 97% in the south
- *Public Safety Committee: (Councilmember Felling):* An intern for the City prepared a report to compare police and fire services. The outcome of the comparison was very favorable and reinforced the competence of fire and police services here in Sammamish. The public safety committee will meet September 22, 2004 at 6:00 pm to discuss amendments to public nuisance regulations on motorized scooters and a proposal to ban fireworks within the City limits.
- *Community Development Committee (Councilmember Cross):* Community Development Committee is working on prioritizing work projects for the planning department over the next 5 months, as the City moves towards lifting the moratorium. Susan Cezar will bring a prioritized list of code amendments for the full Council to review at the October 5, 2004 meeting.
- *Public Works Committee (Councilmember Petitti):* Public Works Committee is working on some changes in local road standards, prioritization of projects and determining the criteria to determine which fund the money would come from. The committee is also discussing future sidewalk projects and speeding issues in the City. The committee discussed the possibility of combining all money into one pot and then prioritizing the list. An underground vault will be allowed on the Issaquah-Pine Lake Road project, rather than a detention pond, to control surface water runoff. Speeding is a problem on 212<sup>th</sup> Avenue SE. The Crossings development will have an impact on 212<sup>th</sup> Ave. SE. Some improvements occurring from the development will include 1200 linear feet of frontage improvements.
- *Parks, Open Space & Natural Resources Committee (Councilmember Whitten):* Councilmember Whitten is a Representative to Suburban Cities and an alternate to King

County Growth Management Planning Council. She attended a meeting September 15, 2004. Growth Management Council is working toward cleaning up urban growth lines and annexation lines. Significant policy changes would limit annexing adjacent park property if it were more than 30 acres. If adopted, that policy would preclude City of Sammamish from annexing the Galley Farm Preserve. These are some changes that the committee will study.

**PUBLIC COMMENT:**

Matthew Lusher 23317 NE 22<sup>nd</sup> St., Has concerns regarding the Williams Pipeline replacement project. The project is expected to have tremendous impact on the neighborhood. Mr. Lusher has many concerns, including safety, esthetics, property value and environmental impacts. It is expected to impact 90-95 homes. He requested the City to file for intervener status.

Mayor Huckabay requested Interim Community Development Director Susan Cezar to give the staff report on the project at this point, since it seems most people in the audience have the same concerns.

***Williams Pipeline Project:***

Interim Director of Community Development, Susan Cezar gave the staff report on the Williams Pipeline Project. Steve Roberge, Associate Planner assigned to the project has prepared a summary sheet for tonight. The City has not received any permit applications at this time. The City will be the lead agency, issuing the clearing and grading permits and possibly the right-of-way permits. Northwest Pipeline Company is under order from the regulatory agency to replace portions of the pipeline. They have three years to complete the project. Currently there is a 26-inch line and 30-inch line. These lines run north to south through the City. The replacement includes replacing the 26-inch line with a 36-inch line. The line being replaced runs approximately 1 1/2 miles through the city. There was an early scoping meeting in Redmond. Concerns addressed included; safety, tree removal, traffic, spacing, compensation for disruption, and placement of fences. Currently Northwest and FERC, with the aid of consultants, are preparing the EIS and will distribute the DRAFT EIS document with a 45-day comment period (scheduled for mid November). The City will receive a copy. Ms. Cezar explained that filing for intervener status is possible, however, it would include additional paperwork and cross-copying all parties that also filed intervener status.

Mayor Huckabay asked about the actual boundaries of the project. Ms. Cezar said the project would stop short of NE 8<sup>th</sup>.

Councilmember Felling asked what options would be available to the city if there was concern about unreasonable impacts. Ms. Cezar said that this is a big project, involving more than one jurisdiction. The applicant may also file for right of eminent domain if necessary. She reiterated that the City could file as an intervener in the environmental process.

Councilmember Petitti inquired about public process and appeal process.

Mayor Huckabay asked if the Environmental Impact Statement (EIS) looked at other alternatives. Ms. Cezar explained that the EIS would not be available to view until November 2004.

Mayor Huckabay asked if the pipeline crossed over city-owned property. Ms. Cezar said it will not impact any city owned property.

### **Continuation of Public Comment**

Scott Ballantine 23260 NE 20<sup>th</sup> Pl., Addressed concerns regarding the Williams pipeline. Mr. Ballantine believes there are other alternatives that could be looked at. What if those two pipelines were closer together? He would like the City to hold a public meeting. Many homes along the path have trees over 100 feet tall. It may impact the ground and other trees surrounding the project. He suggested the City look at the FERC website. Other concerns are safety and the environment. He would like the City to look at other alternatives.

Hope Szudsik 1910 234<sup>th</sup> Court NE, Ms. Szudsik will lose her entire backyard and possibly her deck. She is concerned about children playing in the yard during construction. The construction will also impact 100-foot tall trees in her yard. She is also concerned about the 60-foot right of way and the additional 20 feet needed for construction. Property value is also a concern.

Michael King 2328 233<sup>rd</sup> Avenue NE, Mr. King has concerns regarding the Williams Pipeline project as well. Several developments and possibly 104 homes will be impacted. Some homes sit on the easement. Mr. King feels the pipeline project should have never been allowed. He feels they could modify the length of the proposed loops.

Mr. Yazici suggested that he and City Attorney Bruce Disend work with other cities on this matter. He will bring the project up at the Eastside City Managers meeting this coming Thursday.

### **Consent Calendar**

- **Payroll for pay period ending September 15, 2004, for pay date September 20, 2004 in the amount of \$151,740**
- **Approval: Claims for period ending September 21, 2004 in the amount of \$1,182,849.66 for Check No. 11058 through Check No. 11153.**
- **Approval: Minutes for September 7, 2004 Regular Council Meeting**
- **Approval: Notes for September 14, 2004 Study Session**
- **Approval: Amended Personnel Policies and Personnel Handbook**
- **Contract: Sports Turf Renovation/Teufel Landscaping**

**MOTION: Deputy Mayor Gerend moved to approve the Consent Agenda.**

**AMENDMENT: Deputy Mayor Gerend made a motion to amend the Consent Agenda by moving item number 4 Amended Personnel Policies and Personnel Handbook and place it as the first item under new business. Councilmember Cross seconded. Amendment carried unani mously 7-0.**

**MOTION:** Motion to approve the Consent Calendar as amended carried unanimously 7-0.

**Unfinished Business:**

**Hardship Request/Decaro (22613 SE 4<sup>th</sup>)**

Ms. Cezar gave the staff report. This hardship request is for a 3-lot subdivision. The parcel is zoned R-4 and is 30,240 square feet (.69 acre) in area. The applicant claims financial hardship and water certificates will expire. The letter from the Sammamish Plateau Water & Sewer District said the applicant could request another 6-month extension but there is no guarantee that they will be extended. The District has never denied a request for extension. The Water & Sewer District does anticipate ending the water moratorium.

**MOTION:** Deputy Mayor Gerend moved to approve the DeCaro Hardship. Councilmember Petitti seconded. Motion failed 3-4, with Councilmember Cross, Mayor Huckabay, Deputy Mayor Gerend and Councilmember Whitten dissenting.

Councilmember Cross would like to hear about the hardship component of the request.

Frank Decaro, Applicant, 22613 SE 4<sup>th</sup> Street, He bought the property with the plan to subdivide in the future. He applied for water certificates for five years until finally receiving the certificates. He asked the Council for consideration of his request.

Mayor Huckabay struggled with granting the hardship now, versus waiting until codes and regulations are in place. The building moratorium is due to lift February of 2004.

Mr. Decaro explained that he may lose his opportunity and is worried that he would have to begin the allocation process all over again. The water meters have already been purchased. He is worried that if the moratorium is not lifted, it could possibly take another five years to receive water certificates.

Deputy Mayor Gerend is concerned about putting six homes on (.69 acres) 30,000 square feet. The property was zoned R-4 prior to the adoption of the Comprehensive Plan. The property falls within the Special Study Area. Deputy Mayor Gerend hesitated to move forward with the exception for that reason. Mr. Decaro responded that the Special Study Area is not clearly defined. Deputy Mayor Gerend suggested Mr. DeCaro participate in the public forums of the Special Study Area Task Force. Mr. Gerend does not feel that he can move forward and grant the hardship until the Special Study Area has been determined.

Councilmember Whitten does not believe there is a hardship. She understands that a large amount of money has been put into the development of the property, but this request doesn't seem any different than others waiting for the moratorium to lift. Councilmember Whitten believes the water moratorium will be lifted by December 2004. Mr. Decaro would like to have something in writing, stating the water moratorium will be lifted in December.

Councilmember Cross is not comfortable approving any hardship cases until future code amendments and public work standards have been adopted. The Council should consider other parts of the code before we allow any more development. He is not comfortable granting hardships until key policies and codes have been looked at. He does not want to grant hardships and exempt those developments from key codes that will be adopted. The concern of water availability will be eliminated within the next couple of months.

Councilmember Petitti is willing to grant the hardship. She understands that he may lose his water certificates. She is aware the applicant has been working on this for five years. Councilmember Petitti is tired of the moratorium. She is also concerned about the city having codes in place and the special study area.

Councilmember Barry believes that this is a hardship. He will be voting in favor of the hardship tonight. Mr. Barry doesn't believe anyone has made a case that they shouldn't grant the hardship. The responsibility of codes being in place and the moratorium lifted falls on the City not the applicant.

Councilmember Fellingge would like to see some consistency for granting hardships. We believe the water issue may go away but it has not happened yet. He would like to be consistent and grant the exemption due to the expiration of water certificate.

Mayor Huckabay would like to wait until the special study area has been looked at. She would also like to wait for additional key codes to be put in place. We can always come back and look at this in January 2005.

### **New Business**

#### **Tjok Hardship Request (West Beaver Lake Dr & SE 18<sup>th</sup> Place)**

Interim Community Development Director, Susan Cezar gave the staff report. This hardship request is for 24-lots. The project is located on a 5.97-acre parcel on West Beaver Lake Drive and is currently zoned R-4. The applicant has received 17 water certificates.

Mr. Tjok says he has invested money and time on this project. Based on the water certificates received, he asked the Council to grant his request. The property is unique. This project could provide the opportunity to extend sewer service to the surrounding area. The project is consistent with the surrounding development. He does not know how he will budget his money if this request is not granted.

**MOTION: Deputy Mayor Gerend moved to approve Tjok Hardship request. Councilmember Cross seconded. Motion to approve Tjok hardship request failed unanimously 0-7.**

Deputy Mayor Gerend inquired whether the property is for sale. Mr. Tjok explained that he hasn't been able to sell the property due to the lack of sewer service. He is very happy that he finally received the 17 water certificates and would like to move on.

Councilmember Fellingge would like to hear more about the impacts that create the hardship. Mr. Tjok said he is having troubles budgeting the money put aside for this development.

Mayor Huckabay explained that just like the earlier hardship, maybe it would be better to re-visit this in February 2005, after the moratorium is lifted and codes are in place.

Deputy Mayor Gerend said there are other developers also waiting to subdivide their property. The city has growth targets for the next 20 years, if we subtract the pipeline projects previously granted, we may only have fifty lots per year to grant. We may be implementing a growth metering policy in the future. Granting the hardship at this time would put a lot of other people at the end of the line.

Councilmember Cross explained that we are trying to lift the moratorium, but the City is working on updating policy and code amendments. It is important that these codes are in place. Mr. Tjok could possibly get his full twenty-four lots when the development and water moratoriums are lifted, rather than the seventeen that would be allowed at this time. Councilmember Cross will not be voting for the hardship.

**Approval: Amended Personnel Policies and Personnel Handbook** *(This item was mistakenly placed after the hardship request.)*

Director of Administrative Services Mike Sauerwein gave the staff report. Three changes are proposed for the personnel policies and handbook. Those changes are (1) adding a sexual orientation section recommended by our insurance company, (2) changing Department Director's probationary period from six months to twelve months and (3) allowing non-exempt employees to accrue a maximum of 80 hours of compensatory time.

**MOTION: Councilmember Fellingge made a motion to approve the Amended Personnel Policies and Personnel Handbook. Councilmember Cross seconded. Motion carried unanimously 7-0.**

**Contract: Eastlake High School Sports Field Design / DA Hogan**

City Manager, Ben Yazici introduction the contract and explained that this was a priority project, as directed by Council. Mr. Yazici said that we would delay the execution of the contract until the Addendum to the interlocal with Lake Washington School District has been signed. Legal counsel has reviewed the draft agreement. The addendum will be finalized within the next ten to fifteen days. It is very important that this project keep moving, as we would like to break ground summer of 2005.

Parks Director, Jeff Watling gave the staff report. This is a joint program with the school district. The City would be the lead on the project. The scope of this project is to transform the existing 3 acres into a multi-use sports field. Utilizing modern synthetic turf and sports lighting, this project would create a new community sports field that could accommodate year round use for a variety of sports on a site that currently accommodates very limited public use. The City issued a request for Statements of Qualification in late July. In August, a panel of City and LWSD staff interviewed three qualified design firms. DA Hogan was chosen. The City is referenced as the "owner" in the contract, as we are the lead agency on the design and construction. Funds for the design budgeted in the Parks Capital Contingency Fund. Estimated costs for this project have been budgeted for in 2005-2006.

Councilmember Felling explained about the warranty details on the synthetic turf. It was explained that warranty requirements would be part of the construction bid documents.

Mr. Yazici explained that requiring a warranty is a standard practice with all construction projects. It is possible to require additional warranty beyond the standard two-year maintenance warranty.

Mayor Huckabay asked Mr. Disend what problems the City might incur if listed as the Owner? Mr. Disend advised that this is standard contract language, but additional language could be added clarifying the word "Owner".

**MOTION: Councilmember Petitti made a motion to authorize the City Manager to execute a contract with DA Hogan in an amount not to exceed \$208,025.00. Councilmember Whitten seconded. Motion carried unanimously 7-0.**

The Councilmembers thanked the Parks Department for all of their hard work.

**Interlocal: Issaquah School District/ Joint Facility Use**

Mr. Watling gave the staff report. Major elements of the Interlocal would be similar to the agreement between the City and Lake Washington School District. The agreement outlines a policy by which both agencies will explore future joint projects on city-owned or Issaquah School District property that may benefit both agencies. This agreement is modeled after the agreement between Issaquah School District and the City of Issaquah.

Deputy Mayor Gerend inquired about the invoicing of direct costs. Mr. Watling explained the intent of that clause is to protect the City from any additional indirect costs. If it does not directly impact the City or vice versa, there would be no additional charges.

Councilmember Cross asked if there would be any future agreements with the District. Mr. Watling said the District is interested in future agreements.

Mayor Huckabay asked if there is a residency requirement. Mr. Watling said there is no residency requirement as part of this agreement.

**MOTION: Councilmember Felling moved to approve the Interlocal Agreement with Issaquah School District (ISD) for the joint use of facilities. Councilmember Whitten seconded. Motion carried unanimously 7-0.**

**Ordinance: First Reading Granting The Lake Washington School District, A Public School District, The Right, Privilege, Authority And Franchise To Construct And Maintain, Repair, Replace, Operate Upon, Over, Under, Along And Across The Franchise Area For Purposes Of Its Fiber Optic Cable.**

Public Works Director, Delora Kerber gave the staff report. This Franchise Agreement is with Lake Washington School District for the use of City right of way for the installation of fiber optic cable. The District is expanding its use of fiber optic lines to Smith, McAuliffe and Mead

elementary schools. This is the first reading of the ordinance. Ms. Kerber displayed a map of the potential routes to run the cable.

**MOTION: Deputy Mayor Gerend moved to approve the ordinance granting a Franchise Agreement with Lake Washington School District to use City Right of Way for Fiber Optic Cable Councilmember Cross seconded.**

Councilmember Whitten would like to know if this would preclude installation of other fiber optic cable. Mr. Kerber explained that this is a non-exclusive agreement on public right of way.

Dr. Kimball explained that there are connectivity limitations at six schools within the District. This interlocal would allow these schools to hook up to the fiber optic line. The City could also pull their fiber at the same time. The District would like to see other collaborative agreements with the City in the near future.

Deputy Mayor Gerend asked when this project would begin. Mr. Kimball replied it would begin as soon as possible. Mr. Gerend also inquired if the cables would be underground or above ground. He was informed that cables along Sahalee & 228<sup>th</sup> would be on poles and the other routes would be underground.

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

**MOTION: Councilmember Whitten moved to approve the Ordinance granting a Franchise Agreement with Lake Washington School District to use City Right of Way to run Fiber Optic Cable. Councilmember Petitti seconded. Motion carried unanimously 7-0 (O2004-157).**

#### **City Manager Report\**

- *Park & Recreation Commission Alternate Vacancies:* City Manager Ben Yazici said there are still three vacancies on the Commission. Mr. Yazici asked if Council would like these vacancies to be re-advertised.

Mayor Huckabay would like to see the commission vacancies re-advertised.

Councilmember Whitten would like to re-advertise.

Councilmember Cross asked when the current positions would expire. Mr. Watling explained four positions will expire December 31, 2004. Current members could then write a letter of interest to the Council for re-appointment.

Councilmember Barry didn't feel the positions should be re-advertised. The current four applicants are acceptable.

Councilmember Petitti asked if the alternate positions would roll over into permanent positions. Mr. Watling explained the alternate positions would not roll over automatically to permanent positions. That decision would be up to the Council.

Councilmember Whitten would like to know if these alternate candidates would be interviewed. That decision will be made at a later date.

- *Kamuron Gurol Contact Amendment:* City Manager Ben Yazici did not feel comfortable authorizing the amendment to this contract without Council approval. This would allow Kamuron Gurol an additional forty hours for additional Planning Commission meetings, Council meetings and public hearings.

**MOTION:** Councilmember Petitti moved to authorize the City Manager to execute a contract amendment with Kamuron Gurol in an amount not to exceed \$3,250.00 Councilmember Felling seconded. Motion carried unanimously 7-0.

- *Director of Community Development:* Mr. Yazici updated the Council about the search for a new Director of Community Development. The application process has been closed. The interview process will consist of panels with at least one member from the City Council, Planning Commission and additional City staff.

Mayor Huckabay adjourned the meeting at 9:43 pm

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Stacy Herman, Administrative Assistant

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Kathleen Huckabay, Mayor