City of Kenmore, Washington
City Council Regular Meeting
Minutes
July 22, 2013

CALL TO ORDER – Mayor Baker called the regular meeting to order at 7:01 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Bob Hensel, and Councilmembers Brent Smith, Allan Van Ness, and Glenn Rogers

Councilmembers excused: Councilmembers Laurie Sperry and Milton Curtis

Staff present: Joanne Gregory, Finance & Administration Director; Kris Overleese, Engineering & Environmental Services Director; Debbie Bent, Director of Community Development; Bryan Hampson, Development Services Director; Richard Sawyer, Surface Water Program Manager; Lauri Anderson, Senior Planner; Andrew Bauer, Associate Planner; 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 removing Business Agenda Item VIII. B., Northshore Summit Park Status and Budget, since Council took action on the Northshore Summit Park budget and construction authorization at the July 15, 2013 Council meeting.

It was Council consensus to approve the agenda as amended.

PROCLAMATION

National Recovery Month – September 2013 – Mayor Baker read the proclamation into the record and presented the proclamation to Ramona Graham, Substance Abuse Director, Center for Human Services, and Jackie Berganio, Program Manager and Community Coordinator, Alcohol & Other Drug Prevention Program, King County Mental Health. Jackie Berganio made a few comments and thanked the City for its support. Ramona Graham also thanked the City for its support and aid to the Center for Human Services.

CITIZEN COMMENTS

Mark Prince, 19330 55th Avenue NE, Kenmore, was present to express his concerns regarding low flight patterns over the City.

Elizabeth Mooney, 5934 NE 201st Street, Kenmore, was present to express her concerns regarding air quality and industrial business in the City.

Yi-Lin Lee, 7448 NE 145th Street, Kenmore, was present to express his concerns regarding surface water flooding and drainage backups.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Rogers moved to approve the consent agenda as submitted. Councilmember Van Ness seconded the motion to Adopt the Minutes for the July 8, 2013 Council Special & Regular Meeting; Approve Check Nos. 28094 - 28163 in the Amount of $204,332.80 and Electronically Transferred Payroll Funds Totaling $64,308.64 and Payroll Check No. 210297 in the Amount of $442.15 and No. 210298 in the Amount of $407.74 for the Period Ending July 5, 2013; Adopt Resolution No. 13-220, Inglemoor Heights Final Plat Approval; Authorize Amendment No. 1 to Contract No. 06-C537, Public Defender Professional Services (incorrectly listed on the agenda as Contract No. 13-C1186); Cancel All Regular City Council Meetings for August 2013; Receive and File May 2013 Financial Report; and Authorize the City Manager to Award West Samm Bridge Scour Stabilization Construction Contract No. 13-C1195. The motion passed unanimously.

BUSINESS AGENDA

Surface Water Program Update – Kris Overleese, Engineering & Environmental Services Director, and Richard Sawyer, Surface Water Program Manager, were present to give a brief PowerPoint presentation. Program Manager Sawyer stated that they are not asking for Council action this evening, but some items will be brought back to Council next year for final Council action. They reviewed the major current Surface Water Program components, the Surface Water Master Plan update; the update of Kenmore Municipal Code Chapter 13.40; policy updates; and 2013-2018 NPDES (National Pollutant Discharge Elimination System) permit implementation planning. They were also available to answer any questions.

Status Report on Planning Commission 2013 Work Program – Debbie Bent, Community Development Director; Lauri Anderson, Senior Planner; and Doug Nugent, Planning Commission Chairperson, were present to give a brief progress report on the Planning Commission's work on the Commercial Zoning Project, which includes a review of the Regional Business (RB) Zone and its relationship to other commercial zones, and the Park, Recreation and Open Space (PROS) Plan update. They were also available to answer any questions.

CITY COUNCILMEMBER REPORTS & COMMENTS

Deputy Mayor Hensel reported on the most recent Saturday morning Coffee with Council.

Mayor Baker reported on his talk with the Army Corps of Engineers regarding dredging during his last trip to Washington, DC, and his upcoming meetings with Senator Murray's local staff on Corps responsibilities. He has been in contact with Kenmore Air and the three local marinas to ask them to write letters of support regarding dredging activities. He noted additional opportunities to possibly get on the Army Corps of Engineers' work plan.

EXECUTIVE SESSION

Mayor Baker recessed the regular meeting to an executive session at 8:30 p.m. to discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i), and Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 35 minutes and that action is anticipated when the meeting is reconvened.

Mayor Baker extended the executive session for 15 minutes at 9:05 p.m.

Mayor Baker reconvened the regular meeting at 9:20 p.m.

POSSIBLE ACTION RESULTING FROM EXECUTIVE SESSION

Councilmember Rogers moved that the City Council 1) Approve the draft Settlement Agreement and Release between Charles Monson, Ziaoping Liu, LLC and the City of Kenmore relating to the Wagon Wheel Motel property; 2) Authorize the City Attorney to prepare, based upon the draft Settlement Agreement and Release, either (a) a final Agreement and a Restrictive Covenant regarding the use, occupancy and redevelopment of the buildings on the Wagon Wheel Motel property, or (b) a final Agreement between the same parties that includes a Restrictive Covenant; 3) Authorize the City Manager or designee, upon consultation with the City Attorney, to modify the terms and conditions of the draft Settlement Agreement, as long as the modifications are consistent with the general intent and material terms and conditions of the Settlement Agreement and Release; and 4) Authorize the City Manager or designee to sign the final Agreement and accept the Restrictive Covenant, if a separate Restrictive Covenant is prepared. Mayor Baker seconded the motion. The motion passed 4-1, with Councilmember Van Ness voting no.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 9:21 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin

Patty Safrin, City Clerk