

**City of Kenmore
City Council Regular Meeting
Minutes
June 18, 2018**

CALL TO ORDER - Mayor David Baker called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Stacey Denuski (Absent – excused)
Councilmember Brent Smith

ROLL CALL

FLAG SALUTE

AGENDA APPROVAL

PRESENTATION

Camp Unity Temporary Use Update - Mark Van Wormer, Camp Unity

PROCLAMATION

Pride Week - June 24 through June 30, 2018 in the City of Kenmore

CITIZEN COMMENTS

Mark Prince
19330 55th Avenue NE
Kenmore, Washington 98028

Mr. Prince spoke against the temporary shelter policy that is on the agenda.

Todd Prince
6706 NE 185th Street
Kenmore, Washington 98028

Mr. Prince spoke about the temporary shelter policy and the need for criminal background checks.

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Vicki Grayland
20308 73rd Avenue NE
Kenmore, Washington 98028

Ms. Grayland spoke about the plastic bag ban ordinance. She agrees that plastic straws should also be banned. She also commented on the proposed public works facility.

Stacey Valenzuela
Lakewood Villa
Kenmore, Washington 98028

Ms. Valenzuela spoke in favor of the plastic bag ban ordinance. She also commented on the love of the Hangar building and also the increase in pan handling in the City.

CONSENT AGENDA

MOTION: Deputy Mayor Herbig made a motion to approve the consent agenda, Mayor Baker seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Council Meeting Minutes of May 14, 2018

Checks #39896 through #39971 in the amount of \$453,281.98.
Total Payroll/Taxes/Flexible Spending & Health Savings Account Electronic Deposits
Dated: 5/11/18 in the amount of \$97,261.37.

Authorize the City Manager to Enter into an Agreement with the Army Corps of Engineers for the Expedited Review of the W. Sammamish River Bridge Project

PUBLIC HEARING

2019-2024 Six-Year Transportation Improvement Program - John Vicente, City Engineer

City Engineer Vicente explained that in accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each City “perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program”.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation Element of the City's adopted Comprehensive Plan. The revenue sources are categorized into three groups. Local funds; secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funding identified do not need to be paid "in hand" to include a project in the TIP.

The recommended TIP continues the City's emphasis on multimodal transportation safety including improvements to SR522, Juanita Drive and 68th Avenue NE sidewalks and bike lanes, sidewalks projects located near Arrowhead elementary and downtown, and the West Sammamish River Bridge replacement. The lower Swamp Creek Bridge Replacement project has been added to this year's TIP update. The bridge study performed in 2015 recommended that the bridge be replaced in 10 years. The TIP reflects the recommendations and identifies a funding need for design in 2023 and 2024. Construction would be estimated in 2025 or 2026.

Mayor Baker opened the public hearing at 7:32 p.m.

There were no comments from the public.

Mayor Baker closed the public hearing at 7:32 p.m.

BUSINESS AGENDA

Resolution #18-309 for the 2019-2024 Six-Year Transportation Improvement Program - John Vicente, City Engineer

MOTION: Councilmember Srebnik made a motion to approve Resolution #18-309 for the 2019-2024 Six-Year Transportation Improvement Program, Councilmember Curtis seconded the motion. The motion passed 5-1-0 with Councilmember Smith voting no.

Ordinance 18-0484 Authorizing the Acquisition by Condemnation of Certain Real Property Interests as Needed for the West Sammamish River Bridge Replacement Project - John Vicente, City Engineer

The West Sammamish River Bridge Replacement Project (Project) includes replacement of the existing southbound bridge, widened pedestrian and bicycle facilities between NE 170th Street and NE 175th Street, street illumination, retaining walls, drainage improvements, landscaping, utility undergrounding, and signal improvements. The design is currently at 90% completion.

The City has initiated right of way acquisition where necessary on the Project. The Project will be acquiring property rights from 12 individual parcels (See Attachment 1) at an estimated cost of \$998K. Parcel acquisitions areas and locations have been identified based on design drawings. Administrative Offer Summaries (for acquisitions under \$25k) have been completed and formal offer letters for some parcels have been presented. The acquisition will include the following (but not limited to) real property rights: fee simple and temporary construction easements.

To date, all property owners received invitations to meet with City Staff and our right of way consultant, RES Group NW, and staff will continue to pursue meetings property owners until property rights have been secured. Every property owner has also received a phone call and certified letter notifying them of the requested Council action and Council meeting information. The scheduled adoption of the Ordinance has also been advertised in the Seattle Times and Daily Journal of Commerce (DJC).

Staff will work closely with all property owners; however, in the unlikelihood that agreements cannot be made, utilization of eminent domain will be necessary to meet our construction schedule. The attached condemnation ordinance (Attachment 2) authorizes the City Manager to pursue condemnation if negotiations reach an impasse. Note that condemnation is a tool that the City will utilize if needed. Other effective tools/strategies that will be utilized include: in-person property owner meetings, formal offer letters, utilization of Possession and Use (P&U) Agreements, and negotiation. Also, it is typical to file condemnation if the property owner will not sign a P&U Agreement, but much success can be achieved through mediation.

The right of way process for this project must comply with State and Federal regulations. Right of Way acquisition generally follows the same steps for all properties (see flow chart in Attachment 3):

- Meeting with property owners and tenants when appropriate to discuss project schedule, acquisition needs, and right of way acquisition process.
- Administrative Offer Summaries prepared (for property acquisitions less than \$25,000)
- Appraisals prepared (for property acquisitions estimated to exceed \$25,000)
- Independent 3rd party review of all appraisals.
- Offers to property owners.
- Negotiations (includes Possession and Use Agreements)
- Condemnation (as needed)
- Settlement

As mentioned, during the negotiations we will make every reasonable effort to reach agreement on acquisition. Our right of way consultants, RES Group NW, understand Federal and State acquisition requirements and the need to provide property owners with the time to consider offers and ask questions. We will also share appraisal information with property

owners upon request. However, there are times when negotiations reach an impasse and condemnation is necessary.

The Possession and Use Agreement (P&U) is a powerful tool and staff will encourage property owners to enter into this agreement. P&U's are signed when the property owner agrees to the property rights sale, but does not agree to the price. Signing the P&U allows the City to pay what has been offered (appraised value) and allows the City to go to construction. Negotiations would then continue.

Through Ordinance 18-0464, Council would authorize the use of eminent domain for all project needs at the same time. This strategy makes sense for several reasons: efficiency of process, fairness to all property owners, and protection of privacy for property owners. It also avoids delays to the project and demonstrates the City's intent to acquire land and proceed with the project. Without the condemnation ordinance at this time, the City would wait until an impasse is reached with a property owner and then schedule consideration of a condemnation ordinance for the specific property. This process would interject several months into the project schedule and would also single out a specific property owner that has elected to go through condemnation proceedings.

MOTION: Councilmember Curtis made a motion to approve Ordinance 18-0484 Authorizing the Acquisition by Condemnation of Certain Real Property Interests as Needed for the West Sammamish River Bridge Replacement Project, Councilmember Smith seconded the motion. The motion passed unanimously.

Temporary Shelter Policy - Rob Karlinsev, City Manager and Jack Urquhart, Management Intern

Council and staff discussed the policy.

MOTION: Councilmember Smith made a motion to not include low barriers shelters as part of this policy, Mayor Baker seconded the motion. The motion failed 2-4-0 with Councilmember Srebnik, Deputy Mayor Herbig, Mayor Baker and Councilmember Smith opposed.

MOTION: Councilmember Curtis made a motion to limit low barrier shelters to the coldest months and 1 time per year, Councilmember Marshall seconded the motion. The motion failed 2-4-0 with Councilmember Curtis and Councilmember Marshall in favor.

MOTION: Councilmember Curtis made a motion to conduct sex offender checks on everyone (not warrant checks) for both type of shelters, Councilmember Srebnik seconded the motion. The motion failed 3-3-0 with

Councilmember Curtis, Councilmember Marshall and Councilmember Srebnik voting yes.

MOTION: Councilmember Curtis made a motion for a maximum of 50 people at the shelter, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

MOTION: Councilmember Srebnik made a motion for the shelter to be 125 days maximum, Councilmember Smith seconded the motion.

AMENDMENT TO THE MOTION: Councilmember Srebnik made a motion for a 90-day maximum for temporary shelter and then a possible extension for another 90-days making it 180 days total, Councilmember Curtis seconded the motion. Motion failed 3-3-0 with Councilmember Curtis, Mayor Baker and Councilmember Smith voting no.

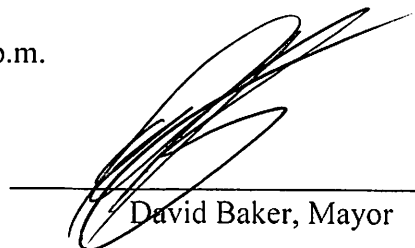
AMENDMENT TO THE MOTION: Councilmember Marshall made an amendment to the motion to have Council approval at the 90-day mark authorizing an additional 90 days, Mayor Baker seconded the motion. The motion failed 2-4-0 with Councilmember Marshall and Mayor Baker in favor.

AMENDMENT TO THE MOTION: Councilmember Curtis made a motion for a mandatory report at 60 days to the Council, Mayor Baker seconded the motion. The motion passed unanimously.

ORIGINAL MOTION VOTE: (125-day maximum with a report to Council at 60 days). The motion passed unanimously.

ADJOURNMENT

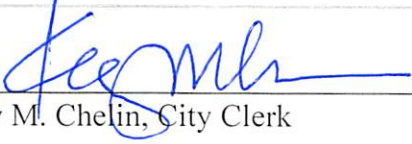
The meeting was adjourned at 9:45 p.m.



David Baker, Mayor

ATTEST:

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Kelly M. Chelin, City Clerk