

COUNCIL MINUTES

Regular Meeting

June 4, 2013

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

Councilmembers present: Mayor Tom Odell, Deputy Mayor Ramiro Valderrama, Councilmembers John Curley (arrived 6:50 pm), Don Gerend, John James, Tom Vance and Nancy Whitten.

Staff present: City Manager Ben Yazici, Public Works Director Laura Philpot, Assistant City Manager/Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Bob Sterbank, and City Clerk Melonie Anderson.

Roll Call/Pledge of Allegiance

Roll was called. Fire Chief Backer led the pledge.

Mayor Odell announced that the June 11, 2013 meeting will be a Special Meeting starting at 4:30 pm

Approval of Agenda

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

Presentations/Proclamations

- *Eastside Fire and Rescue Board of Directors* – Eastside Fire & Rescue Chief Backer recognized Mayor Odell for his time and commitment to serving on the Board and presented him with a plaque.
- *King County Metro Transit* – K.C. Metro Transit Manager Kevin Desmond showed a PowerPoint presentation regarding the upcoming changes to metro transit due to funding shortages.
- *Sammamish Plateau Water and Sewer District* – Jay Krause, General Manager gave a presentation on the City of Issaquah's Industrial Waste discharge permit and their intent to take over their section of the Water District. Scott Coffey explained the technical aspects of the Water District's concerns over allowing the infiltration of stormwater from the Issaquah Highlands development.

Public Comment - None

Consent Agenda

Approval: Claims for period ending June 4, 2013 in the amount of \$530,421.03 for Check No. 34857 through No. 34962

Resolution: Appointing members to the 2013-2014 Sammamish Youth Board (R2013-535)

Resolution: Appointing One Member to the Beaver Lake Management Advisory Board (%2013-536)

Interlocal: Sammamish Intelligent Transportation System (ITS) Phase 1-228th Avenue/WSDOT

Interlocal: Inglewood Hill Rd Pavement Project/WSDOT

Interlocal: 2013 Pavement Overlay Project/NE Sammamish Sewer & Water District

Contract: Fourth of July Fireworks Display/Wolverine West Fireworks

Contract: Summer Events/Live Sound and Recording

Contract: 2013 On-Call Geotechnical Services/HWA

Approval: Contract Extension Audio/Video Recording Services/GC Multimedia

Approval: Microsoft Licensing Agreement

Approval: May 7, 2013 Regular Meeting Minutes

Councilmember James requested removal of the new item, Resolution in support of the 2013 transit package.

MOTION: Deputy Mayor Valderrama moved to approve the consent calendar as amended. Councilmember James seconded. Motion carried unanimously 7-0.

Unfinished Business

Ordinance: Second Reading: Amending Section 22.15.020 Of The Sammamish Municipal Code Related To The Impoundment Of Vehicles (10 minutes)

Police Chief Nate Elledge gave a short staff report. The council is being offered two options for the ordinance tonight and council should choose either Option A or Option B. Staff is recommending approval of Option A.

MOTION: Councilmember James moved to approve the ordinance amending SMC 22.15.020 with Option A. Councilmember Vance seconded. Motion carried 4-3 with Councilmember Gerend, Whitten and Deputy Mayor Valderrama dissenting.

Councilmembers Gerend, Whitten and Deputy Mayor Valderrama feel that to leave out "officer's discretion" is not being clear and transparent with the public.

New Business

Ordinance: First Reading: Amending Title 16, Buildings And Construction, Of The Sammamish Municipal Code By Amending Chapter 16.05, Construction Codes; 16.20, Construction Administrative Code; And 16.25, Sammamish Building And Property Maintenance Code (10 minutes)

Building Official Kurt Aldworth gave the staff report and a Power Point Presentation (*available on the city's website at www.sammamish.us*). This is the first reading of the ordinance. No action is required.

Ordinance: First Reading: Vacating A Portion Of Unopened Right Of Way Titled J. A. Huvinen Road Extension Near SE 28th Street (30 minutes)

Public Works Director Laura Philpot gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.sammamish.us*). This is the first reading, no action is being requested. If appropriate, the neighboring property will also be included in this street vacation.

Public Hearing opened at 8:43 pm.

Public Comment

Judy Nickel, on behalf of the Halvorson Family, Spoke regarding the street vacation. She gave a PowerPoint presentation. The applicant is hoping that the city would vacate the street without compensation on the part of the property owners since this is something the county should have taken care of long ago.

Gretchen Halverson, 21928 SE 28th Street, She spoke on behalf of her family to request the city vacate the right of way at no cost.

Public Hearing closed at 8:51 pm.

Council recessed from 9:04 pm to 9:13 pm

New Item: Resolution Urging The State Legislature To Pass A 2013 Transportation Investment Package (R2013-534)

MOTION: Councilmember Vance moved to approve the resolution. Councilmember Gerend seconded. Motion carried unanimously 6-1 with Councilmember Valderrama dissenting.

Public Hearing

Ordinance: Third Reading: Pertaining To The Protection And Regulation Of Environmentally Critical Areas, Amending Chapters 21a.50, 21a.15 And 21a.70 Of The Sammamish Municipal Code (120 minutes)

Assistant City Manager/Director of Community Development Kamuron Gurol gave the staff report and showed a PowerPoint presentation (*available on the city's website at www.sammamish.us*). He reported that there have been 22 meetings with the Planning Commission and 8 meetings with the City Council, taking public testimony on this issue.

Public hearing opened at 9:16 pm.

Public Comment

Ken Taylor, 250 208 Avenue NE, He spoke regarding a landslide that occurred on the easement behind his residence.

Johan Witiker, 408 208th Avenue NE, Spoke regarding the same landslide.

Mark Cross, 247 208 Avenue NE, He spoke regarding the same landslide. He feels this demonstrates the need for the increased regulations and enough staff to enforce them.

George Toskey, 2727 East Lake Sammamish Parkway NE, He urged council to develop ECA regulations that meet the goals of the growth management act.

Reid Brockway, 167 E Lake Sammamish Shore Lane NE, He spoke regarding the Decision Table included in tonight's packet material.

Susan Brockway, (same as above), She feels that the current changes in the ECA do not go far enough.

Erica Tiliacos, 1130 Lancaster Way SE (representing Friends of Pine Lake), Spoke in support of the current regulations.

Greg Krabbe, 1726 Holbrook Avenue, Spoke regarding the Decision Table.

Rich Aramburu, 720 3rd Avenue #2000, Seattle, Spoke regarding the Decision Table and against the proposed pilot programs.

Rory Crispin, PO Box 334, Bellevue, Spoke regarding amendments he has previously submitted.

Susan Richardson, 19661 SE 24th Way, Spoke in support of the pilot program.

Public Hearing closed at 9:49 pm.

Mike Luxenberg, Chair of the Planning Commission and Commissioner Mabubul Islam answered questions from Council regarding the Planning Commission's review of the ECA and their recommendations.

MOTION: Councilmember Vance moved to adopt the Council Review Draft amendments to the Environmentally Critical Areas regulations. Councilmember Gerend seconded.

MOTION: Councilmember Gerend moved to extend the meeting to 11:00 pm. Deputy Mayor Valderrama seconded. Motion carried unanimously 7-0.

AMENDMENT: Councilmember Gerend moved to identify Category 1 Bog wetlands that are still bog –functional as “Wetlands of Local Significance” and provide for additional protection. Deputy Mayor Valderrama seconded.

After discussion, Council felt more work needs to be done on this item and it will be tabled for further consideration.

AMENDMENT: Councilmember Whitten moved to amend the ECA Critical Aquifer Recharge Areas to prohibit the use of “vertical” geothermal wells within Class 1 and 2 Critical Aquifer Recharge Areas. This would include Open loop geothermal wells that could be used to recirculate water or groundwater prohibited in all CARA areas. Closed loop horizontal and vertical geothermal wells used to recirculate a chemical heat transfer fluid other than potable water prohibited in all CARA areas. Closed loop vertical geothermal wells used to recirculate potable water for heat exchange prohibited in all Class 1 & 2 CARA areas. Closed loop (vertical geothermal wells allowed in Class 3 CARA areas, if they comply with WAC 173-160. City tracking of closed loop geothermal wells in Class 3 zones Allow horizontal heat exchange systems in all CARA areas. Councilmember Gerend seconded. Motion carried unanimously 7-0.

AMENDMENT: Councilmember Gerend moved to amend the ECA regarding site specific stream buffer location. Stream buffers would be based upon the actual width of viable habitat, drainage patterns relative to the stream channel and slope stability (if applicable). Exclude from stream buffers areas that have been improved (e.g. house, driveway, etc.) and are perceived to provide little if any functions that contribute to the stream health. Deputy Mayor Valderrama seconded. Motion failed 1-6 with Mayor Odell, Deputy Mayor Valderrama and Councilmembers Curley, James, Vance and Whitten dissenting.

Council Reports - None

City Manager Report - None

Executive Session – Potential Litigation pursuant to RCW 42.30.110(1)(i)

Council retired to Executive Session at 10:39 and returned at 11:00 pm. No action was taken.

Meeting adjourned at 11:00 pm

Melonie Anderson, City Clerk

Thomas T. Odell, Mayor