

**City of Kenmore
City Council Regular Meeting
Minutes
January 13, 2020**

CALL TO ORDER - David Baker called the meeting to order at 7:00 p.m.

ROLL CALL

Councilmember David Baker
Councilmember Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Melanie O'Cain

SWEARING IN OF COUNCILMEMBERS

King County Councilmember Dembowski conducted the swearing in of Councilmembers David Baker, Milton Curtis, Corina Pfeil and Melanie O'Cain.

ELECTION OF MAYOR

MOTION: Councilmember Curtis nominated David Baker to the position of Mayor.

There were no further nominations.

MOTION VOTE: The motion passed unanimously.

ELECTION OF DEPUTY MAYOR

MOTION: Councilmember Pfeil nominated Nigel Herbig to the position of Deputy Mayor.

There were no further nominations.

MOTION VOTE: The motion passed unanimously.

FLAG SALUTE

AGENDA APPROVAL

CITIZEN COMMENTS

Erin Cole
17111 94th Place NE
Bothell, Washington 98011

Ms. Cole stated she was a teacher for Camp Roots. She is not in favor of developing the St. Edward ballfields.

Tracy Banaszynski
5863 NE 197th Street
Kenmore, Washington 98028

Ms. Banaszynski also spoke against the development of the ballfields and spoke about climate concerns.

Elizabeth Mooney
5934 NE 201st Street
Kenmore, Washington 98028

Ms. Mooney spoke about the climate change summit. She supports the first two people who spoke.

Phyllis Finley
5962 NE Arrowhead Drive
Kenmore, Washington 98028

Ms. Finley urged the Council to remove the St. Edward ballfield from the PROS Plan document.

Peter Lance
6501 NE 151st Street
Kenmore, Washington 98028

Mr. Lance stated that the Council should shelve the ballfield project until after the Lodge is built.

Vicki Grayland
20308 73rd Avenue NE
Kenmore, Washington 98028

Ms. Grayland stated it was irresponsible to go forward with the ballfield project.

City of Kenmore - City Council Meeting Minutes
January 13, 2020

Nadia R. Silver
18230 70th Lane NE
Kenmore, Washington 98028

Ms. Silver spoke in favor of the vaping age being 21. She thanked the Council for all that they do.

John Hendrickson
5919 NE 202nd Lane
Kenmore, Washington 98028

Mr. Hendrickson stated that he doesn't believe David Baker should be the Mayor. He also spoke about a few other City projects.

Karen Prince
15122 65th Avenue NE
Kenmore, Washington 98028

Ms. Prince spoke against the ballfields and the need to protect the environment.

JOINT MEETING WITH THE PLANNING COMMISSION

Present the Recommended Parks, Recreation and Open Space (PROS) Plan - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

The Planning Commission presented recommendations on the updated Parks, Recreation and Open Space (PROS) plan to the Council.

The Planning Commission has been reviewing the PROS Plan since last spring. The PROS Plan is a requirement for grant funding from the Washington Recreation and Conservation Office (RCO) and must be updated every six years. The City's last PROS Plan was adopted in 2013. The new Plan must be adopted and forwarded to the State by March 1, 2020 to maintain grant eligibility for the coming years.

The draft Plan is included as Attachment 1 in the Council packets. Later this year, components of the Plan will be considered for adoption into the City's Comprehensive Plan and Capital Facilities Element.

Significant changes from the 2013 Plan include:

- Updated time horizon for the Plan to 2040.
- Significant new community outreach efforts, including a statistically valid community survey, an informal follow-up survey and a community open house.

- An updated inventory, reflecting new construction, including the Hangar and Town Square.
- A simplification of the park classification system, eliminating previously-overlapping categories.
- Information on park programming. Although it is anticipated that programming will continue to be a private effort supported by the City, new details are added.
- A walkshed analysis. This is a new feature used to identify potential gaps in park access.
- Minor changes to the vision and goals.
- A completely new demand and needs analysis. This analysis, using a variety a demand and need parameters, was not part of the 2013 PROS Plan.
- Additional detail on needs related to athletic sports and rowing and water sports.
- A variety of new potential projects, including a Moorlands trail connection, Phase 2 of Squire's Landing, partnership in a regional aquatics/community center, and continuation of, or replacement for, the Bastyr ballfields. Additional projects are identified with no funding assigned (Safe Routes to Parks, ADA/universal access, repair and maintenance, public arts and culture, etc.). These needs have not been assessed or ranked so funding levels are not known at this time. Too, some of these projects may be included in already-funded parks projects.
- A new Capital Facilities Plan (CFP) identifying 20 years of short, mid- and long-term parks projects.
- A level of service analysis.

Council and staff engaged in a discussion. This item will come back to Council for action at a future meeting.

Present Recommended Accessory Dwelling Unit (ADU) Code Amendments - Debbie Bent, Community Development Director and Lauri Anderson, Principal Planner

The Planning Commission presented recommendations on Accessory Dwelling Unit (ADU) regulations to the Council.

The Planning Commission has been studying the City's ADU regulations since last summer and has now developed recommendations on changes to the existing rules that would encourage additional ADU development. The recommended amendments are included in Attachment 1 in the underline/strike-through format. If Council requests additional information, directs substantive changes or has questions that cannot be addressed at the January 13th meeting, then staff will provide a response at the January 27th Council meeting. Staff anticipates bringing an ordinance for Council consideration at the February 10th Council meeting if there are no substantive changes. Substantive changes could result in the need for a Public Hearing which would extend the date for consideration of ordinance adoption.

Significant changes to the existing rules include:

- A homeowner could have up to 2 ADUs on their lot—one attached and one detached.
- A detached ADU could be permitted on a lot of 4,500 sq.ft. in size or larger but must be separated from the primary residence by a minimum of 5'.
- Maximum ADU sizes range from 600-1,000 sq.ft. for a detached ADU. An attached ADU generally cannot exceed 1,000 sq.ft.
- The maximum height for a detached ADU would continue to be 35'. However, the detached ADU may not exceed one story over a detached garage or two stories if built at ground level.
- One parking space continues to be required for each ADU.
- The city manager would be allowed to consider an exception to the owner occupancy rules for up to one year in cases of hardship or when a close relative of the owner will occupy the residence and act in his/her stead.
- In the R-4 and R-6 zoning districts that require a 20' rear yard, the ADU may be placed in the rear yard, but no closer than 10' to the rear lot line.

The Planning Commission also recommends that the Council consider additional supportive steps for ADUs:

- Preapproved plans and expedited permit processing:

Several jurisdictions (including Kirkland) as well as MyBuildingPermit.com (a branch of the eCitygov.alliance) are considering the creation of preapproved building plans to streamline the ADU permit application process. The Commission raised some concerns about municipal liability with pre-approved plans and targeting work to only certain builders, but agreed that the idea had merit. The Planning Commission also encourages expedited permit review processing for ADUs, generally.

- Educational Efforts:

Successful ADU regulations have been accompanied by simultaneous educational promotion. The Planning Commission supports educational efforts, including a guide to ADU development and updated information on the website.

- Amnesty Program:

It is unclear how many illegal ADUs exist within the city boundaries. An amnesty program could be drafted to legalize those ADUs which comply with baseline regulatory requirements. Exemptions for regulatory non-compliance can be explored in cases that don't constitute safety risks. While the Planning Commission wanted to forward this idea to the Council, they agreed that it was a complex idea and might require significant staff time. If amnesty were to be considered, the Commission thought a time horizon should be established to encourage action.

- Lending & Financial Assistance Options:

The most ambitious and potentially problematic policy action in reference to ADUs is to directly intervene in the lending market through discussion with lenders. Only a small number of ADU owners are able to finance their ADU by borrowing against expected future value of the ADU. The Planning Commission supports the idea of asking ARCH to begin a conversation with financial institutions about specific ADU lending vehicles.

Kenmore already waives ADU impact fees to provide financial assistance for ADU development. In alignment with this strategy, Kenmore could further consider reduced permit review fees and utility fees, although utility fee reductions would require coordination with the Northshore Utility District.

ADUs are smaller dwelling units placed on the same lot as a preexisting single-family residence. The City's current regulations, which have been in place since incorporation in 1998, allow both attached and detached ADUs in the City, although detached ADUs are not permitted on lots smaller than 10,000 sq. Ft. in size. Attached ADUs are those that are located inside the primary residence—for example, in a converted basement. Detached ADUs (sometimes called DADUs) are separate structures from the main house—sometimes built over a garage, in other cases as standalone structures.

ADUs provide a number of benefits: they can provide income to the homeowner, house family members, sometimes at no cost, or provide a more affordable type of housing in between an apartment and a detached single-family home. For these reasons, the City Council included a review of the City's ADU regulations as part of the 2016 Housing Strategy Plan to address housing affordability.

As an initial step in their review, the Planning Commission received a PowerPoint presentation on ADUs—describing what they are, why they are important and obstacles to their development (see Attachment 2 in the Council packets).

To further guide their decision-making, Commissioners reached consensus that code amendments to allow more ADU production:

- Are not necessary for achieving the city's general housing targets.
- Should seek to increase the variety of housing types in Kenmore.
- Should support ADUs as an affordable housing choice for families and individuals who need affordable housing.
- Should benefit homeowners, such as those who need or provide care to other family members, those who need supplemental financial assistance, and seniors who want to age in place.
- Should support single-family neighborhood character.
- Should avoid creating loopholes for developers to create excessive density, permit unattractive structures, or displace vulnerable residents through redevelopment.

City of Kenmore - City Council Meeting Minutes
January 13, 2020

The Commission reviewed standards from an ARCH working group and from several jurisdictions. At the public hearing on the project, two individuals spoke in support of the changes.

Council and staff engaged in a discussion. This item will come back to Council for action at a future meeting.

CONSENT AGENDA

MOTION: Councilmember O'Cain made a motion to approve the consent agenda, Mayor Baker seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Authorize the City Manager to Execute Contract 20-C2128 with Red Barn Engineering to Continue to Perform Development Engineering Inspection Services

Authorize the City Manager to Execute Contract 20-C2129 with PACE Engineering, Inc. to Perform Development Review Services

Authorize the City Manager to Enter into a Service Agreement with King County Department of Adult and Juvenile Detention Community Work Program

Authorize the City Manager to Sell the Recently Installed Lighting System Installed Along NE 181st Street (Between 65th Avenue NE and 67th Avenue NE) to Puget Sound Energy (PSE) and Execute a Bill of Sale and Transfer Agreement and Maintenance Order with Puget Sound Energy

Total Check #s 43919 through #44019 in the amount of \$1,037,906.84.

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 12/6/19 in the amount of \$154,133.96.

Investment Purchases Dated 10/29/19 and 11/1/19 in the amounts of \$1,002,595.00 & \$1,000,000.00.

W&W Bond Payment dated 12/2/19 in the amount of \$1,086,575.00.

Total Check #s 44020 through #44090 in the amount of \$257,474.52.

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated: 12/20/19.

Electronic Funds Transfer - 12/23/19 in the amount of \$4,749.83.

Receive and File October 2019 Financial Report for the City of Kenmore, Washington

BUSINESS AGENDA

West Sammamish River Bridge Project Budget Approval - John Vicente, City Engineer

City Engineer Vicente explained that the West Sammamish River Bridge Replacement Project (Project) includes replacement of the existing southbound bridge, widened pedestrian and bicycle facilities between NE 170th Street and NE 175th Street, street illumination, retaining walls, drainage improvements, landscaping, utility undergrounding, and signal improvements.

The project was advertised on October 14th and 6 bids were received on December 10th. The project bid was broken into two parts, Base Bid and Alternative Bid 1. The lowest bid received for the Base Bid was \$30,036,588.52. The lowest bid received for the Base Bid plus the alternative bid was \$31,318,343. Below were the elements of each bid part:

Base Bid:

- Bridge replacement
- Sidewalk and bike path on west side of 68th from 170th – 175th
- Sidewalk on 68th in front of Rhododendron Park
- New storm drainage and storm treatment facilities
- Underground of aerial utilities
- New street lighting
- Architectural features (accent lighting, decorative hand railing, bridge lookout area, concrete form lines, sidewalk scoring, landscape trellis)
- Edge and median landscaping
- New signals at NE 170th and NE 175th

Alternative Bid 1:

- New sidewalk and landscaping along the east side of 68th Ave NE from the NB bridge to NE 175th St
- Extend the NB right turn lane from NE 175th St to the bridge

The 3 year construction period and the permit restrictions are some of the reasons behind the higher than expected bids.

Council has two options for consideration: 1) funding the base bid and 2) funding the base bid plus the alternative bid. The following are reasons to support funding the base bid:

1. If the bids are rejected and the project is redesigned to reduce scope, it will require approximately 2 years before a new package can be completed (redesign and reinitiating permit review) and the project re-advertised.

City of Kenmore - City Council Meeting Minutes
January 13, 2020

2. Given the time frame and the general nature of rebidding, it is not expected that a redesigned package will produce bids lower than those received.
3. The Bridge needs to be replaced, postponing replacement could lead to further weight restrictions on the bridge to possible permanent closure to vehicular traffic.

Awarding the alternative bid provides the following benefits:

1. Including the alternative bid completes the corridor and provides for a “finished” look.
2. Extending the NB right turn lane helps with traffic flow on 68th.

The total projected cost to award the base bid of the project is estimated at \$43M and total project cost to award the base bid plus the alternative bid is \$44.42 million. The cost breakdown is as follows:

Base Bid Only (\$43M)	Base Bid + Alternative Bid (\$44.42M)
• Design: \$3.28M • Right of Way acquisition: \$1.28M • Construction (contract): \$30.04M • Construction (other¹): \$5.04M • Contingency: \$3.36M	• Design: \$3.28M • Right of Way acquisition: \$1.28M • Construction (contract): \$31.32M • Construction (other¹): \$5.04M • Contingency: \$3.5M

¹ Staff time, construction management consultant, engineering assistance, 10 year mitigation monitoring

The current available funding is between \$36,791,482 (Base+Alternative) and \$37,962,242 (Base). The difference in available funding is how the respective utilities contribute to the overall cost of the construction. Below is a breakdown on overall budget and additional funding needed:

Bid Option	Low Bid Amount	Other Construction Costs ²	Total Construction Budget ³	Councilmanic Debt Needed
Base Bid	\$30,036,588.52	\$8,400,900	\$33.4M	\$5.03M
Base Bid + Alternative Bid	\$31,318,343.00	\$8,540,901	\$32.2M	\$7.66M

² Staff time, construction management consultant, engineering consultant, construction contingency, 10-yr mitigation monitoring

³ Utility contribution for Base bid (\$3.03M) and for Base + Alternative Bid (\$1.86M)

A minimum of \$5.03M is needed to close the gap between the total project cost and the available funding. Staff recommends increasing the budget and proposes the following strategy to close the gap and fund the project:

- Issue debt in the amount of \$5.03M (\$7.66M if Base + Alternative bid is preferred) in 2021

- Utilize future REET and Transportation Impact Fee funds allocated to the Overlay Program to pay the debt. This would begin in 2022.

Staff will also request the State legislature to transfer \$5M (\$6M if Base + Alternative bid are preferred) of Connecting Washington Funds from the SR522 West B project to the W Sammamish River Bridge Project. Decision on this will not be known until April 2020. To award the project, however, the City must show a full funding strategy which is being accomplished through the debt service. If the State approves the transfer, the debt service will be reduced by the amount transferred by the State.

MOTION: Councilmember Curtis made a motion to approve the West Sammamish River Bridge Project Budget, Deputy Mayor Herbig seconded the motion. The motion passed unanimously.

Review and Appoint Council Committees

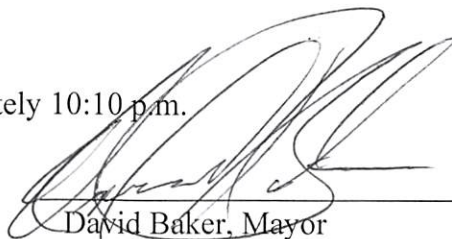
Council and staff discussed Council committee assignment for 2020.

STAFF REPORT

Open Government Training for Councilmembers – Dawn Reitan, City Attorney

ADJOURNMENT

The meeting was adjourned at approximately 10:10 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk