

**City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
May 13, 2013**

CALL TO ORDER - The special meeting of the Kenmore City Council was called to order by Mayor David Baker at 5:30 p.m.

EXECUTIVE SESSION

Mayor Baker adjourned the special meeting at 5:30 p.m. to an executive session to discuss Property Acquisition, pursuant to RCW 42.30.110(1)(b); Property Disposition, pursuant to RCW 42.30.110(1)(c); and Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately one and one-half hours and that action may be taken when the meeting is reconvened.

POSSIBLE ACTION RESULTING FROM EXECUTIVE SESSION

Councilmember Rogers stated that the City Attorney and City Engineer have negotiated settlements, subject to City Council approval, of all claims in King County Superior Court Case No. 12-2-17077-1. The written agreements were reached in part through a voluntary mediation between the parties to the litigation. The City Attorney and City Engineer have recommended that the settlement agreements should be approved and ratified by the City Council. Councilmember Rogers moved that the settlement agreements previously negotiated by the City Attorney and City Engineer, subject to approval by the City Council, be approved and ratified and that the City Manager be authorized to execute such documents as are necessary to complete the final settlement of this litigation. Mayor Baker seconded the motion. The motion passed unanimously.

Mayor Baker asked the City Manager to restate the settlement agreements for clarity. City Manager Karlinsey stated that the City had MidMountain Construction perform construction work on SR 522, during Phase II, east of 68th Avenue NE. The City had made some payments to MidMountain, and had also been paying HDR Engineering for project management. There was a question regarding whether the City had over- or underpaid MidMountain based on HDR's pay estimates. The City had asked HDR to look at that more carefully, and the City believes that there were some overpayments made. In the settlement, HDR has agreed to reimburse the City for some pay estimates that were over, and the City is agreeing to amicably not follow up with MidMountain.

ADJOURN SPECIAL MEETING – Mayor Baker adjourned the special meeting at 7:06 p.m.

CALL TO ORDER – Mayor Baker called the regular meeting to order at 7:06 p.m.

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

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Engineering & Environmental Services Director; Debbie Bent, Director of Community Development; Bryan Hampson, Development Services Director; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

Councilmember Rogers moved to approve the agenda as submitted. Councilmember Van Ness seconded the motion. The motion passed unanimously.

CITIZEN COMMENTS

Ryan Adkins, 23891 27th Place W, Brier, was present to state that he is planning to apply for an event license in order to hold a 10K/5K Run/Walk event, "Kilometers for Cancer," on September 8, 2013 in Log Boom Park and on the Burke-Gilman Trail, with all proceeds going to cancer research. He submitted materials describing the event.

CONSENT AGENDA

Deputy Mayor Hensel moved to approve the consent agenda as submitted. Councilmember Van Ness seconded the motion to approve the Minutes of the April 15, 2013 Special & Regular Study Session; April 16, 2013 Joint City Council/Planning Commission Meeting; and April 22, 2013 Special & Regular Meeting; Approval of Check Nos. 27697 - 27790 in the amount of \$512,953.23 and Electronically Transferred Payroll Funds Totaling \$64,153.49 and Payroll Check No. 210102 in the Amount of \$381.90 for the period ending May 3, 2013; Receive and File the February 2013 Financial Report; Amend the City Manager Employment Agreement, Contract No. 12-C1014; Authorize Application for a Community Development Block Grant (CDBG) for Sidewalk Improvements; and Adopt Ordinance No. 13-0358, Indemnification and Defense of City Officials and Employees. The motion passed unanimously.

STAFF REPORT

Kenmore Village Update – Rob Karlinsey, City Manager, was present to give a brief staff report. He reviewed that the City Council narrowed the list of potential Kenmore Village buyers down to four for each property a couple of months ago, and stated that since then he has talked with potential buyers, following the guidelines and principles of the position statement and the goals for the downtown. He is further narrowing the list based on the developers' experience, track record, and ability to get a project done quickly and in line with the goals of the community. He anticipates bringing an announcement of the potential buyers for both the upper and lower properties to a meeting in the near future. He stated that developers continue to be interested in the site and in Kenmore, and that building permit activity in the City is up. He was also available to answer any questions.

SR 522 West A Project Update – Rob Karlinsey, City Manager, reviewed that the West A project is the next fully funded SR 522 phase and runs from 61st Avenue NE to 65th Avenue NE. Kris Overleese, City Engineer, was present to give a brief staff report. She was also available to answer any questions. She stated that the City is actively working on design and right-of-way acquisition for this segment. Underneath the project segment runs Stream 0056, called “Cat Whiskers Creek” by WSDOT. The City has been talking with Washington State Department of Transportation (WSDOT) about replacing the culvert, which does not meet current fish-bearing size, now so that they will not end up digging up portions of the West A project work later. In addition, it will never be cheaper or more efficient for WSDOT to replace the culvert than during the West A project. Initially, WSDOT’s response was that Stream 0056 is not a priority. However, a recent court ruling says that WSDOT should be pushing harder to replace culverts in their facilities, so the priority has changed. Even so, at this time WSDOT maintains that they do not have the funds to replace the culvert now, but we will continue to push for this, and even would be willing to delay our project a little bit in order to accommodate them.

Mayor Baker stated that he has been working on this with other elected officials, and our lobbyist has a meeting coming up with WSDOT.

CITY COUNCILMEMBER REPORTS & COMMENTS

Councilmember Van Ness reported on the NW Realtors Governmental Affairs luncheon that he and Laurie Sperry attended last week and the Eastside Transportation Partnership (ETP) meeting that he and Mayor Baker attended. He distributed a handout from the ETP meeting.

Councilmember Sperry added a comment regarding the NW Realtors Governmental Affairs luncheon regarding the fact that Seattle has now become a sellers’ market once again.

Deputy Mayor Hensel thanked everyone for the Joint Kenmore, Bothell, Woodinville and Northshore School District meeting last week. He noted that the school district has a lot of work on their plate due to anticipated increases in enrollment over the next ten years.

Mayor Baker noted that this was the first time the joint meeting has been able to be held in a few years and that it was an excellent opportunity to share information with the other cities and the school district. He reminded everyone that Saturday, May 18th is National Kids to Parks Day, and that the City has issued a proclamation in support of that effort. He stated that, as a result of today’s meeting with the governor, he would like Council to adopt a resolution supporting the transportation package. Our lobbyist will write the resolution. He stated that he will be testifying regarding proposed King County Metro bus service reductions tomorrow downtown at Union Station, and he detailed some of the proposed cuts and reductions. He reminded Council of the joint Kenmore/Lake Forest Park meeting at Lake Forest Park on June 13 at 6:00 p.m.

City Manager Karlinsey announced that the After-Hours Business Networking event will take place Thursday, May 16, from 5:30 to 7:00 p.m., and that there will be a Coffee with Council this coming Saturday, May 18, at 8:00 a.m. He thanked Assistant City Manager Ousley for the opening of the Arts of Kenmore Art Gallery in City Hall last Friday.

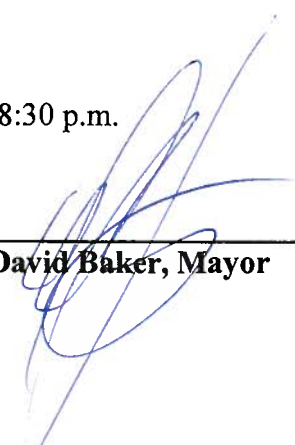
EXECUTIVE SESSION

Mayor Baker recessed the meeting at 7:47 p.m. to an executive session to discuss Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session is expected to last for approximately 25 minutes and that no action is anticipated when the meeting reconvenes.

Mayor Baker extended the executive session for 20 minutes at 8:10 p.m.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 8:30 p.m.



David Baker, Mayor

ATTEST:



Patty Safrin, City Clerk