

# COUNCIL MINUTES

## Regular Meeting December 7, 2004, 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, Public Works Director Delora Kerber, Director of Community Development Bob Horn, Deputy Director of Community Development Susan Cezar, Director of Administrative Services Mike Sauerwein, Parks & Recreation Director Jeff Watling, Finance Director Lyman Howard, Financial Analyst Aaron Antin, Police Chief Richard Baranzini, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

### Roll Call/Pledge

Roll was called. Police Chief Baranzini led the pledge.

### Approval of Agenda

MOTION: Councilmember Felling moved to approve the agenda. Deputy Mayor Gerend seconded the motion. Motion carried unanimously 7-0.

AMENDMENT: Deputy Mayor Gerend moved to amend the agenda by removing Items 6 and 7 from the Consent Calendar and place them prior to the first item of new business. Councilmember Cross seconded. Motion carried unanimously 7-0.

### Presentation/Proclamations

#### ❖ Council Leadership Elections

MOTION: Councilmember Felling nominated Deputy Mayor Don Gerend for Mayor. Councilmember Petitti seconded. Motion carried unanimously 7-0

MOTION: Councilmember Whitten nominated Councilmember Petitti for Deputy Mayor. Councilmember Barry seconded. Motion carried unanimously 7-0

### Mayor/Council/Committee Reports

- *Public Safety Committee (Councilmember Felling):* The committee has been considering issues relating to the storage of model rocket motors and motorized scooter regulations. The committee is recommending allowing parents to make the

decision on when a child is old enough to ride a scooter, but also hold them accountable. The committee also discussed the problem of out-of-the-area peddlers.

- *Finance Committee (Deputy Mayor Gerend):* No Report. Reported on Eastside Transportation Partnership Board meeting. The major action of the board was to agree on legislative items to be promoted jointly to the eastside legislators. They came up with three items; the most important of which was to request an additional gas tax to be distributed among the east side cities. Additionally they will ask the legislature to find more funding options for transportation projects and support the addition of High Occupancy Toll (HOT) lanes for one of the major eastside highways.
- *Community Development Committee (Councilmember Cross):* The meeting tomorrow is cancelled. He and Councilmember Felling are meeting informally with the Rotary Club and the Chamber of Commerce to begin discussions on developing a local Farmers Market. The meeting will be held on December 16, 2004 at City Hall. Councilmember Cross also thanked Ms. Cezar for all of the work she has done over the last six months both in land use planning and services offered by the City.
- *Parks, Open Space and Natural Resources (Councilmember Whitten):* Councilmember Whitten attended the Suburban Cities Association's Growth Management Council. The topic discussed was moving the urban growth boundary to facilitate the annexing of park property for the City of Covington. This could affect the development of Evans Creek Preserve. Councilmember Whitten deferred her report on the Parks, Open Space and Natural Resources Committee until comprehensive plan amendments come for discussion later in the meeting.
- *Public Works Committee (Councilmember Petitti):* Public Works will meet next Tuesday, December 14, 2004 at 5:00 pm.
- *Legislative Committee (Mayor Huckabay):* Mayor Huckabay met with Sammamish Plateau Water & Sewer District representatives. They discussed opportunities for working jointly in the permitting process. They discussed the joint maintenance facility and the possibilities of a joint feasibility study for merger. She attend Puget Sound Regional Council meeting to discuss cluster employment opportunities the city should put their dollars behind to promote job growth in the state. She attended a Transportation Choices meeting last night. Additional transit is high on the list of priorities. She attended the Eastside Fire & Rescue Board Retreat. The most significant topic was the future funding model. The current funding model will expire in 2007. SCA has reorganized and she has given information to other council members for their consideration. We have been asked to nominate a representative to the North Caucus Board. These nominations will then be voted upon at the next meeting.

**MOTION: Councilmember Barry moved to nominate Deputy Mayor Gerend as Sammamish's Representative to the Suburban Cities' North Caucus Board. Councilmember Cross seconded. Motion carried unanimously 7-0.**

- *Mayor's Report (Mayor Huckabay):* The Transportation Improvement Board presented the City with a \$150,000 grant for the NE 8<sup>th</sup> Street to 240<sup>th</sup> and 228<sup>th</sup> Avenue Sidewalk Project. The State Park advisory board had their last meeting this

month. They selected several environmentally sound projects that will encourage use at Sammamish State Park. Suggestions are an indoor soccer facility, trail head, board walk, urban RV center, and a rustic retreat center. Mayor Huckabay met with representatives of Boys & Girls Club. She reports they are moving forward on their projects. They invited the City to participate in their summer youth activities. Mayor Huckabay suggested this would be a good retreat topic.

- Councilmember Barry reported on Skyline's football playoff games. Although it was disappointing that they didn't go all the way, they still had a great season, coming in second in the state. The team, coach and the students of Skyline should all be commended.
- *Skyline High School Student Liaison (Liz Morgan, Reese Ishmael)*: The football team placed second. The Cross Country coach was named Coach of The Year. The golf team came in first place in Kingco. The golf coach also won Coach of The Year. The volleyball team also placed first in Kingco and the coach was named Coach of The Year. The fine arts concert will be held next week.
- *Eastlake High School Student Liaison (Spencer Salmon)*: The blood drive was very successful. The Winter Band concert is tomorrow night. A non-formal dance will be Saturday and will be held at the school for the first time. Students from an Australian basketball team played Skyline.
- *Sammamish Youth Board Update (Robert Baxter)*: The Holiday Celebration was held last weekend. Children made houses and there was a giving tree for teen feed. Coming up will be the battle of the bands. This will be held at the Redmond Fire House. Auditions will be in January. The Youth Board participated in the motorized scooter survey to give input for Council consideration of the ordinance tonight. The Spring Extravaganza and Family Bingo Night are in the planning stages.

City Manager Ben Yazici introduced Bob Horn, recently hired Community Development Director.

**Public Comment - None**

**Executive Session – Potential litigation pursuant to RCW 42.30.110(1) (i).**

Council adjourned to Executive Session at 7:20 pm. They returned at 8:07 pm.

Council recessed from 8:07 pm to 8:15 pm

Deputy Mayor Gerend removed himself from discussing or voting on the next item to avoid potential conflict of interest.

**MOTION: Councilmember Barry moved to authorize the City Manager to resolve the dispute with SR Development regarding the amount of their concurrency fees to be paid on their development at NE 4<sup>th</sup> Avenue in the amount of \$180,000 and to direct the City Manager to draw up the necessary papers. Councilmember Whitten seconded. Motion carried 6-0.**

## **Consent Calendar**

**Payroll for pay period ending November 15, 2004, for pay date November 19, 2004 in the amount of \$146,956.94**

**Payroll for pay period ending November 30, 2004 for pay date December 3, 2004 in the amount of \$147,773.75**

**Approval: Claims for period ending December 7, 2004 in the amount of \$459,970.45 for Check No. 11545 through Check No. 11652**

**Approval: Notes for October 26, 2004 Study Session**

**Approval: Minutes for November 2, 2004 Regular Meeting**

**Approval: Minutes for November 9, 2004 Special Meeting/Study Session**

**Approval: Minutes for November 16, 2004 Regular Meeting**

**Contract: 2005 Storm Sewer System Cleaning/Bravo Environmental**

**Resolution: Authorizing the acquisition of communications equipment using sole source supplier (R2004-189)**

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

## **Public Hearings (continued from November 16, 2005)**

Mayor Huckabay opened the Public Hearing at 8:15 pm

**Second Reading of an Ordinance of the City of Sammamish, Washington, adopting the 2005-2006 Budgets.**

City Manager Ben Yazici gave a short staff report outlining the process that led to the submission of this biennial budget.

**Public Comment** – None

Mayor Huckabay closed the hearing at 8:30 pm

**MOTION: Deputy Mayor Gerend moved to approve the ordinance adopting the 2005-2006 Budget. Councilmember Cross seconded. Motion carried unanimously 7 -0. (O2004-160)**

Councilmember Cross commended the staff for the hard work they put in to developing this budget. Councilmember Felling cautioned that the Council should be vigilant in protecting the

future of the city and recognize that our budget situation might not always be as positive as it is now.

**Second Reading of an Ordinance of the City of Sammamish, Washington, Relating To The Levying Of Taxes And Establishing The Amount To Be Raised In 2005 On The Assessed Valuation Of The Property Within The City.**

**MOTION:** Councilmember Barry moved to approve the ordinance setting the amount to be raised in 2005 on the assessed valuation of property within the city. Councilmember Petitti seconded. Motion carried unanimously 7-0. (O2004-161)

The levy rate will be \$2.61 per 1,000 in assessed valuation. This rate has remained consistent for the last four years.

**Second Reading of an Ordinance of the City of Sammamish, Amending The City Of Sammamish Comprehensive Plan, Chapter V., The Transportation Element Related To Non-Motorized Facilities, Chapter IX., Parks, Recreation, And Open Space Element, And Appendix C; And Adopting The Final Parks, Recreation And Open Space Plan And The Trails, Bikeways And Paths Plan**

Councilmember Whitten said the Parks, Open Space and Natural Resources committee has reviewed these plans and they are recommending the following changes to the Parks, Recreation and Open Space plan:

- 1) **Executive Summary (page ix): Rephrase the following in the second bullet,**  
3. concentrate initial development efforts on Neighborhood Parks, Community Parks and School Parks.
- 2) **Section 1: Existing Conditions, Table 1-1(page1). Asterisk Sammamish Plateau in the Table and note the following:**

\*Note: Sammamish Plateau refers to population numbers for the entire plateau.

- 3) **Section 2: Needs Assessment, 2.1b Community Assessment Survey (page 13). In the final paragraph of page 13, add the following sentence that references the consistency of recent surveys,**

Subsequent surveys of the community in 2003 and 2004 have supported the results of this initial parks and recreation survey taken in 2000.

- 4) **Section 2: Needs Assessment, Key findings (page 14). In the third and final bullet on page 14, rephrase the second sentence as follows (edits in bold):**

The improvements suggested most frequently include additional trails, picnic facilities, playground improvements, playfields and **athletic fields**.

5) **Section 4: Park Development Policies and Objectives. Policy 4.1b,6 (page 44), rephrase as follows (edits in bold):**

Provide amenities at parks and recreation open space facilities such as lighting, seating, drinking fountains, trash receptacles, bicycle racks, and shelters where appropriate to extend the hours of use and/or service quality, **while showing sensitivity to neighborhood and environmental context.**

**MOTION:** Councilmember Petitti moved to adopt all five of the minor changes recommended by the Parks, Open Space and Natural Resources Committee for the Parks, Recreation and Open Space Plan. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0.

Councilmember Whitten then outlined the changes the committee recommended to the Trails, Bikeways and Paths Plan. These changes, as well as the previous changes, are more for clarification than changes in policy.

1) **Section 5 – Policy 5.5 rephrase as follows (edits in bold),**

The City shall consider the construction of **innovative**, lower cost interim sidewalks, paved walkways, and trails as a means of providing connectivity **and /or recreation** when there is a demonstrated demand, but when funding for the desired or ideal facility is not yet available.

2) **Section 6 – Design Standards and Planning Guidelines. Based on citizen comment at the Public Hearing to consider referencing the US Forest Service guidelines for the appropriate construction of wilderness type trails, insert the following at the end of paragraph 5 on page 41:**

The Washington State Pedestrian Facilities Guidebook is one of the most comprehensive pedestrian and trail facility design resources available and can be applied as a guide to nearly all pedestrian and trail design projects in the city.

One type of trail that is only covered lightly in the guidebook is the wilderness, or primitive recreation trail. While this type of trail will make up a portion of the overall system in Sammamish, its recreation value is significant. There are no regulatory standards for primitive trails; however, there are three US Forest Service publications (1-the Trail Management Handbook, 2-The Standard Specifications for Construction and Maintenance of Trails and 3-The Trail Construction and Maintenance Notebook) that are available as a reference to the city to aid in the design and construction of these more primitive recreations trails.

**MOTION:** Councilmember Felling moved to approve the two amendments recommended by the Parks, Open Space and Natural Resources Committee to the Trails, Bikeways and Path Plan. Councilmember Petitti seconded. Motion carried unanimously 7-0.

Councilmember Whitten has concern about policy 3.1.9 on page two in the packet material. She is concerned that the policy limits the city's ability to use eminent domain and condemnation procedures to ensure connectivity. Councilmember Whitten is asking to send this policy back to the Planning Commission for further review next year.

Ben recommended adding the words "as the very first step"

City Attorney Disend recommended deleting the policy entirely.

**MOTION:** Deputy Mayor Gerend moved to delete Policy TBP 3.1.9 from the plan. Councilmember Whitten seconded. Motion carried unanimously 7-0.

Councilmember Barry advised the Council to be very cautious in exercising this right.

Deputy Mayor Gerend praised the policy that promotes public education of existing trails.

**MOTION:** Councilmember Cross moved to approve the ordinance amending the Comprehensive Plan Chapter V., The Transportation Element related to Non-Motorized Facilities, Chapter IX, Parks, Recreation and Open Space Element, and Appendix C, and adopting the final Parks, Recreation and Open Space Plan and the Trails, Bikeways and Paths Plan. Councilmember Whitten seconded. Motion carried unanimously 7-0. (O2004-162)

### **Unfinished Business**

**Ordinance: Second Reading Amending Ordinance No. 02003-133, The 2003-2004 City Budget, For The Purpose Of Revising The 2004 Budget**

**MOTION:** Deputy Mayor Gerend moved to approve the ordinance amending Ordinance No O2003-133, the 2003 – 2004 budget for the purpose of revising the 2004 budget. Councilmember Barry seconded. Motion carried unanimously 7-0. (2004-163)

### **New Business**

**Amendment: Interlocal for Jail Services/Yakima County (Removed from Consent Agenda)**

Director of Administrative Services, Mike Sauerwein gave the staff report. These amendments are rather minor but will result in a cost savings to the City. There are four changes, (1) the duration of the contract, (2) billing and payment (3) reduction in costs for services not used and (4) clarification of the provision regarding medical services. The Jail Oversight Assembly recommends approval of this amendment.

**MOTION:** Councilmember Felling moved to authorize the City Manager to sign the amendment to the interlocal for jail services with Yakima County. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0.

**Amendment: City Hall Lease/Regency (Removed from Consent Agenda)**

Mr. Saurewein gave the staff report. This is an extension of the lease for city hall space for 2005/2006. The rent is \$14,230 per month. This is a 4% increase over last year resulting in a rate of \$23 per square foot. This does not include the space that is being leased for the trailer out back. It was difficult to find comparable lease space in the city to see if this rate is competitive.

**MOTION: Deputy Mayor Gerend moved to authorize the City Manager to sign the lease extension with Regency for city hall space. Councilmember Petitti seconded. Motion carried unanimously 7-0.**

**Ordinance: First Reading Relating To The Regulation Of Unmuffled Engine Compression Brakes, Adding A New Chapter, 46.12 To The Sammamish Municipal Code And Establishing An Effective Date**

Chief Baranzini gave the staff report. This is a quality of life issue. Unmuffled engine compression brakes are loud and disturbing to residents. This is the first reading and no action is recommended.

**Ordinance: First Reading Amending Sammamish Municipal Code Section 16.05.130(24), International Fire Code**

Mr. Sauerwein gave the staff report. This ordinance was brought to staff by a citizen. Since the City adopted the international fire code, the storage of explosives, which includes these model rocket motors, was prohibited. This ordinance will provide an exception for the storage of these types of motors. This is the first reading. No action is required. Item #6 will be deleted from the ordinance before it comes back for a second reading.

Carl Hamilton 20627 NE 8<sup>th</sup> Street, He explained what the storage requirements would be for these motors. It is normally a metal box with at least one lock in a safe area.

**Ordinance: First Reading Adding a New Chapter 46.20 Of The Sammamish Municipal Code Regulating Motorized Foot Scooters, Motorized Vehicles Not Requiring A License To Operate, And Vehicles Powered By Electric Motors Requiring A License To Operate And Adopting By Reference Title 9 Of The King County Health Code Entitled "Bicycle Helmets"**

Mr. Sauerwein gave the staff report. The Public Safety Committee has been studying this issue. They met with the Sammamish Youth Board and had them fill out a survey to get input on what they think the regulations should be. The committee is recommending that there be different regulations for electric motor scooters and gas powered scooters. Many cities have many differing regulations. The committee is not making any age recommendation, feeling this is something that should be addressed by the Council as a whole. No action is required but staff is looking for direction on what the age restriction should be and where the scooters should be allowed.

Councilmember Petitti feels this ordinance does not address the noise that is made by gas powered scooters. Since they are not allowed on sidewalks, trails, and streets, then they will be relegated to the neighborhoods where they will be annoying.

Councilmember Whitten feels the safety concerns regarding these scooters are also very important.

Councilmembers were encouraged to write down their concerns and give them to Mr. Sauerwein to be considered before the second reading of the ordinance.

**Ordinance: First Reading Prohibiting Hunting Within The Corporate Limits And Adding A New Chapter 22.05.115 To The Sammamish Municipal Code**

Chief Baranzini gave the staff report. This is a safety issue and is aimed at providing protection and habitat for both animals and humans. The City is too populated to allow for hunting within the city limits. This is the first reading of the ordinance. No action is required.

**City Manager Report**

Public Works Director Delora Kerber explained how the vactoring service contract passed on the consent agenda would be saving the City money and will get the catch basins cleaned on a more regular basis. Previously the County was doing this service for approximately twice what the new contractor is going to do it for.

**❖ Formation of Citizen Advisory Board/Critical Areas Update**

The critical areas update currently required by state law will be a very sensitive issue in the community. It might be a good idea to enlarge the public involvement process and remove some of the burden from the Planning Commission by forming a Citizen Advisory Board. This could be a good retreat issue.

**❖ City Hall Update**

Staff did not have enough time to prepare a cost estimate for the proposed changes recommended by the drainage consultant recently hired. This item will be brought back to Council with more detail at the December 14, 2004 meeting.

Councilmember Whitten said a resident has offered to act as an Astronomy Docent and start a star gazing program at Ebright Creek Park.

Mr. Yazici said that the Legislature Meeting will be held at Beaver Lake Lodge on December 15, 2004.

Mayor Huckabay adjourned the meeting at 10:15 pm

---

Melonie Anderson, City Clerk

---

Kathleen Huckabay, Mayor