

COUNCIL MINUTES

Regular Meeting May 3, 2005

Mayor Don Gerend called the regular meeting of the Sammamish City Council to order at 6:30 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, Community Development Director Kamuron Gurol, Deputy Director Community Development Susan Cezar, Senior Planner Rob Garwood, Director of Administrative Services Mike Sauerwein, Parks & Recreation Director Jeff Watling, Police Chief Richard Baranzini, City Attorney Bruce Disend, Administrative Assistant Stacy Herman.

Roll Call/Pledge

Roll was called. Councilmember Cross led the pledge.

Approval of Agenda

MOTION: to approve the agenda. Motion carried unanimously 7-0.

AMENDMENT: to move Ebright Creek update after Committee Report and add Park Impact Fees under New Business.

MAIN MOTION: to approve the agenda as amended. 7-0

Public Comment: No comment.

Mayor/Council/Committee Reports

- ***Skyline High School Student Liaison (Liz Morgan):*** She reported on a donkey basketball game to be held at school and teacher appreciation week.
- ***Eastlake High School Student Liaison (Spencer Salmon):*** He reported on cleaning up the campus, horticulture club, teacher appreciation week, student government group, drama club and “celebrate the arts week.”
- ***Sammamish Youth Board Liaison (Robert Baxter):*** He reported on Youth Board for 2006, car wash this Sunday, SYB barbeque May 21, 2005. Community Service board at Eastlake is working on drive-in movies.
- ***Public Safety Committee (Councilmember Huckabay):*** She attended Regional Transit meeting last week. She also discussed Public Safety Committee meeting, fireworks ordinance and clarifications to the ordinance.

- ***Finance Committee (Councilmember Felling):*** The Finance Committee and discussed money on reserves, they reviewed the 6-year Transportation Improvement Project and various other issues. They also met with the Planning Commission to look at concurrency needs.
- ***Community Development Committee (Councilmember Cross):*** He and Deputy Mayor Petitti met with Community Development Committee last night. The following subjects were discussed: land use code, critical areas ordinance update, wireless code and growth management public hearing, with the planning commission. He also discussed the Shoreline Management Plan and the grant that the city recently applied for. They also discussed the city center.
- ***Parks, Open Space and Natural Resources (Councilmember Whitten):*** Councilmember Whitten recently attended a meeting with the Issaquah School District bond levy committee and updated the Council on the issues. She also attended Suburban Cities Association meeting. Parks Committee discussed Ebright Creek Park, Eastlake High ball fields, Beaver Lake access concerns and Sammamish YMCA.
- ***Public Works Committee (Councilmember Barry):*** No Report.
- ***Legislative Committee (Deputy Mayor Petitti):*** Mayor Petitti attended Puget Sound Regional Council last Thursday.
- **Mayor's Report (Mayor Gerend):** No Report.

City Manager Report:

Parks Director, Jeff Watling reported on the status of Ebright Creek Park. He explained the on-site options for septic.

Dominic Miller and Dave Van Cleave of Gray & Osbourne gave an overview and options of on-site septic design on Ebright Creek Park.

Wiscomb Architect Leslie Wiscomb gave an overview of the drain field requirements of King County.

Jeff Watling explained the King County permit process.

Mayor Gerend suggested this item be scheduled for a special meeting next week.

There was general discussion regarding on-site septic options, cost estimates, budgeting issues, drain field failure, sand filter system, septic design, sanitary cans, creek protection and preliminary construction schedule.

City Manager Yazici suggested that staff bring this subject back to the Council next week with additional information for the Council.

Consent Calendar

- Payroll for pay period ending April 15, 2005 for pay date April 20, 2005 in the amount of \$169,294.16
- Approval: Claims for period ending May 3, 2005 in the amount of \$528,335.15 for Check No. 12585 through Check No. 12692
- B-12 Consultant Contract Amendment

MOTION: to approve the consent calendar. Motion carried unanimously 7-0.

AMENDMENT; move to amend agenda by removing Sammamish Commons Overflow Parking Agreement with Mary Queen of Peace to first item after consent calendar. 7-0.

MAIN MOTION: Approval of agenda as amended passed unanimously 7-0.

Approval: Overflow Parking and Sewer Easement Agreement with Mary Queen of Peace Catholic Church.

Assistant City Manager Pete Butkus gave the staff report.

Councilmembers voiced several concerns with the agreement including, the termination clause between the mutual parties, additional costs of lighting between the church and city hall. The agreement should separate the parking and the sewer line issue. General consensus of the council was to revise the termination clause from 60 days to one year.

City Attorney Bruce Disend explained the legalities of the termination clause. He also advised the Council that the City could file for an injunction if a termination problem arises. He suggested that this is a very cost effective and positive agreement.

City Manager Yazici explained condemnation authority.

AMENDMENT: Councilmember Cross move to give staff direction to inform the Church we are interested in mutual parking agreement, but would like to separate a parking agreement and get the easement from the church voluntarily or by eminent domain Councilmember Whitten seconded.

Mayor Gerend will be voting against this amendment. The agreement is a cost effective way to get the easement.

Councilmember Felling feels this is cost effective. Felling will vote against the amendment.

Councilmember Whitten feels we are putting burdens on the property and commitments that are tied to the sewer.

Deputy Mayor Petitti feels this is a great agreement with the church, would like to see additional time in the termination cause. She will be voting against this motion.

MAIN MOTION: Motion as amended failed 3-4 with Barry, Felling, Gerend and Petitti dissenting.

AMENDMENT: Deputy Mayor Petitti made a motion to accept the letter of agreement with the church and authorize the City Manager to add 6 months to the termination clause. Councilmember Barry seconded.

Councilmember Huckabay offered a friendly amendment that Mary Queen of Peace maintains the pathway.

AMENDMENT: Councilmember Huckabay made a motion to amend the agreement by adding language that if the parking agreement is terminated, the pathway and sidewalk built by the City would be turned back over to Mary Queen of Peace and the City would no longer be responsible for maintaining that property.

MAIN MOTION: Motion as amended passed 4-3 with Councilmembers Barry Whitten and Cross dissenting.

Public Hearing

Ordinance: First Reading/Public Hearing Amending Chapters 21a.15 And 21a.45 Of The Sammamish Municipal Code Pertaining To Temporary Political Signs, Community Banners, And Community Event Signs Including Sign Specifications, Location Restrictions, And Removal Requirements.

The Deputy Director of Community Development Susan Cezar gave the staff report. She explained the code language Planning Commission is recommending. Staff is also recommending additional language to section 21a.45.040 (prohibited signs) “prohibit signs within the right of way be attached to traffic control signs, utility or signal poles.”

General discussion included placing signs on private property, code enforcement on private property and political sign requirements.

Public Comment: No public comment.

Deputy Mayor Petitti requests that we look at banning signs in the public right of way. Councilmember Whitten concurs.

Councilmember Huckabay mentioned limiting the number of signs. She also has concerns with site distance issues and suggests banning signs from 228th Avenue.

Councilmember Cross concurs with Councilmember Whitten, limiting the number of signs.

Unfinished Business

Second Reading Continued: 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

MOTION: Councilmember Whitten moved to take this ordinance from the table
Councilmember Fellingge seconded. Motion passed unanimously 7-0.

Fire Marshall Tim Pilling with Eastside Fire (EFR) and Rescue gave the staff report. He recommends a ban in the City of Sammamish. It was further explained that 16 other cities have total bans on fireworks.

Fire Chief Lee Soptich EFR discussed best practices. Mr. Soptich recommends a total ban on fireworks. He gave a report and statistics from Kennewick fire dept. He also reported on fireworks related calls and statistics in other jurisdictions. Eastside Fire and Rescue will devote their resources to this ban.

Councilmember Whitten requested clarification between the current ordinance and the ordinance as proposed tonight.

Public Comment:

Mary Ellen Stone 113 206th Avenue NE: Ms. Stone spoke in support of the ban. She has safety concerns.

Carol Hill 8401 384th SE Snoqualmie, WA: She spoke in opposition of the ban. She enjoys seeing the family buying fireworks. She believes that the community will continue to light the fireworks. She is also involved in the retail sales of fireworks.

Ken Spence 24504 SE 3rd Court: He looked at the handouts and pointed out that statistics have actually gone up in other jurisdictions. He spoke in opposition of the ordinance.

Jerry Farley – 16526 Shore Drive Lake Forest Park, WA: Mr. Farley spoke in opposition of the fireworks ban. He also spoke about fires after bans in other jurisdictions. He also implied that bans create loss of control, forcing citizens to purchase illegal fireworks.

Karen Gower 910 East G street Tacoma, WA: Ms. Gower suggested the ban in Tacoma created explosive, illegal fireworks, rather than buying safe and sane fireworks. She would like to see education, rather than the ban.

Scott Whitehead He spoke in opposition of the ban on fireworks. He feels that the ban forces people to purchase explosive, illegal fireworks.

Ken (last name inaudible) 22439 NE Inglewood Hill Road: He spoke in opposition of the ban on fireworks.

Mark Lester 1205 8th Avenue North: He spoke in opposition of the ban. Mr. Lester raises money for children and summer camps from the sale of fireworks.

Bernie Olshausen – Spoke in opposition to the ban. He suggests the current ordinance should be enforced first. The enjoyment of fireworks should not be banned.

MOTION: Councilmember Fellingge made a motion to adopt the ban, sale, purchase, possession or use of fireworks within the City Limits of Sammamish. Councilmember Cross seconded.

Councilmember Whitten would like to see the penalties proportionate to the action.

Councilmember Huckabay clarified the felony/misdemeanor penalties.

Councilmember Cross commented on safety issues related to fireworks.

Councilmember Fellingge reiterated that neighboring cities have the same type of ordinance. He explained that the majority of emails receive by Mr. Fellingge was in support of the ban. Mr. Fellingge also spoke about the police enforcement issues. He will be voting in favor of the ban

Councilmember Barry would like to come up with a plan that would monitor the fireworks and have the ability to enjoy them. He feels that this ordinance does that. Councilmember Barry will be voting in favor of the ban.

Councilmember Huckabay emphasized that the city is researching a possible public display of fireworks. Spoke on safety concerns. She is voting in favor of the ban.

Mayor Gerend will be voting against the fireworks ban. He does like the enforcement portion of the ordinance.

MOTION: Mayor Gerend moved to approve an Ordinance to Ban the Sale, Use, Possession or Use of Fireworks within the city limits os Sammamish Councilmember Huckabay seconded. Motion passed 5-2 with Councilmember Whitten and Mayor Gerend dissenting. (O2005- 176)

Councilmember Fellingge was excused at 10:15 pm.

City Manager Report

Randy Henderson, Young Contract/Park Impact Fees

City Manager Yazici gave an update and calendar schedule (see handout) for the adoption of these fees. The City has a 90-day schedule and would like to bring a consultant on board that is familiar with the City of Sammamish. The request is to authorize the City Manager, to sign a contract with Randy Henderson, Young, in an amount not to exceed \$18,100.00 for Park Impact Fees.

It was suggested that the park impact fees would be reviewed by the Parks Commission.

MOTION: Deputy Mayor Petitti moved to authorize City Manager to sign a contract with Randy Henderson, Young for Park Impact Fees in an amount not to exceed \$18,100.00 Councilmember Cross seconded. Motion passed 5-1 with Councilmember Whitten dissenting.

City Manager Ben Yazici updated the Council on Accessory Dwelling Unit Impact Fees, new library building potential site location, and Eastlake High School ball fields bid.

MOTION: Mayor Gerend moved to cancel and reschedule executive session Councilmember Petitti seconded. Motion passed unanimously 6-0

Mayor Gerend adjourned the meeting at 10:30 pm

Stacy Herman, Administrative Assistant

Donald J. Gerend, Mayor