

# COUNCIL MINUTES

## Regular Meeting April 5, 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, Public Works Director Delora Kerber, Senior Transportation Program Engineer Jeff Brauns, Deputy Director Community Development Susan Cezar, Director of Administrative Services Mike Sauerwein, Parks & Recreation Director Jeff Watling, Finance Director Lyman Howard, Police Chief Richard Baranzini, Fire Chief John Murphy, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

### Roll Call/Pledge

Roll was called. Councilmember Felling led the pledge.

### Approval of Agenda

MOTION: Councilmember Cross moved to approve the agenda. Councilmember Whitten seconded the motion.

MOTION: Deputy Mayor Petitti moved to amend the agenda by removing the March 22, 2005 minutes from the consent calendar. Councilmember Whitten seconded. Motion carried unanimously 7-0.

MAIN MOTION: Motion carried as amended unanimously 7-0.

### Presentations/Proclamations

- Boys & Girls Club Of King County Youth of the Year/Brian Byersdorf

Deputy Mayor Gerend honored Brian Byersdorf with a Certificate of Achievement. He was named the Boys & Girls Club of King County Youth of the Year. He won a \$2,500 scholarship for a speech he gave and will go on to compete at the state level. He recited his speech at the meeting.

### Public Comment

Deanna Brennan, 2403 236<sup>th</sup> Avenue NE, Coordinator for Sammamish National Day of Prayer. She spoke about the "National Day of Prayer". It is not sponsored by any religion but celebrates

our nation's beginning as a place where everyone is free to choose their religion. May 5<sup>th</sup> is the designated day this year. She requested Council to issue a proclamation making May 5<sup>th</sup> a day of prayer in the City of Sammamish.

Dino Guzzetti, Sammamish Chamber of Commerce Vice President, 24622 SE 45<sup>th</sup> Way Issaquah. The mission of the Chamber is to support and encourage economic viability. One way to accomplish this mission is the publication of a list of businesses within the city and mailed to all residents.

**Executive Session** – Evaluation the qualifications of applicants pursuant to RCW 42.30.110(1)(g) and Personnel pursuant to RCW 42.30.110(g).

Council retired to Executive Session at 6:40 pm. They returned from Executive Session at 7:10 pm. No action was taken

Open session was continued.

### **Mayor/Council/Committee Reports**

- *Public Safety Committee (Councilmember Huckabay):* She attended the Puget Sound Regional Transit Committee meeting. Public Safety committee is proposing an ordinance to prohibit fireworks and is studying whether or not to impose an emergency ordinance that would take effect this year, due to the dry weather conditions. The committee is also recommending two versions of an amendment to the business license ordinance regarding the registering of peddlers. The committee also discussed developing programs to help reduce dangerous driving issues.
- *Finance Committee (Councilmember Felling):* Finance Committee discussed reserves and contingencies. Staff has researched what other cities are doing, and what is the best practice regarding reserve funds and contingency funds. At the next meeting, the committee will work on developing a policy for these funds and what the level of these funds should be. The committee also discussed how the city would handle a new tax. Cities have the option to impose taxes the legislature puts in place. The Finance Committee is recommending to the Council a vote of the people before implementing any new tax.
- *Community Development Committee (Councilmember Cross):* Committee met on April 4, 2005. They discussed political signs and a commercial banner code. They discussed growth metering and what options are available to phase in this ordinance. There will be a joint meeting on April 26 with Planning Commission to consider alternatives and make some decisions. The committee discussed concurrency and transportations issues. The final topic covered was the critical areas ordinance update.
- *Parks, Open Space and Natural Resources (Councilmember Whitten):* Met tonight and received an update on various park projects. The Eastlake sports field is on schedule and will go to bid and the bid awarded in June. Ebright Creek Park is at 50% design. The bid award is scheduled for July and perhaps construction in August. Beaver Lake Preserve Management Plan is in process. Councilmember Huckabay also attended the last Planning Commission meeting. The topic they discussed was a new ordinance regulating political signs. Planning Commission is also working on

the Growth Metering ordinance. She attended the Suburban Cities Association Policy Issues Committee meeting. She attended Issaquah School District Bond Levy Committee meeting.

- *Public Works Committee (Councilmember Barry)*: Public Works Committee met on March 15, 2005. They discussed accessory dwelling units and impact fees. Staff has developed three alternatives to deal with this issue. Public Works Director Delora Kerber will make a presentation to the Council regarding these alternatives. Committee discussed how the critical areas ordinance update will impact the priorities of the Public Works Committee. He attended the Eastside Transportation Partnership meeting.
- *Legislative Committee (Deputy Mayor Petitti)*: She attended the Economic Development Workshop.
- *Mayor's Report (Mayor Gerend)*: The legislature is working on passing a new gas tax. Only ½ cent of the tax will be returned to the cities. Eastside Transportation Partnership subcommittee is meeting tomorrow. Technology Committee met last week. They discussed broadband internet service in Sammamish. There are only two alternatives for service with Comcast being a virtual monopoly. Their franchise will be up for renegotiation next year and the committee is looking into providing wireless internet for the city. They will also study open source websites.
- *Skyline High School Student Liaison (Liz Morgan, Reese Ishmael)*: No Report
- *Eastlake High School Student Liaison (Spencer Salmon)*: (Given by Robert Baxter)
- *Sammamish Youth Board Liaison (Robert Baxter)*: Eastlake High School Choral, Band and Orchestra and jazz cabaret performed concerts. The Mr. Eastlake competition was in March. Spring break is next week. WASL testing will be administered two weeks after spring break. Sammamish Youth Board Spring Extravaganza was a great success. Despite the heavy rain, they still had great attendance. Activities included an Easter Egg Hunt and Cake Walk. Youth Board members cleaned up garbage from 212<sup>th</sup> Street. The Teen feed and drive in movie events are coming up. A Relay for Life team is being formed. Funds raised will be donated for cancer research. SYB BBQ will be city wide another city wide event and everyone is invited to attend. The event is being held to foster relationships with police, fire, and city staff.

### **Consent Calendar**

**Approval: Claims for period ending April 5, 2005 in the amount of \$631,990.32 for Check No. 12353 through Check No. 12490**

**Approval: Notes for March 8, 2005 Study Session**

**Contract: Right of Way Landscape Maintenance/Total Landscaping**

**Approval: Vehicle purchase off State Contract**

**MOTION:** Councilmember Cross moved to approve the consent calendar. Deputy Mayor Petitti seconded. Motion carried unanimously 7-0.

**Approval: Minutes for March 22, 2005 Special Meeting/Study Session** (Removed from Consent Agenda)

**MOTION:** Deputy Mayor Petitti moved to amend the minutes by adding a sentence to the motion regarding the Sammamish Commons Settlement Agreement: “The intent of the Council is to have the City Manager sign the agreement once the changes were made. Councilmember Whitten seconded. Motion carried unanimously 7-0.

**MOTION:** Deputy Mayor Petitti moved to approve the minutes as amended. Councilmember Cross seconded. Minutes were approved as amended unanimously 7-0.

### **Public Hearing**

#### **Public Hearing/First Reading: An Ordinance Of The City Of Sammamish, Washington, Amending Sammamish Municipal Code Chapter 8.10, Fireworks, To Ban The Sale, Purchase, Possession, Or Use Of Consumer Fireworks**

Director of Administrative Services Mike Sauerwein gave the staff report. The Public Safety Committee is striving to achieve two goals, protect the public safety and still leave fun in the Fourth of July. This ordinance prohibits the sale, discharge and possession of fireworks. It also outlines the process for public fireworks displays. It is similar to ordinances in surrounding cities. The city is working with surrounding cities to have a joint Fourth of July party with fireworks. This ordinance will not take effect until 2006. This is the first reading of the ordinance and no action is recommended.

Public Hearing opened at 8:10 pm.

### **Public Comment**

Jean Gerry, 2420 239<sup>th</sup> Place NE, She has lived in Sammamish for 10 years. She supports a total ban on fireworks. The fireworks in her neighborhood are excessive and dangerous.

Public Hearing closed at 8:12 pm

Councilmember Whitten supports the ordinance, but thinks that it is too restrictive. She thinks sparklers should be allowed.

**Unfinished Business-** None

## New Business

### **Contract: Concurrency Ordinance/David Evans**

Public Works Director Delora Kerber gave the staff report. A representative from David Evans was available for questions. Impact fees, a transportation project list, and concurrency will all be addressed by this contract. Three alternatives will be developed, working in conjunction with both the Council and the Planning Commission.

Councilmember Fellingge asked if the work product from this contract would allow Council flexibility in the future. Ms. Kerber said it would.

**MOTION: Councilmember Huckabay moved to authorize the City Manager to execute a contract with David Evans for developing the Concurrency Ordinance in an amount not to exceed \$79,971. Councilmember Fellingge seconded. Motion carried unanimously 7-0.**

**8a) First Reading: Amending Sammamish Municipal Code Section 5.05.090 To Make Certain Violations By Peddlers A Civil Infraction; Amending Sammamish Municipal Code Section 5.05.030 To Require Peddlers To Show Their Business License Prior To Sale; And Amending Sammamish Municipal Code Section 5.05.040 To Exempt Fundraising Sales Conducted By Nonprofit Organizations From Licensing Fees**

**8b) First Reading: Ordinance Amending Sammamish Municipal Code Section 5.05.090 To Make Certain Violations By Peddlers A Civil Infraction; Amending Sammamish Municipal Code Section 5.05.030 To Require Peddlers To Show Their Business License Prior To Sale And To Exempt Nonprofit Organizations From The City's Business Licensing Regulations; And Amending Sammamish Municipal Code Section 5.05.040 To Conform With The Amendments To Section 5.05.030**

Police Chief Richard Baranzini gave the staff report. He explained that the proposed amendments are aimed at controlling peddlers in city neighborhoods. The ordinance will make enforcement easier because identification will be required. If peddlers do not have the proper license it will be a civil infraction (ticket). The first ordinance makes the registration requirements applicable to all businesses while the second version would exempt non-profits from registering. The committee is not making any recommendation. This is a first reading. No action is recommended.

Deputy Mayor Petitti questioned whether the city takes on any liability by licensing peddlers.

**MOTION: Councilmember Fellingge moved to select ordinance 8a, which would require licensing for all brought back for a second reading. Deputy Mayor Petitti seconded. Motion carried unanimously 7-0.**

Councilmember Huckabay feels that the description of non-profit is too narrow. This description will be revised.

**First Reading: Ordinance Declaring Public Use And Necessity For Land And Property To Be Condemned As Required For Pine Lake Transit Access Road Transportation Improvement Project; And Authorizing Payment Therefore From The City's Transportation Capital Improvement Program Fund**

Senior Transportation Project Engineer Jeff Brauns gave the staff report. As part of the Issaquah Pine Lake Road extension, the city needs to acquire three parcels. Offers have been made to the property owners. One property owner responded with a counter offer several times higher than the city's offer and the two other property owners have not responded. The passage of this ordinance does not mean that the city will go to condemnation, it just allows that option if necessary. This is the first reading of the ordinance, no action is recommended at this time.

**First Reading: Ordinance Amending Section 2.60.020 Of The Sammamish Municipal Code Related To The Appointment Of Members Of The City Planning Commission**

City Clerk Melonie Anderson gave the staff report. Council established the Planning Commission by ordinance and the terms were to expire on March 31. Because a significant amount of time elapse between forming the commission and selecting the Commissioners it was decide to extend the term expiration to December 31. This would allow all Commissioners at least two full years of service. The appointments were done by resolution. A resolution does not modify the Municipal Code. This left a situation of an inconsistency between the Sammamish Municipal Code and the establishing resolution. This is the first reading of the ordinance, no action is recommended.

Council recessed from 9:00 pm to 9:05 pm.

**Resolution: Appointing Two Members To The Sammamish Arts Commission In Order To Fill Two Vacancies In The Commission Membership**

City Manager Ben Yazici gave the staff report. Council interviewed nine candidates to fill two vacancies on the Arts Commission. They then voted for the two candidates they would appoint. Erica Krikorian and Kent Greene received the most votes.

**MOTION:** Councilmember Huckabay moved to appoint Erica Krikorian to the term ending December 31, 2005 and Kent Greene to the term ending December 31, 2007. Councilmember Whitten seconded. Motion carried unanimously 7-0 (R2005-193).

**Resolution: Ratifying Amendments To The King County Countywide Planning Policies**

Deputy Director of Community Development Susan Cezar gave the staff report. There are three amendments being proposed to the King County Planning Policies. None of these amendments affect the City directly. The City of Burien has requested that the Council approved the amendments by adopting this resolution.

**MOTION:** Deputy Mayor Petitti moved to approve the resolution approving the proposed amendments to the King County Planning Policies. Councilmember Felling seconded. Motion carried unanimously 7-0. (R2005-194)

**Contract: Critical Areas Ordinance Update/ Bureau Veritas/Berryman & Henigar**

Ms. Cezar gave the staff report. The contract is for a consultant to help the City to update its critical areas ordinance. This update is mandated by the State Growth Management board and all cities must update their regulations. This contract will include an extensive public process. The contract will not exceed \$77,450. Paul Ingrahm from Berryman & Henigar was available for questions.

**MOTION:** Councilmember Whitten moved to authorize the City Manager to sign the contract with Berryman and Henigar in an amount not to exceed \$77,450. Councilmember Cross seconded. Motion carried unanimously 7-0.

**Contract Amendment: Beaver Lake Lodge Repairs/Triple D Construction**

Park & Recreation Director Jeff Watling gave the staff report. Council had previously authorized a contract to repair the lodge. After work began, additional damage was uncovered requiring more funds than the original contract allowed. This lodge has a unique architectural history and this work will not only repair the damage but protect the lodge from future damage. A work plan will be implemented to prevent future insect damage. Work should be completed by the end of April.

**MOTION:** Councilmember Felling moved to authorize the City Manager to sign the agreement to complete repairs to Beaver Lake Lodge in an amount not to exceed \$65,082. Deputy Mayor Petitti seconded. Motion carried unanimously 7-0.

**Interlocal: Groundwater Protection and Management Activities/King County**

Mr. Yazici gave the staff report. This interlocal would provide funding for four groundwater protection management areas. The City of Sammamish is in two of the areas.

Mr. Yazici is not recommending this interlocal agreement. One reason is that Sammamish Plateau Water and Sewer District is already contributing \$60,000. For the City to contribute as well would be a double hit to the city tax payers. The scope of work would not be completed in time to provide any direction for our critical areas ordinance.

**MOTION:** Councilmember Barry moved to disapprove the interlocal agreement Councilmember Huckabay seconded. Motion carried 6-0-1 with Councilmember Whitten abstaining.

**Approval: Sewer Easement at Beaver Lake Park/Sammamish Plateau Water and Sewer District.**

Mr. Yazici said Sammamish Plateau Water & Sewer District is trying to extend sanitary sewer to an additional 400 city residents. To do so, they must have an easement through Beaver Lake Park to extend the sewer line. The district will pay the City \$ 86,400 for this easement. The request is to authorize the City Manager to sign the agreement. When the district begins construction of the second phase of the project, the city will again discuss the possibility of a sewer hook up for the park.

**MOTION: Councilmember Huckabay moved to authorize the City Manager to sign the agreement. Councilmember Felling seconded. Motion carried unanimously 7-0.**

**City Manager Report**

**Tree Relocation** – Several large old fruit trees have been moved from Ebright Creek Park to the Sammamish Commons site. The vision is to create an orchard as a feature of the park.

**Sammamish Chamber of Commerce Funding Request** – The Chamber has developed a community business directory. They would like to mail it to every home in the city. This would encourage patronage of local businesses. The City would benefit from the additional sales tax revenue. They are requesting \$2,720 for mailing costs from the City. The funds could come from the Human Services Grant.

**MOTION: Councilmember Whitten moved to authorize the City Manager to grant \$2,700 to the Chamber of Commerce from the Human Services fund. Deputy Mayor Petitti seconded the motion. Motion carried unanimously 7-0.**

Mr. Yazici passed out copies of the Neighborhood Traffic Management Plan. He reminded Council that they already have this plan in place and no additional traffic management plans are necessary.

**251<sup>st</sup> Street Extension** – The City has the opportunity to purchase two parcels of land that would allow the extension of 251<sup>st</sup> Street through to Beaver Lake Drive. Ms. Kerber asked for direction as to whether the Council would like to proceed in this project.

Ray & John Petitt, 2010 W. Beaver Lake Drive SE, They are the property owners and gave a history of the property and the road extension. If the City has no intention of completing the road, could they please state that for the record so they can sell the property without an encumbrance.

**MOTION: Councilmember Whitten moved to authorize the City Manager to conduct an appraisal on the property and determine where on the property the road would be extended through to Beaver Lake Drive. Deputy Mayor Petitti seconded. Motion passed unanimously 7-0.**

**Sammamish Commons Settlement Agreement** – The SEPA for the project was appealed by two residents. Negotiation with the property owners led to the settlement agreement. The City has agreed to low impact design standards for any future development. The City would also consider a “no action” for additional development. The City will do a demonstration area. There will be no amplification in the amphitheater. The City will monitor the water table at the source of the Ebright Creek wetland. The trail will not extend into the wetland areas.

**MOTION: Deputy Mayor Petitti moved to ratify the settlement agreement. Councilmember Felling seconded. Motion carried 6-1 with Councilmember Barry dissenting.**

Councilmember Barry is disappointed that the Council agreed to no amplification in the amphitheater. He felt that if more negotiation had taken place, a better option could have been agreed upon.

Mayor Gerend adjourned the meeting at 10:35 pm.

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Melonie Anderson, City Clerk

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Donald J. Gerend, Mayor