

City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
July 11, 2016

CALL SPECIAL MEETING TO ORDER – The Kenmore City Council special meeting was called to order by Mayor David Baker at 6:30 p.m.

EXECUTIVE SESSION

Mayor Baker recessed the regular meeting to an executive session at 6:30 p.m. to discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 30 minutes and that action may be taken when the meeting is reconvened.

POSSIBLE ACTION RESULTING FROM EXECUTIVE SESSION

Dawn Reitan, City Attorney, stated that currently before the City there is a Growth Management Hearings Board Appeal of the City Council's adoption of a public agency use exception (PAUE) to the critical areas regulations. The Growth Board requires a settlement discussion. The appellants proposed a settlement to the Council, and the Council now has before it a motion regarding the proposed settlement.

Deputy Mayor Van Ness moved to decline the settlement offer of Hendrickson v. Kenmore before the Central Puget Sound Growth Board. Councilmember Sperry seconded the motion. The motion passed 4-1, with Councilmember Herbig voting no.

CALL REGULAR MEETING TO ORDER – The Kenmore City Council meeting was called to order by Mayor David Baker at 7:02 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Allan Van Ness and Councilmembers Brent Smith, Laurie Sperry and Nigel Herbig

Councilmembers excused: Councilmembers Milton Curtis and Stacey Denuski

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Debbie Bent, Community Development Director; Bryan Hampson, Development Services Director; Lauri Anderson, Senior Planner; Dawn Reitan, City Attorney; and Patty Safrin, City Clerk

Planning Commissioners present: Chair Douglas Nugent, and Commissioners Mike Mulcare, Dennis Olsen, Carol Baker, and Mark Ohrenschall

Planning Commissioners excused: Commissioners Mike Vanderlinde and Debra Srebnick

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

PRESENTATION

2016 Governor's Smart Communities "Smart Partnership" Award for the Kenmore Village Mixed-Use Development Project with Main Street Property Group - Debbie Bent, Community Development Director; Anne Fritzel, Senior Planner, Growth Management Services; and Eric Campbell, CEO, Main Street Property Group, LLC, were present.

Anne Fritzel, Senior Planner with the Department of Commerce Growth Management Services, presented the award. She stated that Commerce is please to present this award to the City of Kenmore on behalf of Governor Jay Inslee. The award highlights the Governor's commitment to preserving and protecting Washington's enviable quality of life. It recognizes the hard work of our citizens, businesses and elected officials. Kenmore's winning 2016 nomination, the Kenmore Village partnership project, is a major effort to implement a significant element of the Downtown Plan. The judges called the project a good example of significant citizen involvement in the creation of a real downtown core. They felt that there were lots of good ideas for other cities to emulate.

Eric Campbell, CEO of Main Street Property Group, stated that it was a great investment for Main Street, and they really appreciate the partnership and the opportunity. Pictures were taken with the Council. Pictures were also taken with Council, City Manager and staff members.

CITIZEN COMMENTS

Brenda M. Coleman, Sprint Government Affairs Manager, Sacramento, California, submitted comments regarding the wireless communications facilities ordinance via e-mail prior to the meeting.

The Wireless Policy Group, Seattle, on behalf of AT&T, T-Mobile and Verizon, also submitted comments regarding the wireless communications facilities ordinance via e-mail prior to the meeting.

Kim Allen, 113 Cherry Street, Seattle, speaking on behalf of AT&T, was present to ask that Council take additional time to get all the necessary data before making a decision on the wireless communications facilities.

Linda Atkins, 777 108th Avenue NE, #2300, Bellevue, speaking on behalf of T-Mobile, was present to state her concerns regarding the proposed wireless facilities ordinance.

Milt Doumit, 7735 Cooper Point Road, Olympia, speaking on behalf of Verizon, was present to request additional time for the Council to study the wireless communications facilities issue and to take more testimony on the issue.

Ken Lyons, 17533 47th Avenue NE, Lake Forest Park, speaking on behalf of AT&T, was present to express his appreciation to the Planning Commission and staff and to state his opinion that the wireless communications facilities ordinance is not balanced as it stands, and it needs additional study. He submitted two handouts to Council.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Smith moved to approve the consent agenda as submitted. Mayor Baker seconded the motion to Adopt the Minutes for the May 23, June 13, and June 27, 2016 City Council Meetings; Approve the Following Checks and Electronic Payments for Payment: Total Check Numbers 34585 through 34673 in the Amount of \$2,940,483.22, Total Payroll Electronic Deposits Dated 6/10/2016 in the Amount of \$76,006.03, Total Check Numbers 34674 through 34771 in the Amount of \$437,111.73, Payroll Check Numbers 8815 Through 8818 in the Amount of \$1,415.05, and Total Payroll Electronic Deposits Dated 6/24/2016 in the Amount of \$74,376.64; Receive and File the May 2016 Financial Report for the City of Kenmore, Washington; and Receive and File SR 522 West A Change Order Nos. 18-24, and Authorize the City Manager to Execute Change Order No. 28 for Conversion of Businesses to Underground Utility Service. The motion passed unanimously.

PUBLIC HEARING

Public Hearing to Receive Public Testimony on Resolution No. 16-283, Adopting the 2017-2022 Six-Year Transportation Improvement Program (TIP) - John Vicente, Capital Projects Manager, was present to provide a PowerPoint presentation detailing the background of the TIP; how it is different from the Capital Improvement Program (CIP); the update of the TIP from last year; and new projects that have been added. He noted that the TIP is a yearly requirement and stated that staff is recommending that Council adopt Resolution No. 16-283. He was also available to answer any questions.

Mayor Baker opened hearing at 7:32 p.m. As there were no citizens wishing to testify, Mayor Baker closed the public hearing at 7:33 p.m.

BUSINESS AGENDA

Adopt Resolution No. 16-283, 2017-2022 Six-Year Transportation Improvement Program (TIP) - John Vicente, Capital Projects Manager, was present to answer any additional questions.

Councilmember Sperry moved to Adopt Resolution No. 16-283, 2017-2022 Six-Year Transportation Improvement Program (TIP). Mayor Baker seconded the motion. The motion passed 5-0.

Puget Sound Energy Franchise Agreement Status Report - Nancy Ousley, Assistant City Manager, was present to provide a PowerPoint presentation and review of the Puget Sound Energy (PSE) franchise agreement. She stated that the most recent agreement expired in 2015, and since that time the City has been doing a lot of research and hearing from dozens of Kenmore residents about their concerns and frustration with the level of system reliability. The City has started to work with consultants in order to learn from what other cities have done and to get some independent technical expertise on these issues. We expect that Exponent's work will be completed in about three months.

She stated that long-term easement issues have caused problems for PSE in providing service, and she has had discussions with PSE indicating that it is incumbent upon the utility to keep in contact with the property owners and to remind them of the easements and PSE's need for access. The City is hoping to have a franchise agreement in front of the Council during the first half of 2017.

City Manager Karlinsey stated that the City would like to wait for Exponent's assessment before continuing with the franchise negotiations with PSE. He stated that Puget Sound Energy staff is listening to us and making some progress on reliability with several new projects. City Manager Karlinsey and Assistant City Manager Ousley were available to answer any questions.

JOINT PLANNING COMMISSION AGENDA

Planning Commission's Presentation of the Recommended Wireless Communication Facilities Code Amendments - Debbie Bent, Community Development Director; Lauri Anderson, Senior Planner; and Planning Commissioners were present to give a brief report.

Director Bent gave an introduction to the presentation. She stated that the Planning Commission considered most of the issues that were brought up in Citizen Comments tonight in the process of their deliberations. She reviewed some of the Council's options regarding these code amendments. Senior Planner Anderson gave a PowerPoint presentation, including the purpose and goals of the project, the process that was followed; prioritized facility types and locations; exemptions; allowable heights and review processes; an overview of the permit processes; maximum height limits; visual compatibility techniques; a listing of new FCC standards for modifications; the major adjustment process; a new code section addressing noise; modifications to existing nonconforming facilities; and other components. She also presented a PowerPoint presentation showing photos of some wireless communication facilities, both within and outside of Kenmore.

Planning Commissioner Chair, Doug Nugent, made some comments about the Commission's process, their interaction with industry representatives during the process, and input that they received from the City Attorney during the process. He stated that their goal has been to balance the conflicting interests of views and aesthetics in the City and wireless service to citizens. Commissioner Dennis Olsen commented that the possible unintended consequences of the proposed height limit are not known. Doug Nugent stated that the Planning Commission's final vote was 5-2, and that Commissioner Olsen was speaking for himself, not for the Planning Commission as a whole. They were available to answer any questions. City Attorney Dawn Reitan provided some clarification of relevant federal law and how it has been interpreted by the courts.

Councilmember Smith moved to direct staff to prepare an ordinance for approval by Council. Councilmember Sperry seconded the motion. The motion passed 3-2, with Councilmember Herbig and Mayor Baker voting no.

It was Council consensus to have staff bring the ordinance back to Council in September.

STAFF REPORT

City Manager Karlinsey stated that this Wednesday the Kenmore Business Incubator will hold an open house from 4 to 6 p.m., at the incubator location. Assistant City Manager Ousley noted that this would be a chance to meet both the incubator residents and the virtual incubator participants. Karlinsey stated that the City is working on setting up a series of informational open houses on the Walkways & Waterways bond measure, with more opportunities for the public to learn about these projects in the fall. One is currently scheduled for 5:00 p.m. on July 27th at City Hall. Others this summer will be held on site at the three parks which are included in the bond measure.

CITY COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

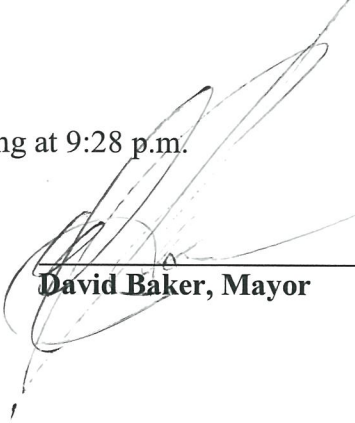
Deputy Mayor Van Ness briefly discussed the National League of Cities (NLC) Policy Committee meetings that he and Mayor Baker attended in Kansas City last week. He noted that he is also on the

Transportation Infrastructure Committee and the Youth Education and Families Council (YEF). The topic covered in the YEF sessions was childhood trauma, which has been shown to have lasting effects on children's brains, and the fact that some children are more resilient than others in dealing with the effects of childhood trauma. He would like to look into this subject with our schools and social service providers.

Mayor Baker stated that he also sits on the YEF committee, and on the Information, Technology and Communications Subcommittee. He noted that many communities are governed in technology and communications issues by state law, and therefore don't have as much freedom as Kenmore does in their decision-making processes. He noted that he represented the City Council and the City yesterday at LeRoy Anenson's funeral. He spoke about Leroy Anenson and his accomplishments and family, including his work as a Lutheran pastor, and as the first chaplain at Evergreen Hospital, and his work with the Kenmore flag.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 9:28 p.m.



David Baker, Mayor

ATTEST:



Patty Safrin, City Clerk