

**TOWN OF HUNTS POINT**  
**SPECIAL COUNCIL MEETING**

**March 21, 2011**



**CALL TO ORDER**

Mayor Fred McConkey opened the meeting at 7:10 P.M. Councilmembers Dee Claypool, Jill Davis, Ted Frantz, Kevin Hughes, and Heather Smith were present. Staff present was Assistant Town Attorney Margaret King, Town Planner Mona Green and Deputy Clerk Linda Longmire. Resident Dr. Ernest Norehad was also in attendance.

**EXECUTIVE SESSION**

Mayor McConkey asked for a motion to move into executive session to discuss potential litigation and litigation.

**MOTION:** I move to go into executive session to discuss litigation and potential litigation. Moved by Claypool, seconded by Hughes. Passed 5 – 0.

**MOTION CARRIED**

Mayor McConkey anticipated the executive session to close at 8:00 P.M.

Dr. Norehad and Deputy Clerk Longmire excused themselves from council chambers.

**SPECIAL COUNCIL MEETING**

The special council meeting resumed at 8:04 P.M.

Town Attorney King stated that the executive session will be broken into two parts for the purpose of some of the council members to recuse themselves on a litigation aspect of the executive session. At this time we will come out of the executive session to determine if anyone wants to take any action on the issue of potential litigation.

**MOTION:** I move to resume the executive session to continue discussion on litigation and potential litigation. Moved by Frantz, seconded by Davis. Passed 5 – 0.

**MOTION CARRIED**

Town Attorney King anticipated the executive session to close at 9:00 P.M.

Mayor McConkey and Councilmembers Davis and Smith recused themselves from the second part of the executive session.

**SPECIAL COUNCIL MEETING**

The executive session ended at 9:00 P.M. and the special council meeting resumed.

Councilmember Frantz reported that in the second executive session it was determined that there is no action.

**SPECIAL COUNCIL MEETING**

**March 21, 2011**

**Page 2 of 3**

Mayor McConkey asked if there was any action from the first part of the executive session.

**MOTION:** I move to reaffirm our support for the loop design at the 84<sup>th</sup> interchange as the Council unanimously voted for in September 2010, December 2010 and March 2011 and we direct Mayor McConkey to hire outside environmental legal counsel for the initial expenditure of up to \$15,000 to explore all avenues to retain the loop design. Moved by Hughes, seconded by Davis. Failed 2 – 3. (Nay Claypool, Frantz, Smith).

**MOTION FAILED**

In the discussion of the motion, Councilmember Frantz stated that he thought that we are beyond the point in discussing with WSDOT the SR 520 design. He thought legal action or anything else won't get the loop design. WSDOT has stated that they are now in the building phase.

Councilmember Davis suggested one last push could be made to state that we've done everything that we can and to see if there is any movement at all.

Councilmember Claypool stated that she thinks that we are bypassing the issue of consensus that WSDOT required and asked Town Attorney King if the action was worth pursuing.

Town Attorney King stated that she would rather provide her advice on that issue in executive session.

**MOTION:** I move that we authorize the SR 520 Traffic Committee to assume sole responsibility and authority to act on behalf of Hunts Point to negotiate with WSDOT, the Governor, and with litigants in the Shoreline Hearing Board Appeals with the objective of retaining the loop design, and ensuring full compliance with Hunts Point Shoreline Master Program. Moved by Hughes, seconded by Davis.

Failed 1 – 4. (Nay Claypool, Davis, Frantz, Smith).

**MOTION FAILED**

In the discussion of the motion, Councilmember Frantz thought the motion puts us at odds with the RCW for it basically gives authority that Town's elected officials have as their responsibility.

Town Attorney King stated that from a legal standpoint she would advise that she didn't believe the Council legally can convey their authority to a committee.

Councilmember Frantz inquired if the April 4, 2011 Council meeting should be moved due to the anticipated absence of Mayor McConkey and Councilmember Hughes. The question was also asked if there should be a Special Council meeting after the March 23<sup>rd</sup> WSDOT Chinook Middle School meeting. It was determined to proceed with the regular scheduled meeting.

The Mayor briefly summarized what would be presented at the WSDOT March 23<sup>rd</sup> Open House and noted that there were 15 mitigated points conceded in the half-diamond

**SPECIAL COUNCIL MEETING**

**March 21, 2011**

**Page 3 of 3**

design. He thought a great deal of progress had been made and he would like to move forward and have the backing of the Town Council members.

Councilmember Frantz stated that he thought Mayor McConkey had done an incredible job. He always had the best interest of the town. It's a process and good faith efforts were made

It was noted that the newsletter will be sent out in the near future and that the Tully's town meeting would be cancelled because it would cover the same information that is to be on the WSDOT Open House agenda.

**ADJOURNMENT**

Mayor McConkey adjourned the meeting at 9:30 PM.

\_\_\_\_\_  
Deputy Clerk/Treasurer

**APPROVED** \_\_\_\_\_