

City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
July 27, 2015

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

EXECUTIVE SESSION

Mayor Baker recessed the special 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 no action is anticipated when the meeting is reconvened.

ADJOURNMENT – Mayor Baker adjourned the special meeting at 7:00 p.m.

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

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

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Engineering & Environmental Services Director; Bryan Hampson, Development Services Director; Brett Schock, Traffic Engineer; Andrew Bauer, Senior Planner; Kathi Beckett, Graduate Intern; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Mayor Baker led the flag salute.

PROCLAMATION

Childhood Cancer Awareness Month Proclamation – September 2015 – Mayor Baker read the proclamation into the record.

Proclamation Honoring Chip Davidson – Mayor Baker introduced the proclamation with some comments about Chip Davidson's role in the community and his contributions to the City of Kenmore. He read the proclamation into the record. He stated that the City will place a commemorative bench near Lake Washington so that visitors for years to come will know of his outstanding community service. Mrs. Davidson accepted the proclamation. Other members of the family and Rotary Club members were also present. His son thanked the City.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

CITIZEN COMMENTS

Kent Sturgis, 18821 64th Avenue NE, Kenmore, was present to speak on behalf of the Kenmore Heritage Society. He stated that they are sponsoring a fun photo contest, A Day in the Life of Kenmore, at 10:00 a.m. on Saturday, August 8th, which is open to all photographers, amateur or professional, and all types of cameras. Photos must be taken on that day inside the City limits of Kenmore. Six themed prize categories will be announced on the morning of the contest. He stated that they will be judging digital photos only. Entrants should gather at Kenmore Camera, cosponsor of the event. He distributed some flyers for the event.

Patrick O'Brien, 6330 181st Street NE, Kenmore, was present to state that notifications from the SR 522 contractors are appreciated and stated his concern about their hours of operation. He stated his concern about public participation in the commercial Kenmore Village process.

Elizabeth Mooney, 5934 NE 207th Street, Kenmore, was present to state her concerns about Cemex plant fumes.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Sperry moved to approve the consent agenda as submitted. Councilmember Denuski seconded the motion to Adopt the Minutes for the July 13, 2015 City Council Meeting; Approve Check Nos. 32466 - 32564 in the Amount of \$2,056,464.53 and Electronically Transferred Payroll Funds Totaling \$82,146.27 and Payroll Check No. 7681 in the Amount of \$824.24 for the Period Ending July 17, 2015; Receive and File the May 2015 Financial Report for the City of Kenmore, Washington; Accept Safe Routes to School (SRTS) Grant Funding for NE 202nd Street, and Approve Contract No. 15-C1372 with the Washington State Department of Transportation (WSDOT) for Design and Construction; Authorize the City Manager to Execute Amendment No. 3 to Contract No. 12-C1082 with Pertee for Professional On-Call Services for Traffic Engineering, Transportation and Parks; and Authorize the City Manager to Execute Contract No. 15-C1452 with JSH Properties for Proposed Town Green Retail. The motion passed unanimously.

BUSINESS AGENDA & PUBLIC HEARINGS

Second Public Hearing to Receive Public Testimony Regarding Ordinance No. 15-0401, Development Agreement with MSPT XI, LLC for Spencer Square in Kenmore Village – Bryan Hampson, Development Services Director, was present to give a PowerPoint presentation on the proposed Spencer Square development. He distributed hard copies of proposed changes to the development agreement ordinance to Council at the meeting, and he reviewed these changes. He was also available to answer any questions. Due to inconsistencies, City Attorney Kaseguma recommended changing the last sentence of KMC Section 8.2 to read, "...except as provided in Sections 8.4C and 8.4F." Kelly Price and Kim Faust of MSPT XI, LLC gave a brief overview of the project. They were also available to answer any questions.

Mayor Baker opened the public hearing to receive public testimony on this issue at 8:10 p.m.

The following citizens spoke:

Patrick O'Brien, 6330 181st Street NE, Kenmore, was present to express his concerns regarding the development and to suggest the additional of solar panels.

Elizabeth Mooney, 5934 NE 207th Street, Kenmore, was present to request that the project do something to enhance anything natural underneath the parking lot.

William Leak, 15102 64th Court NE, Kenmore, was present to state that he likes what he sees, including Main Street's original signs.

As there was no further testimony, Mayor Baker closed the public hearing at 8:20 p.m.

Adoption of Ordinance No. 15-0401, Development Agreement with MSPT XI, LLC for Spencer Square in Kenmore Village – Bryan Hampson, Development Services Director, was available to answer any additional questions.

Deputy Mayor Van Ness moved to Adopt Ordinance No. 15-0401, Development Agreement with MSPT XI, LLC for Spencer Square in Kenmore Village, with amendments and changes as recommended and the recommended change to Section 8.2. Councilmember Smith seconded the motion.

Councilmember Curtis recused himself from voting on this Ordinance.

Councilmember Denuski moved to amend the motion to include 45-square-foot blade signs, with "P" for parking either attached to the blade signs or stand-alone. Mayor Baker seconded the amendment. The amendment passed 6-0.

The main motion as amended passed 6-0.

Second Public Hearing to Receive Public Testimony Regarding Ordinance No. 15-0398, Temporary Elimination of Traffic Impact Fees and Minimum Parking Spaces for Changes of Use in Existing Buildings in the North Subarea of the Regional Business Zone (RBZ) East of 68th Avenue NE - Bryan Hampson, Development Services Director, was present to give a brief report on the ordinance. He was also available to answer any questions.

Mayor Baker opened the public hearing to receive public testimony on this issue at 8:44 p.m.

The following citizen spoke:

Patrick O'Brien, 6330 181st Street NE, Kenmore, was present to state his concerns regarding the proposed ordinance.

As there was no further testimony, Mayor Baker closed the public hearing at 8:49 p.m.

Adoption of Ordinance No. 15-0398, Temporary Elimination of Traffic Impact Fees and Minimum Parking Spaces for Changes of Use in Existing Buildings in the North Subarea of the Regional Business Zone (RBZ) East of 68th Avenue NE – Bryan Hampson, Development Services Director, was available to answer any additional questions.

Councilmember Sperry moved to Adopt Ordinance No. 15-0398, Temporary Elimination of Traffic Impact Fees and Minimum Parking Spaces for Changes of Use in Existing Buildings in the North Subarea of the Regional Business Zone (RBZ) East of 68th Avenue NE. Councilmember Smith seconded the motion. The motion passed 7-0.

Second Public Hearing to Receive Public Testimony Regarding Heavy Manufacturing Business Regulations and Regulatory Business Licenses - Bryan Hampson, Development Services Director, was present to give a brief report reviewing proposed Ordinance No. 15-0402, Regarding Regulatory Business Licenses; proposed Ordinance No. 15-0403, Regarding Heavy Manufacturing Businesses and Activities; and proposed Ordinance No. 15-0404, Regarding Nuisance and Disturbance Noise and Odors. He was also available to answer any questions.

Mayor Baker opened the public hearing to receive public testimony on this issue at 8:58 p.m.

The following citizens spoke:

Noel Barnett, 420 SW 11th Avenue, Canby, Oregon, Environmental Manager for Cemex for the Pacific Northwest, was present to state his concerns regarding the proposed ordinances and the company's willingness to work together for viable solutions.

Cris Iaccio, 2621 NW 35th Circle, Camas, representing Cemex, was present to state that Cemex is proud to have done business in Kenmore for over 50 years and they strive to be a responsible neighbor and community member. He stated that in his opinion the proposed regulations are redundant. He reviewed some changes they have made to try to lessen impacts on the community. He stated that they would like the opportunity to work collaboratively with the community.

Kate Donaldson, 6401 NE 181st Street, Kenmore, left a statement, which was read into the record by Elizabeth Mooney, urging the City Council to postpone voting on the heavy manufacturing ordinances tonight.

Patrick O'Brien, 6330 181st Street NE, Kenmore, was present to state his concerns regarding the ordinances being considered.

Lise Thorsvig, 6520 NE 171st Place, Kenmore, was present to state her concerns regarding noise pollution from heavy manufacturing.

Elizabeth Mooney, 5934 NE 201st Street, Kenmore, was present to state her concerns regarding dredging of the Kenmore Navigation Channel and regarding asphalt fumes.

Erin Anderson, 600 University 3600, Seattle, was present on behalf of Cemex to state that they have been a contributing member of this community for decades and that other agencies already provide regulations for the business, in addition to regulations already on Kenmore's books.

Beth Ginsberg, 600 University 3600, Seattle, outside Council to Cemex, was present to state her concerns regarding the proposed regulations, and her concerns about the process that would be utilized to deny or approve these business licenses.

William Leak, 15102 64th Court NE, Kenmore, was present to recommend collaboration between Cemex and Kenmore citizens.

Janet M. Hays, 6303 NE 181st Street, Kenmore, was present to state her concerns regarding the proposed ordinances and regarding noise and fumes in Kenmore.

As there was no further testimony, Mayor Baker closed the public hearing at 9:29 p.m.

Adoption of Ordinance No. 15-0402, Regarding Regulatory Business Licenses – Bryan Hampson, Development Services Director, was available to answer any additional questions.

Councilmember Smith moved to Adopt Ordinance No. 15-0402, Regarding Regulatory Business Licenses. Councilmember Herbig seconded the motion. The motion passed 7-0.

Adoption of Ordinance No. 15-0403, Regarding Heavy Manufacturing Businesses and Activities – Bryan Hampson, Development Services Director, was available to answer any additional questions. City Attorney Kaseguma stated that staff have not yet had the opportunity to collect enough data to determine the appropriateness of the hours of operation in the ordinance. He recommended gathering more information before adopting that section of the ordinance. Director Hampson suggested pushing out the effective date of the ordinance to make allowances for businesses to put necessary plans in place.

Deputy Mayor Van Ness moved to Adopt Ordinance No. 15-0403, Regarding Heavy Manufacturing Businesses and Activities. Mayor Baker seconded the motion.

Councilmember Sperry moved to amend the motion by removing proposed new Kenmore Municipal Code (KMC) Section 8.44.040, Hours of Operation, from the Ordinance. Mayor Baker seconded the amendment. The amendment passed 7-0.

Councilmember Curtis moved to amend the motion by changing the effective date of the Ordinance to 60 days rather than five days from the date of publication. Mayor Baker seconded the amendment. The amendment passed 4-3, with Councilmembers Herbig, Denuski and Smith voting no.

The main motion, incorporating both amendments, passed 6-1, with Councilmember Denuski voting no.

Adoption of Ordinance No. 15-0404, Regarding Nuisance and Disturbance Noise and Odors – Bryan Hampson, Development Services Director, was available to answer any additional questions.

Councilmember Curtis moved to table this Ordinance in order to give Cemex time to work out some of the issues and for the City to better understand any possible health risks. Councilmember Smith seconded the motion. The motion passed 5-2, with Councilmembers Herbig and Sperry voting no.

Road Standards Policy Discussion – Kris Overleese, Public Works Director/City Engineer was present. As Capital Projects Manager Zack Richardson was not able to be present, City Manager Karlinsey asked the Council to postpone the discussion to another meeting.

It was Council consensus to move this item to an upcoming meeting.

STAFF REPORTS

School Zone Speed Camera Update – Kathi Beckett, Graduate Intern, and Brett Schock, Traffic Engineer, were present to give a report on existing school zone conditions and the process and findings of their research regarding the potential use of automated camera systems in school zones. City Manager Karlinsey stated that looking at school zone cameras was one of the recommendations of the Pedestrian & Bicycle Safety Ad Hoc Committee. They were also available to answer any questions.

City Manager Report – City Manager Karlinsey asked for a Council volunteer to represent the City at an ARCH meeting to discuss a dedicated funding source. He noted that Berk & Associates would like to interview all the Councilmembers in the next couple of weeks regarding the pedestrian & bicycle safety and parks community conversation. Kevin Daniels of Daniel's Real Estate will present a plan to the State for saving the St. Edward State Park Seminary Building. There will be a public meeting on this August 25th at 6:30 p.m. at Northshore Utility District.

CITY COUNCILMEMBER REPORTS & COMMENTS

Councilmember Smith thanked staff for all their hard work in the last few weeks and for moving quickly on several projects.

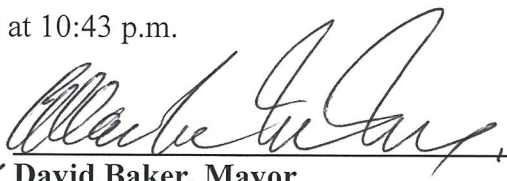
Councilmember Denuski commented on the great block party put together by the neighborhood of Northshore Summit Park.

Deputy Mayor Van Ness stated that he is working on the Eastside Transportation Partnership (ETP) conference symposium on technology and transportation. He hopes that all Councilmembers will be able to attend.

Mayor Baker detailed his upcoming meetings.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 10:43 p.m.


for **David Baker, Mayor** Deputy Mayor

ATTEST:


Patty Safrin, City Clerk