

COUNCIL MINUTES

Regular Meeting November 21, 2006

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

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

Councilmember Absent: Councilmember Lee Fellingge

MOTION: Councilmember Barry moved to excuse Councilmember Fellingge. Councilmember Huckabay seconded. Motion carried unanimously 6-0.

Staff present: City Manager Ben Yazici, Assistant City Manager Pete Butkus, Public Works Director John Cunningham, Community Development Director Kamuron Gurol, Assistant City Manager/Finance Director Lyman Howard, Financial Analyst Aaron Antin, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Cub Scout Troop 571 presented the flag and led the pledge.

Public Comment

Paul Stickney, 442 228th Avenue SE, Handed out an information pack to the City regarding the Town Center Study.

Rick Gregerson, 21010 NE 133rd St, Woodinville, He recommended vesting applications that have been submitted to current impact fees. If Council should raise the fees, they should only apply to future applications.

Jeeta Sahobat, 102 2196 Shy Bear Way NW, Issaquah, She thanked Council for responding to her questions and requests that she not be subjected to any increase in the impact fees.

Dave Paul, Came with a proposal and a petition for the Council to build a sidewalk on SE 24th Street. The street has no shoulder and is very dangerous for pedestrians. He contends there is adequate right-of-way to build the sidewalk.

Approval of Agenda

MOTION: Councilmember Whitten moved to approve the agenda. Deputy Mayor Cross seconded. Motion carried unanimously 6-0.

Student Liaison Report

Skyline Student Liaisons (*Mik Kurian/Jordan Graham*): ASB is raising money for Children's Hospital by selling candy canes, food drive and selling items at the next basketball game. Sports teams did very well in state play-offs.

Sammamish Youth Board Student Liaison (*Laura Hawkinson*): December 2nd will be Community Service Clean Up Day along a section of 212th. December 5th will be a tree lighting ceremony at Sammamish Commons. Powder Puff Football will be held on December 4th between Skyline and Eastlake High School Senior Girls. Proceeds will benefit Make a Wish Foundation.

Consent Agenda

Payroll for pay period ending November 15, 2006 for pay date November 20, 2006 in the amount of \$182,081.54

Approval: Claims for period ending November 21, 2006 in the amount of \$1,151,223.40 For Check No.16766 through Check No.16858

Approval: Minutes for November 7, 2006 Regular Meeting

Presentations/Proclamations

- **Proclamation**

Whereas, established in 1967, Senior Services is the largest non-profit agency serving older people in Washington and each year it serves over 50,000 seniors and their families through an integrated system of quality programs and services; and

Whereas, just one of the agency's many programs that help support the independence of seniors, formed in 1975, the agency's Volunteer Transportation Program helps meet the transportation needs of Martin Luther King, Jr. County's seniors and their families; and

Whereas, with over 400 volunteers who use their own vehicles to drive seniors to medical and other essential appointments, the Volunteer Transportation Program provides a free, personalized, one-on-one transportation service; and

Whereas, the City of Sammamish is blessed to be home to people like Senior Services' volunteer drivers whose great warmth, character and dedication continue to make a difference in the lives of our seniors – for they not only provide a ride,

and serve as escorts they also provide a helping hand, moral support and true companionship; and

Whereas, volunteerism has always been essential to the spirit and traditions of our community the City of Sammamish is pleased to join Senior Services in honoring Judy Sutherland for 20 years of service as a volunteer driver for the Volunteer Transportation Program,

Now, therefore, I, Mayor Michele Petitti, on behalf of the Sammamish City Council, do hereby recognize

JUDY SUTHERLAND

on this the 5th day of December, 2006. I congratulate Judy for her leadership and invaluable contributions to our community's seniors. I encourage all residents to join me in honoring Judy for her gifts of time, service and friendship.

- **Presentation**

Mayor Petitti presented the flag that flew at the old City Hall to former Parks & Recreation Director Jeff Watling in appreciation for the 6 ½ years he dedicated to the City of Sammamish.

Unfinished Business

Ordinance: Second Reading , Adopting A Comprehensive Garbage Recyclables, And Yard Debris Collection Contract Between The City Of Sammamish And Rabanco Ltd. D/B/A Allied Waste Of Bellevue

Ordinance: Second Reading Adopting A Comprehensive Garbage Recyclables, And Yard Debris Collection Contract Between The City Of Sammamish And Waste Management Of Washington D/B/A Waste Management Sno-King

Director of Administrative Services Mike Sauerwein was available to answer questions from Council. He explained that the State Utilities and Trade Commission sets the rates, not the city. However, by signing these franchises, the city puts the haulers on notice that, in ten years, the city will be able to go out for bid for services.

MOTION: Councilmember Huckabay moved to adopt the ordinance approving a franchise with Allied Waste. Deputy Mayor Cross seconded. Motion carried unanimously 6-0 (O2006-203).

MOTION: Councilmember Huckabay moved to adopt the ordinance approving a franchise with Sno-King for Solid Waste Services 6-0 (O2006-204).

Executive Session: Potential Litigation pursuant to RCW 4230.110(1)(i).

Council recessed to Executive Session 7:25 pm and returned at 7:55 pm. No action was taken.

Public Hearing

Director of Community Development Director Kamuron Gurol gave a short staff report. He recommended that the City Council reopen the public hearing on these ordinances, continue to take public comment and then close the public hearing. There is no new information being presented tonight from the last public hearing with the exception of a few housekeeping changes.

Public Hearing opened at 8:00 pm.

Public Comment

Rick Field, He submitted a letter via email outlining his concerns regarding the impact fees.

Mike Miller, He offered written amendments to the street impact fees. He said these amendments are being offered on behalf of the Master Builder's Association.

Ordinance: Second Reading Amending The City Of Sammamish Comprehensive Plan Capital Facilities Element To Revise The Transportation And Parks Capital Facilities Plans Concurrent With The 2006-2008 Biennial Budget, And Amending The Capital Facilities Component Of The Transportation, And The Parks, Recreation And Open Space Elements For Consistency With The Capital Facilities Element, And Reorganizing Text For Clarity And Correcting Technical Information

MOTION: Councilmember Whitten moved to approve the ordinance amending the city's Comprehensive Plan. Deputy Mayor Cross seconded. Motion carried unanimously 6-0 (O2006-205).

Ordinance: Second Reading Revising And Amending Section 14A.05.010 Of Chapter 14A.05 Of Title 14A Regarding Definitions Related To Impact Fees.

MOTION: Councilmember Huckabay moved to adopt the ordinance amending Section 14A05.010 of the Sammamish Municipal Code. Councilmember Gerend seconded. Motion carried unanimously 6-0 (O2006-206)

Ordinance: Second Reading Amending Title 14a, And Adding A New Chapter 14a.Xx Authorizing The Collection Of Impact Fees For Parks And Recreational Facilities; Providing Findings; Providing For The Time Of Payment; Providing Exemptions And Credits; Providing For The Appeal Of Fees And Other Determinations; Providing For The Establishment Of Impact Fee Accounts, Refunds, And The Use Of Funds; Providing For Reviews And Annual Adjustment Of Fee Schedules; Providing The Schedules For Impact Fees And Authorizing Independent Fee Calculations; And Providing For Certain Other Matters In Connection Therewith

MOTION: Councilmember Whitten moved to approve the ordinance adopting the parks impact fees. Councilmember Huckabay seconded.

AMENDMENT: Councilmember Gerend moved to amend the ordinance in the following manner, “Impact fees shall be assessed and collected at the time the complete application for a building permit is submitted for each unit in the development or at the issuance of the permit, using the Impact Fee rates then in effect. However, pursuant to Section 14A. ____ .140, the total amount of impact fees paid shall be in accordance with the impact fee rate in effect at the time the building permit is issued by the City for each residential dwelling unit in the development. permit application if the fee is paid in full at time of application. Mayor Petitti seconded. Amendment carried unanimously 6-0.

AMENDMENT: Councilmember Gerend moved to amend Section 14A ____ 080 to read as follows (G) “The City shall refund to the current owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees, pursuant to RCW 82.02.080(3), if the development for which Impact Fees were imposed did not occur; provided that, if the City has expended or encumbered the Impact Fees in good faith prior to the application for a refund, the Director shall determine whether an impact has resulted and whether all or a portion of the Impact Fees paid shall be refunded.” Section H would be deleted to make this section conform to the suggestions for the street impact fees ordinance. Amendment carried unanimously 6-0.

AMEMDMENT: Councilmember Huckabay moved to delete Section 14A.140 vesting. Councilmember Gerend seconded. Motion carried unanimously 6-0.

MAIN MOTION: Carried as amended unanimously 6-0 (O2006-207)

Ordinance: Second Revising And Amending Title 14a, Chapter 14a.10 Concurrency, Methodology Of Level Of Service For Key Corridors, And Chapter 14a.15 Street Impact Fees

MOTION: Councilmember Whitten moved to approve the ordinance. Councilmember Huckabay seconded.

AMENDMENT: Councilmember Gerend moved to amend the ordinance by replacing Paragraph F with the following:

“Impact Fees shall be assessed according to the following schedule in an amount equal to the percentages listed below of the amount of Impact Fees, using the Impact Fee rates in effect at the time the deposit is made. However, the total amount of Impact Fees paid shall be subject to the following:

1. Upon issuance of a certificate of concurrency, a deposit of ten percent (10%) of impact fees shall be made. At the time of preliminary plat or short plat approval the deposit amount shall equal twenty percent (20%) of the impact fee rates in effect at that time.
2. The balance of the impact fee shall be paid in accordance with the following schedule:

- a. At the time a final plat or short plat, site development permit, conditional use permit, or building permit is approved, a final payment shall be made equal to one hundred percent (100%) of the impact fee rates in effect at that time, less a credit for the deposit paid pursuant to Section 1.
- b. Alternatively, a deposit amount equal to thirty percent (30%) of the impact fee rates in effect at that time of final plat or short plat approval shall be made, and at building permit issuance a final payment shall be made equal to one hundred percent (100%) of the impact fee rates in effect at the time of final plat approval, short plat approval, site development permit, conditional use permit, less a credit for any deposits paid for all those building permits issued within two years of such approval. If all building permits are not issued within two years or one hundred percent (100%) payment is not otherwise made, all remaining building permits shall be assessed impact fees based on the current rate in effect at the time of building permit issuance less a credit for any deposits paid.” Councilmember Huckabay seconded. Motion carried unanimously 6-0.

AMENDMENT: Councilmember Huckabay moved to amend Section 14A15.140 Vesting as follows:

- B. The full amount of the Road Impact Fee, except as otherwise provide for Independent Fee Calculations in SMC 14A.15.120, exemptions in SMC 14A.15.030, and credits in SMC 14A.15.040, shall be paid as set forth in SMC 14A.15.020(E). And Section 14A.15.080 Refunds shall be amended as follows:
- G. The City shall refund to the current owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees, pursuant to RCW 82.02.080(3), if the development for which Impact Fees were imposed did not occur; provided that, if the City has expended or encumbered the Impact Fees in good faith prior to the application for a refund, the Director shall determine whether an impact has resulted and whether all or a portion of the Impact Fees paid shall be refunded.

Councilmember Gerend seconded. Motion carried unanimously 6-0.

MAIN MOTION: Carried as amended unanimously 6-0 (O2006-208)

*Upon further discussion, Council agreed that Section 14A15.140 Vesting was no longer applicable and would be deleted from the ordinance.

Public Hearing closed 9:10 am.

Council recessed from 9:10 to

Public Hearing: First Reading Amending Ordinance No. 02005-188, The 2005-2006 City Budget, For The Purpose Of Revising The 2005-2006 Biennial Budget.

Public Hearing: First Reading Adopting The 2007-2008 Budgets

Public Hearing: First Reading Relating To The Levying Of Taxes And Establishing The

Amount To Be Raised In 2007 On The Assessed Valuation Of The Property Within The City

Assistant City Manager/Finance Director Lyman Howard gave a PowerPoint presentation outlining the 2007/2008 budget.

Councilmember Whitten suggested raising the amount of money being budgeted for affordable housing.

Public Hearing opened on the Budget Adjustments for 2006, The 2007/2008 Biennial Budget and Levy Rate. There were no public comments. Public hearing will be continued to December 5, 2006.

New Business

Ordinance: First Reading Granting Puget Sound Energy, Inc., A Washington Corporation, Its Successors And Assigns, The Right, Privilege, Authority And Franchise To Set, Erect, Lay, Construct, Extend, Support, Attach, Connect, Maintain, Repair, Replace, Enlarge, Operate And Use Facilities In, Upon, Over, Under, Along, Across And Through The Franchise Area To Provide For The Transmission, Distribution And Sale Of Gas And Energy For Power, Heat And Light, And Any Other Purposes For Which Gas And Energy May Be Used.

(This item was removed from the agenda)

Ordinance: First Reading Amending Ordinance No. 2006-198 Relating To Land Use And Zoning, Declaring A Moratorium On The Filing Of Certain Applications For Development Permits And Building Permits Within The Town Center Area Of The City Of Sammamish

Mr. Gurol gave the staff report and also updated the Council on the progress of the Town Center. This is the first reading of this ordinance. No action is required. A public hearing will be held December 5, 2006 for public comment.

Public Comment

Unidentified woman, She is unhappy that the moratorium is being extended.

John Galvin, 432 228th Avenue SE, Council should be aware that there might be consequences from extending the moratorium. He recommended that the Council meet with the landowners to come to agreements about the Town Center.

Stan Bump, 23010 SE 8th Street, He suggested that the Council develop a very strict timeline that the town center study would follow.

Approval: 2007 Human Services Grants

City Clerk Melonie Anderson gave the staff report. Applications were submitted to the City Council and were reviewed by staff and the Human Services Committee. The following grant awards are recommended for 2007:

Assistance League of the Eastside	\$6,480.00	\$6,480.00
Athletes for Kids	\$10,000.00	\$2,000.00
AtWork!	\$2,200.00	\$2,200.00
Child Care Resources	\$5,000.00	\$5,000.00
Eastside Baby Corner	\$1,200.00	\$1,200.00
Eastside Domestic Violence Program	\$10,999.00	\$10,000.00
Eastside Legal Assistance Program	\$2,000.00	\$2,000.00
Elder and Adult Day Services	\$10,000.00	\$10,000.00
Encompass	\$6,000.00	\$6,000.00
Faith in Action/Providence Marianwood	\$10,000.00	\$10,000.00
Friends of Youth	\$10,000.00	\$10,000.00
Harborview Children's Response Center	\$2,550.00	\$2,550.00
Hopelink/Family Development Program	\$2,500.00	\$2,500.00
Issaquah Schools Foundation	\$5,000.00	\$5,000.00
Kindering Center	\$18,000.00	\$7,000.00
King County Sexual Assault Resource	\$2,500.00	\$2,500.00
National Alliance for the Mentally Ill	\$4,000.00	\$4,000.00
North and Eastside Healthy Start	\$2,560.00	\$2,560.00
Northwest Mentoring & Educational	\$6,300.00	\$6,300.00
Skyline High School	\$1,000.00	\$1,000.00
Springboard Alliance	\$5,000.00	\$5,000.00
St. Vincent DePaul	\$5,000.00	\$5,000.00
Youth Eastside Services	\$10,000.00	\$10,000.00

MOTION: Deputy Mayor Cross moved to approve the Committee recommendation for 2007 Human Services grants. Councilmember Gerend seconded.

AMENDMENT: Councilmember Barry moved to increase the award amount for Athletes for Kids from \$2,000 to \$8,000. Councilmember Huckabay moved to increase the award for Kindering Center from \$7,000 to \$10,000. Motion carried unanimously 6-0.

MAIN MOTIN: Carried as amended 6-0.

Amendment: 244th Street Design/HW Lochner

Public Works Director John Cunningham gave the staff report.

MOTION: Councilmember Huckabay moved to authorize the City Manager to sign the amendment. Deputy Mayor Cross seconded. Motion carried unanimously 6-0.

Council Reports

Councilmember Gerend reported on The Eastside Transportation Partnership meeting.

City Manager Report

- **Settlement Agreement**

City Attorney Bruce Disend gave the staff report.

MOTION: Councilmember Huckabay moved to amend settlement agreement to allow for an impact fee of \$12,500 for those who were part of the initial litigation. Councilmember Gerend seconded. Motion carried unanimously 6-0.

Meeting adjourned at 11:05 pm

Melonie Anderson, City Clerk

Michele E. Petitti, Mayor