

City of Kenmore



City of Kenmore - 18120 68th Avenue NE Kenmore, WA 98028 Phone: 425-398-8900
Agendas also available at www.kenmorewa.gov E-mail: cityhall@kenmorewa.gov

City Council Special & Regular Meeting Agenda

November 8, 2021 - 6 PM

VIA ZOOM - LINK: <https://us02web.zoom.us/j/84140067238>

US: +12532158782,,84140067238# or +13462487799,,84140067238#

Or Telephone: Dial US: +1 253 215 8782

Webinar ID: 841 4006 7238

I. CALL SPECIAL MEETING TO ORDER - 6 PM

II. ROLL CALL

III. EXECUTIVE SESSION

- A. Pursuant to RCW 42.30.110(1)(i), the City Council will now enter a closed executive session to discuss pending and potential litigation, and pursuant to RCW 43.30.110 (1) (b), to consider real estate acquisition.

IV. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

V. ADJOURN SPECIAL MEETING

VI. CALL REGULAR MEETING TO ORDER - 7 PM

VII. ROLL CALL

VIII. FLAG SALUTE

IX. AGENDA APPROVAL

X. PROCLAMATION

- A. Hunger and Homelessness Awareness Week to be accepted by Lauren McGowan, Associate Vice President, Ending Homelessness & Poverty, United Way of King County
[Hunger and Homelessness Awareness Week](#)

XI. PRESENTATION

- A. Northshore School District - Capital Facilities Plan
[CFP presentation - City of Kenmore](#)

XII. PUBLIC COMMENTS

- A. We want to welcome our community members to the Council's meeting. In this forum, the Council does not engage or dialogue with the public; the primary role of the Council is to listen. All comments must be addressed to the Mayor and City Council. Please use the "raise hand" feature if you wish to speak. The Clerk will acknowledge your request and call your name when it is your turn. Your time will start when we confirm that we can hear you. Please state your name, city of residence for the record and keep your comments to the allotted time. Your time cannot be granted to another and your clock time will not be reset unless there are extenuating circumstances *and* the Presiding Officer has expressly allowed it. Screen-sharing is not allowed; you can submit materials to the Council or Clerk in advance. Please do not comment about pending development projects on which the Council will make future decisions as those are quasi-judicial matters, and Councilmembers must limit their communications about such matters. This meeting is being recorded. Thank you for taking the time to express your comments.

XIII. CONSENT AGENDA

- A. [City Council October 11, 2021 Regular Meeting Minutes](#)
[City Council October 18, 2021 Special Meeting Minutes](#)
[City Council October 25, 2021 Regular Meeting Minutes](#)
[City Council October 26, 2021 Special Meeting Minutes](#)

XIV. BUSINESS AGENDA

- A. Ordinance No. 21-0534, Relating to Animal Care and Control, Amending Sections 6.05.010 and 6.10.050 of the Kenmore Municipal Code, presented by Code Enforcement Officer Bridgit Baker, *for Adoption*
[Agenda Bill - Animal Code Amendments](#)
[Ordinance No. 21-0534 - Animal Code Amendments](#)
[Exhibit A - Ordinance 21-0534 - Animal Code Amendments](#)
- B. 2022 Pedestrian Facilities Update, presented by City Engineer John Vicente, *for Discussion*
[Agenda Bill - 2022 Pedestrian Facility Program Update](#)
[Exhibit A - North Kenmore Priority Projects](#)
[Exhibit B - South Kenmore Priority Projects](#)
[Presentation - 2022 Pedestrian Facility Plan Nov 2021](#)
- C. Traffic Photo Enforcement Program, presented by City Traffic Engineer Tobin Bennett-Gold, *for Discussion*
[Agenda Bill - Automated Traffic Photo Enforcement](#)
[Tech Memo - Photo Enforcement Program](#)
[Presentation -Photo Enforcement](#)

- D. Kenmore Farmers Market Proposal, presented by Assistant City Manager Nancy Ousley, Event Assistant Nicole Suarez, and Volunteer & Events Supervisor Stephanie Brown, *for Discussion*

[Agenda Bill - Farmers Market](#)

[Presentation - Farmers Market November 8](#)

XV. STAFF REPORT

XVI. COUNCILMEMBER REPORTS & COMMENTS

XVII. ADJOURNMENT

XVIII. UPCOMING MEETINGS

- A. November 15, 2021 Regular Meeting
November 22, 2021 Regular Meeting
November 30, 2021 Special Meeting
December 6, 2021 Special Meeting

City of Kenmore, Washington

Hunger and Homelessness

Awareness

November 2021

PROCLAMATION

WHEREAS, for the past several years, the National Coalition for the Homeless and National Student campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

WHEREAS, the purpose of the proclamation is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Kenmore for very low-income residents; and to encourage support for homeless assistance service providers as well as community service opportunities for students and school service organizations; and

WHEREAS, no parent should have to send a child to school hungry, no baby should be without the comfort of the nourishment needed for mental and physical growth, no elderly person's health should be jeopardized by lack of appropriate foods; and

WHEREAS, all people should have access to safe, healthy, and affordable homes within their communities; and

WHEREAS, rising costs due to gentrification, lack of publicly owned affordable housing, and the COVID-19 pandemic have exacerbated both food insecurity and the homelessness crisis; and

WHEREAS, the City has partnered with the many organizations committed to sheltering and providing supportive services as well as meals and food supplies to people experiencing homelessness including Camp Unity, Mary's Place, Lake City Partners Ending Homelessness, Hopelink and others; and

WHEREAS, the City Council recognizes that hunger and homelessness continue to be a serious problem for many individuals and families in Kenmore; and

NOW, THEREFORE, I, David Baker, Mayor of the City of Kenmore, on behalf of the City Council, do hereby proclaim November 13-21, 2021, Hunger and Homelessness Awareness Week and encourage all residents to recognize that many people do not have adequate food or housing and need support from neighbors, and private entities, government entities, and non-profit partners

IN WITNESS WHEREOF, signed this 8th Day of November 2021



Signed: _____

Mayor David Baker

Attested: _____

City Clerk Anastasiya Warhol

Northshore School District

Capital Facilities Plan 2021 Update



Capital Facilities Plan - Background

The Capital Facilities Plan is a six-year plan (updated annually)

- Complies with the Growth Management Act
- Outlines projected student enrollment and identifies recent trends
- Discusses the District's standard of service and existing capital facilities inventory
- Identifies the District's facility needs and growth-related projects
- Includes a six-year financing plan
- As applicable, describes the amount and role of impact fees in funding school construction

Student Enrollment Trends and Projections

- Enrollment grew by 1,740 over past six years, down from growth of 2,360 students in previous six year period
 - 1.1% decline in 2020-21(pandemic)
- Projected growth of 1,006 students over the next six years
 - o Growth at all grade levels
 - o Includes analysis of 1,052 single family homes and 4,108 multi-family units in the pipeline (Dec 2020)
- Projections show a continue upward trend at all grade levels beyond the six year period



Service Standard and Capital Facilities Inventory (2020-21)

- 20 elementary schools and the Early Childhood Center
 - Includes new Ruby Bridges Elementary and new capacity at Canyon Creek Elementary
- 6 middle schools
 - Includes new capacity at Skyview Middle School
- 4 comprehensive high schools, one alternative high school
 - Innovation Lab High School open now, with capacity opening over three year through 2022-23
- Portable classrooms in use:
 - Elementary: 89 (down from 101 in 2020)
 - Middle School: 17
 - High School: 5



Woodinville High School

Capital Facilities Inventory (2020-21)

- Non-school facilities
 - Administrative Center, Support Services Building, Transportation
- School sites in development
 - Phase II at Maltby Site (future planning)
- Undeveloped sites in inventory (no current plans)
 - Paradise Lake site (26 acres outside King County UGB)
 - Wellington Hills site (104 acres)
 - 88th Ave NE Property (10 acres)



School Impact Fees – Legal Framework

- Authorized by the Growth Management Act and Ch. 20.47 KMC
- Applies only to new residential units
- Based on growth-related capacity needs
- Cannot be used to:
 - o Address existing system deficiencies; or
 - o Completely fund the cost of growth-related capacity improvements



Canyon Creek Elementary/Skyview Middle School expansion

School Impact Fee Calculation

Fees calculated using a formula that complies with RCW 82.02.050-.060 to identify a “proportionate share” per housing unit

- Different student generation rates for single family and multi-family housing drive “per unit” fee
- Credits for
 - any expected state funding of the capacity projects; and
 - anticipated taxes that a new homeowner will pay toward a school construction bond



Ruby Bridges Elementary School

School Impact Fee – 2021 CFP

2021 fee formula uses the following growth-related project costs:

- New Ruby Bridges Elementary School
- Capacity additions at Skyview Middle School & Canyon Creek Elementary
- Phase II capacity at the Maltby Road site
- Inglemoor High School addition of instructional space
- New Innovation Lab High School



Northshore Concert Hall @ Inglemoor High School

School Impact Fee – 2021 CFP

The proposed 2021 impact fees, as discounted by 50%, are:

- **\$ 18,891 per Single Family Dwelling Unit**
- **\$ 1,392 per Multi-Family Dwelling Unit
(apartments/condos/townhomes)**

**City of Kenmore
City Council Meeting
Regular Meeting Minutes
October 11, 2021**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

CALL MEETING TO ORDER:

Mayor Baker called the virtual meeting to order at 7:00 p.m.

PRESENT:

Councilmembers:	Councilmember Joe Marshall	
	Mayor David Baker	
	Deputy Mayor Nigel Herbig	<u>FL</u>
	Councilmember Corina Pfeil	<u>AG</u>
	Councilmember Angela Kugler	<u>SA</u>
	Councilmember Melanie O'Cain	<u>LU</u>
	Councilmember Debra Srebnik	<u>TE</u>
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Staff:	City Manager Rob Karlinsey	Ba
	Assistant City Manager Nancy Ousley	ker
	Assistant City Manager/ ARPA Administrator Stephanie Lucash	led
	Finance and Administration Director Leticia Salcido	the
	City Clerk Anastasiya Warhol	fla
	City Attorney Dawn Reitan	g
	City Planner Laurie Anderson	sal
		ute.
Speaking Guests:	Isaaksiichaa Ross Braine (Apsaalooke Nation), Proclamation Recipient	<u>AG</u>
	Carmin Dalziel, Northshore Schools Foundation	<u>EN</u>
	Patsy Treece, Northshore Schools Foundation	<u>DA</u>
	Tracey Banaszynski, Kenmore Resident	<u>AP</u>
	John Peeples, Kenmore Resident	<u>PR</u>
	David Morton, Redmond Resident	<u>OV</u>
	John Culver, Kenmore Resident	<u>AL</u>
	Stacey Valenzuela, Kenmore Resident	Th
	Janet Hays, Kenmore Resident	e
	Vicki Grayland, Kenmore Resident	age
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ed as written.

PROCLAMATIONS

Mayor David Baker issued the inaugural Indigenous Peoples' Day proclamation. UW Tribal Liaison Iisaaksiichaa Ross Braine (Apsaalooke Nation) accepted the proclamation.

Mayor David Baker issued the "All in for Kids" proclamation. Executive Director of Northshore Schools Foundation and Board Member Patsy Treece accepted the proclamation.

PUBLIC COMMENT

The Council took comments from the public from approximately 7:07 pm to 7:30 pm.

Timestamped link included here: https://youtu.be/FXYL3F8w_wk?t=455

CONSENT AGENDA

- A. Approve Minutes:
[City Council September 13, 2021 Meeting Minutes](#)
[City Council September 20, 2021 Special Meeting Minutes](#)
[City Council September 27, 2021 Meeting Minutes](#)
- B. Authorize the City Manager to execute Amendment No. 3 to Contract 21-C2678 with PRR Inc. in an additional amount up to \$30,000.
[Agenda Bill - PRR Contract Extension and Amendment](#)
- C. Authorize the City Manager to execute Contract 21-C2754 with PSR for the Kenmore Senior Center HVAC Upgrades for an amount not to exceed \$55,500.00
[Agenda Bill - Senior Center HVAC Upgrades Contract 21-2754](#)
[21-C2754 Senior Center HVAC Upgrades](#)
- D. Approve Purchasing Card Policy & Procedures
[Agenda Bill - Purchasing Card Policy](#)
- E. Receive and File July 2021 Financial Report
[Agenda Bill - July 2021 Financial Report](#)
- F. Cancel October 18 Regular Meeting (to be replaced by 6 PM **Special** Meeting - Study Session)

MOTION: Councilmember Pfeil moved to approve the consent agenda as presented, including the items A-F listed above. Mayor Baker seconded the motion.

VOTE: Motion PASSED by unanimous consent.

BUSINESS AGENDA

- A. **Mid-Year Budget Review, presented by Finance and Administration**
Director Leticia Salcido, *for Information*
[June 2021 Financial Report](#)

Finance and Administration Director Leticia Salcido gave a highlight of the biennium quarter report. She explained that the public hearing and adoption of the mid-biennium budget is scheduled for November.

B. Development Services Fee Resolution No. 21-370, adopting the 2022 Fee Schedule, presented by Development Services Director Bryan Hampson, *for Approval*

[Agenda Bill - 2022 Fee Schedule](#)
[Exhibit A 2022 Fee Schedule](#)
[Exhibit B ARCH Liaisons](#)
[Exhibit C MFTE Application Fee](#)
[Exhibit D 2021 Northshore Schools CFP](#)
[Exhibit E Memo from Public Works](#)
[Exhibit F Resolution No. 18-315](#)
[Exhibit G 2021 Fee Schedule](#)
[Resolution No. 21-370 2022 Fee Schedule](#)

MOTION: Deputy Mayor Herbig moved to adopt Resolution No. 21-370 as amended to include the accurate \$128 fee for an appeal to the hearing examiner. Councilmember O’Cain seconded the motion.

VOTE: 7 Yes, 0 No, 0 Abstain. MOTION CARRIED.

The Council requested that Staff return with a general approach to address financial hardships in the fee schedule; City Staff agreed to do so.

C. Planning Commissioner Appointments, presented by Community Development Director Debbie Bent, *for Direction*

[Agenda Bill - Planning Commission](#)
[Attachment 1 - KMC](#)

City Planner Lauri Anderson explained that four Planning Commissioner’s terms are expiring. The City Council directed staff to advertise for the new positions and to alert the alternates selected earlier this year.

MOTION: Councilmember Pfeil moved update the current municipal code to change the Planning Commissioner term to a 4-year term. Councilmember Srebnik seconded the motion.

VOTE: Motion PASSED by unanimous consent.

D. Landscape Management Philosophy and Practices, presented by Public Works Operations Manager Jennifer Gordon, *for Information*

[Agenda Bill - Landscape Management Philosophy & Practices Presentation](#)
[Integrated Pest Management Manual 2021](#)

Public Works Operations Manager Jennifer Gordon discussed Kenmore’s Landscape Management Philosophy and Practices with the City Council. The Council requested the Staff to provide proposed levels of service to aid in further discussions.

STAFF REPORTS

Kenmore Cares Direct Cash Assistance and Aquatic Center Feasibility Study Grants

Assistant City Manager Stephanie Lucash reported on Kenmore Cares direct cash assistance program. During the first week, over \$20,000 has been issued. She also explained that the City recently applied for grants to conduct a feasibility study to try and bring an aquatic center to Kenmore. The City is collaborating with neighboring cities to move this forward.

Compensating DEI Task Force Members

The City Manager asked the City Council if they would prefer that DEI task force members be compensated. The Council directed the City Manager to allocate a dollar amount to compensate DEI task force members.

COUNCIL COMMENTS/INITIATIVES

The Council agreed to bring back information relating to ballot initiatives.

ADJOURNMENT

Mayor Baker adjourned the meeting at approximately 10:02 p.m.

David Baker, Mayor

ATTEST:

Anastasiya Warhol, City Clerk

**City of Kenmore
City Council Meeting
Special Meeting Minutes
October 18, 2021**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

CALL SPECIAL MEETING TO ORDER:

Mayor Baker called the virtual meeting to order at 6 :00 p.m.

PRESENT:

Councilmembers: Mayor David Baker
Councilmember Joe Marshall
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Angela Kugler
Councilmember Melanie O'Cain
Deputy Mayor Nigel Herbig

Staff: City Manager Rob Karlinsey
Assistant City Manager Nancy Ousley
City Clerk Anastasiya Warhol
City Attorney Dawn Reitan
Recreation Coordinator Rita Moreno
City Engineer John Vicente

Speaking Guests: Stephanie Lizza, Evergreen Health Liaison

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approved as presented.

PRESENTATION

Director of Community Engagement & Legislative Affairs Stephanie Lizza offered a brief presentation on Evergreen Health programs in Kenmore.

[October 18 Kenmore City Council Meeting Update](#)

STUDY SESSION AGENDA

A. **Recreational Programming in Kenmore, presented by the Recreation Coordinator Rita Moreno**

[Staff Memorandum- Recreation 2021](#)

Recreation Coordinator Rita Moreno gave a brief update on 2021 Recreation in Kenmore, highlighting both recreation and community partners. She also mentioned ongoing Love Notes,

which are simple acts or gestures between the city and its citizens that engage, delight, and create collective sense of place. Some examples included a free pantry, a card-making event, and rock painting.

B. 73rd Avenue NE Overlay Project Update, Discussion on Preferences for Replacement of Sidewalk Panels, presented by City Engineer John Vicente
[Agenda Bill - 73rd Ave Overlay](#)

City Engineer John Vicente presented on the 73rd Ave Overlay. Specifically, staff noted that given the City Council's priority on environmental stewardship, climate, and reducing CO2 in the atmosphere, staff recommends using the additional REET revenues to preserve trees on 73rd Avenue by constructing ramps and boardwalks that will protect root structures and preserve existing trees. The Council agreed that using ramps was a productive and creative solution.

C. Road Standards Discussion, presented by City Engineer John Vicente
[Agenda Bill - 2021 Road Standards](#)
[Exhibit A -Traffic Calming Policy and Procedure DRAFT](#)
[Exhibit B - KMC 12.70.040 ROW Maintenance](#)

The City Council discussed the following elements of the Road Standards:

1. Single Family Residence Exemption for frontage
2. Travel Lane Widths
3. Traffic Calming
4. Sidewalk Exemptions on Private Roads
5. Increase Buffer Back of Sidewalk (option 2)
6. Front Door vs. Driveway (option 1)
7. Native vs. Non-Native vs. Mixed plantings (mixed)
8. Right -Of- Way Maintenance

The City Engineer agreed to incorporate the Council's direction into the proposed Road Standards changes to be formally adopted later this year.

D. Sound Cities Association Regional Boards and Committees, presented by City Manager Rob Karlinsey
[SCA Regional Board and Committee Appointments - Public Issues Committee](#)
[2021 SCA Regional Board and Committee Appointees](#)
[2021 Council Committees](#)

City Manager Rob Karlinsey solicited Council interest in the SCA agency committees. The Council made tentative requests and agreed to revisit the subject again, soon.

E. King County Council Redistricting, presented by City Manager Rob Karlinsey

City Manager Rob Karlinsey briefly presented the King County Districting Interactive Map. The Council requested that a letter be drafted to expressing the desire to be represented in a single district be drafted and sent.

ADJOURNMENT

Mayor Baker adjourned the meeting at 9:29 p.m.

David Baker, Mayor

ATTEST:

Anastasiya Warhol, City Clerk

**City of Kenmore
City Council Meeting
Regular Meeting Minutes
October 25, 2021**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

CALL MEETING TO ORDER:

Mayor Baker called the virtual meeting to order at 7 :00 p.m.

PRESENT:

Councilmembers: Mayor David Baker
Councilmember Joe Marshall
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Angela Kugler
Councilmember Melanie O'Cain
Deputy Mayor Nigel Herbig

Staff: City Manager Rob Karlinsey
Assistant City Manager Nancy Ousley
ARPA Administrator/ Assistant City Manager Stephanie Lucash
City Clerk Anastasiya Warhol
City Attorney Dawn Reitan
Community Development Director Debbie Bent
City Planner Lauri Anderson
Development Services Director Bryan Hampson
Finance & Administration Director Leticia Salcido
City Engineer John Vicente
Environmental Services Manager Richard Sawyer
Administrative Specialist Sammie Roeun

Speaking Guests: Ben Joy Ruñez - Filipino American Retiree Association
Maximo and Leticia de la Cruz- Filipino American Retiree Association
Dr. Rudolph C. Ryser - Center for World Indigenous Studies
Alexis Rinck – King County Regional Homelessness Authority
Julien Loh- Puget Sound Energy
Lindsay Masters, - ARCH
Angela Pietschmann – Cascadia Consulting Group
Mike Chang – Cascadia Consulting Group
Shelly Helder – Gordon Thomas Honeywell
Jon Culver, Kenmore Resident
David Morton, Redmond Resident
Stacey Valenzuela, Kenmore Resident
Janet Hays, Kenmore Resident

Vicki Grayland, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Cody Painter, Kenmore Resident

FLAG SALUTE

Mayor Baker led the flag salute.

AGENDA APPROVAL

The agenda was approved as presented.

PROCLAMATIONS

Mayor Baker issued a proclamation honoring Veterans. Veterans Ben Ruñez and wife Joy Ruñez, Maximo de la Cruz and Leticia de la Cruz accepted the proclamation as veterans and members of the Filipino American Retiree Association.

[Veterans Day Proclamation](#)

Mayor Baker issued the Native American Heritage Month Proclamation. Dr. Rudolph C Ryser, resident Scholar of the Center for World Indigenous Studies

[Native American Heritage Month Proclamation](#)

PRESENTATION

Alexis Rinck, Sub-Regional Planning Manager with the King County Regional Homelessness Authority provided an update to the City Council.

[Kenmore City Council Presentation](#)

The Council agreed to hear an update from Julien Loh, Puget Sound Energy's Municipal Liaison. Mr. Loh provided updates on the current windstorm and outages in the area.

PUBLIC COMMENT

The Council took comments from the public from approximately 7:42 pm to 8:06 pm.

Timestamped link included here: <https://youtu.be/rEfcqyAzlYI?t=2555>

CONSENT AGENDA

- A. Approve Total Check #s 48179 through 48263 totaling \$2,858,768.94 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 9/24/2021 in the amount totaling \$176,481.66 and ACH Payment to KBA Inc. in the amount of \$86,375.58 and ACH Payment to Thomco Construction in the amount of \$360,584.50 and ACH Payment to US Bank in the amount of \$12,702.01
[Voucher Approval Report Dated 10/1/21](#)
- B. Approve Total Check #s 48264 through 48357 totaling \$1,000,509.54 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 10/08/2021 in the amount totaling \$176,032.25
[Voucher Approval Report dated 10/15/21](#)
- C. Receive and File August 2021 Financial Report

[August 2021 Financial Report](#)

- D. Authorize the City Manager to enter into an agreement with the multi-jurisdictional coalition, Eastside Transportation Partnership
[Agenda Bill -Eastside Transportation Partnership Renewal](#)
[Exhibit A - Operating Procedures](#)
[Exhibit B - Legislative Priorities](#)
[Exhibit C - ETP Agreement](#)
- E. Authorize the City Manager to sign the Memorandum of Agreement to join the North King County Coalition on Homelessness
[Agenda Bill - Memorandum of Agreement NKCCCH](#)
[Memorandum of Agreement - NKCCCH FINAL 10-7-21](#)

MOTION: Councilmember Pfeil moved to approve consent calendar including items A-E listed above. Councilmember Kugler seconded the motion.

VOTE: Motion PASSED by unanimous consent.

BUSINESS AGENDA

- A. Affordable Housing Update, presented by Assistant City Manager/ARPA Administrator Stephanie Lucash, *for Discussion and Information*
[Agenda Bill - Affordable Housing Update for Council - October 2021](#)
[Affordable Housing Project Charter](#)
[Affordable Housing Presentation to Council - 20211025](#)

Assistant City Manager Stephanie Lucash, joined by various City Department Managers, presented an update on progress relating to affordable housing in Kenmore. They detailed the establishment of a workgroup and its respective charter, outlined clear and present opportunities for property consideration, and discussed next steps with the Council.

- B. Climate Action Plan, presented by Environmental Services Manager Richard Sawyer, Administrative Specialist Sammie Roeun, and guests from Cascadia Consulting Group, *for Discussion and Action*
[Agenda Bill - Climate Action Plan Update October 2021](#)
[Proposed Strategies/Actions Memorandum - Cascadia Consulting Group](#)

Environmental Services Manager Richard Sawyer and Environmental Services Administrative Specialist Sammie Roeun provided a brief update on the Climate Action Plan and current community engagement. They provided the council with the CAP development process. Staff are preparing to gather Council and public feedback and return in November 2021 to present a final strategies and actions report.

- C. Legislative Agenda Update, presented by Gordon Thomas Honeywell, *for Discussion*
[Agenda Bill - State Legislative Agenda 2022](#)
[2022 Kenmore State Legislative Agenda](#)
[2022 Kenmore Policy Statements](#)

Shelly Helder, Gordon Thomas Honeywell lobbyist representing the City of Kenmore, provided an update to the Council regarding the legislative agenda. She reiterated that the following initiatives have been prioritized:

- 1) 61st Avenue NE Sidewalk Replacement
- 2) Local Revenue for Road and Sidewalk Maintenance and Preservation
- 3) Regional Crisis Triage Center
- 4) Clean Air
- 5) Affordable Housing

The Council discussed the priorities and made recommendations.

MOTION: Councilmember Marshall moved to direct Ms. Helder of GTH to forward a statement that the City of Kenmore supports local control when it comes to zoning laws. Mayor Baker seconded the motion.

VOTE: 4 For, 3 Against, 0 Abstain. MOTION CARRIED.

COUNCILMEMBER REPORTS & COMMENTS

The Council agreed to discuss, at an upcoming meeting, the RFQ/RFP process to give new vendors/consultants an opportunity to serve the City.

The Council also discussed which Puget Sound Regional Council committees they are interest in serving on.

- David Mayor Baker – Board of Health & PSRC Executive Committee
- Deputy Mayor Herbig – Regional Transit Committee
- Councilmember Kugler – N/A
- Councilmember O’Cain – King County Flood District Advisory Committee
- Councilmember Pfeil – Public Issues Committee Alternate & Local Hazardous Waste Management Program Management Coordination Committee (MCC)

ADJOURNMENT

Mayor Baker adjourned the meeting at 11:25 p.m.

David Baker, Mayor

ATTEST:

Anastasiya Warhol, City Clerk

**City of Kenmore
City Council Meeting
Special Meeting Minutes
October 26, 2021**

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CALL MEETING TO ORDER:

Mayor Baker called the virtual meeting to order at 6 :00 p.m.

PRESENT:

Councilmembers: Mayor David Baker
Councilmember Joe Marshall
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Angela Kugler
Councilmember Melanie O'Cain
Deputy Mayor Nigel Herbig

Staff: City Manager Rob Karlinsey
City Clerk Anastasiya Warhol
Michael Pendleton, Consultant

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RCW 42.30.110(1)(g), The Council entered an Executive Session to review the performance of a public employee. The session lasted approximately was projected to last an hour. Mayor Baker extended the Executive Session by 1 hour and ten minutes.

POSSIBLE ACTION RELATING TO EXECUTIVE SESSION:

No Action.

ADJOURNMENT:

The meeting was adjourned at 8:12 pm.

David Baker, Mayor

ATTEST:

Anastasiya Warhol, City Clerk

Subject/Topic: Deliberation, and Action Relating to Ordinance No. 21-0534 Proposed Council Action/Motion: Motion to Adopt Ordinance No. 21-0534, Relating to Animal Care and Control, Amending Sections 6.05.010 and 6.10.050 of the Kenmore Municipal Code.	For Council Meeting Agenda of: <u>November 8, 2021</u> Department: <u>Development Services</u> Prepared by: <u>Bridgit Baker, Code Enforcement Officer</u> <u>Initial & Date</u> Approved by Department Head: <u>BH 10/18/2021</u> Approved by City Attorney: <u>DR 10/19/2021</u> Approved by Finance Director: <u>LS 10/19/2021</u> Approved by City Manager: <u>RK 10/22/21</u> Exhibits/Attachments: 1. Ordinance No. 21-0534 and Exhibit A, Amendments to Sections 6.05.010 and 6.10.050 of the Kenmore Municipal Code
<u>INFORMATION/BACKGROUND:</u> In 2010 the City entered into an Animal Services Interlocal Agreement with King County to implement a new regional model for animal care and control services. To meet the requirements of the Interlocal Agreement the City adopted a new Chapter 6.05 which adopted Title II of the King County Code by reference. However, future amendments to Title II of the King County Code were not to be automatically adopted and required City Council approval by way of an ordinance to become effective within the City. In 2016, King County Code Title II changed, making the Hearing Examiner the sole County administrative tribunal with jurisdiction to hear Animal Services – related appeals, replacing the King County Board of Appeals (the Board). Any appeal filed with the King County Board of Appeals no longer had authority to hear any animal-related matters because such changes were not automatically adopted. Since the City had utilized Animal Services executed amended Interlocal agreements with King County in 2017 that recognized the Hearing Examiner as the administrative tribunal for animal-related cases, King County interpreted it as proof of the City’s intent to have the Hearing Examiner hear animal cases. However, after a superior court ruling in a matter arising out of Bellevue, in which their animal code still referenced the Board it was ruled that the Hearing Examiner had no jurisdiction over Bellevue’s cases. Under the court’s pronouncement there, the same was applied to Kenmore’s cases. To comply with the Superior Court’s decision Sections 6.05.010 has been updated as shown in Exhibit A, attached to Ordinance No. 21-0534.	

The amendment to Section 6.10.050, Violations – Civil Penalties references the location of these penalties in the King County Code Title 11 and has been updated as shown in Exhibit A, attached to Ordinance No. 21-0534.

FISCAL CONSIDERATION:

N/A

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

City Council Priority #7. Enhance Public Safety

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 21-0534

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, RELATING TO ANIMAL CARE AND
CONTROL; AMENDING SECTIONS 6.05.010 AND 6.10.050
OF THE KENMORE MUNICIPAL CODE TO ADOPT BY
REFERENCE KING COUNTY'S TITLE 11 ANIMAL CARE
AND CONTROL REGULATIONS, AND AS AMENDED IN
THE FUTURE.**

WHEREAS, the City of Kenmore (City) wishes to provide animal care and control services for its residents; and

WHEREAS, the City and twenty-six other cities entered into an Animal Services Interlocal Agreement (Interlocal Agreement) with King County, effective July 1, 2010, to implement a new regional model for animal care and control services in King County; and

WHEREAS, Section 3 of the Interlocal Agreement requires the City to enact an ordinance that includes license, fee, penalty, enforcement, impound/redemption, and sheltering provisions that are substantially the same as Title 11 of the King County Code; and

WHEREAS, on November 15, 2010, the City repealed Chapters 6.05, 6.15, 6.20, 6.25, and 6.30 of the Kenmore Municipal Code, and adopted a new Chapter 6.05 of the Kenmore Municipal Code to meet the requirements of the Interlocal Agreement, by way of adopting Title 11 of the King County Code. This provided clarity by removing overlapping regulatory frameworks and referencing the King County Board of Appeals (the Board) as the appropriate appellate body, but also restricted automatic adoption of future changes to Title 11 of the King County Code by requiring City Council approval of future amendments; and

WHEREAS, by way of the repeal of Chapter 6.05, Section 6.10.050 for Civil Penalties was nullified by reference; and

WHEREAS, in 2016, Title 11 of the King County Code was amended to make the Hearing Examiner the sole County administrative tribunal with jurisdiction to hear Animal Services related appeals, replacing the King County Board of Appeals; and

WHEREAS, in 2017 the cities utilizing Animal Services executed amended Interlocal Agreements with King County that recognized the Hearing Examiner as the administrative tribunal for animal-related cases, which was interpreted as proof of the Cities' intent to have the Hearing Examiner hear animal cases; and

WHEREAS, in 2020, a Superior Court issued a decision in a matter arising out of the City of Bellevue, ruling that because Bellevue's animal code still referenced the King County Board of

Appeals, the Hearing Examiner had no jurisdiction over Bellevue's cases and, thereby causing all pending Bellevue appeals to be dismissed. This ruling would apply to Kenmore's cases as well; and

WHEREAS, the City Council finds that the proposed amendments would re-adopt Title 11 of the King County Code and future amendments automatically to be in the best interest for the safety and welfare of the residents of Kenmore

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings Adopted. The City Council adopts the foregoing recitals as findings in support of this Ordinance, which are incorporated herein as if set forth in full.

Section 2. Amendments to the Kenmore Municipal Code. The City Council amends Sections 6.05.010 and 6.10.050 of the Kenmore Municipal Code, as set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. Severability. If any section, sentence, clause, or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this title.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____TH DAY OF _____, 2021.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn F. Reitan, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.:
Date of Publication:
Effective Date:

Chapter 6.05

ANIMAL CARE AND CONTROL

6.05.010 Adoption by reference.

Title 11 of the King County Code (KCC), entitled “Regional Animal Services Section,” “Animal Care and Control,” is adopted by reference as presently constituted or hereinafter amended, as the animal control regulations of the City as if set forth in full herein, with the exception of the provisions of Chapter 11.08 of the KCC, “Dog Leash Law,” which is expressly not adopted. Except as provided in KMC 6.05.020 (license fees and penalties), future amendments to Title 11 of the King County Code shall not automatically be adopted, but shall require city council approval by way of an ordinance to become effective within the City.

6.10.050 Violations – Civil penalty.

In addition to, or as an alternate to, any other penalty provided in this title, as amended, or by general law, any person whose animal is maintained in violation of this chapter shall incur a civil penalty plus billable costs of the animal control authority. The penalty for violation shall be as provided in KMC 6.05.450 KCC 11.04.035.



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: 2022 Pedestrian Facilities Plan Update Proposed Council Action/Motion: Review proposed priority projects and provide feedback. The Council can either confirm the pedestrian projects on the attached maps; or provide feedback, request more information, and ask staff to report back with revisions.	For Council Study Session of: 11/8/2021 Department: <u>Engineering – Public Works</u> Prepared by: <u>John Vicente, City Engineer</u> <u>Initial & Date</u> Approved by Department Head: <u>JFV (10/26/2021)</u> Approved by City Attorney: <u>N/A</u> Approved by Finance Director: <u>N/A</u> Approved by City Manager: <u>RGK (10/25/2021)</u> Exhibits/Attachments: A. North Kenmore Priority Projects B. South Kenmore Priority Projects
<u>Staff Recommendation: Confirm the pedestrian facility projects on the attached maps and direct staff to move forward with rating and prioritizing the projects, obtain community input, and return to the City Council at a future date with the projects ranked and listed by priority.</u> <u>What is being asked of the City Council this evening: No formal action is being requested this evening. However, please review the attached maps showing proposed pedestrian projects and provide feedback. The Council may choose to either confirm the projects on the attached maps this evening; or the Council may choose to request more information and direct staff to report back to the City Council at a later date with revisions.</u> <u>BACKGROUND:</u> On May 28, 2013, City Council approved the City’s first Sidewalk Program (Program). The Program identified the City’s priority for construction of sidewalks within the City. Projects within the Program were limited to arterials/collector streets and prioritized as recommended in the Transportation Element of the most recent Comprehensive Plan at that time. 93 projects were created along the City’s 13 arterials/collectors and 1 local road (Arrowhead Dr.). Projects under the Program were prioritized based upon 6 criteria: 1. Pedestrian Safety 2. Connection with community facilities/commercial centers 3. Continuity (connection to other sidewalks) 4. Connection to transit 5. Proximity to Schools 6. Public Support	

As part of the prioritization, greater emphasis was given to continuity and proximity to schools. Since the Program was approved, several of the priority projects have been completed. 27 of the 93 projects have been completed or are in construction/design.

This effort is also in keeping with the City Council's Target Zero Resolution 14-235 which sets a goal of zero pedestrian and bicycle fatalities and serious injuries by 2025.

PROGRAM OVERVIEW:

With the various innovative ways to provide pedestrian access, the Sidewalk Program is being rebranded as the "Pedestrian Facilities Plan". The Pedestrian Facilities Plan (PFP) will be one of the second highest level documents created to establish capital improvement projects within the City (focusing on pedestrian facilities only). The PFP is generated from the Transportation Element of the Comprehensive Plan. Once the PFP is created, it will tell staff where to focus their attention when developing pedestrian projects for the Transportation Improvement Plan (TIP). Much like the TIP, the PFP is a high-level planning document without budget constraints. As a planning document, each project is prioritized based upon set criteria but there is no requirement to follow the priority order if an issue arises (such as new grant funding opportunities, safety concerns, etc.). The type of facility that can provide pedestrian accessibility can range from a separated shoulder to full sidewalk, curb, and gutter. The type of improvement will vary with each location and would be reviewed when the project approaches the evaluation phase.

UPDATE PROPOSAL:

With several projects completed, an update of the Program is recommended. As part of this update, the process for developing projects has been revised. Per the 2015 Transportation Element of the Comprehensive Plan, Goal T-1 states:

"Provide a complete transportation network that serves local and regional circulation and safely accommodates all uses."

With this revised goal in mind, new projects were selected that provide connections within the City local road network to established sidewalks on arterials/collectors. Initial route selection within neighborhoods put a focus upon existing sidewalk within those neighborhoods. With many arterials/collectors connecting to transit, schools, businesses, parks and other public places, these new projects on local roads will provide the local circulation identified in the Goal T-1.

The carryover projects and the new proposed projects were prioritized using the following proposed criteria:

1. Pedestrian Safety
2. Connection with community facilities/commercial centers
3. Continuity (connection to other sidewalks)
4. Connection to transit
5. Proximity to Schools

Emphasis is given to pedestrian safety, continuity, and proximity to schools. See Exhibit A and B for locations of the priority projects proposed for this update. As part of the update, input from the community will be requested via the City's E-news, quarterly newsletter, and an all-city mailer.

No formal action is needed; but staff is requesting discussion and confirmation that the proposed project locations are in alignment with Council goals. The next steps will be for staff to take these locations and create a priority list based on the criteria, receive input from the community, and report back to the Council. This discussion will be the first of three presentations to Council on the PFP. The second presentation is

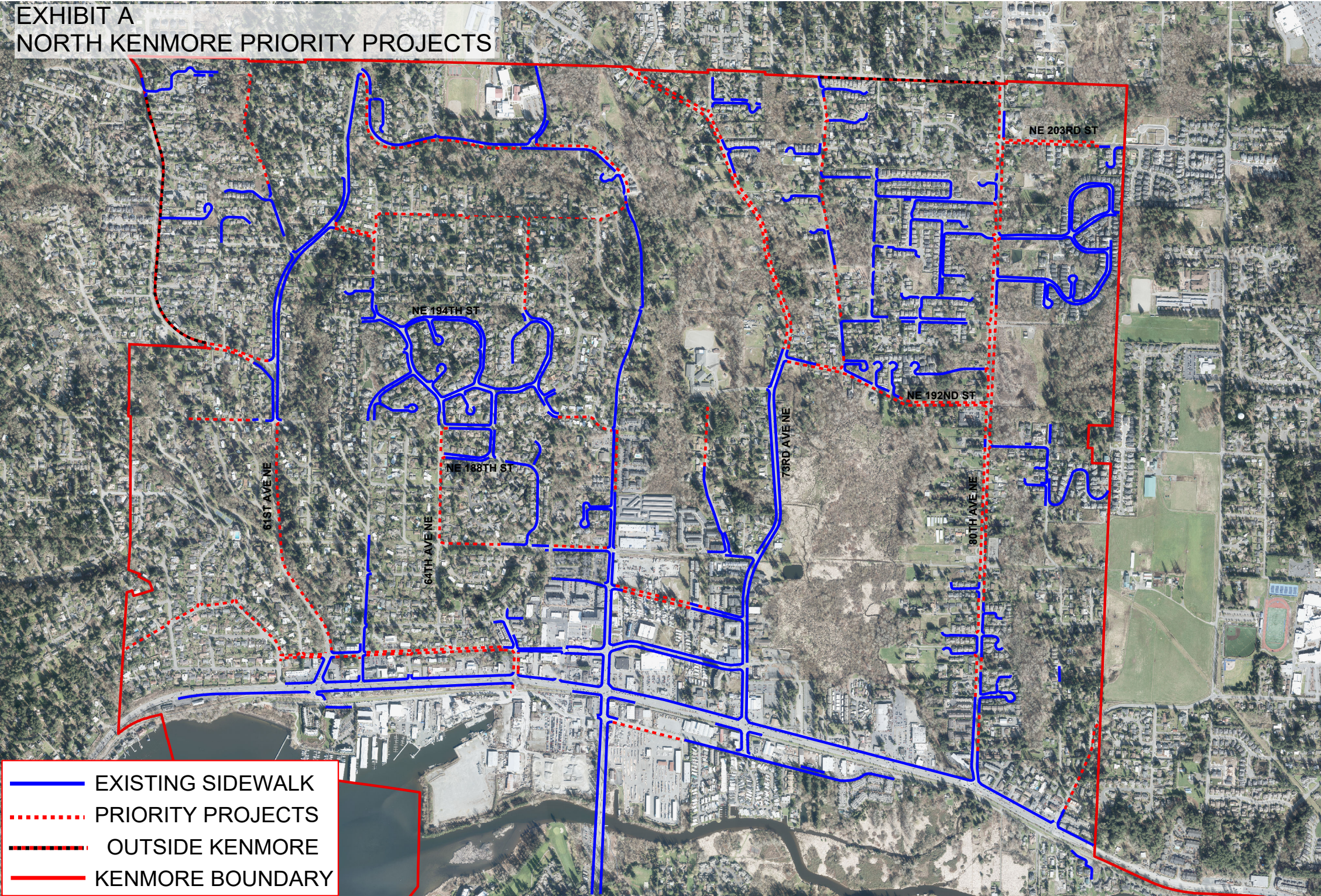
expected during the first quarter of 2022 and will include the list of prioritized projects, estimated cost of each, and a draft of the PFP. It is anticipated that the third presentation will be the final PFP for Council approval.

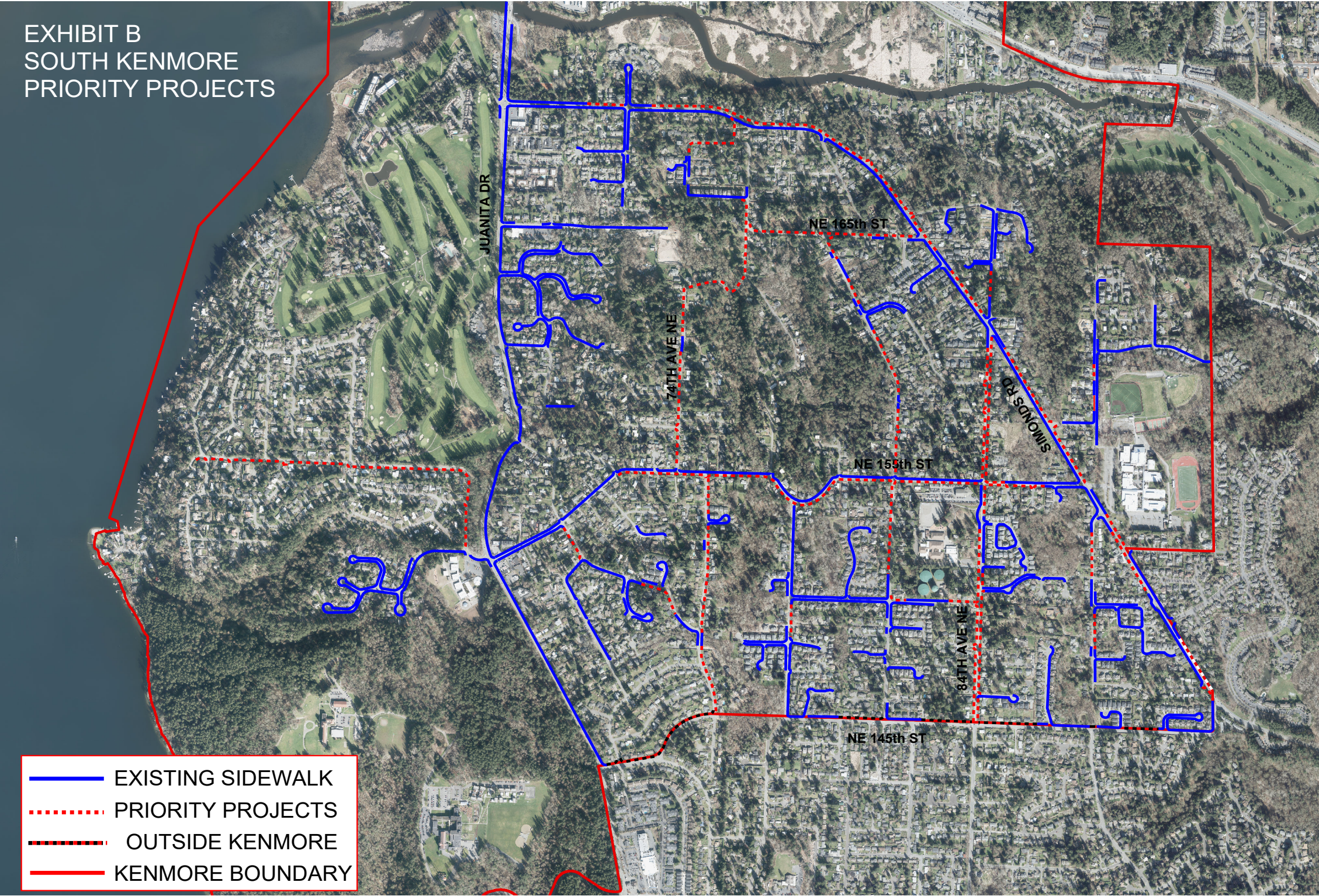
FISCAL CONSIDERATION:

None at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #6: Focus on and emphasize multimodal transportation in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.





PEDESTRIAN FACILITIES PLAN

2022 UPDATE

TONIGHT'S GOAL:

- Review proposed priority projects and comment on location
- Discussion on prioritization criteria
- Other locations for projects

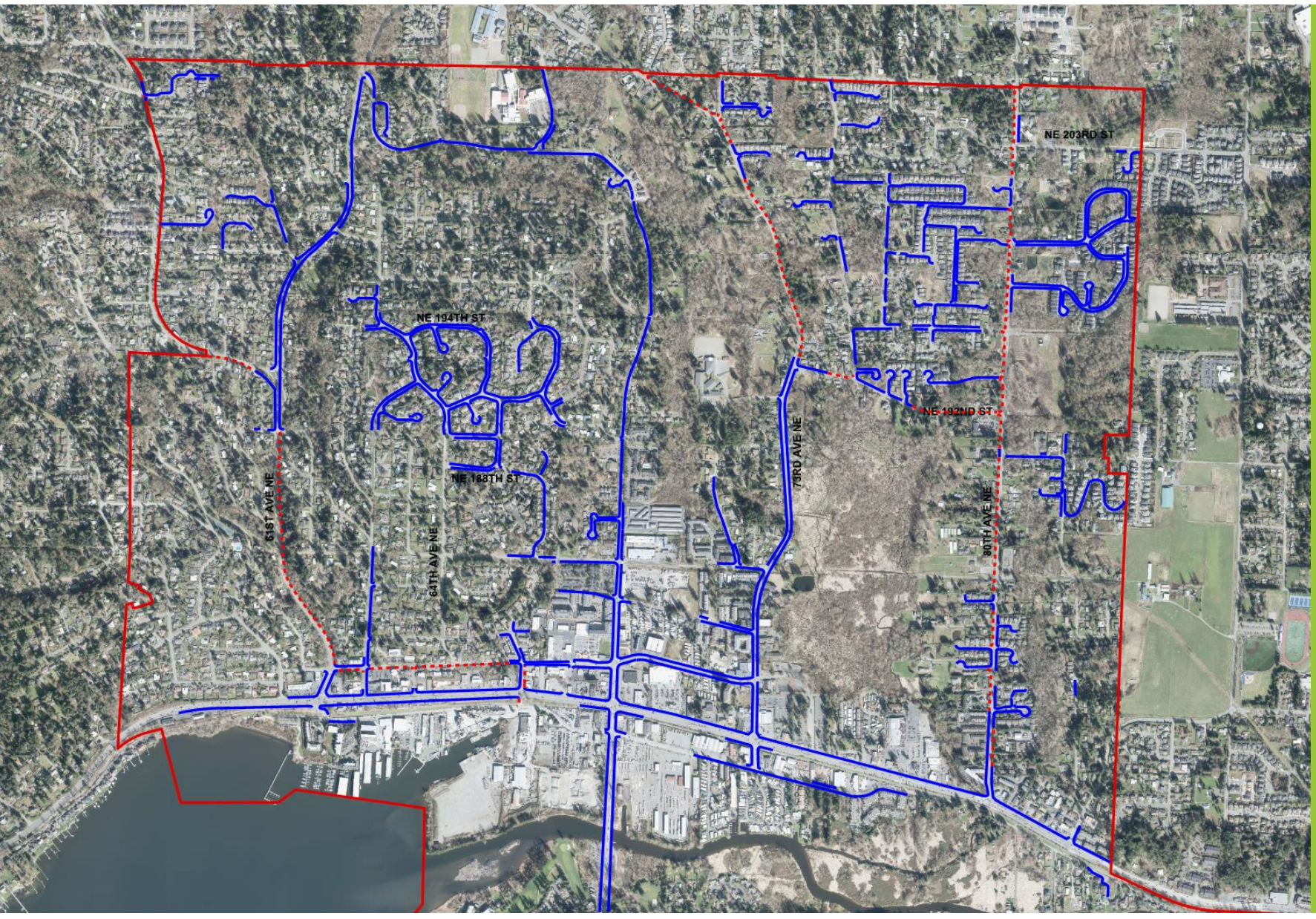
BACKGROUND

- First Plan 2013 (City Sidewalk Program)
- 2013 Project List
 - 93 separate projects identified
 - 13 arterials/collectors, 1 local (Excludes SR522)
 - Comp plan goal T-7 “establish a non-motorized circulation system linking key community destinations”
- 2013 Prioritization Criteria
 - Pedestrian safety
 - Connection with community facilities/commercial centers
 - Continuity⁽¹⁾
 - Connection to transit
 - Proximity to schools ⁽¹⁾
 - Public support
 - Arterials/collectors

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UPDATE PROPOSAL

- 2022 Updated Project List
 - 27 priority projects completed/to be completed, over \$34.5M* investment
 - 2015 comp plan goal T-1 “provide a complete transportation network that serves local and regional circulation and safely accommodates all users”
 - Carrying over 2013 priority sidewalks not completed
 - Local roads added
 - Closing gaps
 - Connecting local roads with arterials
 - Sidewalks both sides of arterials/collectors (except Juanita)
 - Use of existing network

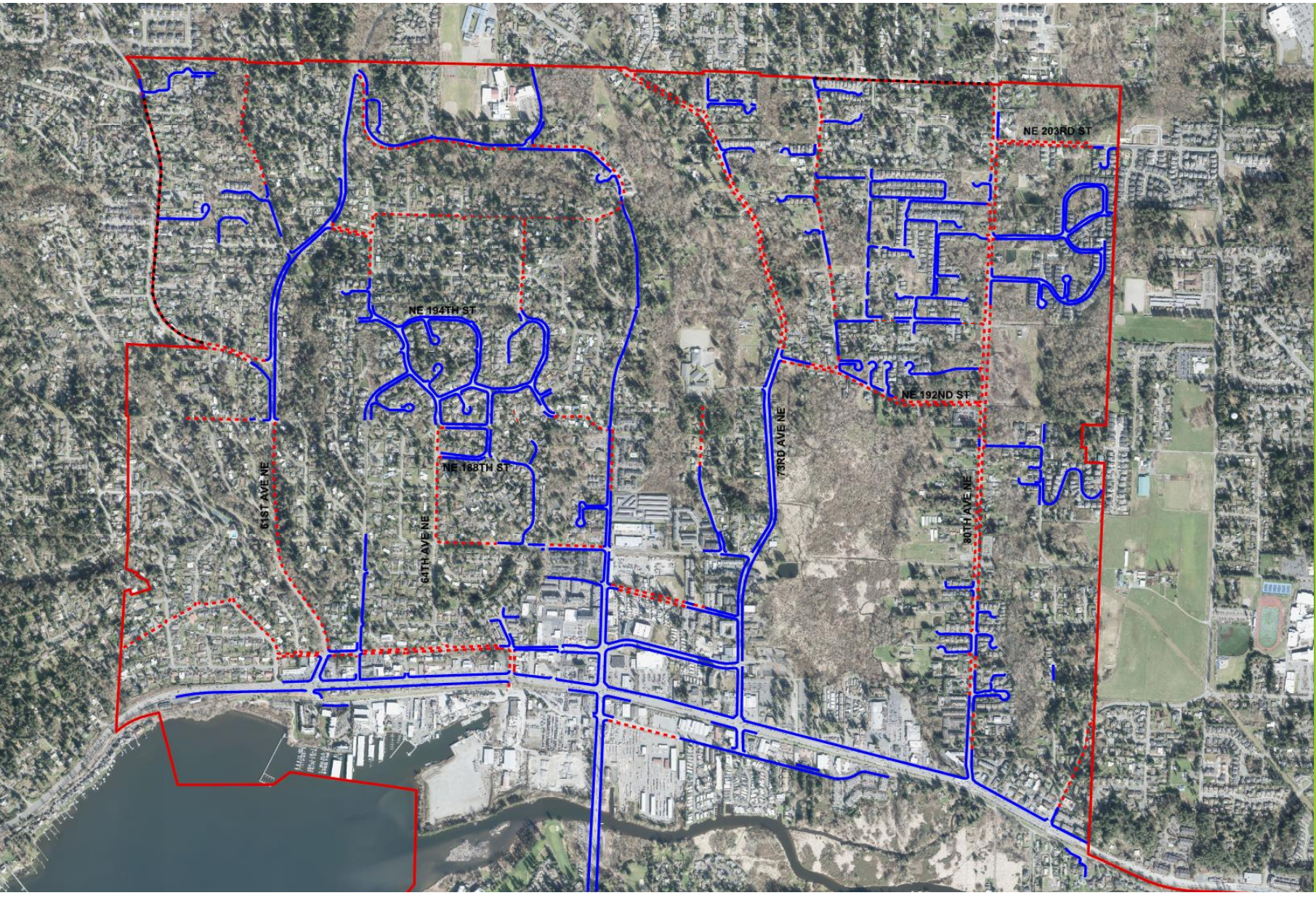
* INCLUDES SIDEWALK PORTION OF BRIDGE PROJECT,
DOES NOT INCLUDE SR522 INVESTMENTS

UPDATE PROPOSAL

- 2022 Prioritization Criteria
 - Pedestrian safety ⁽¹⁾
 - Connectivity with community facilities/commercial centers
 - Continuity (fill gaps/extends sidewalks)⁽¹⁾
 - Connection to transit
 - Proximity to schools ⁽¹⁾
- Project Size: ~\$1m

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PUBLIC OUTREACH

- Outreach – February 2022
 - E-news
 - Quarterly newsletter
 - All-city mailer

NEXT STEPS

- Prepare Cost Estimates
 - Refine Project List
 - <~\$1M projects
 - Project segmentation
 - Add/Remove projects
 - Prioritize projects
 - Council Presentation – February 2022
 - Refine program – March/April 2022
 - Pedestrian Facilities Plan Adoption – May 2022
- December 2021 - January 2022



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: Traffic Photo Enforcement Program Discussion Proposed Council Action/Motion: No Action/Motion. This will be the first of several discussions on a proposed new traffic photo enforcement program. Review the information, provide feedback, and give guidance on what additional questions need to be answered.	For Council Meeting Agenda of: 11/08/2021 Department: <u>Engineering – Public Works</u> Prepared by: <u>Tobin Bennett-Gold, Traffic Engineer</u> Approved by Department Head: <u>Initial & Date JV 11/02/21</u> Approved by City Attorney: <u>N/A</u> Approved by Finance Director: _____ Approved by City Manager: <u>RK 11/02/21</u> Exhibits/Attachments: Attachment A: Photo Enforcement Memorandum
<u>What is being asked of the City Council at tonight's meeting:</u> No formal action is being requested at the November 8 City Council meeting. Please consider the information provided, provide feedback, and give staff guidance on what additional questions need to be answered and what additional information needs to be provided. This is the first of several Council discussions on this subject. <u>INFORMATION/BACKGROUND:</u> On October 26, 2020, after significant public input and work completed by the Financial Sustainability Plan Task Force, the City Council adopted the 2020 Financial Sustainability Plan (FSP) which recognized the need to invest significantly more resources into pavement preservation and transportation safety. As a result of this finding, the FSP included a new traffic photo enforcement program that would help fund pavement preservation and transportation safety. Traffic photo enforcement was also a safety recommendation of the 2014 Pedestrian and Bicycle Safety Task Force. In the state of Washington, automated photo enforcement is permitted for use only to enforce red-light violations and school zone speeding violations. If implemented correctly, photo enforcement can be an effective tool for reducing crash risk for all road users as well as providing a stable, long-term revenue source for investment in our transportation infrastructure. Program Goals The following are the proposed photo enforcement program goals: Increased Safety: Reducing crash risk in the City of Kenmore, particularly for vulnerable road users in school zones and crosswalks, supports the City's Target Zero resolution and the City's Target Zero Goal of having no pedestrian or bicycle deaths or serious injuries resulting from collision with a motorized vehicle by the year 2025. Furthermore, automated photo enforcement is a proactive measure to reduce crash risk in high-risk areas in order to prevent crashes before serious and fatal injury crashes can occur. The additional specific considerations for each type of automated photo enforcement are as follows:	

- a. **School Zone Speed Reduction:** Travel speeds are significantly reduced in school zones where automated speed enforcement is implemented. Reducing travel speed can reduce risk of crashes by over 50% and reduce risk of fatal crashes by over 85% (based on observed travel speeds but varying depending on location). Pedestrians and cyclists especially benefit from lower vehicle speeds—their survivability of a crash with a car goes up exponentially as vehicle speed goes down.
 - b. **Pedestrian Crossing Safety:** A high frequency of pedestrian conflicts, where the pedestrian must alter their path to avoid being hit by a vehicle, is an indicator of a location where pedestrian crashes are likely to occur. Pedestrian crossing conflicts due to red-light violations are reduced at signalized intersections where photo enforcement is implemented. Rates of pedestrian-vehicle conflicts exceeding 80% of peak-hour crossings have been observed due to red-light violations, compared to a baseline of 0%-5% at locations without similar red-light violations.
2. **City-Wide Safety and Pavement Maintenance Investment:** The revenue generated by photo enforcement will support the continued investment in transportation safety improvements and pavement maintenance throughout the City of Kenmore.
3. **Public Buy-In and Program Transparency:** The implementation and continued operation of the program includes clear and consistent public communication regarding program processes, safety value, and revenue allocation. Information regarding the program will be communicated to the public through a variety of outreach channels in advance of implementing the program, and throughout the continued operation of the program.
4. **Fair Enforcement Practices:** Presence of photo enforcement is clearly signed for both automated red-light enforcement and automated speed enforcement. School-zone speed limits are clearly signed and active enforcement times are clearly indicated with high-visibility school-zone flashers. As another example of fairness, the RCW requires that yellow phase duration at photo enforced traffic signals may not be shortened. All traffic movements identified as likely violations are reviewed by police before a notice of infraction is issued. A proposed minimum of a two-month warning period (where warnings are issued by mail instead of notices-of-infraction) is implemented for all new photo enforcement locations.
5. **Equitable Program Practices:** The photo enforcement program clearly and unequivocally supports the City of Kenmore's social and economic equity values and goals, including but not limited to the financial impact on drivers, driver interaction with law enforcement and court systems, and infrastructure investment from revenue generated by photo enforcement. Detection of violations is done absent of any identifying information which could be subject to explicit or implicit bias. Road users most likely to incur fines are drivers of personal vehicles, a group which has a disproportionately low representation of individuals belonging to economically vulnerable households (PSRC 2019 Travel Survey).

Site Selection Criteria

A photo enforcement program is not a subtle measure for improving transportation safety or for generating revenue, and it should not be the solution of first resort when other less impactful options are likely to be effective. To this end, sites considered for photo enforcement were limited by criteria specific to each type of photo enforcement.

For automated red-light enforcement, consideration was limited to sites which met all of the following criteria:

- Crash analysis or pedestrian or bicycle conflict study has been conducted for the intersection and has identified an elevated risk of crashes which can be reduced by automated red-light enforcement.

- In-person enforcement by law enforcement officers has demonstrated that the presence of enforcement is an effective correction for the hazard identified.
- Intermittent enforcement has been shown to not effectively correct the hazard in a consistent and sustainable manner.

For automated school-zone speed enforcement, consideration was limited to sites which met all of the following criteria:

- The site is a roadway segment within a school zone.
- A speed study shows that during active school-zone hours there is excessive speeding present such that the site would meet the criteria for traffic calming on the basis of the 20 mph school-zone speed limit (i.e. mean speed exceeding 25 mph or 85th percentile speed exceeding 30 mph).
- The site is on an arterial or collector road, or within the past five years the site has experienced crashes within the school zone (during active school-zone hours or not).

Of the sites that met these criteria, the reduction in crash frequency was estimated for each site based on the crash history of the site and the expected reduction in travel speed or expected reduction in red-light violations. It is recommended that the sites with the highest expected crash reduction, in terms of crashes per year, be prioritized for photo enforcement.

Based upon the data using the above site selection criteria, the following three locations rate highest for photo enforcement:

1. Automated red-light enforcement for east-bound left-turn movements at the intersection of 61st Avenue and Bothell Way (SR 522)
2. Automated speed enforcement in the Arrowhead Elementary school zone on Juanita Drive near Arrowhead Drive
3. Automated speed enforcement in the Kenmore Elementary school zone on 73rd Avenue near 71st Avenue

Proposed Fine Schedule

For in-person enforcement, a fine for a school zone speed violation is a minimum of \$217 for 1-5 mph above the school-zone speed limit, \$237 for 6-10 mph above the speed limit, and \$299 for 11-15 mph above the speed limit, with higher fines still at further increments of 5 mph. The fine for failing to stop at a red light is \$139. Because automated enforcement is highly effective and identifies nearly all violations which occur, it carries a risk of exacting a higher financial burden on drivers than intermittent enforcement as performed by in-person officers. To avoid presenting a disproportionate fine to drivers engaging in “accidental” or “inattentive” speeding, and to mitigate the risk of presenting an onerous fine to economically vulnerable drivers, a graduated fine system is proposed that would allow for substantially lower fines for lower speed offenses, while still reserving punitive fines for reckless and egregious behavior. The recommended fine schedule for automated enforcement fines is the following:

Automated Red-Light Enforcement

\$100 Failure to Stop at a Red Light

Automated School-Zone Enforcement

\$100 Exceeding the School Zone Speed Limit by 6+ MPH When School Zone is Active

\$250 Exceeding the Regulatory Speed Limit 6+ MPH When School Zone is Active

Next Steps, Public Process, and Community Outreach

The proposed timeline for implementation of photo enforcement is as follows:

Nov '21 – Dec '21	Council begins discussion on proposed new traffic photo enforcement program
Jan '22	Public hearing, and council vote to approve photo enforcement program
Jan '22 – Feb '22	RFP and selection of contractor for lease and operation of cameras
Feb '22	Council award of photo enforcement contract
Mar '22	Installation of advanced warning signs for photo enforcement locations, installation of photo enforcement cameras
Apr '22	Start of warning period: photo enforcement cameras become active and warnings are issued in lieu of notices of infraction.
Summer '22	Automated red-light enforcement warning period ends no sooner than 2 months after cameras become active. School-zone speed enforcement cameras not active during summer.
Fall '22	Automated speed enforcement warning period ends, cameras begin issuing fines at start of school year. Photo enforcement program is now fully implemented.

An ordinance to adopt new code language will be required which provides for the authorization of use of cameras for photo enforcement, defines the notice of infraction to be issued in response to violations as well as defining those violations, and sets the determined fine schedule for violations.

After this discussion, a second presentation will be made to Council to provide more detail on the proposal, to provide requested information, to address changes requested by Council, and to present draft code language. A third council meeting will be scheduled in first quarter of 2022 to adopt a photo enforcement program.

Each step in the proposed timeline will be accompanied by updates to the photo enforcement website which will reflect the most current photo enforcement news and timeline. Public hearing and council approval will be accompanied by a press release. A city-wide mailer describing photo enforcement program and schedule will be sent out prior to cameras becoming active. The beginning of warning period, end of warning period for automated red-light enforcement, and end of warning period for automated speed enforcement will each be accompanied by social media release. Each monthly E-news and Kenmore Quarterly will have updates regarding the state of photo enforcement information. Already, several photo enforcement updates have been released in E-news and Kenmore Quarterly publications this year, and a social media release was made regarding the launch of the photo enforcement website.

The website for photo enforcement was created in May '21 and is currently active; the website is updated frequently with changes to the photo enforcement timeline. In addition to the estimated timeline, the website contains frequently-asked-questions (FAQ) regarding the City's purpose for photo enforcement, ticketing practices, site selection, and common concerns addressing misinformation about photo enforcement programs. The FAQ will continue to be updated as more common concerns are brought to the City. Details on site selection will be available on the website after they are presented to council. Once cameras are active, the photo enforcement website will also describe the process for responding to a notice of infraction. Once the program is active, information will be available for each photo enforcement location including at the least information about crash frequency and number of notices of infractions issued.

FISCAL CONSIDERATION:

The 2020 Financial Sustainability Plan included an estimated net revenue of \$1.7 Million annually based on implementation of photo enforcement at three locations beginning in FY 2022. Although a variety of factors make it difficult to predict photo enforcement revenues with a high degree of accuracy, the low-range for estimates based on the recommended locations and fine schedule all meet or exceed \$1.7M annually based on long-term forecasts, with higher revenues in the near-term (before long-term changes in driver behavior have reached steady-state conditions).

The initial and long-term implementation of photo enforcement is expected to be delivered with existing resources for staff hours, no up-front cost for installation of photo enforcement equipment, and no risk of incurring an operating loss if revenues fall short of estimates (based on cost models and contract agreements for similar programs regionally). Cities operating a photo enforcement program retain 100% of all fines collected. The contractor selected to install and operate the photo enforcement system will be paid a fixed fee; the RCW explicitly prohibits compensation paid to contractors based upon a portion of the revenue generated. Although not paid directly from the fine amount, the increase in court services amounts to a cost of approximately \$30 per infraction processed, on average. Across programs regionally, a non-payment rate of roughly 30% is typical. Fixed-fee equipment leasing and operation costs, cost of police review, cost of court services, rates of non-payment, and long-term reduction in frequency of violations have all been factored into revenue estimates for the photo enforcement program.

Exclusion of photo enforcement revenue in the City budget would leave a \$1.7M shortfall in traffic engineering, traffic safety, and pavement preservation budgets.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #6: Focus on and emphasize multimodal transportation in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.

Target Zero Resolution 14-235



City Of Kenmore, Washington

Technical Memorandum

TO: City of Kenmore City Council

FROM: Tobin Bennett-Gold, PE
City of Kenmore Traffic Engineer

DATE: November 3rd, 2021

SUBJECT: Proposed Photo Enforcement Policy and Program Structure

Executive Summary

Kenmore City Council included automated photo enforcement as part of the 2020 Financial Sustainability Plan (FSP), and photo enforcement was a safety recommendation of the 2014 Pedestrian and Bicycle Safety Task Force. In the state of Washington, automated photo enforcement is permitted for use only to enforce red-light violations and school zone speeding violations¹. If implemented correctly, photo enforcement can be an effective tool for reducing crash risk for all road users as well as providing a stable, long-term revenue source for investment in our transportation infrastructure. Careful attention to the details of program implementation can help create a program that not only reduces crash risk in areas where photo enforcement is implemented, but also promotes equity and travel safety city-wide through judicious application of the revenue generated.

Historically the largest obstacle to photo enforcement programs is lack of public buy-in, and so the implementation of a successful and long-lived photo enforcement program will require explicit measures to promote fair practices, transparency, and communication. If done well, the photo enforcement program can be an instrument of positive public safety and equity in the City as a whole. If done poorly, the City is at risk of implementing a program that is unpopular, short-lived, and closes the door to future attempts at photo enforcement when trust is lost between City Hall and Kenmore residents.

The proposed photo enforcement timeline includes extensive council discussion and input before voting whether to approve a proposed photo enforcement program. The activation of photo enforcement cameras can be completed by April of 2022, followed by a warning period during which warnings will be issued in lieu of notices of infraction. After the conclusion of the warning

¹ Other use-cases are permitted for conditions which do not exist the City of Kenmore, e.g. railroad crossings.

period, notices of infraction will be issued and revenue will be generated from fines consistent with projections made in the FSP. Every step of program implementation will be accompanied by extensive public outreach and communication.

Legal Framework and Regional Precedent for Photo Enforcement

The restrictions and requirements of the use of photo enforcement in the State of Washington are set forth by the Revised Code of Washington (RCW) 46.63.170 which restricts use of photo enforcement (“traffic safety cameras” in the language of the RCW) for issuance of notices of infraction for red-light violations at signalized intersections of two or more arterial streets, and for issuance of notices of infraction for school speed zone violations. Other requirements that a program must meet are the following:

- The city must prepare an analysis of the locations where automated photo enforcement is proposed to be located.
- The city must enact an ordinance allowing for the use of traffic safety cameras.
- Locations where photo enforcement is to be installed must be clearly marked thirty days prior to activation of cameras.
- The city must post an annual report which at minimum states the number of notices of infraction issued and the number of crashes which occurred for each location where traffic safety cameras are in use.
- For automated red-light enforcement, yellow-phase intervals must be at least as long as the minimums set by the Manual on Uniform Traffic Control Devices, and the interval may not be shortened after photo enforcement is implemented.

Per the process outlined in the RCW, all violations must be reviewed by a law enforcement officer, and it is the law enforcement officer who then issues the notice of infraction. The RCW additionally states that the notice of infraction is to be mailed to the registered owner of the vehicle within 14 days of the violation, and includes requirements for what documentation will be provided to the registered owner of the vehicle. The RCW also stipulates the process by which the vehicle’s registered owner may overcome presumption of fault². Though it is not stated in the RCW, instructions for contesting the violation or for overcoming the presumption of fault are

² Primarily, reference is made to RCW 46.63.075(2) which states “This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.”

often included in the documentation provided to the vehicle's registered owner along with the notice of infraction.

The RCW additionally states that Infractions generated by photo enforcement may not become part of a driver or vehicle owner's driving record, and must be processed in the manner of parking fines. The implications of this are that red-light violations and speeding violations are not treated as moving violations when identified through a photo enforcement program, and as such do not contribute to the suspension of a person's drivers license. Additionally, collections of outstanding fines and reporting of outstanding fines for the purpose of placing a hold on vehicle registration are at the discretion of the city³ and may be subject to the city's policy on reporting outstanding tickets to the Department of Licensing.

Although not mentioned in the RCW with regards to photo enforcement, flashing school zone beacons (which are active exclusively during times when the school-zone speed limit is in effect) have become established regional precedent for signaling drivers when automated enforcement is active for school zones (in addition to standard signing which is required by the RCW).

Cities with Photo Enforcement	School Zone Hours per Day
Bellevue	1.50
Issaquah	9.00
Kenmore	3.00
Kent	2.00
Kirkland	2.00
Lake Forest Park	8.50
Renton	3.25
Seattle	2.75

Hours during which school-zone speed limits are active are the discretion of the city, and school-zone speed limit hours vary widely across the region. School zone hours for Kenmore are currently 75 minutes before start of classes until 15 minutes after start of classes, and 15 minutes before dismissal until 75 minutes after dismissal, for a total of 90 minutes twice per day. These cover 15 minutes of school commute activity before the start of the earliest campus activities until 15 minutes after most after-school campus activities have ended.

Fines for violations detected by photo enforcement and threshold speed for issuing a notice of infraction are also at the discretion of the city, as is the fine structure (fixed value or graduated by speed). The RCW states that the

City	Speed Threshold	Fine Schedule	Fine Amount
Bellevue	28 mph	Fixed	\$124
Des Moines	26 mph	26-30 31+	\$210 \$250
Edgewood	24 mph	24-30 31+	\$166 \$250
Federal Way	26 mph	26-30 31+	\$210 \$250
Issaquah	27 mph	Fixed	\$124
Kent	26 mph	26-30 31+	\$136 \$248
Kirkland	26 mph	26-30 31+	\$136 \$250
Lake Forest Park	26 mph	Fixed	\$136
Lynwood	26 mph	26-35 36+	\$124 \$250
Renton	28 mph	26-35 36+	\$124 \$250
Seattle	26 mph	Fixed	\$237

³ The jurisdictional agency for a photo enforcement program in the State of Washington is not required to be a city, but for the sake of brevity the jurisdictional agency will be referred to as "the city" for the purposes of this memorandum.

maximum permissible fine for infractions issued by photo enforcement may not exceed the value of fines issued for parking infractions⁴, although regionally fines do not typically exceed \$250.

The city operating the photo enforcement program retains 100% of all fines collected. The contractor selected to install and operate the photo enforcement system will be paid a fixed fee; the RCW explicitly prohibits compensation paid to contractors based upon a portion of the revenue generated. Although not paid directly from the fine amount, the increase in court services amounts to a cost of approximately \$30 per infraction processed, on average. Across programs regionally, a non-payment rate of roughly 30% is typical, either through failure to respond to a notice of infraction, or through successful contestation of the infraction, or by overcoming the presumption of fault. The cost of court services related to forms of non-payment are included in the estimated cost of court services per notice of infraction issued.

The following is the proposed fine schedule for an automated photo enforcement program in Kenmore:

Automated Red-Light Enforcement

\$100 Failure to Stop at a Red Light

Automated School-Zone Enforcement

\$100 Exceeding the School Zone Speed Limit by 6+ MPH When School Zone is Active

\$250 Exceeding the Regulatory Speed Limit 6+ MPH When School Zone is Active

In this graduated fine structure, the lower tier fine would be triggered when traveling at 26+ mph through any active school zone with photo enforcement⁵, and the higher tier fine would be triggered by traveling 31+ mph through an active school zone on a road with a 25 mph regulatory speed limit, 36+ mph on a road with a 30 mph regulatory speed limit, and 41+ mph on a road with a 35 mph regulatory speed limit. Speed limits in the City of Kenmore are representative of land use, mobility, and infrastructure context, and thereby serve well as relative-risk indicators for determining what constitutes reckless and egregious speeding behavior. By contrast, the lower tier fines for speeding at 6+ mph in excess of the school zone speed limit and for failing to stop at a red light (which most frequently occurs shortly after the yellow-light phase) correspond to more commonly occurring violations and violations associated with inattention to speed control, poor judgment of signal control, or low respect for compliance with signal control. Setting a relatively low value for the fines which impact the most drivers reduces the risk of placing undue financial burden on individuals belonging to economically vulnerable households. Lower values for the fines which will impact most drivers will also be more favorable for soliciting buy-in from residents and road users, and help to explicitly demonstrate the intention of the City

⁴ In Kenmore, the highest fine for a parking infraction is \$450, which corresponds to "Parking in a Disabled Zone without a Disabled Placard/Plate".

⁵ All school zones speed limits are 20 mph per the RCW.

to minimize the impact and the burden placed on drivers who are issued notices of infraction by the photo enforcement system.

Low-end revenue estimates for implementing automated photo enforcement at three locations within Kenmore indicate that the revenue expectations set in the FSP and the biennium budget are met under the proposed fine schedule even given conservative assumptions for number of notices of infraction issued and rates of non-payment.

Crash Risk Reduction

Crash Risk Reduction from Automated Speed Enforcement

Reducing the mean speed of travel on a roadway is directly effective at reducing the risk of crashes occurring and reducing the risk of injury in crashes that do occur. Lower travel speeds result in drivers having more time to perceive and react to hazards or conflicts in order to avoid or reduce the severity of crashes, and vehicles traveling at lower speeds carry less kinetic energy, which in turn reduces the distance and braking power required to bring a vehicle to a stop and reduces the amount of energy dissipated destructively by vehicles and victims in the event that a crash does occur. A substantial body of research exists which shows that reducing the mean speed of a roadway will result in a proportional reduction in expected crash frequency, a reduced risk of crash injury proportional to the square of the speed reduction, and a reduction in risk of fatal crash injury even more substantially.⁶ A reduction in mean speed from 35 mph to 20 mph (approximately a speed reduction of 40%) for example would result in roughly a 40% reduction in expected crash frequency, a 70% reduction in expected frequency of injury crashes, and a 90% reduction in expected frequency of fatal crashes.

This reduction in crash risk and risk of crash injury is a benefit to the safety of all road users traveling in a reduced speed environment, but the road users most vulnerable to severe and fatal injury during a crash are cyclists and pedestrians, and young students walking or biking to and from school are more vulnerable still. In crashes where a pedestrian is struck by a vehicle, the pedestrian will suffer fatal injury in roughly two out of three crashes when the vehicle is traveling 35 mph, but a pedestrian will suffer fatal injury in roughly only one out of ten crashes when the vehicle is traveling 20 mph.

Although the safety benefit of photo enforcement is most appropriately described in terms of reduced mean travel speed, the criteria by which photo enforcement programs are measured is most commonly in terms of the reduction in violations in the enforcement area. The typical effectiveness of automated speed enforcement regionally is that school zones in which photo enforcement is implemented experience a 40% reduction in school-zone speeding violations in the first year of implementation, and then a further 40% reduction in school-zone speeding

⁶ Elvik, R. (2005). Speed and Road Safety: Synthesis of Evidence from Evaluation Studies. *Transportation Research Record*, 1908(1), 59–69.

violations over the following several years, resulting in an overall long-term reduction in school-zone speeding violations of around 64%.

To estimate the safety benefit of a specific site, a conservative assumption is that the mean speed is reduced only enough to reduce the frequency of school-zone speeding violations by 64%, and only for the vehicles which would exceed the threshold for enforcement, while the speed of other vehicles is assumed to remain unchanged. It is proposed that sites in Kenmore should be considered for automated speed enforcement if they meet at least one of two criteria: school zones which are on arterial or collector streets, and school zones which have experienced at least one crash in the past five years. The safety benefit of implementing photo enforcement at these sites is expressed as the estimated absolute reduction in expected crashes per year. The sites that would meet these criteria for consideration and the estimated safety benefit of implementing automated speed enforcement are as follows:

Location	Current Mean Speed	Estimated Mean Speed Reduction	Estimated Reduction in Crash Risk All / Injury / Fatal	Historical Observed Annual Crashes ⁷	Expected Annual Crash Reduction ⁸
Juanita Dr near 153rd Pl	37.0 mph	20%	5% / 7% / 11%	2.2	0.11
153rd Pl east of Juanita Dr	29.9 mph	10%	3% / 4% / 6%	0.4	0.01
84th Av north of 150th St	32.7 mph	14%	4% / 5% / 9%	0.2	0.01
71st Av south of Kenmore Elem.	24.0 mph	3%	2% / 3% / 6%	0.2	0.00
73rd Av south of 192nd St	30.4 mph	11%	3% / 4% / 7%	1.0	0.03
192 nd St east of 73 rd Av	24.0 mph	3%	2% / 3% / 6%	0.4	0.01
202nd St west of 68th Av	34.7 mph	18%	4% / 6% / 10%	0.4	0.02

Based on total crash reduction, it is proposed that automated speed enforcement be implemented initially at two locations:

1. Arrowhead Elementary school zone on Juanita Drive near Arrowhead Drive
2. Kenmore Elementary school zone on 73rd Avenue near 71st Avenue

It is worth noting that school-zone speed limits are in effect only during a short number of hours per day, only during weekdays, and only during the school year. Most school zones in Kenmore are active a total of three hours per school day, which amounts to just below 7% active time overall annually, affecting approximately 20% of daily traffic volume on school days and approximately 10% of the traffic volume traversing the facility each year. Current school zone

⁷ Based on crashes which occurred within school-zone extents in the 5 year period from 2015 through 2019.

⁸ In the case of automated speed enforcement, the safety benefit of speed reduction is prorated according to the hours when school zone speed limits are in effect.

hours are scheduled to cover times when parent and student school commute traffic is most likely to be present in the school zone, but adjusting the active times for school-zone speed limits can have dramatic effects on the safety benefit provided to other road users, and to vulnerable road users that may be present in the facility outside of school commute hours.

Also worth noting is that speed reduction measures during times of high traffic volumes have a magnified effect: Unless passing is possible, drivers can only travel as fast as the vehicle in front of them. In this case, successfully slowing one vehicle can slow an entire platoon of vehicles and extend the speed reduction effects far beyond the immediate area where the speed reduction treatment has been applied. The estimates for speed reduction and crash reduction do not factor in magnified effects of speed reduction during higher volume hours and so these estimates are likely to be conservative with regards to the geographic area which will benefit from speed reduction and crash risk reduction.

Crash Risk Reduction from Automated Red-Light Enforcement

A red-light violation occurs when a driver enters a signalized intersection after the traffic signal controlling their lane has turned red. Vehicles which already occupy the intersection when the signal transitions from yellow to red are not committing a red-light violation. The most common types of red-light violations are ones in which queued traffic continues to enter the intersection through the yellow-light phase and continuing into the red-light phase (sometimes with multiple consecutive vehicles continuing to enter the intersection into the red-light phase), and ones which happen very shortly after the signal transition from yellow to red (within 2 seconds or less) when drivers attempting to enter during a yellow phase misjudge the timing and instead enter during the red phase. Crashes caused by red-light violations are often angle-crashes and turning-crashes, both of which carry the highest risk of severe and fatal injury of any crash by type (compared to, for example, rear-end crashes and side-swipe crashes, which have very low relative risk of fatal and serious injury compared to crashes of other types).

The specific geometry and signal phasing of an intersection can also affect the crash risk associated with red-light violations. In the case of 61st Avenue and Bothell Way, a high frequency of red-light violations for left-turn traffic on eastbound Bothell Way presents a high frequency of conflicts with pedestrians entering the crosswalk during the protected pedestrian crossing phase on the north leg of the intersection. A pedestrian conflict is defined as when a legally-crossing pedestrian must alter their path to avoid a vehicle (either by stopping in their path or accelerating to clear the conflict area). Pedestrian conflicts represent “near-misses” which, in unluckier circumstances, may have escalated to pedestrian crashes; in areas where pedestrian conflicts are frequent, the risk of pedestrian crashes is high. A pedestrian conflict study conducted in 2019 at the intersection of 61st Avenue and Bothell Way indicated that during peak volume hours pedestrian conflicts were experienced by over 80% of pedestrians crossing the north leg of the intersection. The baseline rate for pedestrian conflicts at a signalized or stop controlled intersection is very low – other studies conducted in the City of Kenmore typically show pedestrian crossing conflicts at a rate of 0% to 5% during the peak volume hours.

Automated red-light enforcement has been shown to be very effective at reducing red-light violations, varying from a 40% reduction in red-light violations that occur within 0.5 seconds of the light transitioning to an 86% reduction in red-light violations which occur 1.5 seconds or more after the light transitioning. Although studies show that automated red-light enforcement unequivocally reduces the frequency of red-light violations and the frequency of crashes related to red-light violations, there is also consistent evidence showing that automated red-light enforcement increases the frequency of rear-end crashes (as might be related to sudden braking to avoid a red-light violation). The safety value of implementing red-light cameras therefore is based on the difference between the value of the crashes prevented and the cost of the crashes which may be introduced. For this reason, automated red-light enforcement is not a one-size-fits-all solution for improving intersection safety, and careful engineering analysis is required to determine where and how automated red-light enforcement can be applied to best improve intersection safety. The following criteria must be assessed when considering whether automated red-light enforcement is appropriate for a given location:

- Whether or not there is an elevated risk of crashes associated with red-light violations.
- To what degree is the implementation of automated red-light enforcement likely to increase rear-end collisions.
- To what degree are the types of red-light violations observed at this location likely to be correctable by photo enforcement.

In the case of the 61st Avenue and Bothell Way intersection, although there is a high frequency of pedestrian conflicts observed directly relating to right-light violations, the crash history of the intersection does not suggest that red light violations are contributing to other types of crash risk. Observation of the intersection indicates that red light violations occur almost exclusively due to queueing in the eastbound left-turn lane when drivers continue to make eastbound-to-northbound left-turns even after the signal has changed. When police presence was dispatched to address the concern, the occurrence of red-light violations stopped completely, though only when police were conspicuously present. Based on these factors, there is an opportunity to precisely right-size photo enforcement for this intersection by applying automated red-light enforcement only to the eastbound-to-northbound left-turn lane where the occurrence of red-light violations is high, but because of the nature of queued traffic being slow-moving the risk of increasing the frequency of rear-end crashes is very low. Because of the driver response to conspicuous enforcement, it is expected that photo enforcement at this location would be near-completely effective at eliminating pedestrian conflicts, providing substantial safety value and greatly reducing the risk of a pedestrian crash due to red-light violations occurring at this location in the future.

Based on these factors, it is proposed that automated red-light enforcement be initially implemented for east-bound left-turn movements at the intersection of 61st Avenue and Bothell Way (SR 522).

Other locations in Kenmore may also be suitable for implementation of automated red-light enforcement, for the purposes of reducing risk to vulnerable road users, to motor vehicle traffic, or both. The changes to traffic patterns and travel volumes which accompanied the COVID-19 pandemic, however, have made it impossible to determine where these problems may be occurring under normal traffic conditions.⁹ As travel volumes continue to recover other locations suitable for automated photo enforcement may become apparent through continued study and observation of signalized intersections in the City of Kenmore.

Fairness, Transparency, and Public Buy-In

The single characteristic which is almost universally prevalent in failed photo enforcement programs is lack of public buy-in. Either through working with their council or legislature representation or through voter-driven initiatives, countless photo enforcement programs regionally and nationally have been ended by grass-roots political action spearheaded by residents who feel that photo enforcement does not serve their interests or impacts them unfairly. In some cases the residents taking issue with photo enforcement programs may have well-founded concerns with how the program is being delivered, but many well-intentioned programs have also been toppled by misinformation, poor communication, and insufficient transparency. If the City of Kenmore is to put in place a photo enforcement program that is well intentioned and well implemented, it is still critical that communication with residents address the concerns that residents have and communicate the benefits they receive in order for the program to have the public buy-in required for its long-term success.

One of the most ubiquitous criticisms of photo enforcement is that it is used as a fundraising tool while disingenuously being presented as a traffic safety program. The traffic safety benefits of photo enforcement programs are well documented regionally, nationally, and world-wide, and the benefits of implementing a photo enforcement program in Kenmore will be evident in the changes in driver behavior and reduction in crash frequency in the years following implementation. The minimum reporting requirements by state law are that a city using photo enforcement publish the number of crashes and number of notices of infractions issued in photo enforcement areas annually. Above and beyond this requirement, city staff has already created a website detailing the timeline and progress leading up to photo enforcement implementation,

⁹ Important to note is that under pandemic traffic conditions the extensive queueing and high frequency of red-light violations and subsequent pedestrian conflicts at 61st Avenue and Bothell Way has all but evaporated. Because the volume of traffic has been the only change to this intersection, however, it is reasonable to expect that when higher traffic volumes return the problematic behavior will return as well.

and this website will serve as the nexus for all information related to photo enforcement within the City. Information available on this website will include at least the following:

- Detailed explanation of site selection process
- Annual frequency of speeding and red-light violations beginning at the time of photo enforcement implementation
- Travel speed statistics for school zones, including historical speed statistics from before the implementation of photo enforcement, and speed statistics from school zones not receiving photo enforcement
- Annual crash frequency and number of notices of infractions issued for photo enforcement areas per RCW reporting requirements
- Annual revenue generated by each photo enforcement location
- High-level overview accounting for how photo enforcement revenues are used
- List of projects planned and delivered using photo enforcement revenue

The revenue generated by photo enforcement can be substantial even when fines are modest, but implementation of photo enforcement as a means of generating revenue is a common thread in negative sentiment surrounding photo enforcement programs. There is evidence that Kenmore residents are open to a photo enforcement program part of the City's revenue plan; during the development of the Financial Sustainability Plan (FSP), the "Balancing Act Budget Simulator Tool" available on the City's website showed photo enforcement as the single most popular revenue enhancement strategy. This sentiment can be built upon – tying photo enforcement specifically to the maintenance of public roads and improvement of transportation safety throughout the City is an important facet of soliciting public buy-in and addressing concerns about photo enforcement as a revenue-generating tool by committing that revenue to furthering the goal of providing a safe and effective transportation environment for all road users. Covering these expenditures is the purpose for which the photo enforcement program was introduced into the FSP, and clear and consistent messaging can underscore the transportation safety and operational benefit residents are receiving from photo enforcement revenue.

The goal of effective photo enforcement is to reduce red-light violations or to reduce dangerous speeding behavior, but enforcement (including photo enforcement) is the tool of last resort for achieving these goals. When public buy-in is critical to the success of a program, it is important that drivers have every opportunity to avoid or self-correct problematic behavior or be otherwise deterred before being penalized with a fine. If photo enforcement is perceived to "create" the problem it is solving, for example by suddenly reducing the speed limit immediately before

issuing a fine for not traveling at the reduced speed, then photo enforcement will not be viewed as a tool for improving transportation safety but rather as a deceitful method of extracting revenue from drivers. The paradox of creating a photo enforcement program which solicits public buy-in is that the photo enforcement program must take all reasonable steps to minimize the number of violations issued by the program. In service of this goal, it is proposed that the City of Kenmore photo enforcement program take the following steps to allow drivers to self-correct problematic driving behavior before they are issued a notice of infraction by the photo enforcement program:

For all photo enforcement locations:

- New photo enforcement locations will be advertised widely using the City's available outreach tools, including but not limited to the City website, social media accounts, and quarterly newsletters.
- Advance signing will be present for all locations clearly indicating the presence of photo enforcement on the upcoming facility. Signing will be installed at least thirty days before equipment is activated (as required by the RCW) and will be marked with high-visibility flags for a period of at least thirty days after photo enforcement becomes active.
- After installation of photo enforcement devices, each new photo enforcement location will issue warning letters to violators in lieu of notices of infraction for a period of at least two months before notices of infraction and associated fines are issued to violators. For the initial implementation of photo enforcement in the City of Kenmore, warning periods will be substantially longer.
- All traffic movements which are detected as likely violations will be reviewed by Kenmore police officers before a notice of infraction is issued for the violation.

For automated school zone speed enforcement:

- All school zones with automated speed enforcement will be delimited with flashing school-zone beacons, and photo enforcement will be active exclusively at times during which the beacons are active.
- Speed feedback signs will be present in advance of school zones to notify drivers of their current speed and allow drivers to moderate their speed before approaching an automated enforcement area.
- A graduated fine system will issue a fine of \$100 for exceeding the school zone speed limit by more than 5 mph (i.e. fines beginning at 26 mph), and a \$250 fine for exceeding the regulatory speed limit by more than 5 mph (i.e. beginning at 41 mph if the regulatory

speed limit is 35 mph). The tiered fine structure allows for only moderate fines for “accidental” or “inattentive” speeding in school zones in order to facilitate driver awareness, while still allowing punitive fines for reckless speeding more in line with what would be issued by in-person enforcement for school zone offenses.

For automated red-light enforcement:

- Stop bars for photo-enforced lanes will be clearly marked.
- Actuation zones for red-light violations will be set at the point where the photo-enforced lane would enter a conflict with opposing traffic. In the case of eastbound left-turn traffic this is roughly one car-length past the stop bar, and in a case where there is a crosswalk present, this would include encroachment in the crosswalk. This allows for a more forgiving stop location than if enforcement were triggered just past the stop bar.
- The photo enforcement program will issue a fixed fine of \$100 for red-light violations, a value moderately lower than what would be issued by in-person enforcement for a first-time offense.

Providing substantial warning periods and public outreach, advanced signing indicating the presence of photo enforcement, advanced flashing beacons and speed feedback signs at entry to automated speed enforcement zones, forgiving enforcement zoning for red-light enforcement, police review before notices of infraction are issued, and moderate values for fine amounts will help underscore the position that revenue generated from photo enforcement is in support of creating a safe and effective traffic environment and not for the sole purpose of extracting fines from drivers.

Driver Impact and Equity

It is critical that the photo enforcement program clearly and unequivocally support the City of Kenmore’s social and economic equity values and goals in each way that it interacts with individuals as well as social and governance systems, including but not limited to the financial impact on drivers, driver interaction with law enforcement and court systems, and infrastructure investment from revenue generated by photo enforcement. The nature of photo enforcement has several intrinsic characteristics which are positive for equity:

- Road users most likely to incur fines are drivers of personal vehicles, a group which has disproportionately low representation of individuals belonging to economically vulnerable households.¹⁰

¹⁰ Puget Sound Regional Council (PSRC) Spring 2019 Travel Survey. As a percentage of trips, households with an income of \$25,000 or less have the lowest rate of personal vehicle usage by percent-of-trips, with 75% of trips made by car compared to 85% of trips made by car for households with an income of \$25,000 to \$74,999 and 80%

- Detection of violations and issuance of notices of infraction are done based on objective criteria and without access to personally identifying information, removing the most substantial avenues for introduction of implicit bias into enforcement practices.
- Notices of infraction are processed in the manner of parking tickets, rather than moving violations; photo enforcement therefore will not contribute to a driver's license suspension and risk impacting that driver's access to transportation and mobility.

In addition to these characteristics which are intrinsic to any photo enforcement program which meets the requirements stated in the RCW, other practices which support equity can be explicitly included in the City of Kenmore's photo enforcement policies and practices.

- The fine schedule can be set such that fines most commonly incurred by drivers are set at a level that does not present undue financial burden for individuals belonging to economically vulnerable households.
- The revenue generated by photo enforcement can be used to provide traffic safety improvements in areas which do not directly benefit from the crash reduction effect of photo enforcement.
- For city expenses which must be funded and which may be funded by photo enforcement revenue, photo enforcement revenue can replace the need to enact other fundraising measures which may have regressive impacts on lower-income households.

Importantly, the substantial revenue generated by photo enforcement is a lever for implementing traffic safety and infrastructure maintenance throughout the City, and the application of that revenue can be employed dynamically as the equity needs of the City shift and evolve throughout the life of the photo enforcement program. If careful attention is given to the direct impact on drivers by the inception of the photo enforcement program, and continued attention is given to equitable use of the revenue generated by photo enforcement, then the

of trips by car made by households with an income of \$75,000+. Although this still represents a high percent of trips completed by personal vehicle for lower- and middle-income groups, higher-income households (with household income of \$100,000 or more) are responsible for approximately 50% of all trips made regionally, and responsible for more than three times the number of trips as lower-income households (with household income less than \$50,000). On a statistically representative road, it can be expected that slightly more than half of all personal vehicle trips are made by drivers belonging to households with incomes of \$100,000 or more, and less than 20% of personal vehicle trips are made by drivers with incomes below \$50,000. Households with incomes of \$100,000 or more make up 40% of the households included in the PSRC Travel Survey, while households with incomes less than \$50,000 make up 24% of households included in the survey, indicating that in addition to being the majority share of personal vehicle drivers on the road, higher-income households are also over-represented in personal vehicle travel (50% of car trips made by 40% of households), while lower-income households are under represented (20% of car trips made by 24% of households).

proposed photo enforcement program can be an instrument of positive public safety and equity in the City as a whole.

Proposed Photo Enforcement Timeline and Public Outreach

The proposed timeline for implementation of photo enforcement is as follows:

Nov '21 – Dec '21	Council begins discussion on proposed new traffic photo enforcement program
Jan '22	Public hearing, and council vote to approve photo enforcement program
Jan '22 – Feb '22	RFP and selection of contractor for lease and operation of cameras
Feb '22	Council award of photo enforcement contract
Mar '22	Installation of advanced warning signs for photo enforcement locations, installation of photo enforcement cameras
Apr '22	Start of warning period: photo enforcement cameras become active and warnings are issued in lieu of notices of infraction.
Summer '22	Automated red-light enforcement warning period ends no sooner than 2 months after cameras become active. School-zone speed enforcement cameras not active during summer.
Fall '22	Automated speed enforcement warning period ends, cameras begin issuing fines at start of school year. Photo enforcement program is now fully implemented.

Each step in the proposed timeline will be accompanied by updates to the photo enforcement website which will reflect the most current photo enforcement news and timeline. Public hearing and council approval will be accompanied by a press release. A city-wide mailer describing photo enforcement program and schedule will be sent out prior to cameras becoming active. The beginning of warning period, end of warning period for automated red-light enforcement, and end of warning period for automated speed enforcement will each be accompanied by social media release. Each monthly E-news and Kenmore Quarterly will have updates regarding the state of photo enforcement information. Already, several photo enforcement updates have been released in E-news and Kenmore Quarterly publications this year, and a social media release was made regarding the launch of the photo enforcement website.

The website for photo enforcement was created in May '21 and is currently active; the website is updated frequently with changes to the photo enforcement timeline. In addition to the

estimated timeline, the website contains frequently-asked-questions (FAQ) regarding the City's purpose for photo enforcement, ticketing practices, site selection, and common concerns addressing misinformation about photo enforcement programs. The FAQ will continue to be updated as more common concerns are brought to the City. Details on site selection will be available on the website after they are presented to council. Once cameras are active, the photo enforcement website will also describe the process for responding to a notice of infraction. Once the program is active, information will be available for each photo enforcement location including at the least information about crash frequency and number of notices of infractions issued.

City of Kenmore Automated Photo Enforcement Program Proposed Policy and Program Structure November 8, 2021



Tobin Bennett-Gold, P.E.

Traffic Engineer | City of Kenmore

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RCW 46.63.170 Restrictions and Requirements:

- Red-light Violations and School Zone Speed Violations Only
- Analysis of Proposed Sites
- Annual Report on Infractions and Crashes

WASHINGTON STATE LEGISLATURE

RCWs > Title 46 > Chapter 46.63 > Section 46.63.170

46.63.160 << 46.63.170 >> 46.63.180

RCW 46.63.170

Automated traffic safety cameras—Definition. (Effective until June 30, 2023.)

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located. (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction, Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; speed violations subject to (c) of this subsection; or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

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RCW 46.63.170 Restrictions and Requirements:

- Red-light Violations and School Zone Speed Violations Only
- Analysis of Proposed Sites
- Annual Report on Infractions and Crashes
- Clear Signing Approaching Enforcement Zones

Legislative Committees
Coming to the Legislature
Civic Education
Legislative Agencies
Legislative Information Center
Email Updates (GovDelivery)
View All Links

(a) Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; speed violations subject to (c) of this subsection; or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and
(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

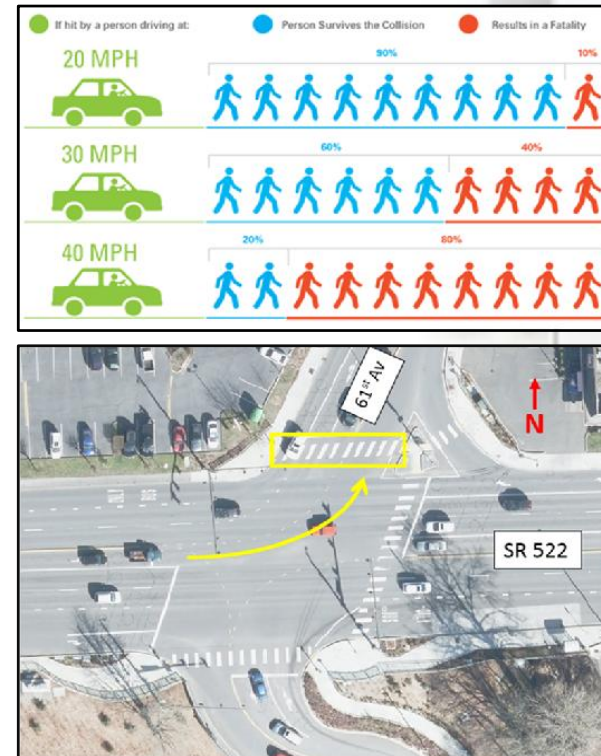
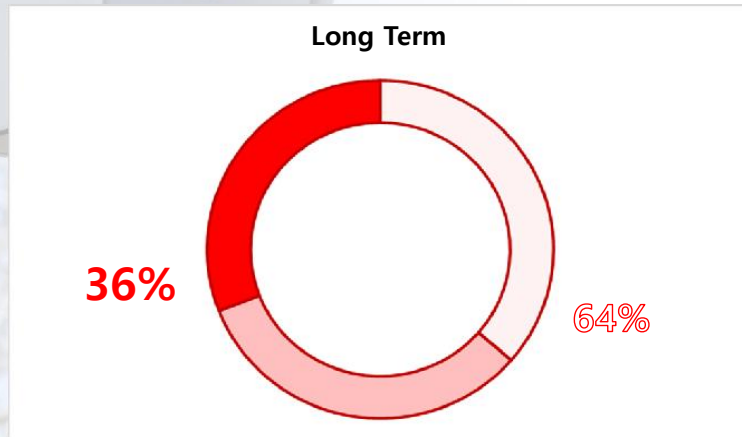
(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36

Introduction	Legal Framework	Safety	Investment	Buy-In	Fairness	Equity	Schedule	
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How does photo enforcement affect safety?



Introduction

Legal Framework

Safety

Investment

Buy-In

Fairness

Equity

Schedule

Investment in Maintaining and Improving the Safety of our Roadway Network

Financial Sustainability Plan:

- 1) Task force recommends photo enforcement be implemented at three locations
- 2) Council adopted financial sustainability plan, including photo enforcement recommendation
- 3) Photo Enforcement Revenue included in 2021-2022 Biennium Budget:
 - \$500,000 in mid-2022
 - \$1,700,000 in following years

	Introduction	Legal Framework	Safety	Investment	Buy-In	Fairness	Equity	Schedule	
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Investment in Maintaining and Improving the Safety of our Roadway Network

Sharing the burden...

**...with everyone who
contributes to the cost**

Introduction

Legal
Framework

Safety

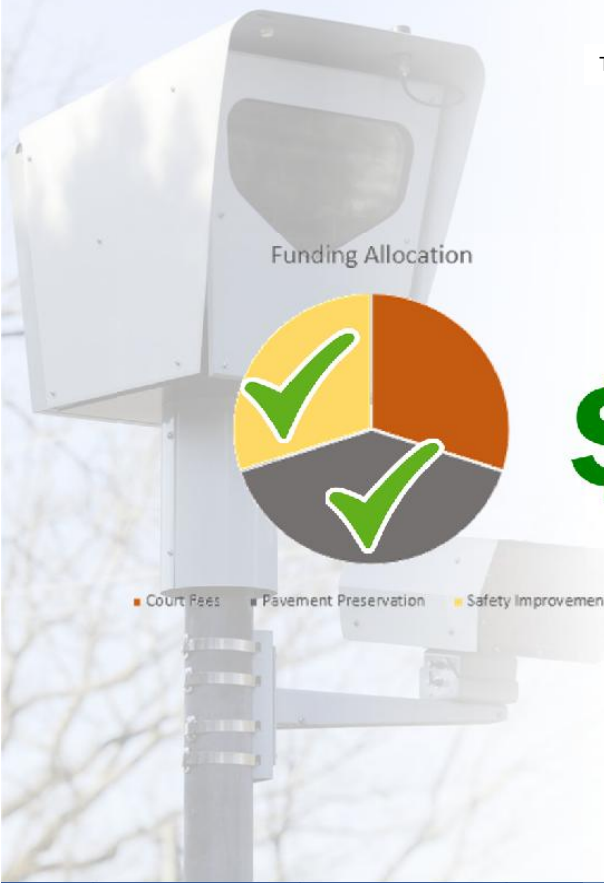
Investment

Buy-In

Fairness

Equity

Schedule

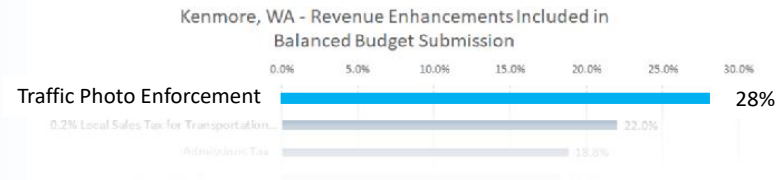


Funding Allocation



■ Court Fees ■ Pavement Preservation ■ Safety Improvements

Kenmore, WA - Revenue Enhancements Included in Balanced Budget Submission



Revenue Enhancement	Percentage
Traffic Photo Enforcement	28%
0.2% Local Sales Tax for Transportation...	22.0%
Admissions Tax	18.8%

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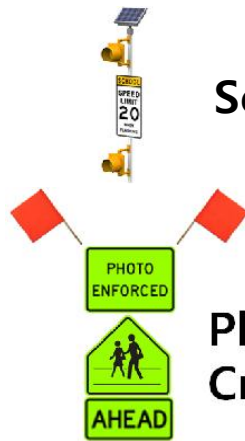


Soliciting Buy-In:

- Do I know what the money is being spent on?
- Do I agree with how the money is being spent?
- Are the cameras hurting anyone?
- Is it easy to avoid getting a ticket?



Introduction	Legal Framework	Safety	Investment	Buy-In	Fairness	Equity	Schedule	
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School Zone Flasher Assembly



Photo Enforcement School Crossing Assembly



Photo Enforcement Camera

Speed Feedback Sign



Introduction	Legal Framework	Safety	Investment	Buy-In	Fairness	Equity	Schedule	
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Social Equity Considerations:

RCW requires that cameras not capture any identifying information other than a vehicle's license plate...

... which virtually eliminates all opportunity for bias, including implicit bias.

Automated photo enforcement offers violation detection that is based on objective criteria, consistently applied.

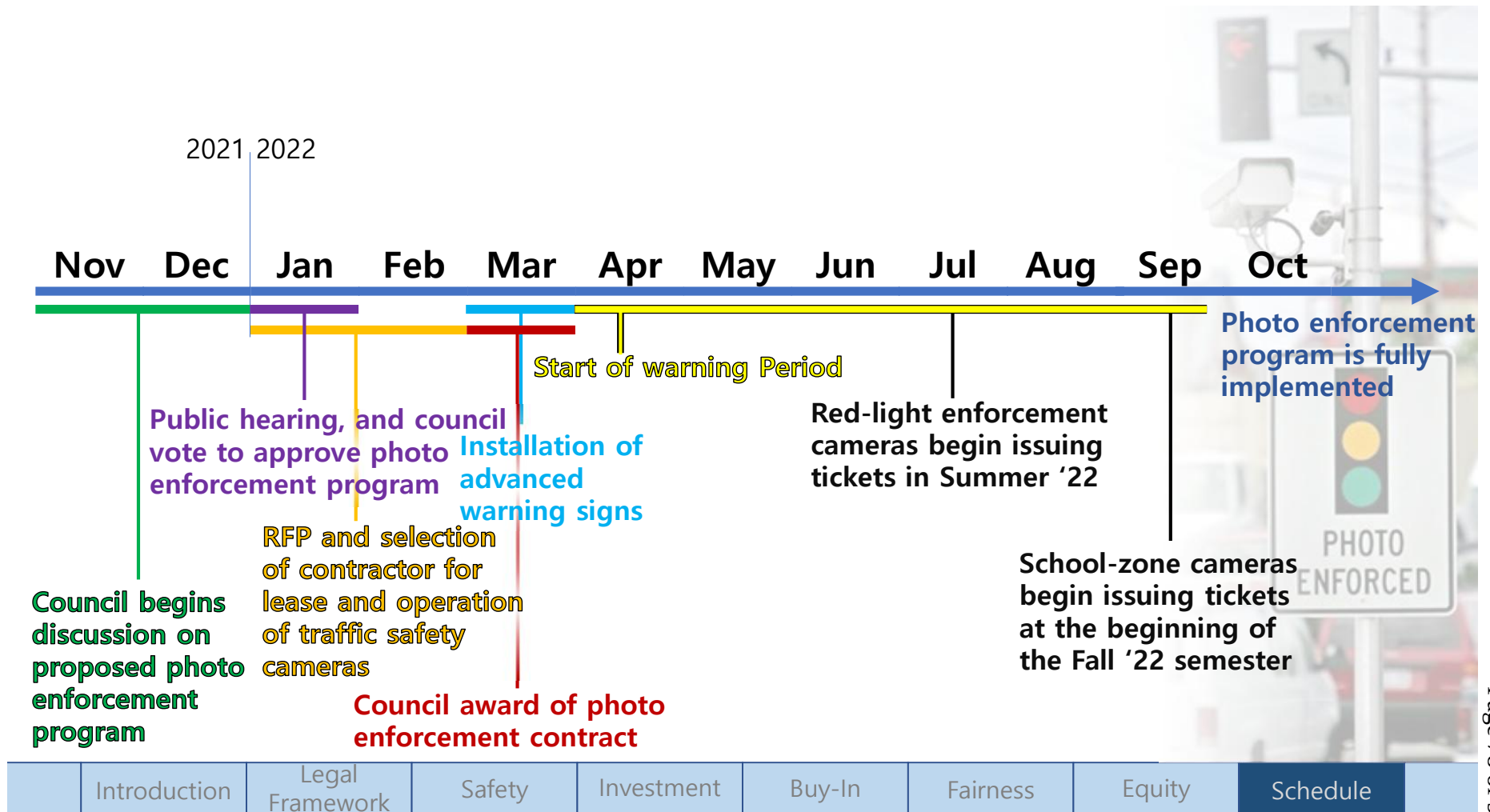


	Introduction	Legal Framework	Safety	Investment	Buy-In	Fairness	Equity	Schedule	
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Economic Equity Considerations:

- **How will the magnitude of the fine impact those least able to pay?**
Photo enforcement will have a fine schedule set based on consideration of impact on individuals with economic insecurity.
- **What happens in the case of non-payment?**
Notices of Infraction issued by automated enforcement are non-moving violations which leaves flexibility based on City policy.
- **What share of the total burden will fall on individuals most vulnerable to economic insecurity?**
Individuals with low income or economic insecurity are under-represented in the population expected to receive fines.

	Introduction	Legal Framework	Safety	Investment	Buy-In	Fairness	Equity	Schedule	
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**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: Weekly Seasonal Farmers Market Proposed Council Action/Motion: No action at this time. Review the proposal, provide feedback, and give guidance on what additional questions need to be answered.	For Council Meeting Agenda of: 11/8/2021 Department: Executive Prepared by: Nicole Suarez, Events Assistant & Stephanie Brown, Volunteer & Events Supervisor <u>Initial & Date</u> Approved by Department Head: NKO 11/3/2021 Approved by City Attorney: _____ Approved by Finance Director: LS 11/3/2021 Approved by City Manager: RK 11/3/2021 Exhibits/Attachments: Power Point Presentation
<u>Staff Recommendation:</u> To further Council priorities, including addressing climate change, advancing diversity, equity, and inclusion, promoting a vibrant, walkable downtown, and responding to the effects of the pandemic, city staff recommend producing, for a temporary one-year trial period, a weekly farmers market on Wednesdays from 3 pm to 7 pm from June through August in 2022. During the trial period, the proposed location of the market will be at the Town Square and Hangar, including along 181st in front of the Town Square. <u>What is being asked of the City Council:</u> No formal action is being requested at the November 8 City Council meeting. Please consider the proposal, provide feedback, and give staff guidance on what additional questions need to be answered and what additional information needs to be provided. Staff will report back at a Council meeting no later than mid-December and seek Council direction on whether to move forward at that time. <u>INFORMATION/BACKGROUND:</u> As the City of Kenmore grows, it is important that we offer amenities for our residents and community. As we have seen in neighboring cities, a Farmers Market in Kenmore would be a community asset and would help to: • engage community • activate our downtown in the wake of the pandemic • provide access to locally-grown food and support local farmers and vendors • promote multimodal transportation options such as walking and biking • take advantage of improved downtown infrastructure • offer options for all residents including low income and seniors to purchase fresh produce We'd like to propose, on a temporary trial period basis, a Wednesday market from 3-7pm in the downtown core along NE 181st between 67th Ave NE and 68th Ave NE, and in the Town Square as needed. Neighboring cities of Lake Forest Park, Bothell and Kirkland do not compete with this proposed day. LFP operates on Sundays, the City of Kirkland operates a large market on Fridays, and Bothell is currently not running a market. A Wednesday	

market allows us to still support our summer concert series on Thursdays, and not compete with other neighboring or larger markets on other days of the week or weekend.

FISCAL CONSIDERATION:

If the City Council is inclined to offer the city a farmers market for the 2022 trial period, we need to temporarily increase event staffing by 0.5 FTE to run and manage the market; to coordinate and assist with other special events; and to maintain and manage the sponsorship program. The event team would also request an increase in staffing to bring in a part time seasonal intern to assist with events. Staffing for special events has been consistent for the last several years. Temporarily increasing staff by 0.5 FTE and adding in a part time intern would help the team to improve our events and engagement within the community. In order to launch the farmers market successfully, we've proposed to add funding to contract with a consultant to help with our initial startup, provide checkpoints along the way, and to provide day of market help if needed.

Potential funding sources to pay for the added net costs of a farmers market can come from the city's General Fund. We are also exploring whether ARPA funding may qualify as a source, at least for the first one or two years. Another funding source could be the Strategic Opportunities Fund to help pay for the startup costs (not for costs that would be considered ongoing).

The increase in expenditures would need an adjustment to the current 2021-2022 biennium budget and would be on a trial period for 2022. The budget adjustment can be made in 2022 after we know whether ARPA funding may be used and after the farmers market budget is further refined.

Note that a farmer's market is a new program, even if it is for a trial period. The addition of a new program and the added staffing that goes with it should normally go through the biennium budget process and take into consideration the city-wide budget as a whole and in combination with other competing needs and requests that may come from other city departments.

Given that the proposal for this new program is outside of the biennium budget process, the trial or pilot nature of this program, as well as the unique circumstances of the pandemic (including the possible use of ARPA funds), should be considered.

The question of whether this new program continues beyond the first year should receive rigorous scrutiny along with other budget requests during the 2023-2024 biennium budget process.

The temporary increase in staffing would bring in revenue from both the farmers market and sponsorship. Vendors would pay a **\$40 booth fee each week**. Sponsors would pay a **\$250 booth fee each week**; sponsors would be limited to one sponsor/market day.

Farmers market revenue from **20 booth fees could start at \$11,200** and increase from there depending on market size.

Sponsorship revenue pre-pandemic has traditionally brought in over \$30K per year for all events. We anticipate this will increase with sponsor booth sales at each market day. Sponsorship revenue goes into the General Fund. Sponsorship revenue was drastically reduced in 2020 and 2021 due to the COVID impact on businesses. In 2020, total sponsorship revenue was \$9,600 and in 2021 current revenue is down to \$4,900.

We plan to bolster up the sponsorship program to increase the revenue for 2022 to bring it back to traditional levels. The sponsorship revenue has the potential to exceed pre-pandemic levels with the addition of booth sales at the Farmers Market. Revenue from sponsors at the market could start out at **\$3,500** and increase from there, based on a fee of \$250/sponsor each week.

On market days (14), we would also need to increase or allocate staffing time for one public works staff member. We would recruit volunteers to help with vendors, event details, set-up and take-down. Volunteers would be a strong asset to a smooth operation of the market. Total event staffing on market days would consist of: 1 lead, 1 intern, 1 public works staff for before and after hours, and 4-6 volunteers.

Farmers Market financial costs:

0.5 FTE increase of event staff plus benefits– \$60,000

One public works maintenance worker on 3 hours of regular pay and 3 hours of overtime pay – \$3,612

Intern total: \$5,400

Police (6 hours at opening day): \$480

Consultant fee – \$3,500 (70 hrs. @ \$50/hr.)

Initial startup fees:

\$1,282 –King County Permitting fees based on 20 vendors (recurring fee each year)

\$429 – King County New Market Fee (only pay the first year)

\$150 – WA State Farmers Market Association Fee for new markets (recurring fee and will increase with larger market)

Estimated initial revenue: **\$14,700** (vendor fees and sponsor sales)

Estimated startup & operating costs for first year: **\$79,853** (PW staff, police, intern, consultant, all fees, 0.5 FTE staff increase plus benefits)

Downtown Farmers Market Proposed Budget

	Year 1	Year 2	Year 3
Proposed Sources			
Vendor booth fees	11,200	14,000	14,000
Sponsorships	3,500	5,000	5,000
General Fund/Strategic Opps			
Fund/ARPA*	65,153	56,924	59,420
Other	0	0	0
Total Sources	79,853	75,924	78,420

Proposed Uses			
Increase event staff from 0.5 Fte to 1.0 FTE	60,000	62,400	64,896
Seasonal Farmers Market Intern	5,400	5,400	5,400
Public Works Support	3,612	3,612	3,612
Police (6 hrs at opening day)	480	480	480
King County Permitting Fees	1,282	1,282	1,282
Advertising/Promotion	4,000	2,000	2,000
Farmers Market Association Dues	150	500	500
Supplies/furnishings/equipment	250	250	250
Startup Costs			
Farmers Market Consultant	3,500	0	0
King County New Market Fee	429	0	0
Supplies/furnishings/equipment	750	0	0
Total Uses	79,853	75,924	78,420

* Some of the costs may qualify for ARPA funding (still yet to be determined)

Also, the Council may choose to pay for startup costs or the first year with Strategic Opportunities Funds

This would be a team effort to make this farmers market a reality. Planning work for the FM would start in January recruiting vendors and obtaining permits. The planning and preparation work would continue through market opening date of June 1, 2022.

Note: Normally a new program like this would be discussed at the City Council's annual retreat and during the normal budget preparation process. However, if the Council desires to see a farmers market in summer of 2022, the City Council will need to provide direction on whether to move forward by mid-December of this year.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Priority #2: Kenmore Climate Plan

Priority #3: Diversity, Equity, and Inclusion

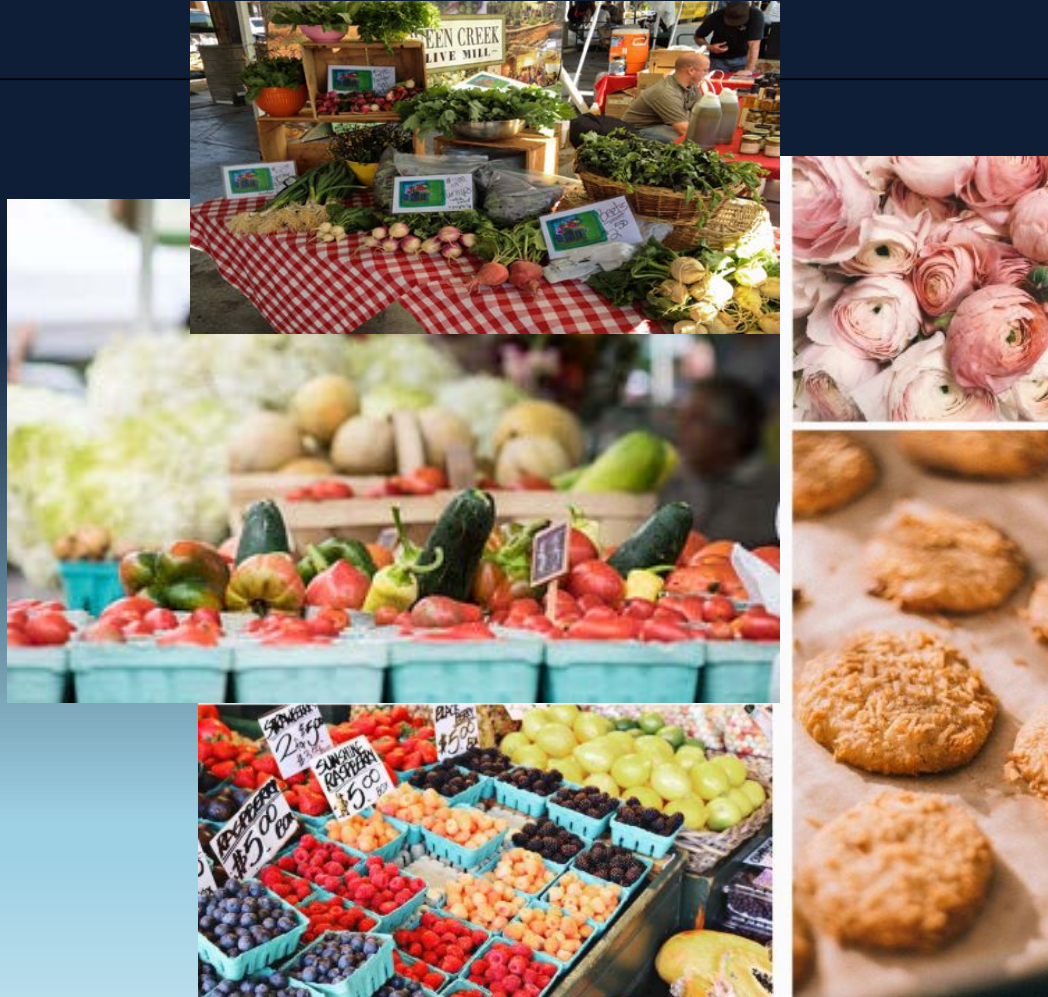
Priority #4: Respond to the Pandemic

Priority #10: Foster and Create Fun

Priority #11: Engage and educate the community on growth and development in Kenmore (City booth will have a rotating Council or City department table for education and engagement)

Kenmore Farmers Market

June – August 2022



Farmers Market Benefits

- Provide fresh produce and other food options within walking, biking or busing distance to thousands of residents.
- Support local farmers and vendors from all backgrounds and diversities.

City & Council Direct Benefits

- Platform for community engagement and education directly from the City and City Council to the residents.

Market Focus

- At least 20 food vendors would be at the market each week.
- This Farmers Market would be a food based market and concentrate on:
 - fruit
 - vegetables
 - flower growers
 - food processors:
 - Bakers
 - Bread makers
 - Dairy vendors
 - Meat and seafood vendors

We would not include craft or trinket vendors in this type of market.

Business Impacts

- Businesses in the concentrated location would experience an extra influx of potential customers each week.
- Direct access may be blocked during the market; however, residents and customers will be encouraged to walk or bike to the market and those businesses during market hours.
- In addition, parking will be available at City Hall for market goers and folks needing to access the surrounding businesses.

Support

- Washington State Farmers Market Association
 - Information for all aspects of running a farmers market
 - Boot camp in February for new markets
 - Connecting with experts in the field
- Volunteers – Create a “Friends of the Market” committee.
 - These “friends” would serve as the community help for promoting the market, helping to provide a voice for residents, and help at every market day.

Location: NE 181st & Town Square



Proposed Sources

	Year 1	Year 2	Year 3
Vendor booth fees	11,200	14,000	14,000
Sponsorships	3,500	5,000	5,000
General Fund/Strategic Opps Fund/ARPA*	65,153	56,924	59,420
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Total Sources	79,853	75,924	78,420

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Proposed Uses

	Year 1	Year 2	Year 3
Increase event staff from 0.5 FTE to 1.0 FTE	60,000	62,400	64,896
Seasonal Farmers Market Intern	5,400	5,400	5,400
Public Works Support	3,612	3,612	3,612
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King County Permitting Fees	1,282	1,282	1,282
Advertising/Promotion	4,000	2,000	2,000
Farmers Market Association dues	150	500	500
Supplies/furnishings/equipment*	250	250	250
Startup Costs:			
Farmers Market Consultant	3,500	0	0
King County New Market Fee	429	0	0
Supplies/furnishings/equipment	750	0	0
Total uses	79,853	75,924	78,420