MINUTES OF THE SPECIAL & REGULAR CITY COUNCIL MEETINGS
January 21, 2020

SPECIAL MEETING CALL TO ORDER: Mayor Kimberly Lisk called the special meeting of the Carnation City Council to order at 6:03 PM in the Council Chambers at Carnation City Hall.

ROLL CALL: Mayor Kim Lisk, Deputy Mayor Jim Ribail, Councilmember Tim Harris, Councilmember Dustin Green, Councilmember Adair Hawkins, City Manager Amy Arrington, City Attorney Zach Lell, and City Clerk Mary Madole present.

EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(i) the City Council adjourned into an executive session to discuss a matter of potential litigation with legal counsel. The executive session began at 6:03 PM and was expected to last no more than 42-minutes without action being taken afterwards. The executive session was extended an additional 2-minutes at 6:45 PM, extended an additional 5-minutes at 6:47 PM, and concluded at 6:52 PM.

The special meeting adjourned at 6:52 PM.

REGULAR MEETING CALL TO ORDER: Mayor Kimberly Lisk called the regular meeting of the Carnation City Council to order at 7:00 PM in the Council Chambers at Carnation City Hall. Councilmember Adair Hawkins led the Pledge of Allegiance.

ROLL CALL: Mayor Kim Lisk, Deputy Mayor Jim Ribail, Councilmember Tim Harris, Councilmember Dustin Green, Councilmember Adair Hawkins, City Manager Amy Arrington, City Attorney Zach Lell, City Clerk Mary Madole, City Planner Amanda Smeller, Public Works Superintendent Bill Ferry, Treasurer Kelly Russell, and citizens present.

APPROVAL OF AGENDA: MOTION BY DEPUTY MAYOR RIBAIL AND SECOND BY COUNCILMEMBER GREEN TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY (5-0).

CONSENT AGENDA: MOTION BY COUNCILMEMBER HARRIS AND SECOND BY COUNCILMEMBER HAWKINS TO ADOPT THE CONSENT AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY (5-0), THE FOLLOWING ITEMS WERE APPROVED:

• Claims Check Vouchers numbered 35252 – 35277 in the amount of $152,791.53.

REPORTS & REQUESTS: Councilmember Harris reported that he attended the Snoqualmie Watershed Forum with Deputy Mayor Ribail on January 15.

Deputy Mayor Ribail reported that he participated in the City/Chamber meeting regarding the construction phase of the Tolt Avenue CBD Improvements Project on January 9.

Mayor Lisk reported that she attended the Eastside Transportation Partnership meeting on January 10.

STAFF REPORTS: City Manager Arrington reported that a special meeting for a Council retreat has been scheduled for February 1. Anne McFarland has been scheduled for a Jurassic Parliament presentation on April 8. The City will soon begin plans and preparations for a citywide evacuation drill scheduled for September 26.

Public Works Superintendent Ferry reported that the field crew worked from 5 AM to 5 PM for three days to clear snow and ice from the streets during the recent snow event.

AGENDA BILLS:
AB20-04: 
ORDINANCE 927.
APPROVING A SITE SPECIFIC REZONE REQUEST.

An application was made for a site specific re-zone of three parcels located on Tolt Avenue south of the fire station from Light Industrial/Manufacturing and Service Commercial to Residential 12 (R12) zoning, consistent with the Comprehensive Plan. The total area of the three parcels is approximately 34.75 acres. Should the rezone request be approved, the applicant further proposes to subdivide the parcels into approximately 133 residential lots. A public hearing regarding the site specific rezone was held by the Carnation Hearing Examiner on December 10, 2019. The Hearing Examiner recommended approval of the site specific rezone request.

Location: 3440, 3660, and 3700 Tolt Avenue; Assessor Parcel Nos. 212507-9063, 212507-9062, and 212507-9035.

Proponent: MainVue WA, LLC, 1110 – 11th Ave Ne, Suite 202, Bellevue, WA 98004.

City Attorney Lell described the Appearance of Fairness Doctrine and how it applies to this closed record proceeding. City Attorney Lell asked the Councilmembers a series of questions for the purpose of disclosing any financial, business, familial or other personal interest in the outcome of the decision; any factors indicating bias or prejudgment regarding the underlying proposal; and any ex parte communications that may have occurred during the pendency of the proceeding. Councilmember Harris disclosed that he was a party of record. No other Councilmember gave an affirmative response to the questions about personal interest or bias. Ex parte communication was disclosed as follows:

Deputy Mayor Ribail disclosed that he had received two emails from citizen Nate Johnson, and communication from Tim Harris regarding SEPA.

Mayor Lisk disclosed that she had received two emails from citizen Nate Johnson, and communication from Tim Harris regarding SEPA. She had also observed posts on Facebook about the applicant and development proposal, and had received a question from Debbie Green about zoning.

Councilmember Hawkins disclosed that she received an email from citizen Nate Johnson on December 10.

Councilmember Harris disclosed that he had numerous communications regarding the requested rezone and underlying development proposal as a citizen and while campaigning for office in 2019. Councilmember Harris stated that he has carefully reviewed the administrative record for this proceeding, as well as the relevant provisions of the Carnation Municipal Code. He will inform his deliberations and vote on this issue exclusively by the evidence contained in the record, and by the decisional standards set forth in the CMC. He will approach this undertaking objectively, neutrally, and with an open mind, without bias for or against the rezone proposal and without prejudgment of the relevant issues.

No further disclosures were offered. Mayor Lisk asked if any person wished to rebut the disclosures or challenge the appearance of fairness of any Councilmember. No rebuttals or challenges were made.

Mayor Lisk read the text of the proposed ordinance by title. MOTION BY DEPUTY MAYOR RIBAIL AND SECOND BY COUNCILMEMBER HARRIS TO APPROVE AN ORDINANCE AMENDING THE ZONING DESIGNATION ON TAX PARCELS 212507-9063, 212507-9062, AND 212507-9035 FROM LIGHT INDUSTRIAL/MANUFACTURING AND SERVICE COMMERCIAL TO RESIDENTIAL 12. Council deliberation took place. MOTION
PASSED (3-2), COUNCILMEMBERS HARRIS AND GREEN VOTED NAY. Ordinance No. 927 assigned.

**AB20-05: Appointing Planning Board Members and Extending Terms.**

MOTION BY COUNCILMEMBER HAWKINS AND SECOND BY COUNCILMEMBER GREEN TO APPOINT BRUCE MCDONALD TO PLANNING BOARD POSITION 3 AND RE-APPOINT VITO ROMANO TO PLANNING BOARD POSITION 5 BOTH WITH TERMS EXPIRING IN DECEMBER 2023; AND EXTEND THE TERMS FOR PLANNING BOARD POSITIONS 2 AND 4 HELD BY NATE JOHNSON AND SALWA RAPHAEL THROUGH DECEMBER 2021. MOTION PASSED UNANIMOUSLY (5-0).

**AB20-06: Authorizing the 2020 Docket List.**

City Planner Smeller reviewed the list of amendments to the Comprehensive Plan and Land Use Code suggested by staff for work in 2020.

1. MOTION BY COUNCILMEMBER HAWKINS AND SECOND BY COUNCILMEMBER HARRIS TO ACCEPT DOCKET REQUEST #1 FOR INCLUSION WITHIN THE 2020 DOCKET, A REQUEST FROM STAFF TO AMEND COMPREHENSIVE PLAN CHAPTER 7 TRANSPORTATION ELEMENT. MOTION PASSED UNANIMOUSLY (5-0).

2. MOTION BY COUNCILMEMBER GREEN AND SECOND BY DEPUTY MAYOR RIBAIL TO ACCEPT DOCKET REQUEST #2 FOR INCLUSION WITHIN THE 2020 DOCKET, A REQUEST FROM STAFF TO AMEND COMPREHENSIVE PLAN CHAPTER 9 CAPITAL FACILITIES ELEMENT. MOTION PASSED UNANIMOUSLY (5-0).

3. MOTION BY DEPUTY MAYOR RIBAIL AND SECOND BY COUNCILMEMBER GREEN TO ACCEPT DOCKET REQUEST #3 FOR INCLUSION WITHIN THE 2020 DOCKET, A REQUEST FROM STAFF TO AMEND CHAPTER 15.40 CMC PERMISSIBLE USES. MOTION PASSED UNANIMOUSLY (5-0).

4. MOTION BY COUNCILMEMBER HARRIS AND SECOND BY DEPUTY MAYOR RIBAIL TO ACCEPT DOCKET REQUEST #4 FOR INCLUSION WITHIN THE 2020 DOCKET, A REQUEST FROM STAFF TO AMEND CHAPTER 15.32 CMC NON-CONFORMING SITUATIONS. MOTION PASSED UNANIMOUSLY (5-0).

5. MOTION BY COUNCILMEMBER HAWKINS AND SECOND BY COUNCILMEMBER GREEN TO ACCEPT DOCKET REQUEST #5 FOR INCLUSION WITHIN THE 2020 DOCKET, A REQUEST FROM STAFF TO AMEND CHAPTER 15.18 CMC LAND USE APPROVALS. MOTION PASSED UNANIMOUSLY (5-0).

6. MOTION BY COUNCILMEMBER GREEN AND SECOND BY COUNCILMEMBER HARRIS TO ACCEPT DOCKET REQUEST #6 FOR INCLUSION WITHIN THE 2020 DOCKET, A REQUEST FROM STAFF TO AMEND CHAPTER 15.76 CMC SCREENING, LANDSCAPING, AND TREES. MOTION PASSED UNANIMOUSLY (5-0).

7. MOTION BY DEPUTY MAYOR RIBAIL AND SECOND BY COUNCILMEMBER HARRIS TO ACCEPT DOCKET REQUEST #7 FOR INCLUSION WITHIN THE 2020 DOCKET, A REQUEST FROM STAFF TO AMEND CHAPTER 15.48 CMC DENSITY AND DIMENSIONAL REGULATIONS. MOTION PASSED UNANIMOUSLY (5-0).

**AB20-07: Teamsters CBA 2020-2022.**

MOTION BY COUNCILMEMBER HAWKINS AND SECOND BY COUNCILMEMBER HARRIS TO AUTHORIZE THE CITY MANAGER TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE TEAMSTERS LOCAL 763 REPRESENTING PUBLIC WORKS AND CLERICAL EMPLOYEES FOR THE YEARS 2020 THROUGH 2022. MOTION PASSED UNANIMOUSLY (5-0).
AB20-08: MOTION BY COUNCILMEMBER HARRIS AND SECOND BY COUNCILMEMBER GREEN TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE ADDENDUM #2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH OTAK, INC., FOR SERVICES RELATED TO THE ACQUISITION OF ROW FOR THE TOLT AVENUE CBD IMPROVEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED $32,079. Discussion took place. MOTION PASSED UNANIMOUSLY (5-0).

AB20-09: CODE ENFORCEMENT COMPLIANCE AGREEMENT. MOTION BY DEPUTY MAYOR RIBAIL AND SECOND BY COUNCILMEMBER GREEN TO AUTHORIZE THE CITY MANAGER TO EXECUTE A COMPLIANCE AGREEMENT WITH JEFFREY PARKS FOR CODE ENFORCEMENT RESOLUTION. MOTION PASSED UNANIMOUSLY (5-0).

ADDITIONAL BUSINESS & DISCUSSION ITEMS: Recology contract expiration in December 2020: City Manager Arrington reported that the contract with Recology for solid waste collection expires in December but provides an option for two renewals with two-year terms. She inquired if the Council would be interested in renewal of the contract as-is, or if they’d prefer to negotiate changes and/or go out to competitive bid. Deputy Mayor Ribail would like to discuss a rate freeze with Recology.

RCW 9.46.240 Gambling Information, Transmitting or Receiving: Deputy Mayor Ribail described the recent actions by the state gambling commission which are limiting the ability of non-profit organizations such as senior centers and PTSAs to sell tickets online for bingo events.

The Council reviewed and discussed the preliminary agenda items for upcoming meetings. Councilmember Harris would like to hear a presentation from the Riverview School District Superintendent regarding the district’s bond proposition at the February 4 regular meeting. Discussion took place about the timeframe for scheduling an amendment to the Council Rules of Procedure to revise the liaison list as discussed at the January 7 council meeting, agreement was reached to bring the rules forward in a few months when work related to the design and bid package for the Tolt Avenue CBD Improvements Project has been completed.

ADJOURNMENT: There being no further business before the City Council, the meeting adjourned by common consent at 9:04 PM.

Approved at the regular meeting of the Carnation City Council on February 4, 2020.

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MAYOR, KIMBERLY LISK

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CITY CLERK, MARY MADOLE