

COUNCIL MINUTES

Regular Meeting December 2, 2014

Mayor Tom Vance called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present:

Mayor Tom Vance
Deputy Mayor Kathy Huckabay
Councilmember Don Gerend
Councilmember Bob Keller
Councilmember Tom Odell
Councilmember Ramiro Valderrama (arrived 7:05 pm)
Councilmember Nancy Whitten

Staff present:

Ben Yazici, City Manager
Lyman Howard, Deputy City Manager
Jeff Thomas, Community Development Director
Mona Davis, Senior Planner
Joe Guinasso, Finance and Technical Services Director
Laura Philpot, Assistant City Manager, Public Works Director
Cheryl Paston, Deputy Public Works Director
Martin Bohanan, Infrastructure Maintenance Manager
Jeff Brauns, City Engineer
Beth Goldberg, Director of Administrative Services
Mike Kenyon, City Attorney
Melonie Anderson, City Clerk

Roll Call/Pledge of Allegiance

Roll was called. Councilmember Keller led the pledge.

Approval of Agenda and the Consent Agenda

Mayor Vance requested removal of Item #15 Legal Services/Kenyon Disend from the Consent Agenda. Councilmember Odell requested removal of Item #20 – Residential Pond Mowing/Plantscapes and Item #27- Parks & Rights of Way Landscaping/Northwest Landscapes contracts from the Consent Agenda.

MOTION: Councilmember Odell moved to approve the agenda including the Consent Agenda as amended. Councilmember Gerend seconded. Motion carried unanimously 7-0.

Presentations/Proclamations - None

Public Comment

Jan Bird, 3310 221st Avenue SE, She would like to see the City pursue a "Tree City" designation. She urged the Council to begin pursuing this designation right now so they would be eligible for grants in 2016.

Deb Sogge, Sammamish Chamber of Commerce, She reminded everyone that today is Giving Day. She thanked everyone who shopped local this weekend. The community relies heavily on the local shoppers. She also announced the King County Board of Health is raising permit fees for farmer's markets significantly and she asked for Council support to oppose the increases.

Consent Agenda

- Payroll for period ending November 15, 2014 for pay date November 20, 2014 in the amount of \$ 291,021.69

Resolution: Accepting The 2014 Sidewalk And Curb Ramp Retrofit As Complete/Global

Resolution: Accepting The 244th Avenue SE Non-Motorized Improvements As Complete/Rodarte Construction

Resolution: Accepting The East Sammamish Park Backstop Improvements Project As Complete/ All Around Fence Company

Resolution: Granting Final Plat Approval To The Subdivision Of The Preserve

Resolution: Granting Final Plat Approval to The Plat Of Reese's Run

Interlocal: Human Services Grants Pooled Funding

Contract: Street Sweeping/ Best Parking Lot

Contract: Big Rock Park Phase I Design - ELM Environments

Contract: Custodial Services/Top To Bottom

Contract: Evans Creek Preserve Trails/Washington Trails

Contract: 2015 Storm System Cleaning/ Everson's Econo Vac

Contract: Plumbing Services/ Hermanson

Contract: HVAC Maintenance/ Pacific Air Control

Contract: 2015 Fencing Contract/ Industrial Solutions

Contract: Contested Calendar Services/ Moberly

Contract: General Prosecution Services/ Moberly

Contract: Public Defense Services/ Stewart MacNichols Harmell, Inc

Contract: Recycling Events/ Olympic Environmental

Contract: Electrical Services/ Sequoyah

Contract: GIS On-Call Services/ Spatial Development

Contract: On-Call Geotechnical Services/ HWA Geosciences

Contract: Sports Turf Maintenance/ Brickman Group

Contract: Tree Service/ Swift Tree Care

Contract: Supplemental Slope Mowing/Badgley's Landscaping

Approval: November 17, 2014 Special Meeting Minutes

Public Hearing

Ordinance: Establishing Interim Development Regulation As Authorized By The Growth Management Act Relating To Tree Retention; Providing For Severability; And Declaring An Emergency

Director of Community Development Jeffrey Thomas opened up the topic and introduced Senior Planner Mona Davis, who showed a PowerPoint presentation (*available on the City's website at www.sammamish.us*).

Public Hearing opened at 6:52 pm.

Public Comment

Denise Field Garnnell, 2121 200th Avenue SE, She is supportive of the tree ordinance and advocated for even more restrictions.

Jan Bird, spoke previously, She supported the interim tree ordinance and it should remain in place until the codes have been redeveloped by the Planning Commission.

David Hoffman, Master Builders Association, His organization has many concerns about the emergency ordinance and looks forward to working with the Planning Commission in developing permanent regulations.

Public Hearing closed at 7:00 pm.

Councilmember Whitten reiterated what she has suggested many times before, that the City's clearing and grading regulations need to be looked at in conjunction with the tree regulations. Councilmember Odell would also like to explore "living green" options. Councilmember Gerend thinks that measuring the existing tree canopy would be a good first step.

Unfinished Business - None

New Business

Contract: Legal Services/ Kenyon Disend

Councilmember Valderrama questioned the contract increase. He feels that the increase has not be awarded in a consistent manner from year to year. He also feels that the City should have a Sole Source justification for using Kenyon Disend for legal services year after year.

City Manager Ben Yazici explained the legal services contract was not competitively bid because it is a professional service contract.

The following comments are verbatim as requested by the City Manager.

"The City relies on legal services. And to be honest with you I have been involved in multiple cities, multiple agencies and I have yet to see as qualified a legal company and firm as Kenyon Disend. They have not lost a case as long as I have been here. They have been defending us on the litigation side as well as advising us on our City regulations. The contract amount for 2015-2016 is \$188,000 including a 2.3% Cost of Living adjustment (COLA). When we seek for legal services we seek for a multitude of legal services that include personnel, litigation, public works contracting, and land use matters. Kenyon Disend has the specialties and employees, and believe it or not, their employees get COLA increases and in some cases more than what we are offering. But most importantly in 2011 we had 1,588 attorney hours from Kenyon Disend. At that time the annual contract was \$156,000. If you divide \$156,000 by 1,588 hours this gives a rate of \$266 per hour. For

2014, in the first seven months, we have had 1,133 hours, as the economy improves, as construction increases, as hiring increases, legal work goes up too. So we pay \$183,600, making the hourly rate drop down to \$162. We go through a very careful budgeting analysis when we do the contracting. We ensure that we are getting the best services and are using the tax dollars wisely.”

Councilmember Valderrama is still concerned about how the yearly increase for legal services is being calculated and feels there is an inconsistency in how it is being addressed. He also feels that a sole source justification is a matter of best practices.

MOTION: Councilmember Valderrama moved to remove this item from the agenda and bring it back to the next Council meeting with a Sole Source justification. No second.

Contract: Residential Retention Pond Mowing/ Plantscapes

Councilmember Odell asked if this contract was for annual mowing. Assistant City Manager/Public Works Director Laura Philpot explained that the ponds are mowed yearly.

Contract: Parks & Right of Way Landscaping/Northwest Landscapes LLC

Councilmember Odell questioned the rate and the frequency of mowing. He suggested having this topic at a future study session to understand if the City really needs this level of service.

MOTION: Councilmember Odell moved to authorize the City Manager to sign a contract for Legal Service/Kenyon Disend, residential Pond Mowing/Plantscapes and Parks and Right of Way Landscaping/Northwest Landscape. Councilmember Gerend seconded. Motion carried 6-1 with Councilmember Valderrama dissenting.

Contract: 212th Way (Snake Hill) Final Design/Gray & Osborne

Assistant City Manager/Public Works Director Laura Philpot gave the staff report and showed a PowerPoint presentation (available on the City's website at www.sammamish.us). She explained that the street will be closely monitored until the construction begins to make sure there are no additional failures.

MOTION: Deputy Mayor Huckabay moved to authorize the City Manager to execute a contract agreement with Gray and Osborne, Inc. to provide professional services to prepare the 212th Way SE project for construction in the amount of \$407,631 and administer a \$40,369 management reserve for a total contract not to exceed \$448,000. Councilmember Odell seconded. Motion carried 5-2 with Councilmembers Whitten and Valderrama dissenting.

Councilmember Whitten thinks this contract is short-sighted and does not really improve the roadway any more than it is today. It will only prevent it from collapsing. She expressed concern that no alternatives were presented for this project. Councilmember Valderrama concurs with Councilmember Whitten. He also has concerns about the drainage.

Council Reports

Councilmember Odell attended the National League of Cities Conference. He attended the Sound Cities Association Public Issues Committee meeting. He asked for a head nod on supporting the lifting of the tax levy lid higher than 1%. Council was generally supportive of this.

Councilmember Keller attended the YMCA Community Outreach meeting regarding programing for the Community and Aquatic Center.

Councilmember Valderrama attended the Emergency Hub exercise. He thinks the City should also participate. He also suggested that Commission vacancies be opened up to Klahanie residents. He met with citizens living along the East Lake Sammamish Trail. They would like the County to hold a design charrette.

Council agreed to cancel the January 20, 2015 meeting and the January 13 study session will be a special meeting.

Councilmember Gerend also attended the National League of Cities (NLC). He asked for Council to give the Mayor authority to sign on to a letter supporting the Market Place Fairness Act? Also attended a Roadside Usage Charge Steering Committee meeting.

City Manager Report

Retreat – Mr. Yazici handed out an updated Council calendar showing additional topics and the draft retreat agenda. The retreat will be on January 22 and continue through noon on Saturday, January 24, 2014. A critical part of this retreat will be to develop a 20 year plan. He asked each Councilmember to spend some time, prior to the retreat, to develop their vision for the future.

Legislative Priorities – Deputy Mayor Lyman Howard gave the presentation. He requested Council review the priorities and send any recommended changes to him. These priorities will be finalized in January 2015.

Mr. Yazici and the Legislative Committee (Mayor Vance, Deputy Mayor Huckabay and Councilmember Gerend) will be meeting with King County representatives regarding the East Lake Sammamish Trail this week.

He requested Council send any questions they may have for the Public Safety meeting

Executive Session – To Evaluate the performance of a Public Employee pursuant to RCW 42.30.110(1)(g)

Council retired to Executive Session at 8:42 pm and returned at 9:10 pm. No action was taken.

Meeting adjourned at 9:10 pm

Melonie Anderson, City Clerk

Thomas E. Vance, Mayor