

COUNCIL MINUTES

Regular Meeting February 1, 2005

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 6:35 pm.

Councilmembers present: Mayor Don Gerend, Deputy Mayor Michele Petitti, Councilmembers Jack Barry, Mark Cross, Lee Felling, Kathleen Huckabay and Nancy Whitten.

Staff present: City Manager Ben Yazici, Assistant City Manager Pete Butkus, Public Works Director Delora Kerber, Deputy Director Community Development Susan Cezar, Director of Administrative Services Mike Sauerwein, Park & Recreation Director Jeff Watling, Project Engineer Jeff Brauns, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Sammamish Youth Board Liaison Robert Baxter led the pledge.

Approval of Agenda

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

Presentations

Sammamish Commons Drainage Options

Assistant City Manager Pete Butkus gave the staff report. This is the final report on the drainage modifications proposed for the Sammamish Commons project. Mr. Tom Holtz was hired to give alternatives for drainage improvements above the required Level 3. Sevda Baran, Sammamish Commons Project Manager and Eric LaFrance, Drainage Engineer also participated in the discussion. Several proposals will be given and staff is requesting direction from Council on how to proceed.

Ms. Baran explained the difference between two porous concrete materials which could be used in the parking lots instead of the usual non-porous concrete or asphalt. The plaza area, the parking lot next to city hall and the access road could all be constructed of porous concrete. Another possible area is the smaller parking lot on the other side of the site. These locations are recommended because they were already going to be paved and they are relatively flat which will allow the water to be contained under the concrete until it infiltrates into the ground. Porous concrete does require a deeper level of crushed rock than normal concrete. Projected cost for using these materials for all sites would be around \$111,000 which is roughly double what it would cost for regular asphalt.

Tom Holtz outlined the reasons for using low impact development for the Sammamish Commons. It helps protect the environment by retaining all water that falls within the site. This is accomplished by pervious paving, forest retention and zero effect on the surrounding area. This follows the 65%/10%/0% philosophy of low impact development. That is 65% of the site is retained as forest, 10 % total impervious area and 0% affect by the impervious area. He urged Sammamish to lead the county in applying these standards to the Commons project. The costs for this type of development will be higher now that the project is so far along in the design process. If low impact development standards were considered at the beginning of the project, the cost would be less expensive.

Ms. Baran gave an overview of how the proposed low impact development changes to the 228th Avenue storm water system would look. The changes would entail removing the current asphalt on the roadway and replacing it with porous asphalt and sloping the lanes to the center of the roadway. The area of roadway affected is from SE 16th Street to SE 8th Street.

Councilmember Huckabay is concerned that the Commons property be developed in such a way that would allow future development, such as a community center, on the site.

Mr. Butkus explained that no changes would be done to the existing storm water system and any additions Council approved would be above and beyond code requirements. The funds for these improvements will be in addition to the current project budget. There is not enough money left in contingency to cover any additional work.

Staff is recommending the following changes: Adding additional trees around the wetlands, paving both parking lots with porous pavement and the plaza with the smooth surface porous concrete. He listed the recommendations in order of preference.

Council approved all the recommendations.

Councilmember Fellingge asked how much of an impact these additional changes will have on the storm water system. Is it worth the additional cost?

Mr. Holtz explained that although the benefits are minimal, it would serve as a demonstration of low impact development and minimize some of the runoff into Ebright Creek Park.

Councilmember Cross would also like the Council to commit to planting even more trees around the wetlands.

Councilmember Fellingge said these changes will cause additional costs for the project and he encouraged Council to make a trade-off somewhere else so the overall budget is not impacted. Councilmember Barry concurred with this.

Public Comment

Gail Twelves 19727 SE 19th Street, She is happy that Council is considering these low impact development changes for Sammamish Commons. These changes will help to protect the environment and set a precedent for future development.

Fred Nystrom, 391 SE Sycamore Street, He has just finished the second edition of Discover Issaquah/Sammamish. This is a very informative publication with information about services in the Sammamish area. Copies are free and available at City Hall and the Library

John Galvin 432 228th Avenue SE, He does not think the City is always fair in their public process. He gave two examples where he felt community input was ignored, (1) After several public meetings, in which the community came up with vision for the City, the Planning Advisory Board ignored the vision and developed one of their own. (2) The Special Study Area Task Force was another example. He said that the report was not completed by the Task Force and some individuals took it upon themselves to finish the report and say it was the view of the whole committee. Council must ensure that public comment is not only solicited but used as well.

Mike Bohanan 509 239th Avenue NE, At the last Neighborhood Connections meetings he found out that the city is planning on using their neighborhood's private trails as part of the city trail system. He also wanted assurance that the city was not planning on taking over their trails.

Mayor/Council/Committee Reports

- *Public Safety Committee (Councilmember Huckabay)*: Councilmember Felling gave this report as Councilmember Huckabay was absent from the meeting. The committee is looking into a complete ban on individual fireworks as well as planning a city-wide fireworks display. This could take place at Lake Sammamish State Park in cooperation with the City of Issaquah. The committee is also working on an ordinance to deal with out of area peddlers.
- *Eastside Fire & Rescue (Councilmember Huckabay)*: The Board will be presenting a long term funding model next week. She attend the Puget Sound Regional Council meeting where transportation issues were discussed.
- *Finance Committee (Councilmember Felling)*: Finance Committee (Councilmember Felling): The committee covered year end financial results. Some long term financial issues were examined. Four highlights of the year were, (1) total revenues slightly exceeded the forecast due to strong construction activity. The forecast however, was very close. (2) Capital expenditures were under spent by \$9 million. This money will be spent in 2005. (3) The City has an excess of operating revenue over expenses of approximately \$8 million. (4) The year finished with a cash balance of \$57 million. These are not extra dollars however, part of the \$57 million is committed to various reserve funds and the rest will be used for capital projects that have already been approved. Actually, the capital projects costs will exceed the ending fund balance by about \$30 million. Growth metering, concurrency, level of service, road standards, impact fees and mitigation will all play a part in solving the funding dilemma. Once these priorities are worked out, it will be easier to prioritize projects and fund them.
- *Community Development Committee (Councilmember Cross)*: Will be meeting sometime next week.
- *Parks, Open Space and Natural Resources (Councilmember Whitten)*: Committee met tonight. Ebright Creek Park is at 30% design. The SEPA checklist process has begun. Eastlake High School sports field is on schedule and will be going to bid in

May. They discussed the operation of the Beaver Lake Lodge. It is currently being operated by a property management company. The committee is recommending the city take over the scheduling of the lodge. Pine Lake Park Phase 2 was discussed. The committee discussed ways to utilize Evans Creek Park and the Waterfront parks. This might be accomplished by a park bond or corporate matching funds.

- *Public Works Committee (Councilmember Barry):* No Report
- *Legislative Committee (Deputy Mayor Petitti):* Deputy Petitti attended the January 14th Suburban Cities Association meeting. Puget Sound Regional Council board positions were considered. Councilmember Huckabay was appointed to the Regional Transit Board and Deputy Mayor Petitti to the Executive Board. Suburban Cities Association will be meeting next week to prioritize member cities top issues.
- *Mayor's Report (Mayor Gerend):* Mayor Gerend attended a meeting regarding all the salmon recovery projects taking place.
- *Skyline High School Student Liaison (Liz Morgan, Reese Ishmael):* No Report
- *Eastlake High School Student Liaison (Spencer Salmon):* January 20th the students participated in a bonding assembly. Tolo is the 12th of February and the theme is "A Night in Venice. A Blood Drive will be held Feb 14, sponsored by Honor Society. It is also pajama day. Drill team competes in a state competition on the 19th. The Debate Team will host an "improv night" this Friday. Student Senate is reviewing their policies for any necessary changes. The Wrestling Team is in the finals.
- *Sammamish Youth Board Liaison (Robert Baxter):* Teen Feed was last Saturday. Youth board members fed 60 homeless teens. Friday is Bingo night at Discovery Elementary. The board will be participating in making an anti-drug mural for one of the elementary schools. Working is progressing on movie night and neighborhood night.

Consent Calendar

Payroll for pay period ending January 15, 2005 for pay date January 20, 2005 in the amount of \$151,934.55

Approval: Claims for period ending February 1, 2005 in the amount of \$726,672.76 for Check No. 11958 through Check No. 12041

Approval: Minutes for January 18, 2005 Regular Council Meeting

Approval: Notes for January 25, 2005 Study Session

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

Public Hearing

Public Hearing/Second Reading of an Ordinance Relating To Land Use And Zoning, Amending Ordinance No. 2004-156, To Extend A Moratorium On The Filing Of Certain Specified Applications For Development Permits And Approvals, Within The Corporate Limits Of The City Of Sammamish.

Community Development Director Bob Horne gave the staff report. This is the second reading of the ordinance and the public hearing. There have been two changes to the ordinance since the first reading: (1) adding a provision to continue acceptance of applications for telecommunications facilities but not processing them and (2) allowing two or less short plats in the R-6 zones.

He explained that the staff and Planning Commission were working to get the necessary regulations in place as soon as possible. It could be possible to lift the moratorium sooner than August.

Public Hearing opened at 8:35 pm

Public Comment

Scott Hamilton, 19727 SE 19th Street, He urged Council not to exempt commercial development from the moratorium. There are no design standards in place. If commercial development is exempt, that would enable the current commercial development to redevelop with no design restrictions. He also feels that the moratorium should not be lifted until the critical areas ordinance is updated and low impact design standards are in place (Exhibit 4).

Theresa Smith, She urged Council to have all necessary regulations in place before lifting the moratorium. There would be an onslaught of applications if the moratorium is lifted. Council is doing a good protecting the city from uncontrolled growth and they should continue.

John Galvin, 432 228th Avenue SE, He believes the moratorium should remain in place until regulations are in place and issues such as impact fees are resolved. He is unhappy that it will be extended since it prohibits amenities that the residents wish for.

Rick Field, 20315 NE 16th Street, He is hoping to be able to subdivide his property in the near future. He would like certainty from the Council that this moratorium will be lifted no later than six months. He understands the need for growth management. This should be the final extension of the moratorium and he would like it stated that this moratorium will be lifted as soon as growth metering regulations are in place.

Duana Kolouskřová 15001 114th Avenue NE Bellevue, She is representing various builders and she urged Council to review her written comments before taking any action. There is no legal grounds for the city to continue the moratorium. (Exhibit 2).

Jane Patterson, 25817 SE 24th Street, She is against the extension of this moratorium.

LaVerne Posten, He would like to see the moratorium ended. He is being taxed as though his property were being used to its full capacity. He has been charged money by the sewer district. He is very frustrated. Council needs to direct the staff to get the necessary regulations in place.

Paul Ebensteiner, He is against extending the moratorium for many of the reasons that have previously been stated. The city has the duty to serve the citizens. They are not doing so with the extension of this moratorium.

John Hanson 24240 NE 8th Street, He asked Council not to extend the moratorium. The Planning Commission has been given a mandate to get the regulations in place. Council could lift the moratorium but not process applications until regulations are in place. Or, if this is unacceptable, extend the moratorium for only three months (Exhibit 3).

Mike Miller, He does not want the Council to extend the moratorium. There is no guarantee that the moratorium will be lifted even after the regulations are in place. The moratorium has been in place for nearly six years. That is unprecedented in King and Snohomish County.

Gail Twelves, 19727 SE 19th, This Council is trying to do things right and not have to go back and retrofit. The city is so close to having their development regulations in place that they should continue. She did suggest that a deadline be set for lifting the moratorium.

Jim Pruitt 26014 SE 30th Street, He believes that the moratorium should be lifted. His house burned down and he has not been able to rebuild without being able to subdivide his property. He is not interested in selling just for the money. Council should balance the need to move carefully with the need to move.

Hearing Closed 9:20.

MOTION: Deputy Mayor Petitti moved to approve the ordinance to extend the moratorium for an additional six months. Councilmember Huckabay seconded.

Councilmember Cross was disappointed that the density and tree retention ordinances were not before Council tonight. He feels these ordinances should be in place before lifting the moratorium. He does not believe the Council should add any additional process at this point. He supports a three-month moratorium. Setting a deadline could expedite getting the proper regulations in place.

AMENDMENT: Councilmember Cross moved to amend the ordinance to have a termination date of May 14, 2005. Councilmember Huckabay seconded.

AMEMDMENT: Councilmember Whitten made a Friendly amendment to extend the moratorium until June 30, 2005. Councilmember Cross accepted the amendment. Motion failed 3-4 with Deputy Mayor Petitti and Councilmembers Barry, Felling and Huckabay dissenting.

Deputy Mayor Petitti believes that the moratorium should be extended for the full six months. The growth metering ordinance will be precedence setting and may take more time to develop.

Councilmember Huckabay agreed with Deputy Mayor Petitti. She is as frustrated as the public by the slow pace of getting the regulations in place. On the other hand, some criticize the

Council because they do not allow for enough public process. She did recommend that some deadline be set for the Planning Commission.

City Attorney Bruce Disend advised against setting a certain date for the moratorium to expire. It is unnecessary to shorten the time for the moratorium. It might make more sense to direct the Planning Commission to meet certain deadlines.

Mr. Horne explained that the process could be expedited but it might be at the cost of reducing stakeholder input.

MAIN MOTION: Main motion carried 6-1 with Councilmember Barry dissenting (O2005-169).

Councilmember Barry has supported the moratorium since 1999. There are valid points for extending the moratorium. There are valid points for ending it. The residents have been more than patient and it is time for the moratorium to end.

Councilmember Felling said that the city must have some type of metering plan in place. The city has already witnessed the results of unregulated growth. He is sympathetic with people who are frustrated with the length of the moratorium. It is important to take the time to allow for public input on the growth metering regulations. He supports continuing the moratorium.

Councilmember Whitten wants a tree ordinance, net density, wireless master plan and growth metering in place as soon as possible.

Councilmember Cross would like to see a park mitigation fee in place before lifting the moratorium. He will support the full six month moratorium.

Councilmember Huckabay said the Community Development Committee will be committed to getting regulations in place as soon as possible, with the proper public input.

Mayor Gerend is committed to seeing regulations are in place in a timely manner.

Council recessed from 9:50 pm to 10:05 pm.

Unfinished Business

Appointments: Parks & Recreation Commission Vacancies

Mayor Gerend explained that all applicants were interviewed. Councilmembers selected six candidates from the group. Of these six, Council then voted on each position.

MOTION: Councilmember Whitten moved to retire to Executive Session to discuss the qualifications of the candidates. No second.

MOTION: Deputy Mayor Petitti moved to appoint Richard Johnson to a 3 year position on the Parks & Recreation Commission. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Felling moved to appoint Pauline Cantor to a 3 year position on the Parks and Recreation Commission. Councilmember Cross seconded. Motion carried unanimously 7-0.

MOTION: Councilmember Huckabay moved to appoint Hank Klein to a 1 year position on the Parks & Recreation Commission. Deputy Mayor Petitti seconded. Motion carried 4 to 3 with Councilmembers Cross, Barry and Whitten dissenting.

The following candidates were appointed as alternates on the Parks and Recreation Commission for three year terms:

Daniel Higgins
Steve Wright
Frank Cowing

A discussion ensued about deleting items from the agenda due to the lateness of the meeting. Councilmember Huckabay suggested that the contract for the environmental study on East Lake Sammamish Parkway could be delayed until a more complete study is presented regarding the impacts of the roundabout at SE 43rd Way that the City of Issaquah is proposing.

Mr. Yazici said that this contract really has nothing to do with the roundabout but is a project that has been on the city's capital project list for many years.

Ordinance: Second Reading Pertaining To Public Agency And Utility Yards, Including Amendments To Allow For Public Agency And Utility Yards, Providing Design Standards, And Creating A New Definition Of Satellite Public Agency And Utility Yards, Amending Chapters 15, 20, And 30 Of Title 21a Of The Sammamish Municipal Code.

Deputy Director Susan Cezar gave the staff report. This is the second reading. There have been no changes made since the first reading. These ordinances have gone through an extensive public process.

MOTION: Councilmember Barry moved to approve the ordinance amending Chapters 15, 20 and 30 of Title 21a of the Sammamish Municipal Code. Deputy Mayor Petitti seconded. Motion carried unanimously 7-0 (O2005-170).

Ordinance: Second Reading Pertaining To Land Use And Zoning, Amending Section 21a.15.1255 The Definition Of Structure; Amending Section 21a.20.040(B)(1)(C) Development Conditions For Parks; Amending Section 21a.25.190(8) To Clarify Projections And Structures Allowed Within Setbacks; And Amending Section 21a.25.190(9) Regarding The Setbacks Within Which Projections And Structures Are Allowed

MOTION: Deputy Mayor Petitti moved to adopt the ordinance amending Sections 21a.15.1255, 21a.20.040(B)(1)(C), 21a.25.190(8) and 21a.25.190(9) of the Sammamish Municipal Code. Councilmember Cross seconded. Motion carried unanimously 7-0 (2005-171).

Ordinance: Second Reading Pertaining To Recreation Facilities, Amending Section 16.15 Of The Sammamish Municipal Code To Clarify Language And Amend Standards Relating To Passive Recreation Facilities And Amending Sections 21a.15, 21a.30 And 21a.50 Of The Sammamish Municipal Code To Clarify Language And Amend Standards Relating To Public And Private Trails.

Mr. Horne gave the staff report. Staff has made some minor modifications to the “Whereas” clauses.

MOTION: Councilmember Huckabay moved to approve the ordinance amending Sections 21a.15, 21a.30 and 21a.50 of the Sammamish Municipal Code. Councilmember Felling seconded.

AMENDMENT: Councilmember Cross moved to make the following amendments:

1. Change the heading of Sec. 21A.50.300(14) to read, “The use of existing crossings, including but not limited to utility corridors, road, and railroad rights-of-way, within wetlands or buffers is preferred to new crossings, subject to the standards and requirements in the SMC. New wetland road and trail crossings may be allowed if:”

Subsections (a) through (e) remain unchanged, then delete subsection (f).

2. Change the heading of Sec. 21A.50.340(7) to read, “The use of existing crossings, including but not limited to utility corridors, road, and railroad rights-of-way, across streams or buffers for public or private trails is preferred to new crossings, subject to the standards and requirements in the SMC. New stream crossings may be allowed and may encroach on the otherwise required stream buffer if:”

Subsections (a) through (g) remain unchanged, then delete subsection (h).

3. In Sec. 21A.30.200 Trail corridors- Applicability, reinsert deleted language that reads, “In addition to the general public,...”. Delete the last sentence in that section that reads, “Applicants are encouraged to provide public access as part of their development proposals.”

Councilmember Felling seconded. Amendment carried unanimously 7-0.

MAIN MOTION: As amended passed unanimously 7-0.

New Business

Contract: Eastlake Sammamish Parkway Environmental Study/Perteet Inc.

Public Works Director Delora Kerber gave the staff report. This contract is for the environmental study and pre design engineering for Eastlake Sammamish Parkway. There will be extensive public involvement as part of this study. There will also be an information board to keep the public apprised of the process. The contract is less than the amount actually budgeted. It is anticipated that this work will be completed within 12 to 18 months.

MOTION: Councilmember Felling moved to authorize the City Manager to sign a contract with Perteet Engineering in an amount not to exceed \$973,873. Councilmember Barry seconded. Motion carried 5-2 with Councilmembers Whitten and Huckabay dissenting.

City Manager Report

Executive Session – None

Mayor Gerend adjourned the meeting at 11:10 pm

Melonie Anderson, City Clerk

Don Gerend, Mayor