

**City of Kenmore, Washington
City Council Regular Meeting Minutes
September 11, 2017**

CALL SPECIAL MEETING TO ORDER — The Kenmore City Council special meeting was called to order by Mayor Baker at 6:00 p.m.

EXECUTIVE SESSION

Mayor Baker recessed the special meeting to an executive session at 6:00 p.m. to discuss Litigation and Potential Litigation with legal counsel, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 60 minutes.

At 7:00 p.m., the Mayor extended the executive session for 20 minutes.

The meeting reconvened to regular session at 7:22 p.m.

CALL MEETING TO ORDER — The Kenmore City Council meeting was called to order by Mayor Baker at 7:22 p.m.

Councilmembers present:

Mayor David Baker
Deputy Mayor Allan Van Ness
Councilmember Brent Smith
Councilmember Laurie Sperry
Councilmember Milton Curtis
Councilmember Nigel Herbig
Councilmember Stacey Denuski

Staff present:

Rob Karlinsey, City Manager
Nancy Ousley, Assistant City Manager
Joanne Gregory, Finance and Administration Director
Debbie Bent, Community Development Director
Bryan Hampson, Development Services Director
John Vicente, City Engineer
Rod Kaseguma City Attorney
Lauri Anderson, Senior Planner
Kelly Chelin, City Clerk

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The agenda was approved as submitted.

The Mayor read a few words aloud about the anniversary of 9/11/11. There was a moment of silence in observance of all of the lives lost and the first responders.

PRESENTATIONS

Outgoing Community Relations Manager Leslie Harris - Rob Karlinsey, City Manager

City Manager Karlinsey presented outgoing Community Relations Manager Leslie Harris with a few gifts from the City. He stated that she will be missed after 11 years of service to the City.

CITIZEN COMMENTS

Phyllis Finley
5962 NE Arrowhead Drive
Kenmore, Washington 98028

Ms. Finley asked the Council about the City's emergency fund after watching the news on Hurricane Irma. She also asked the Council how much St Edward ballfield study is costing the City.

Robert Luke
6365 NE 193rd Place
Kenmore, Washington 98028

Mr. Luke is from the Kenmore Bothell Interfaith group. He submitted a letter to the Council asking for \$2,000 to fund an emergency shelter for the month of October in the City.

Karen Prince
15122 65th Avenue NE
Kenmore, Washington 98028

Ms. Prince spoke to the ballfield proposal at St. Edwards. She urged the Council to find a different location for many environmentally sound reasons. She submitted a letter for the record.

Kim Allen
113 Cherry Street
Seattle, Washington 98124

Ms. Allen is from Wireless Policy Group LLC and she submitted a letter for the record regarding the small cell definition discussion on the agenda later in the meeting.

Vicki Grayland
20308 73rd Avenue NE
Kenmore, Washington 98028

Ms. Grayland spoke to the Council regarding the St. Edward ballfields. She asked the Council to look at a different location and maybe partner with the school district.

Corina Pfeil
Kenmore, Washington 98028

Ms. Pfeil asked the Council to consider an ordinance that would require landlords to give more notice before increasing the rent on tenants.

CONSENT AGENDA

Councilmember Sperry moved to approve the consent agenda as submitted, Councilmember Denuski seconded the motion. The motion passed 7-0.

The consent agenda included the following:

The following checks and electronic payments are approved for payment:

Total check numbers: 37541 through 37626 in the amount of \$635,902.04.

The following checks and electronic payments are approved for payment:

Total check numbers 37627 through 37753 in the amount of \$1,403,433.22.

Payroll check numbers: 10075-10076 in the amount of \$1,200.65.

Total payroll and health savings account electronic deposits dated 8/18/17 in the amount of \$107,981.00.

City Council Meeting Minutes of July 17, 2017 and July 24, 2017

Adoption of the Revised City Information Technology Policy

Authorize the City Manager to Execute Contract Agreements with all Agencies within the West Sammamish River Project Limits for the Undergrounding Design and Construction of the West Sammamish River Project not to Exceed \$625,000.

Approve the Bill of Sale Agreement with One Reel Accepting the Donation of the Lakeside Upright Piano

BUSINESS AGENDA

Discussion/Update on 2017 and 2018 Sessions of the Washington State Legislature - Nancy Ousley, Assistant City Manager and Consultants from Gordon Thomas Honeywell

The following topics were discussed with the Council:

Reconnecting Kenmore's Downtown to Lake Washington

Kenmore requests that the State alleviate the impacts of the state transportation system on the local community by reconnecting the city's downtown with the Lake Washington waterfront. Despite recent improvements to State Route 522 to increase transit and vehicle capacity and improve pedestrian safety, congestion on State Route 522 continues to worsen, making it increasingly difficult for city residents to access local businesses, and generally move within the city. Regional decisions regarding the State's transportation system, including imposing tolls on SR 520, and the failure of the state system to handle daily commuter traffic, has resulted in more drivers opting to travel on State Route 522 through Kenmore.

State Route 522 divides Kenmore's downtown from its waterfront. The City asks that the State invest \$1million for preliminary project development of a multimodal grade-separated route, above or below SR 522, to allow Kenmore residents to more easily move within the city and to connect the city's downtown to the Lake Washington waterfront. The total anticipated project cost is \$25-\$30 million.

Propel Lakepointe Development

Lakepointe is the last remaining undeveloped property of its size on Lake Washington - a 47-acre site poised to become a dynamic mixed-used transit-oriented development with housing, office and retail space, hotel, marina and nearly a mile of public shoreline public access. A longstanding barrier to redeveloping the Lakepointe property stems from site conditions that are the result of a State transportation project - when Interstate-5 was built in Seattle, WSDOT used the Lakepointe site as a landfill for construction and demolition debris. As a result, deep foundation systems featuring several thousand pilings are required for the property to be developed, adding substantial costs of potentially over \$105 million to any redevelopment project.

To alleviate these extraordinary costs related to the site's prior use by the State, the City of Kenmore requests that the State provide the economic development tools and incentives necessary to allow this property to overcome this hurdle and be developed. Without these incentives, the steep infrastructure and other project costs will continue to cause this vital waterfront site to languish and not redevelop. Even with the proposed incentives, the redevelopment of this site has the potential to offer a significant financial return on investment at both the state and local levels.

Pass a 2017-19 Capital Budget that includes the following projects which were included in the version that was released on July 20, 2017:

Boathouse on Sammamish River/Lake Washington - \$250,000

The boathouse will be constructed in partnership with the Northshore School District and will result in youth recreation programming, public high school rowing programs and other waterfront opportunities for the public. Moorlands Park Improvements - \$250,000

Improvements at Moorlands Park include a new ballfield, a new play structure, trails, restrooms, and picnic facilities.

Public Works Assistance Account - \$1.5 million

The City supports passage of a capital budget that allocates \$97 million toward the PWAA current loan list which includes a \$1.5 million loan for culvert replacement & embankment repair at 6151 Ave NE and NE 190th Street Saint Edward State Park Investments \$500,000 for Saint Edward Park Ballfield Improvements from WWRP and \$250,000 from YAF \$75,000 for a strategic plan for an Environmental Learning and Research Center at Saint Edward State Park

Local Control on Asphalt Plant Regulations

An asphalt plant is located in the City of Kenmore, near downtown, SR 522 and residential areas. The asphalt plant has been operating for decades and is a legal nonconforming use. The City asks that the State give local cities additional, local option regulatory authority over asphalt plants to ensure that the plant operates in a manner that is mindful of the surrounding urban neighborhoods.

Clarification of Zoning Code Section 18.20.2765 Definition of Small Cell - Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

Senior Planner Anderson explained that in October 2016, as part of the code amendments related to wireless communications facilities, the City Council adopted a reduced permit review process for "small cells." At the time, a definition of "small cell" was added to the Zoning Code that

paralleled the definition used in State law. The language was not, however, identical. Kenmore's adopted small cell definition mandates that all antennas in a facility occupy a space no larger than 3 cubic feet. The State's small cell definition would allow each antenna in a small cell facility to be up to 3 cubic feet in size, with no limitation on the number of antennas.

Staff presented examples of "small cells" at the July 11, 2016 joint City Council/Planning Commission meeting on the wireless topic. On September 12, 2016, prior to ordinance adoption, staff sent an email to the City Council in response to the carriers' request to make small cells an outright permitted use in all zones stating, "The small cell request came late to the Planning Commission and they did not discuss specific recommendations. Staff is concerned that the definition of small cell as proposed [by the carriers] could allow a fairly substantial facility on a utility pole without public comment if permitted outright." In the draft code amendments presented to the City Council, Staff adjusted the State definition to reflect local expectations of the size of "small cells."

Verizon recently proposed a series of facilities along 61st Avenue NE that would place two antennas on multiple utility poles. The combined size of the two antennas would exceed the 3-cubic foot limitation of the City's definition. For this reason, Verizon and the other carriers are asking that the City revise its definition to exactly match the dimensional standards in State law. It should be noted that there is no State mandate to make the definitions match.

Given prior descriptions of small cells as "suitcase-sized" and given the illustrations provided to the City Council last year, the 3 cubic feet allowance for a facility should be adequate. According to CTIA, the organization representing the U.S. wireless communications industry (which submitted a comment letter during the City's original review process), "Small cells are low-powered wireless base stations that function like traditional cells in a mobile wireless network, but are a fraction of the size of macrocells (**often, the size of a ream of paper or smaller**) ..." In a report by Accenture (2017) promoted by CTIA: "Complementing the existing macro cell sites, these small cells **can be the size of a shoe box** and discretely deployed nearly anywhere – from street lamps and utility poles to the sides of buildings." In material provided to the Association of Washington Cities during the State legislature's discussion of small cells this year, AT&T provided additional examples of small cells (see Attachment 6). Apparently, the verbal descriptions and small cell photos provided during discussion of the small cell issue do not accurately reflect the range of small cell sizes the carriers actually anticipate.

Staff recommends that if the City Council wishes to entertain a Zoning Code amendment to adjust the allowable size for small cell wireless communication facilities, the allowable size not match that allowed in State law, but be more carefully crafted to match the maximum size of the actual small cells used by the carriers.

Council and staff engaged in a discussion. Council asked staff to provide options addressing the size of "small cells" in the code. Staff will bring back this topic for further discussion at a future meeting.

2018-2023 Six-Year Transportation Improvement Program - John Vicente, Acting City Engineer

Engineer Vicente stated that in accordance with RCW (35.77.010), the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The purpose of the TIP is to assure that each city "perpetually have available advanced plans looking to the future for not less than six years as a

guide in carrying out a coordinated transportation program". The 6-year TIP has been prepared and is attached to Resolution 17-299.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with the Transportation element of the City's adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds, secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be "in hand" to include a project in the TIP.

The recommended TIP continues the City's emphasis on multimodal transportation safety including improvements to SR 22, Juanita Drive and 68th Avenue sidewalks and bike lanes, sidewalk projects located near Arrowhead Elementary and downtown, and the West Sammamish River Bridge replacement. It is acceptable to modify the project list, scopes and budget annually. The TIP may also be modified at any time during the year as needed.

The Mayor opened the public hearing at 8:56 p.m.

There were no public comments.

The Mayor closed the public hearing at 8:57 p.m.

MOTION: Councilmember Curtis made a motion to approve Resolution #17-299 Adopting the 2018-2023 Six-Year Transportation Improvement Program, Councilmember Herbig seconded the motion. The motion passed unanimously.

STAFF REPORT

Assistant City Manager Ousley reported that the open house for Mary's Place will be happening soon. There have been a few work parties and several volunteers working hard to help Mary's Place open in Kenmore.

COUNCIL REPORTS

Councilmember Herbig asked the Council to consider the request that was made earlier from the Kenmore Bothell Interfaith Group for \$2,000. He urged the Council to support the request. Council discussed the request.

MOTION: Councilmember Herbig made a motion to bring the back the \$2,000 request from Kenmore Bothell Interfaith Group, Deputy Mayor Van Ness seconded the motion. The motion passed unanimously.

ADJOURNMENT

Mayor Baker adjourned the meeting at 9:13 p.m.



David Baker, Mayor

ATTEST: 
Kelly M. Chelin, City Clerk