

COUNCIL MINUTES

Regular Meeting November 2, 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 (6:35 pm), Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Assistant City Manager Pete Butkus, Public Works Director Delora Kerber, Interim Director Community Development Susan Cezar, Director of Administrative Services Mike Sauerwein, Parks & Recreation Director Jeff Watling, Finance Director Lyman Howard, 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 Cross moved to approve the agenda. Councilmember Petitti seconded the motion. Motion carried unanimously 6-0.

Mayor/Council/Committee Reports

- *Public Safety Committee (Councilmember Felling):* Public Safety Committee is studying the issue of fireworks displays. The Committee will recommend Sammamish ban private use of fireworks in the city. This recommendation is based on input from many residents. A complete ban on personal use of fireworks would improve the safety of the whole community. Because state law requires a one year delay before any ordinance prohibiting use could become effective, it is necessary to make the decision before the next Fourth of July.
- *Finance Committee (Deputy Mayor Gerend):* He attended the Suburban Cities Association's (SCA) regional meeting last week. The Director gave the State of the Cities report. The status is not good. Revenues have been limited and there are more demands for unfunded services. Partnerships between the state and cities are waning. Infrastructure is in need of repair and health care costs are skyrocketing. The Finance Committee met today. Revenues are up. The city may end the year \$1 million over projection, possibly \$2 if there are no natural disasters before the end of the year.
- *Community Development Committee (Councilmember Cross):* No Report
- *Trails, Open Space and Natural Resources (Councilmember Whitten):* The Committee discussed instituting a process for bench or tree donations for the parks. The Committee was updated on the status of the Trails, Bikeways and Paths Plan and

Park, Recreation and Open Space element of the Comprehensive Plan. These amendments will be coming before Council twice in December. The Planning Commission has recommended some substantial changes to the plan. The Committee also discussed the ordinance amending the Municipal Code for trails in sensitive areas. This ordinance is on the agenda for tonight. The Committee discussed deferring this ordinance until the Trails, Bikeways and Paths Plan is adopted. This document is only a planning tool. These amendments are regulations that will fix some flaws in the current code. Deferring these amendments would just delay other park projects. The Committee is recommending this ordinance be adopted. The Committee does feel the 25% requirement might be too restrictive and have suggested staff develop an alternative.

- *Public Works Committee (Councilmember Petitti)*: She reported on Rotary Club's Nightmare at Beaver Lake. The Haunted House was open Thursday through Sunday and over 4,000 people went through. The Rotary Club and Sammamish Youth Board worked together to make this a great success. In addition to raising funds a large amount of canned food was collected.
- *Legislative Committee (Mayor Huckabay)*: None
- *Mayor's Report (Mayor Huckabay)*: The Economic Development Board is having a kick off meeting on November 18. The Council members met with both Issaquah and Lake Washington School Districts. The meetings were very productive. Traffic was the most important topic discussed.
- *Skyline High School Student Liaison (Liz Morgan, Reese Ishmael)*: The football team advanced to the state playoffs. A student concert will be held on November 3. Parent/Teacher Meetings will be held on November 28
- *Eastlake High School Student Liaison (Spencer Salmon)*: The football team lost to Skyline. The Drama production is beginning Nov. 19. There is a Veteran's Day assembly planned for Thursday. Students are gathering holiday cards to send to troops in Iraq. The PTSA Holiday bazaar is next weekend as well as a blood drive.

Public Comment - None

Consent Calendar

- Payroll for pay period ending October 15, 2004, for pay date October 20, 2004 in the amount of \$150,739.01
- Approval: Claims for period ending November 2, 2004 in the amount of \$471,607.44 for Check No.11329 through Check No. 11421
- Approval: Minutes for September 21, 2004 Regular Meeting
- Approval: Notes for October 12, 2004 Study Session
- Approval: Minutes for October 19, 2004 Regular Meeting
- Approval: Notes for October 21, 2004 Joint Meeting with Issaquah School District
- Approval: Notes for October 25, 2004 Joint Meeting with Lake Washington School District
- Resolution: Adopting A Pilot Program For The Neighborhood Traffic Management Program (R2004-184)

MOTION: Councilmember Felling moved to approve the Consent Calendar. Councilmember Cross seconded. Motion carried unanimously 7-0.

Public Hearing

Mayor Kathleen Huckabay opened the public hearing at 6:50 pm. Due to the fact that tonight is election night, this public hearing will be continued to November 9, 2004. There will be no Council discussion tonight.

Interim Community Development Director Susan Cezar gave the staff report. She outlined the extensive public process these amendments have gone through to get to this stage. There have been some minor changes, mainly clarification language, made in response to public comment submitted to this point. The Planning Commission voted unanimously to recommend the amendments. Several theoretical projects (Beta Tests) were subjected to these amendments and those results have been posted on the city website for some time.

Kamuron Guroi, City Consultant, explained the key points of the amendments. These amendments reflect the best available science. The public process is one of the better ones he has seen. The city took the time to provide good information in a timely manner. Best available science is a requirement of the statutes. He advised Council to review all the materials that were used to determine the best available science before approving these amendments. It was somewhat difficult to find information relating to trails. The proposed amendments will affect Chapter 16 Clearing and Grading, Chapter 21A.15 Terms and Definitions, Chapter 21A.30 Design Standards and Chapter 21A.50 Environmentally Sensitive Areas. These changes were made to allow the city to make consistent decisions for years to come. The key change in language was to replace the word “practical” with “reasonable” alternatives to help staff make good decisions. The 25% wetland buffer requirement comes from the BAS study. Land use compatibility is one of the major concerns that arise when new trails are proposed. These guidelines will help trails be good neighbors. Avoidance of impacts is the first alternative. If impact cannot be avoided then a process begins to develop mitigation alternatives. The amendments also focus on salmonid protection in trail crossings.

Public Comment:

Jan Bird, 3310 221st Avenue SE, The recently conducted community survey shows that recreational trails are a high priority for residents. The current code prevents these types of trails. These amendments should still be changed slightly in regard to the East Lake Sammamish Trail. She does not see the need for a Public Utility Exemption since the proposed trail is already on an existing corridor and it provides mitigation for the loss of wetlands and streams. She thinks the city is requiring too much mitigation for a trail bed that already exists. Common sense should be used. (see Exhibit 25)

Bill Zabriskie, 2208 224th Place NE, He is in support of the proposed amendments. Recent history has showed Sammamish moving backward instead of forward in regard to these kinds of trails. These amendments will help the city move forward.

Kathy Giles, 1011 270th Court SE, She moved close to Soaring Eagle Park because of all the trails there. She urged the Council to be careful about the trails they build. She wants the code to provide for trails, but still protect the wetlands, perhaps by building trails around wetlands. She doesn't want the code to be restrictive just because of the problems with the East Lake Sammamish Trail. She would like the trail open so her husband could use it to get to work in Bellevue.

Bente Pasko 22109 21st Way, She is concerned about the amendment which restricts trails to the outside 25% of wetland area. This is not possible in an developed city. This restriction would make most future trails unbuildable. Most of these sensitive areas are not used in a natural way now. Utilities are exempt from these requirements and the city may modify or replace streets without following these ordinances. (see Exhibit #26)

Lisa Dally Wilson, 1547 211th Avenue NE, She supports the amendments and looks forward to the day when there is connectivity of trails. Bellevue is noted for its walkability and they would not have been able to build these trails under our current ordinances. Our per capita acre of parkland and pedestrian trails is low compared with other cities. Please ensure that there is flexibility especially relating to the 25% buffer area. The city may lose opportunities to provide trail connections if these amendments are not passed quickly. She also hopes this will facilitate opening the East Lake Sammamish Trail (ELST).

Fred Wilson, 1547 211th Avenue NE, He supports the amendments. They will allow more trails to be built. He urged Council to open ELST as soon as possible without the need for the Public Utility Agency Exception. This trail will be a tremendous resource. Imposing PAUE requirements will just add to the delay. Given that the trail is on an existing right-of-way they should be exempt from the requirements.

Gail Twelves, 19727 SE 19th Street, She commended Council for taking this on and she supports the amendments with one proviso: that these amendments will not allow additional impervious surfaces into the wetlands. Boardwalks should be considered in sensitive areas. Boardwalks are the most environmentally sensitive alternatives. This will help the city regain connectivity that was denied the residents of Sammamish in previous development.

Jerry Brewster 23623 NE 7th Court, He supports the changes. They provide reasonable interpretations that will allow trails, especially the ELST. The city needs more trails. Building on the rail bed is much more reasonable than blazing a new trail

Deedee Holt, 1226 224th Place NE, She encourages the adoption of the amendments and thinks they will provide more reasonable use of the land.

Carol Ross, 3462 Eastlake Sammamish Shore Lane NE, She has lived on the eastside for fifty years. She is happy to see the forward progress the Council has made on this issue. She is concerned that the regulations will be so restrictive that they will lead to small trails that don't connect just because of a wetland. She also encouraged opening any part of the ELST that can be built.

Ed Eick 21330 SE 39th, He is delighted to see that most comments tonight are positive. He is glad the city has continued to move forward, however slowly. Biking along the parkway is a very unsafe prospect. He has reviewed the previous comments and believes that the attorneys representing the trail-side homeowners are just nitpicking to slow down the process.

Chris Benson, 4052 232nd Avenue SE, She agrees with all the other speakers. She does encourage Council to allow trails within the buffers so that some trails can actually be built. The current amendment is too restrictive. It will be difficult to build new trails, parks and sidewalks.

Joan Burlingame, 25119 SE 262nd, Ravensdale, Their community has been working with King County to build a regional trail system. She questioned #7 of the development standards, amendment regarding impervious surfaces. New ADA regulations have been made that require trails to be ADA accessible to the second natural barrier.

Ilene Stahl, 21553 SE 28th Lane, She is concerned about prioritizing the importance of wetlands and there should be a difference between trails in wetlands where they are necessary and building them in Ebright Creek. These amendments make the code too generalized. Intrusion into the 25% buffer may be necessary in some cases but should not be allowed in important wildlife corridors.

Richard Johnson, 20035 SE 27th Place, All the objections to the amendments have been about process and not the content of the amendments themselves. Sammamish residents are not interested in dragging out the timeline of passing the amendments. Trails are very important to the city. If the Council does not pass these amendments soon, they will not be able to build Ebright Creek Park as planned. The amendments should be in place before the finalizations of the design for Ebright Creek Park.

MOTION: Deputy Mayor Gerend moved to continue the public hearing to November 9, 2004. Councilmember Felling seconded. Motion carried unanimously 7-0.

Unfinished Business - None

New Business

Ordinance: First Reading Relating to School Impact Fees in the City; Adopting the Lake Washington School District No. 414 Impact Fees for 2005

Interim Community Development Director Susan Cezar gave the staff report. Proposed fees for next year will be \$3,243 for a new single family home and \$264 for a new multi-Family facility.

Forrest Miller, Director of Support Services, Fees are important to provide capacity for the district. All elementary schools are over capacity. There is no more space for portable classrooms. The district is monitoring population growth to determine if an additional school will be necessary in Sammamish. The district has some property available to build a new school. An addition is planned for Inglewood Junior High School to eliminate the portable classrooms currently in use. Eastlake does not need any additional capacity.

Councilmember Cross pointed out the King County Code actually develops the impact fee rate, based on the capital facilities plan for the district, the number of schools in the district and the new growth. This figure is then divided by 2 so the impact fees only cover 50% of the actual need.

Mr. Yazici said that the council has the prerogative to change the percentage of discount that the city gives to the school. Any action should be closely coordinated with the school districts.

Mr. Miller said that the district will not be required to be involved with building facilities for charter schools if the current initiative were to pass. Impact fees are related to capacity of the school, not the transportation needs.

Councilmember Barry will excuse himself from discussion on both of these items.

This is the first reading. No action required.

Ordinance: First Reading Relating to School Impact Fees in the City; Adopting the Issaquah

Ms. Cezar gave staff report. This is an ordinance adopting the Issaquah School District School Impact Fees. The fee for next year will be \$4,996 for each new single family home built and \$796 for a new multi family facility. This is the first reading of the ordinance. No action is recommended at this time.

Craig Christiansen, Executive Director of Facilities. Issaquah has higher impact fees than Lake Washington because they are going to build more schools this year.

Councilmember Petitti asked if the lower impact fee in Lake Washington School District compared to Issaquah may cause developers to develop in LWSD. Mr. Yazici says that these fees are just passed on to the homeowners so there is really no incentive to build in one district over the other.

Council recessed from 8:00 to 8:15.

Deputy Mayor Gerend announced that Mayor Huckabay has been excused early for a previous commitment

Resolution: Approving A Work Program, And Expressing An Intent, To Adopt Amendments To The City's Critical Area Regulations, Chapter 21A.50 (Environmentally Sensitive Areas) Of The Sammamish Municipal Code

Ms. Cezar gave the staff report. All jurisdictions in Washington must update their environmental and critical area regulations in compliance with best available science. The city was required to do this before the end of the year 2004. The purpose of this resolution is to show the State the City's intent and work plan for achieving this update. The previous ordinances regarding trails in the sensitive areas are the first step in this process. Currently the City is soliciting requests for proposal for a consultant to prepare the new regulations.

Councilmember Cross said that he thought part of the RFP should include good aerial photos to help communicate the justification for the new code.

MOTION: Councilmember Felling moved to adopt the resolution for the work plan for the critical areas update. Councilmember Cross seconded. Motion carried unanimously 6-0 (R2004-185).

Interlocal: Jail Administration

Administrative Services Director Mike Sauerwein gave the staff report. There are three parts to this interlocal; (1) it recognizes how the city currently operates, (2) it creates a new jail services oversight board with one elected official from each city in King County to study long term issues, and (3) it recognizes that King County transferred property to the City of Bellevue for the purpose of building a jail. It is unlikely that this property will be used for a jail at this site, so Bellevue would need to provide an alternate site.

Council must take two actions: Authorize the interlocal and appoint a Councilmember to serve on the board.

MOTION: Councilmember Cross moved to authorize the City Manager to sign the interlocal agreement for Jail administration. Councilmember Petitti seconded. Motion carried unanimously 6-0.

Councilmember Whitten suggested someone from the public safety committee should be the elected official to serve on the oversight board.

MOTION: Councilmember Barry nominated Councilmember Felling. Councilmember Whitten seconded. Motion carried unanimously 6-0.

City Manager Report

The Volunteer Appreciation dinner will be held at Beaver Lake Lodge on December 2. The Council retreat will occur on January 6,7 and 8. Councilmember Barry suggested meeting close to home.

Executive Session - Potential Litigation Pursuant to RCW 42.30.110(1)(i)

Council retired to Executive Session at 8:50 pm and returned at 9:20 pm. No action was taken.

Deputy Mayor Gerend adjourned the meeting at 9:20 pm

Melonie Anderson, City Clerk

Kathleen Huckabay, Mayor