City of Kenmore, Washington
City Council Regular Meeting
Minutes
May 12, 2014

CALL TO ORDER – The regular meeting of the Kenmore City Council was called to order by Mayor David Baker at 7:00 p.m.

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

Councilmember on leave of absence: Deputy Mayor Glenn Rogers

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; Seyed Safavian, Engineering Construction Manager; Greg Lum, Building & Code Compliance Inspector; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

It was Council consensus to amend the agenda by adding Business Item VIII. I., Kenmore Air Appeal Withdrawal Agreement, and moving Business Items VIII. H. and VIII. I. up to whenever Representative Gerry Pollet arrived.

It was Council consensus to approve the agenda as amended.

The presentation, which would have been next on the agenda, was delayed by technical problems.

CITIZEN COMMENTS

Jason T. Morgan, 600 University Street, Suite 360, Seattle, was present, representing Cemex, to state that they are opposed to the Interlocal Agreement with Puget Sound Clean Air Agency.

Berit McAllister, 5830 NE Arrowhead Drive, Kenmore, was present to state that she is so proud of Kenmore and the fact that we have water activities for everyone here, and to express her support for Resolution No. 14-239, Approving the Waterfront Park Property Purchase and Sale Agreement.

Duncan Cox, President of the Kenmore Canoe and Crew Club, 8801 NE 150th Street, Kenmore, was present to state his support for Resolution No. 14-239, Approving the Waterfront Park Property Purchase and Sale Agreement.

Ken Smith, 15816 70th Avenue NE, Kenmore, was present to state his support of the City's decision to move forward with priority-based budgeting. He also commented on a number of other things.

Elizabeth Mooney, 5934 NE 201st Street, Kenmore, was present to state her support for the Interlocal Agreement with Puget Sound Clean Air Agency and to state her concerns about dredging.

Janet M. Hayes, 6303 NE 181st Street, #301, Kenmore, was present to state her support for adding more sediment testing along the shoreline, and for the Interlocal Agreement with Puget Sound Clean Air Agency, and to state her concerns about the Cemex fumes.

Mayor Baker thanked the citizens for their comments.

After Citizen Comments, Mayor Baker moved up Business Items VIII. H. and VIII. I. due to the presence of Representative Gerry Pollet.

BUSINESS AGENDA, Items H. & I.

Approve Amendment to the City of Kenmore Legislative Agenda for the 2013-2015 Legislative Biennia – Rob Karlinsey, City Manager, was present to give a brief report in which he stated that this amendment is for proposed approval of funding in the Department of Ecology budget for additional sediment testing in the shoreline area. This is part of the agreement with the appellants to withdraw their appeal regarding the proposed Kenmore Air hangar facility, Business Item VIII.I. He was also available to answer any questions.

Councilmember Herbig moved to Approve the Amendment to the City of Kenmore Legislative Agenda for the 2013-2015 Legislative Biennia. Councilmember Curtis seconded the motion. The motion passed 6-0.

Kenmore Air Appeal Withdrawal Agreement – Rob Karlinsey, City Manager, was present to give a brief staff report in which he stated that the hearing examiner has said that Council must approve this agreement in order to move forward with withdrawal of the appeal regarding the Kenmore Air hangar. He noted that the handwritten changes on the agreement were made by him, as the first signer, and that all other signers saw these changes before signing. He and Nancy Ousley, Assistant City Manager, were available to answer any questions. Representative Gerry Pollet was present to comment in support of the agreement.

Councilmember Van Ness moved to Approve the Kenmore Air Appeal Withdrawal Agreement. Councilmember Sperry seconded the motion. The motion passed 6-0.

PRESENTATION

Highlights of Slough Race Event – A. Gaul Culley was present to provide a PowerPoint presentation. She gave a recap of the history of the Sammanish Slough races and reviewed the event kickoff and the opening ceremonies. She stated that approximately 1500 spectators attended the event, and the event received national attention in spite of having a very rainy and windy day. She thanked the people who made the event happen and the many community sponsors. She was also available to answer any questions.

CONSENT AGENDA

Councilmember Sperry moved to approve the consent agenda as submitted. Councilmember Van Ness seconded the motion to Adopt the Minutes for the April 14 and April 21, 2014 City Council Meetings; Approve Check Nos. 29814 - 29903 in the Amount of $401,354.45 and Payroll Check No. 211257 in the Amount of $442.94 and Electronically Transferred Payroll Funds Totaling $65,834.09 for the Period Ending April 25, 2014; Authorize a Community Development Block Grant (CDBG) Funding Application to Partially Fund Sidewalk Improvements on the South Side of NE 181st Street between 68th Avenue NE and 73rd Avenue NE; and Adopt Resolution No. 14-234, Final Plat Approval for East Creek Village Plat. The motion passed unanimously.

BUSINESS AGENDA, Items A. through G.

Approve Contract No. 14-C1261, Interlocal Agreement with Puget Sound Clean Air Agency (PSCAA) for Cooperative Odor Complaint Investigations – Bryan Hampson, Development Services Director; Greg Lum, Building & Code Compliance Inspector; and Mario Petrosa, Inspection Supervisor for PSCAA, were present to give a brief report. Director Hampson noted that, while Kenmore is not mandated to handle complaints and the City has limited resources, Greg Lum could take original statements for complaints regarding odors from the Cemex plant. He stated that Mr. Lum's time would be limited by his other duties. Mr. Petrosa stated that PSCAA has other agreements such as this one. They view it as another tool in helping with enforcement, as odor issues are difficult because they are time sensitive. He detailed their four-level system for odor complaints. They were also available to answer any questions.

Councilmember Smith moved to Approve the current language of Contract No. 14-C1261, Interlocal Agreement with Puget Sound Clean Air Agency (PSCAA) for Cooperative Odor Complaint Investigations, subject to the insertion of an indemnification and defense provision that is agreeable to the City Manager and the City Attorney; and if unable to come up with such a provision, the agreement would be brought back to the City Council. Councilmember Herbig seconded the motion. The motion passed 6-0.

Adopt Resolution No. 14-237, Reconfirming Surplus Property and Authorizing City Manager to Execute Documents to Close Sale of the Former Park & Ride Property – Bryan Hampson, Development Services Director, and Jackson Bennett, Attorney with Inslee, Best, Doezie & Ryder, were present to give a brief report. Director Hampson reviewed the resolution and the process going forward. They were also available to answer any questions.

Councilmember Curtis moved to Adopt Resolution No. 14-237, Reconfirming Surplus Porperty and Authorizing the City Manager to Execute Documents to Close the Sale of the Former Park & Ride Property. Mayor Baker seconded the motion. The motion passed 6-0.

Award Citywide Safety Construction Contract No. 14-C1269 – Seyed Safavian, Engineering Construction Manager, was present to give a brief report. He pointed out that the agenda bill contains a typographic error; the bid opening should have been listed as 2014, not 2012. He reviewed the project descriptions, budget and expenditures, coordination of the project with overlays, and the project schedule. He was also available to answer any questions.

Councilmember Van Ness moved to Award Citywide Safety Construction Contract No. 14-C1269. Mayor Baker seconded the motion. The motion passed 6-0.

March 2014 Financial Report Presentation – Joanne Gregory, Finance & Administration Director, was present to give a brief report. She stated that year-to-date revenues are exceeding year-to-date expenditures. Property taxes, the City's major revenue source, are due in July. She noted that she will have some franchise activity to report in June. She stated that State and local economies seem to be maintaining steady improvement. She was also available to answer any questions.

Councilmember Curtis moved to receive and file the March 2014 Financial Report. Mayor Baker seconded the motion. The motion passed unanimously.

Adopt Ordinance No. 14-0382, Amending 2013-2014 Biennial Budget - Joanne Gregory, Finance & Administration Director, was present to give a brief report. She noted that this is the third amendment to the 2013-2014 Biennial Budget. She reviewed the proposed adjustments in revenue and expenditure and the reasons for those adjustments. She was also available to answer any questions.

Councilmember Van Ness moved to Adopt Ordinance No. 14-0382, Amending the 2013-2014 Biennial Budget. Mayor Baker seconded the motion. The motion passed 6-0.

Adopt Resolution No. 14-239, Approving Waterfront Park Property Purchase & Sale Agreement, Contract No. 14-C1276 – Rob Karlinsey, City Manager, was present to give a brief report. He stated that this property has been in Charles Twedt's family for many decades. Mr. Twedt and his wife are now willing to sell the property. The purchase of this property fits with Council goals to advance the City's connection to the waterfront. He gave a PowerPoint presentation detailing the property, its location, and the reasons for recommending this purchase. He was also available to answer any questions.

Councilmember Sperry moved to Adopt Resolution No. 14-239, Approving the Waterfront Park Property Purchase & Sale Agreement, Contract No. 14-C1276. Councilmember Curtis seconded the motion. The motion passed 6-0.

Adopt Resolution No. 14-238, Council Vacancy and Leave of Absence Policy & Procedure – Council discussion. Note: This item was broken up towards the end by "Staff Report" and "Councilmember Reports & Comments" while waiting for Attorney Rod Kaseguma to draft some new language for the policy.

Councilmember Curtis moved to Adopt Resolution No. 14-238, Council Vacancy and Leave of Absence Policy & Procedure with Attorney Kaseguma's revisions. The policy document incorporating those revisions will be brought back to an upcoming meeting as a "receive and file" item. Mayor Baker seconded the motion. The motion passed 5-1, with Councilmember Herbig voting no.

STAFF REPORT

City Manager Karlinsey stated that the Wellness Assessment scheduled for this Wednesday at City Hall still has three open slots. He announced the upcoming Northshore Summit Park dedication, the Employment Resource & Education Fair, and the Council Mid-Year Retreat.

CITY COUNCILMEMBER REPORTS & COMMENTS

Councilmember Smith stated that he would like the City Council to do a proclamation for the Inglemoor DECA Award at the June 9th meeting. He stated that the waterfront fair was really great and that he was impressed with the number of people who came and their enthusiasm.

Councilmember Sperry stated that she found a marijuana ordinance from another city that she will share.

Mayor Baker reported on a meeting with a group of citizens at Bastyr over the weekend. He stated that County Executive Constantine appointed him to a strategic stakeholder group with the Ferry District. The Colman Dock is being upgraded, and the Ferry District is building two new boats that will come online in 2015. They received approval from the State to transfer the authority and functions of the Ferry District to King County, and the City of Kenmore may have the opportunity to get a passenger ferry to the University District. He stated that he and other cities have been asked to sign a letter against building a new waste transfer station in Redmond, which he will sign unless there are objections.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 10:27 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin

Patty Safrin, City Clerk