

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore **REVISED City Council Regular Meeting Agenda**

7:00 p.m., Monday, July 15, 2013

Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. FLAG SALUTE

IV. AGENDA APPROVAL

V. CITIZEN COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

VI. CONSENT AGENDA

- A. Adopt Minutes for the June 17, 2013 City Council Retreat and June 24, 2013 City Council Regular Meeting

VII. PUBLIC HEARING

- A. Public Hearing to Receive Public Testimony Related to the Current Moratorium (Ordinance No. 13-0362) on the Acceptance and Filing of Applications for, and the Licensing, Establishment, Location, Operation, Maintenance, and Continuation of Marijuana Businesses and Marijuana Operations Under Washington State Initiative No. 502 - Debbie Bent, Community Development Director

VIII. BUSINESS AGENDA

- A. 68th Avenue West Sammamish River Bridge Update & Consideration of Consultant Services Agreement - Kris Overleese, Engineering & Environmental Services Director
- B. Northshore Summit Park Phase I Construction Budget Amendment - Debbie Bent, Community Development Director, and Marc Connelly, Parks Project Manager

IX. STAFF REPORT

- A. Business Incubator Update - Nancy Ousley, Assistant City Manager

X. COUNCILMEMBER REPORTS & COMMENTS

XI. COUNCILMEMBER INITIATIVES

XII. ADJOURNMENT

Upcoming Meetings:

Tuesday, July 16, 2013	Planning Commission Regular Meeting	7:00 p.m.
Monday, July 22, 2013	City Council Regular Meeting	7:00 p.m.
Monday, July 22, 2013	Transportation Benefit District Board Meeting	CANCELED
Tuesday, August 6, 2013	Planning Commission Regular Meeting	7:00 p.m.

**City of Kenmore
City Council Special Meeting
June Retreat
Minutes
June 17, 2013**

CALL TO ORDER – Mayor Baker called the meeting to order at 5:00 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Bob Hensel, and Councilmembers Brent Smith, Laurie Sperry, Allan Van Ness, Milton Curtis, and Glenn Rogers

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Engineering & Environmental Services Director; Debbie Bent, Director of Community Development; Bryan Hampson, Development Services Director; Jennifer Gordon, Public Works Operations Manager

RETREAT AGENDA

Welcome and Introduction – Michael Pendleton, Pendleton Consulting, stated that there are two objectives for this retreat. Objective number one is to start the larger, macro discussions in preparation for budget planning. Part of this objective is determining if there are budget implications for the goals set at the beginning of the year. This is also an opportunity for Council to give direction to staff on larger budget policy issues. Objective number two is to speak with each other about the staff operational work plans, and to determine if there are any major new ways to proceed or things that need to be factored in at this point.

Review and Further Clarification of 2013-2014 Goals Established at the January 2013

Retreat – Councilmembers and staff discussed the City Council 2013-2014 Goals, reviewing progress toward those goals so far and discussing future plans to meet the goals, as well as issues involved in meeting the goals, including financing.

Department Work Plan Updates – City Manager Karlinsey and each department head gave a brief update on how their work plans have progressed and changed since January. They also responded to questions.

Michael Pendleton thanked the staff and Councilmembers for all their hard work and for participating in the retreat, as it is valuable to get together and see how the goals the Council set in January are coming alive.

ADJOURNMENT

There being no further business, Mayor Baker adjourned the meeting at 9:00 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

**City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
June 24, 2013**

CALL TO ORDER - The special meeting of the Kenmore City Council was called to order by Deputy Mayor Hensel at 6:30 p.m.

EXECUTIVE SESSION

Deputy Mayor Hensel recessed the special meeting at 6:30 p.m. to an executive session to discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 30 minutes and that action is anticipated when the meeting is reconvened.

POSSIBLE ACTION RESULTING FROM EXECUTIVE SESSION

Councilmember Curtis moved to adopt Ordinance No. 13-0362, an interim ordinance of the City of Kenmore, Washington, adopting a six-month moratorium on the acceptance and filling of applications for and the licensing, establishment, location, operation, maintenance, and continuation of marijuana businesses and marijuana operations under State Initiative No. 502; setting a date for a public hearing on the moratorium; providing for severability; declaring an emergency; and establishing an effective date. Councilmember Van Ness seconded the motion. The motion passed 5-0.

CALL TO ORDER – Deputy Mayor Hensel called the regular meeting to order at 7:02 p.m.

Councilmembers present: Deputy Mayor Bob Hensel, and Councilmembers Brent Smith, Allan Van Ness, Milton Curtis, and Glenn Rogers

Councilmembers excused: Mayor David Baker and Councilmember Laurie Sperry

Staff present: Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance & Administration Director; Kris Overleese, Engineering & Environmental Services Director; Debbie Bent, Director of Community Development; Bryan Hampson, Development Services Director; Lauri Anderson, Senior Planner; Rod Kaseguma, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Deputy Mayor Hensel led the flag salute.

AGENDA APPROVAL

It was Council consensus to approve the agenda as submitted.

CITIZEN COMMENTS

Dave Crawford, 7534 NE 175th Street, Kenmore, was present to thank the City Manager for his efforts in getting the 68th Street underpass ramp handrail repaired. He also stated his concerns regarding City finances. He submitted two handouts to Council.

Patrick O'Brien, 6330 NE 181st Street, Kenmore, was present to read from a handout regarding the Kenmore Industrial Park. He submitted the handout to Council.

John Hendrickson, 5919 NE 202nd Lane, Kenmore, was present to state his concerns with the Kenmore Reporter article regarding the sale of Kenmore Village.

Ken Smith, 15816 70th Avenue NE, Kenmore, was present to state his concerns regarding affordable housing in Kenmore, dioxins, and the Business Incubator.

Deputy Mayor Hensel thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Van Ness moved to approve the consent agenda as submitted. Deputy Mayor Hensel seconded the motion to Adopt the Minutes of the May 28, 2013 Regular City Council Meeting and Approve Check Nos. 27953 – 28011 in the Amount of \$192,274.37 and Electronically Transferred Payroll Funds Totaling \$64,446.89 for the Period Ending June 14, 2013. The motion passed unanimously.

BUSINESS AGENDA

Adoption of Ordinance No. 13-0357, SR 522 West A Construction Project Condemnation – Kris Overleese, Engineering & Environmental Services Director, and Steve Reinhart, Project Manager with Universal Field Services, were present to give a brief PowerPoint presentation about the SR 522 West A construction project. They were also available to answer any questions. Director Overleese stated that meeting with property owners is one of the most important parts of the process, and the team has met with all but one. She explained that the ordinance is a tool to be used only as a last resort, and even then negotiations would continue. In addition, the City would immediately work to get into mediation.

- **Public Hearing Regarding Ordinance No. 13-0357**

Deputy Mayor Hensel opened the public hearing to receive comments on this issue at 7:21 p.m.

The following citizens spoke:

Steve Lee, 1167 SE 58th Street, Seattle, was present representing the Tai Ho Restaurant at 6312 Bothell Way NE in Kenmore. He stated his concerns regarding the long-term effects of the easement on the business.

Dave Crawford, 7534 NE 175th Street, Kenmore, was present to state his concerns.

Patrick O'Brien, 6330 NE 181st Street, Kenmore, was present to state his concerns regarding business owners not being involved in the design process.

As there was no further testimony, Deputy Mayor Hensel closed the public hearing at 7:48 p.m.

Director Overleese and Project Manager Reinhart were available to answer additional questions.

Councilmember Rogers moved to Adopt Ordinance No. 13-0357, SR 522 West A Construction Project Condemnation. Councilmember Curtis seconded the motion. The motion passed 5-0.

Adoption of Ordinance No. 13-0361, Extending Medical Marijuana Moratorium –Lauri Anderson, Senior Planner, was present to give a brief staff report. She was also available to answer any questions.

- **Public Hearing Regarding Ordinance No. 13-0361**

Deputy Mayor Hensel opened the public hearing to receive comments on this issue at 8:05 p.m.

The following citizens spoke:

Patrick O'Brien, 6330 NE 181st Street, Kenmore, was present to state his concerns regarding enforcement of the ordinance.

Elizabeth Mooney, 5934 NE 203rd Street, Kenmore, was present to comment on the ordinance and to suggest educating the public.

As there was no further testimony, Deputy Mayor Hensel closed the public hearing at 8:12 p.m.

City Attorney Rod Kaseguma clarified some of the misstatements made by Patrick O'Brien in his testimony.

Senior Planner Anderson was available to answer additional questions.

Councilmember Van Ness moved to Adopt Ordinance No. 13-0361, Extending Medical Marijuana Moratorium. Councilmember Curtis seconded the motion. The motion passed 5-0.

Adoption of Ordinance No. 13-0363, Development Regulations Amendments – Debbie Bent, Community Development Director, was present to give a brief staff report, detailing the changes being proposed and the reasons for the proposed changes. She noted that these amendments will only affect one property in Kenmore, the Kenmore Village upper parcel. She was also available to answer any questions.

- **Public Hearing Regarding Ordinance No. 13-0363**

Deputy Mayor Hensel opened the public hearing to receive comments on this issue at 8:26 p.m.

The following citizens spoke:

John Hendrickson, 5919 NE 202nd Lane, Kenmore, was present to suggest that the City should have King County review and agree to these code changes before passing the ordinance.

Ken Smith, 15816 70th Avenue NE, Kenmore, was present to state his concerns regarding the affordability of housing under the proposed amendments.

Patrick O'Brien, 6330 NE 181st Street, Kenmore, was present to state his concerns regarding not being able to follow what changes were made to the current code.

As there was no further testimony, Deputy Mayor Hensel closed the public hearing at 8:37 p.m.

Director Bent was available to answer additional questions.

Councilmember Rogers moved to Adopt Ordinance No. 13-0363, Development Regulations Amendments. Councilmember Van Ness seconded the motion. The motion passed 4-1, with Deputy Mayor Hensel voting no.

Adoption of Resolution No. 13-219, Fee Schedule Amendments – Bryan Hampson, Development Services Director, was present to give a brief staff report, in which he gave background and information on the resolution as well as information about the current status of the business registration program. He was also available to answer any questions.

Councilmember Curtis moved to Adopt Resolution No. 13-219, Fee Schedule Amendments. Councilmember Sperry seconded the motion. The motion passed 5-0.

STAFF REPORT

Assistant City Manager Nancy Ousley announced a correction regarding the Thursday, July 11 Sediment Study meeting. She stated that there will be an open house from 5:30 to 7:00 p.m., followed by presentations and questions from 7:00 to 8:30 p.m.

CITY COUNCILMEMBER COMMENTS/REPORTS

Councilmember Curtis stated that Evergreen Hospital is the medical facility that is interested in having a location here in Kenmore Village.

Deputy Mayor Hensel stated that he will be at Bastyr University on Thursday for the opening of the Kenmore Art Show. He will present awards, and there will be food and music.

ADJOURNMENT

Deputy Mayor Hensel adjourned the meeting at 8:51 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Public Hearing on Kenmore's Moratorium on the Acceptance and Filing of Applications for, and the Licensing, Establishment, Location, Operation, Maintenance and Continuation of Marijuana Businesses and Marijuana Operations under Washington State Initiative No. 502	For Council Meeting Agenda of: 7/15/13 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director</u>												
Proposed Council Action/Motion: Hold a public hearing to receive input on the marijuana businesses and marijuana operations moratorium put in place by the City Council through adoption of Ordinance No. 13-0362 on June 24, 2013. After the public hearing, the City Council may consider adopting additional or revised findings justifying the moratorium.	<table border="0"><tr><td></td><td><u>Initial & Date</u></td></tr><tr><td>Approved by Department Head:</td><td>OK. 6/27/13</td></tr><tr><td>Approved by City Attorney:</td><td>EMAIL 6/13/13</td></tr><tr><td>Approved by Finance Director:</td><td>June 7/1/13</td></tr><tr><td>Approved by City Manager:</td><td>[Signature]</td></tr><tr><td colspan="2">Exhibits/Attachments: 1. Ordinance 13-0362</td></tr></table>		<u>Initial & Date</u>	Approved by Department Head:	OK. 6/27/13	Approved by City Attorney:	EMAIL 6/13/13	Approved by Finance Director:	June 7/1/13	Approved by City Manager:	[Signature]	Exhibits/Attachments: 1. Ordinance 13-0362	
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Approved by Finance Director:	June 7/1/13												
Approved by City Manager:	[Signature]												
Exhibits/Attachments: 1. Ordinance 13-0362													
Expenditure Required \$0 Amount Budgeted \$0 Appropriation Required \$0													
<u>INFORMATION/BACKGROUND:</u> On June 24, 2013, the City Council adopted Ordinance 13-0362 establishing a moratorium that prohibits the acceptance and filing of applications for, and the licensing (including business licensing), establishment, location, operation, maintenance or continuation of marijuana businesses or any other marijuana activities and marijuana operations asserted to be authorized or actually authorized under Washington State Initiative No. 502. In addition, Ordinance 13-0362 includes a provision that no use that constitutes or purports to be a marijuana business or other marijuana operation that was engaged in prior to the passage of the Ordinance shall be deemed to have been legally established under the Kenmore Municipal Code and shall not be entitled to legal nonconforming status. The moratorium was adopted for a 6-month period from the June 24, 2013 effective date of the Ordinance through December 24, 2013. The moratorium automatically expires on December 24, 2013 unless it is repealed, modified or extended after a public hearing and entry of findings. The Ordinance authorizes the City Manager to research and analyze the extent and impact of Initiative 502, to consider and develop an appropriate regulatory framework for marijuana producers, processors, retailers, or operations in the City, and to monitor and provide input into the rules being developed by the Washington State Liquor Control Board. State law requires that the city hold a public hearing on the moratorium within 60 days of the passage of the Ordinance. Ordinance 13-0362 established the July 15 th Public Hearing date. As provided for in													

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VIIA. Public Hearing to Receive Public Testimony Related to the
Current Moratorium (Ordinance No. 13-0362) on the Acceptance

Section 4 of the Ordinance, after the public hearing the City Council may consider adopting further findings justifying the moratorium. City staff does not recommend revising the findings or adopting additional findings.

If the City Council decides to revise the findings or adopt additional findings, it should give direction to the City Manager regarding such findings. The City Manager will prepare a new ordinance addressing the findings for City Council adoption. Any new ordinance must be passed within 60 days of the passage of Ordinance 13-0362, or by August 23, 2013. City staff does not recommend adopting a new ordinance.

Background On Initiative 502

Initiative 502 which legalizes, taxes and regulates use of marijuana in Washington by persons 21 and older was approved on the November 2012 Washington State ballot. The law took effect on December 6, 2012.

Under I-502, the Liquor Control Board ("LCB") must establish procedures and criteria for licensing marijuana businesses by December 1, 2013. LCB has already issued "initial draft rules" and will issue "official draft rules" for public comment in July, with adoption in mid-August. As of June 27, 2013, the LCB's official timeline is to accept license applications under the new rules beginning September 14, 2013. Issuance of the first licenses is expected in early December of this year.

Three new marijuana licenses are authorized: producer, processor, and retailer. The fee for each license is a \$250 application fee and \$1000 annual renewal fee. The marijuana producer license allows production of marijuana for sale at wholesale to marijuana processors and allows for production, possession, delivery, and distribution. The marijuana processor license allows for processing, packaging, and labeling of marijuana/marijuana infused product for sale at wholesale to marijuana retailers and allows for processing, packaging, possession, delivery, and distribution. The marijuana retailer license allows for sale of useable marijuana/marijuana infused products at retail outlets regulated by the LCB.

LCB must determine the maximum number of retail outlets in each county, in order to provide adequate access to licensed products and to discourage purchases from the illegal market.

Premises of marijuana businesses cannot be within 1000' of perimeter of an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or game arcade that admits persons under 21 years of age, although definitions of these facilities have not been finalized.

Although the Initiative supports the production and use of recreational marijuana, the federal government continues to treat marijuana as a "Schedule I" drug—illegal in all respects except for research studies. Federal enforcement of the federal Controlled Substances Act ("CSA") is still uncertain, as the Justice Department has not taken a position on federal preemption of I-502.

FISCAL CONSIDERATION:

None at this time. In the future, staff time will be required to review the issues surrounding marijuana businesses and operations and develop a regulatory approach.

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COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Comprehensive Plan Vision Statement: "We see Kenmore as a community that is attentive to, and seeks to provide for, the health, safety, and welfare of all its citizens.

Land Use Element Policy LU-1.1.2: "Through land use policies and development regulations that are consistent with state and federal laws, limit land uses and activities that may result in harmful secondary effects to the community, such as crime, vandalism, or neighborhood deterioration. Consider spacing requirements, buffers, landscaping, access, signage controls, business license and operating requirements, as well as other mechanisms to control secondary impacts.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 13-0362**

AN INTERIM ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE AND FILING OF APPLICATIONS FOR, AND THE LICENSING, ESTABLISHMENT, LOCATION, OPERATION, MAINTENANCE AND CONTINUATION OF MARIJUANA BUSINESSES AND MARIJUANA OPERATIONS UNDER WASHINGTON STATE INITIATIVE NO. 502; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the cultivation, possession or distribution of cannabis (marijuana) and marijuana products has been and continues to be a violation of federal law through 21 U.S.C. § 812(c), the Controlled Substances Act ("CSA"); and

WHEREAS, two United States Attorneys (Department of Justice) in Washington state have stated that marijuana is a Schedule I controlled substance under federal law, and as such, growing, distributing and possessing marijuana in any capacity other than as part of a federally authorized research program is a violation of federal law, and also have concluded that local governmental employees who conduct and engage in marijuana regulatory activities under Washington state law are subject to prosecution under the CSA; and

WHEREAS, in 2012, in response to a letter from the Clark County, Washington, Board of Commissioners, Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Division Control, U.S. Department of Justice, Drug Enforcement Administration, stated that anyone who knowingly carries out marijuana activities that are inconsistent with the CSA but consistent with Washington state law, as well as anyone who facilitates such activities, or conspires to commit such activities, is subject to criminal prosecution under the CSA; and

WHEREAS, Initiative Measure No. 502 ("Initiative 502") was approved by the voters of Washington state on November 6, 2012, and became effective on December 6, 2012; and

WHEREAS, Initiative 502 authorizes and directs the Washington State Liquor Control Board ("LCB") to establish rules for the licensing of marijuana producers (growers), marijuana processors, and marijuana retailers (collectively, "marijuana businesses") and for the operation of such marijuana businesses; and

WHEREAS, the LCB has just issued initial draft rules, but does not anticipate adopting final rules until mid-August 2013 and does not anticipate issuing licenses for marijuana businesses until December 2013; and

WHEREAS, Initiative 502 prohibits marijuana businesses within 1,000 feet of certain uses and buildings, such as child care centers, public parks and recreation centers or facilities, but does not define such uses and buildings, creating uncertainty as to the application of the distance restriction in the City; and

WHEREAS, Initiative 502 does not address the issue of whether the LCB, in granting licenses to marijuana businesses, must comply with land use and zoning restrictions of local jurisdictions, such as the City; and

WHEREAS, such issue might be addressed by the LCB in its draft and final rules; and

WHEREAS, the regulation of marijuana businesses is a valid exercise of City police powers under Article XI, Section 11 of the State Constitution; and

WHEREAS, the establishment of land use and zoning regulations is an exercise of the police power, and is specifically authorized by RCW 35.A.63.100; and

WHEREAS, RCW 69.51A.150 authorizes the City to adopt and enforce zoning requirements, business licensing requirements and health and safety requirements pertaining to the production, processing or dispensing of marijuana and marijuana products; and

WHEREAS, the operation of marijuana businesses under Initiative 502 would be a violation of the CSA, and would be subject to the statements and conclusions of the United States Attorneys mentioned above, and the letter of Joseph T. Rannazzisi mentioned above; and

WHEREAS, because the possession or distribution of marijuana has been and remains a violation of both the Washington Uniform Controlled Substances Act and the CSA, the City has not studied or implemented zoning and licensing regulations for marijuana businesses; and

WHEREAS, given the complexity of the relevant issues, the City needs time to conduct appropriate research and analysis in order to understand the extent and impact of Initiative 502, determine the appropriate regulatory framework for the permitting, licensing and operation of marijuana businesses in the City, and monitor and provide input into the rules being developed by the LCB; and

WHEREAS, City staff has learned from other cities that persons and businesses which anticipate applying for marijuana business licenses with the LCB already have inquired about applying for city business licenses and development permits and approvals for such marijuana businesses; and

WHEREAS, the City Council deems it to be in the best interests of the public, and necessary for the protection of the public health, safety, property or peace, to establish a zoning moratorium on marijuana businesses and marijuana operations authorized or asserted to be authorized under Initiative 502, pending consideration of land use regulations to address such marijuana businesses and marijuana operations, in view of the rules being adopted by the LCB; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to adopt a moratorium on development or land use for six-months, and hold a public hearing on the moratorium within sixty (60) days of the initial adoption of the moratorium; now, therefore

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

Section 1. Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of the moratorium imposed by this Ordinance. The City Council may, in its discretion, adopt additional or revised findings at the conclusion of the public hearing referenced in Section 4 below.

Section 2. Moratorium. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a zoning moratorium is hereby enacted in the City that prohibits the filing and acceptance of applications for, and the licensing (including business licensing), establishment, location, operation, maintenance or continuation of marijuana businesses, or any other marijuana activities and operations asserted to be authorized or actually authorized under Washington state Initiative No. 502 ("other marijuana operations"). A "marijuana business" is marijuana producer, marijuana processor or marijuana retailer as defined in Initiative No. 502.

Section 3. No Nonconforming Uses. No use that constitutes or purports to be a marijuana business or other marijuana operation that was engaged in prior to the passage of this Ordinance shall be deemed to have been legally established under the Kenmore Municipal Code and shall not be entitled to legal nonconforming status.

Section 4. Public Hearing. As provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council sets a public hearing for July 15, 2013, which shall begin at 7:00 p.m. or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and consider adopting further findings justifying the imposition of the moratorium set forth in Section 2 above.

Section 5. Duration. The moratorium established in Section 2 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through December 24, 2013), and shall automatically expire on that date unless repealed, modified, or extended after subsequent public hearing and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 6. Authorization of City Manager. The City Manager is hereby authorized and directed to research and analyze the extent and impact of Initiative 502, to consider and develop an appropriate regulatory framework for marijuana businesses and marijuana operations in the City, and to monitor and provide input into the rules being developed by the Washington State Liquor Control Board.

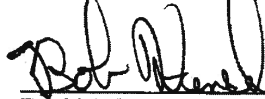
Section 7. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction,

the remainder of the Ordinance, or the application of the provision to other persons or circumstances, is not affected.

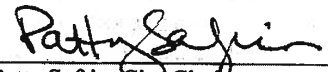
Section 8. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn.App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 24TH DAY OF JUNE, 2013.

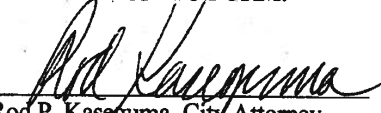
CITY OF KENMORE


David Baker, Mayor

ATTEST/AUTHENTICATED:


Patty Safrin, City Clerk

APPROVED AS TO FORM:


Rod P. Kaseguma, City Attorney

FILED WITH THE CITY CLERK: June 14, 2013
PASSED BY THE CITY COUNCIL: June 24, 2013
DATE OF PUBLICATION: June 27, 2013
EFFECTIVE DATE: June 24, 2013
ORDINANCE NO.: 13-0362



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: West Sammamish River Bridge "West Sam Bridge"

For Council Meeting Agenda of: July 15, 2013

Department: Engineering & Operations

Prepared by: Kris Overleese & Jennifer Gordon

Initial & Date

Approved by Department Head:

Approved by City Attorney:

Approved by Finance Director:

Approved by City Manager:

[Handwritten signatures and dates: July 15/13]

Proposed Council Action/Motion: Create a project within the Transportation Capital Improvement Program titled "West Sam Bridge" with a budget of \$461,000 AND Authorize the City Manager to enter into agreements with the selected bridge engineer consultant for \$225,000.

Exhibits/Attachments:

Attachment A: January 28, 2013 Transportation Benefit District Bridge Update Agenda Item

Expenditure Required
\$461,000

Amount Budgeted
\$86,000 for biennium

Appropriation Required
\$375,000

INFORMATION/BACKGROUND:

On January 28, 2013 staff gave the Transportation Benefit District Board an update on the West Sammamish River Bridge activity (Attachment A). As previously discussed, the most recent routine inspection of the West Bridge (constructed in the 1930's) found additional cracking (movement) of concern. As a result, staff worked with the King County Bridge group (our bridge engineers) to develop a monitoring plan and to perform a load rating analysis for the bridge. The County engineers determined that the bridge does not need to be speed or load restricted at this time. However, an aggressive monitoring plan was put in place and includes: implementation of a monitoring plan, completion of a scour analysis of the piers in the Sammamish River, and performance of a structural evaluation on several spans. The County cost estimate for work in 2013 is \$56,000 and continued monitoring in 2014 was estimated to be \$30,000 which was anticipated to be covered within the existing budget.

The following has occurred since the January update:

- Survey prisms and crack gauges were installed on the bridge
- King County engineers completed a fathometric survey (survey of river bottom)
- King County engineers completed a scour analysis (evaluation of whether bridge pilings are surrounded by soil as they should be)
- King County surveyors completed first quarterly review of bridge prisms (survey points) in late May
- King County Bridge engineer Rich Hovde left the County and the County informed the City they could no longer provide significant bridge engineering services (monitoring/survey, technical advice and minor permitting assistance only)

The first survey of the prisms (survey points) on the bridge show that there is little to no horizontal movement, but there is .12-.24 inches of settlement. This movement prompted the County to recommend earlier Under Bridge

Inspection Truck (UBIT) review of the cracks than was planned. The County also recommended installing survey prisms on all piers. The County UBIT went out on June 18 to inspect the bridge. The crack gauges installed earlier this year show no signs of change and additional survey prisms were installed.

The recent scour analysis performed by the County shows that there has been soil loss “upstream” on piers 4 and 5 (each side of the navigation channel). This soil loss is known as scour. The County engineers explained that the bridge is “scour critical” which requires replacement of the material around the piers. County Engineers explained to staff that the soil under the bridge pilings is what is holding up the bridge (not the soil around the pilings). However, if the scour worsens, the soil under the pilings could be compromised. The County continues to consider new information and still determine that no load or speed restrictions are necessary at this time.

Next Steps

The next bridge survey is schedule for July 8th, which is earlier than the inspection frequency considered earlier this year. The County bridge engineers will continue to recommend monitoring frequency and perform the UBIT and survey work.

As the County is not able to provide bridge engineering services (scour repair, etc), staff is working to hire a new consultant to perform bridge engineering work. The City’s Request for Qualifications (RFQ) was due on June 25 and seven firms submitted their qualifications. Interviews are scheduled for July 10th. The selection team includes the City Engineer, Public Works Operations Manager, and a Washington State Department of Transportation- Local Programs Office representative. Staff followed the process for consultant selection required if federal funds are utilized so that if/when funding is secured in the future the consultant selection process was adequate. Staff will notify Council of the selected consultant at the July 15, 2013 meeting.

The following work is planned for 2013:

- King County survey on July 8 (follow up survey and UBIT inspections as recommended, frequency will be higher than anticipated in January 2013)
- Design, permit and construct scour stabilization (consultant design, County permit)
- Perform rehabilitation vs. replacement evaluation (consultant)
- Apply for bridge funding. Begin Bridge Replacement Advisory Committee (BRAC) grant that is due early 2014 (consultant)

FISCAL CONSIDERATION:

In January, staff anticipated covering the \$86,000 for 2013 and 2014 monitoring and investigation work within the current Street Fund budget. Through June 18, \$45,000 has been spent on monitoring/analysis.

There are currently no funds authorized within the budget to pay for design or permitting for the scour stabilization that must be completed this summer/early fall. The estimate for this work is \$200,000 (rough planning level estimate) which will not be firmed up until a consultant is hired, County data is reviewed and design begins. Funds are also needed to complete the rehabilitation vs. replacement analysis including grant applications. The cost for this analysis is unknown at this time, but staff estimates \$175,000. The staff recommended project cost to begin the West Bridge Project is \$461,000 (includes the monitoring work). The recommended funding strategy includes: \$86,000 from the Street Fund as discussed in January (already in the budget), \$80,000 from the Sammamish River Bridge Fund, \$200,000 from the Surface Water Fund (funds previously budgeted for SW 12 74th Ave NE Culvert Replacement) and \$95,000 from the Real Estate Excise Tax (REET) Fund. The 74th Ave NE Culvert Replacement project is delayed and may be reevaluated depending on the outcome of project SW 1 Tributary 0057 Channel Relocation.

Staff requests that Council authorize staff to 1) create the West Sam Bridge Project with a preliminary budget of

\$461,000. A mid-biennium budget amendment will be brought to the Council later this year.

Staff also requests that Council authorize the City Manager to execute contracts with the newly selected bridge engineering consultant up to \$225,000 to complete the scour stabilization design and complete the rehabilitation vs. replacement evaluation including grant application.

As mentioned, these budget figures are based on rough staff estimates. As consultant negotiations and scour stabilization design progresses, staff will seek Council direction if additional funds are needed.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

- Evaluation and maintenance of infrastructure
- Planning for critical infrastructure rehabilitation or replacement



Kenmore Transportation Benefit District Business Agenda Item
City of Kenmore, WA

Attachment A
July 15, 2013
Bridge agenda item

Subject/Topic: West Sammamish Bridge
Investigation Update

For Transportation Benefit District Meeting Agenda
of: January 28, 2013

Department: Engineering & Operations

Prepared by: Kris Overleese & Jennifer Gordon

Proposed Board Action/Motion: NA

Initial & Date
Approved by Department Head: KMO 1/21/13
Approved by TBD Attorney: WA
Approved by Finance Director: CMO 1/22/13
Approved by City Manager: JGO 1/22/13

Exhibits/Attachments:

Attachment A: January 14, 2013 Recommendation
Memo

Attachment B: January 14, 2013 King County Cost
Estimate

Expenditure Required
\$56,000

Amount Budgeted
\$56,000

Appropriation Required
N/A

INFORMATION/BACKGROUND:

At the Transportation Benefit District (TBD) November 20, 2012 meeting, staff gave the Board an update on the West Sammamish Bridge inspections. Staff told the Board that the West Sammamish Bridge (south bound traffic) had widening in cracking which typically results from structure movement and/or increased stress. This memo outlines the investigation and analysis work performed by King County, our bridge inspection team since November 2012 and next steps.

On December 4th, Operations Manager Jen Gordon and City Engineer Kris Overleese met with King County Bridge Team engineers. The group discussed monitoring options for the West Sammamish Bridge at length. The County also informed staff that the load rating analysis indicated that restricting loads on the West Sammamish Bridge is not required. The County remains uncertain of why the bridge is showing movement in the cracking and recommends the following in 2013: implementation of a monitoring plan, completion of a scour analysis of the piers in the Sammamish River, and performance of a structural evaluation on several spans. Please see Attachment A for the County's January 14, 2013 recommendation memo. Attachment B demonstrates the County Cost estimate for work in 2013 (\$56,000) and continued monitoring in 2014 (\$30,000) as needed.

The County Bridge Group does not know why the bridge is moving, though they suspect settling of the superstructure (pilings). The critical monitoring and additional analysis work in 2013 will hopefully identify the bridge deficiencies and recommend short and long term needs. There is not information at this time to determine

when the bridge will need to be replaced. However, staff will continue researching bridge replacement options. Staff will also meet this year with the State Bridge engineer to discuss replacement vs. rehabilitation. While staff does not believe at this time that rehabilitation would be prudent, having the conversation with the State will assist with the future decision.

FISCAL CONSIDERATION:

Staff believes they can cover the \$56,000 presented by King County for the 2013 monitoring and analysis within the existing budget. At the end of the year when the County Bridge group makes additional recommendations, we will review the budgetary needs at that time. Staff has not budgeted a significant amount of resources for maintenance work that may result from the monitoring. Also, it is likely that additional investigations and analysis could result in then need for more expensive in-water investigative work. Staff will keep the Board and Kenmore City Council updated on findings as we move forward.

TBD GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Per City of Kenmore Ordinance No.12-0339, the Transportation Benefit District (TBD) has been created to generate revenues to support transportation improvements within the TBD.

F:\admin & finance\budget\2013-2014\ab tbd 2013-2014 budget.docx

Attachment A



King County
Road Services Division
Department of Transportation
KSC-TR-0231
201 South Jackson Street
Seattle, WA 98104-3856
www.metrokc.gov/roads

RECEIVED
JAN 14 2013

CITY OF KENMORE

January 14, 2013

Kristin Overleese, P.E.
Engineering and Environmental Services Director
City of Kenmore
P.O. Box 82607
Kenmore, WA 98028

RE: Proposed Monitoring and Analysis Plan - West Kenmore Bridge No. 1071AW

Dear Ms. Overleese:

King County bridge engineers recently inspected the West Kenmore Bridge No. 1071AW. During the inspection, engineers found several deficiencies that warrant immediate attention. The concerns include widened cracks through the twin box girders in Span 4, tilting of several bridge dynamic isolation bearings, and potential scour at the bridge Pier 4. These concerns plus other inspection findings have been detailed in the bridge inspection report.

King County is recommending these deficiencies are monitored to determine their root cause so we may accurately assess and recommend proper repairs if needed. This memo summarizes our bridge inspection and load-rating result and recommends that the City of Kenmore initiate a monitoring plan to collect additional bridge data. The monitoring effort will last for one year. This effort could be extended for an additional year with less intensive effort depending on monitoring finding during the first year. The monitoring data will be useful to assist the engineers with further review and determine the likely causes of the cracked girders. We will follow up with a suggested plan of action when the bridge monitoring results and analyses are completed.

Structural Inspection Findings

The most recent structural inspection of the West Kenmore Bridge was completed by King County inspectors on August 29, 2012 using the Seattle DOT Under Bridge Inspection Truck (UBIT) to access beneath the bridge. The significant findings from this inspection are:

- Widened cracks that continue through the box girders and deck soffit in Span 4 over the Sammamish River
- Tilting of all isolation bearings towards the southwest

With these findings, inspectors dropped the superstructure condition rating to "4" (poor condition) based on National Bridge Inspection Standards (NBIS) and made recommendations for monitoring the bridge for movement. The inspectors also found and adjusted several codes in the bridge inspection report to better reflect the current bridge condition. The reduced superstructure coding and the revised inspection coding dropped the sufficiency rating from 54.47 Functionally Obsolete to 30.91 Structurally Deficient. The sufficiency rating is a summation of four calculated values, Structural Adequacy and Safety, Serviceability and Functional Obsolescence, Essentiality for Public Use, and Special Reductions. The values range from 100 (best) to 0. A copy of the latest inspection report with photographs is in Appendix A.

Rating the superstructure down to poor condition prompted the need to reload rate the bridge. Load-rating analysis of the bridge's box girders was performed on December 4, 2012. This load rating result has lowered the bridge Sufficiency Rating further to 25.21. However, based on the Washington State Department of Transportation Bridge Design Manual (WSDOT BDM), the revised load-rating analysis results did not indicate the need to post the bridge for any load restriction at this time. A copy of the load rating analysis is in Appendix B.

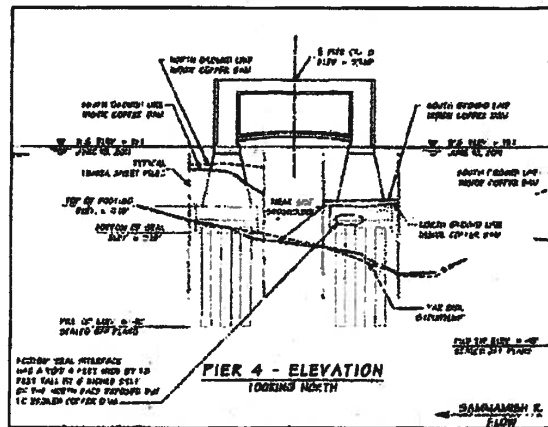
The bridge inspection report suggests a list of bridge repairs that are prioritized below.

Rpr#	Priority	Description
10015	1	Terminal at NW corner is damaged and bent. Replace terminal.
10016	1	Perform a scour analysis.
10017	1	Perform a structural evaluation on spans 4, 5, and 6 and develop repair strategies and/or outline further structural analysis after bridge monitoring results & analyses.
10014	2	Torn and missing sections of joint near Pier 6. Cracked and broken asphalt near joints. Replace seal near Pier 6 and patch pot holes.
10018	2	Trees along northwest corner restrict access with UBIT. Cut trees.
10020	2	Several longitudinal seismic restrainers are missing nuts Replace missing nuts and tighten per seismic retrofit plan.
10019	S	Remove a portion of the timber cofferdam to verify the location of the bottom of footing and condition of the piles.

- Priority 1 Repairs: To be completed within one year of being noted.
- Priority 2 Repairs: To be completed within two years of being noted.
- Priority S Repairs: Scour-type repairs that need further study.

Underwater Inspection Findings

The latest underwater inspection was done by the Washington State Department of Transportation (WSDOT) Bridge Preservation's Dive Team on June 13, 2011. Although their findings found only minor deficiencies, they noted that the timber coffer-dam could be holding back up to eight feet of material underneath the pile cap and recommended that a portion of this coffer-dam be removed to verify footing location. This team noted that pile tip information was unknown and recommended a scour analysis be completed. A copy of the underwater inspection report is in Appendix C.



Excerpt from the WSDOT's 2011 Underwater Report

Geotechnical Findings

Richard Hovde, P.E. of King County Bridge Unit and Doug Walters, P.E. of King County Material Laboratory met on January 4, 2013 to review available soil and foundation data. Doug was able to find pile driving logs on this bridge as well as general soil data for the adjoining East Kenmore Bridge. A copy of the soil data and pile driving logs are in Appendix D.

Data from the 1938 bridge plans and pile driving logs was transposed onto the soil profile of the 1968 East Kenmore Bridge. The conversions were made using both stationing and vertical datum. We found the 1968 datum is about six feet higher than the 1938 datum, noting that the bridge decks were at the same level but each had different stations.



West Kenmore Bridge transposed onto 1968 Soil Profile

Transposing the bridge data onto the soil profile reveals several details; most importantly the timber piles are not driven very far into load-bearing material. The predominant peat and soft silts that surround the piles do not have significant contributions on both pile lateral and vertical capacities to provide any lateral support. This has triggered our concern and could explain any suspected bridge movements.

Proposed Bridge Monitoring Plan Next Steps

Because of the continuous through cracking of the box girders and tilting of the isolation bearings, a rigorous monitoring plan is recommended to assist engineers to determine why these cracks are opening up and bearings are tilting. Although settlement of the substructure is suspected, this monitoring plan, together with additional analysis, could help pinpoint the reason for the serious inspection findings. King County is proposing the following:

1. Install survey prisms on the west face of piers 4, 5, and 6.
2. Install survey prisms on the west face and each side of cracks in the west box girder (girder A).
3. Survey eleven prisms and known points along roadway every three months for one year. We will review the survey results and will advise city if additional year of monitoring with less effort, say once every 6 month, is recommended.
4. Using a UBIT, measure tip and direction of bearings and the horizontal and vertical widths/displacements of the cracks every six months for one year.
5. Take soundings of the downstream ground line and compare to as-built conditions.
6. Perform hydrologic and hydraulic analysis and calculate scour depths.
7. Calculate pile load capacity with and without effects of scour.
8. Check load-rating of existing bridge piles at Piers 4 and if it is the existing pile bearing capacity is being exceeded.
9. Summarize survey monitoring, inspection monitoring, scour analysis, pile bearing capacity analysis, and revisit prior load-rating analyses of box girders (if needed).
10. Recommend repairs and propose short and long term actions.

A copy of the cost estimate to carry out the monitoring plan is in Appendix E. Although the cost estimate reflects two years, the first year is about \$56,000 and the second year is about \$30,000. There are ways not listed that we can reduce the cost upon further discussion. Please note the estimated cost of the UBIT uses 2012 list prices.

Please feel free to contact Richard Hovde at 206-263-6241 with any questions or concerns.
We appreciate assisting your city with bridge engineering and inspection services.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Lane", followed by the word "FOR" in a smaller, handwritten font.

Timothy Lane, P.E.
Supervising Engineer
Bridge and Structural Design Unit

Kristin Overleese, P.E.
January 14, 2013
Page 6

Attachment A

TL:RH:mr

Enclosures

cc: Doug Walters, Geotechnical Engineer, Materials Laboratory, Road Services Division
(RSD), Department of Transportation (DOT)
Jake Evans, Engineer II, Survey Unit, RSD, DOT
Jessy Jose, Senior Engineer, Bridge and Structural Design Unit, RSD, DOT
Margaret Holwegner, Engineer II, Bridge and Structural Design Unit, RSD, DOT
Rey Sugui, Program Analyst, Strategic Planning, Programming and Reporting Office,
RSD, DOT

1/14/2013

2013 West Kenmore ESTIMATE.xlsx West Kenmore Monitor Plan

1/14/2013

Equipment Rate	IC Lead Inspector	IC Inspector	IC Survey	IC Structural & Geotech	Seattle UBIT	Seattle T
	\$ 5.00	\$ 4.00	\$ 6.00	\$ 3.00	\$ 220.00	\$ 5.00
Estimate	\$ 148.00	\$ 40.00	\$ 339.60	\$ 40.00	\$ 7,320.00	\$ 180.00

Notes: Equipment estimate calculated by multiplying equipment rate by number of man-hours

Description	Unit	Quantity	Unit Cost	Subtotal	Comment
Prisms, survey	each	11	\$ 400.00	\$ 4,400.00	May have option to borrow prisms
			\$	\$	
			\$	\$	
			\$	\$	
			\$	\$	
			\$	\$	

ESTIMATE		NC	NC Survey	NC Structural & Geotech	Seattle UBIT	Seattle T.C.	Total Labor /Equipment/Materials
Labor		\$ 21,867.76	\$ 33,328.17	\$ 5,159.18	\$ 5,159.18	\$ 7,200.00	\$ 72,714.28
Equipment		\$ 180.00	\$ 339.60	\$ 40.00	\$ 7,920.00	\$ 180.00	\$ 8,479.60
Materials		\$ 4,840.00					\$ 4,840.00
Contingency	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Total Crew	\$ 26,887.76	\$ 33,667.77	\$ 5,199.18	\$ 13,079.18	\$ 7,380.00
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2013 West Kenmore ESTIMATE.xlsx West Kenmore Monitor Plan

Attachment B

KING COUNTY - 2013 BRIDGE REPAIR ESTIMATE

1/14/2013	
GRAND TOTAL	\$ 86,033.88

* NOTE: This estimate is provided as a tool for budgeting only and is not considered a bid.

While King County will make every attempt to stay within this estimate, it is expected that the City will pay for actual costs (direct labor, employee benefits, equipment rental, materials and supplies, utilities, permits, and administrative overhead costs) for the services provided by the County. (see Section 5.1 of Interlocal Agreement) Administrative overhead costs for each work item shall be charged as a percentage of direct labor costs.

2013 West Kenmore ESTIMATE.xlsx West Kenmore Monitor Plan



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

Subject/Topic: Northshore Summit Park Phase 1
Construction Budget Amendment

For Council Meeting Agenda of: July 15, 2013

Department: Community Development

Prepared by: Debbie Bent, Director

Approved by Department Head:

Approved by City Attorney:

Approved by Finance Director:

Approved by City Manager:

Initial & Date

DS. 7/11/13

mg 7/11/13
[Signature]

Proposed Council Action/Motion: Motion to increase the 2013 Northshore Summit Park Phase 1 Project Budget from \$190,000 to \$557,000 (increase of \$367,000) utilizing available Park Impact Fees and authorizing staff to proceed with bid and project construction.

Alternatively, if Council wants to complete all park improvements in Phase 1. A motion to increase the 2013 Northshore Summit Phase 1 project budget, for completion of all park improvements, from \$190,000 to \$659,000 (increase of \$469,000) utilizing available Park Impact Fee and authorizing staff to proceed with bid and project construction.

Exhibits/Attachments:

1. Updated Northshore Summit Park Master Plan
2. Graphic: Phasing Plan (phases 1 and 2)
3. Playground graphic
4. 2006 adopted Master Plan

Expenditure Required \$557,000 (Phase 1 only) or \$659,000 (entire park).

Amount Budgeted \$190,000 of Park Impact Fees for a portion of Phase 1 improvements at Northshore Summit Park, consistent with the adopted 2013-2018 adopted Capital Improvement Program (CIP).

Appropriation Required \$367,000 (for all of phase 1 improvements) or \$469,000 (for entire park improvements) in addition to the \$190,000 budgeted

INFORMATION/BACKGROUND:

The appropriation increases include expenses charged against the \$190,000 project to date and projected expenses through proposed construction completion including staff cost for the Temporary Parks Project Manager. Northshore Summit Park is the third park development project in the city's short history, after significant park development in both Log Boom Park and Rhododendron Park. It is the City's first neighborhood park construction project. The adopted 2006 Northshore Summit Master Plan identified a construction cost estimate of approximately \$633,000 including design, engineering, tax, and contingency but not 1% for the arts. The present plan updates the 2006 plan, and is based upon considerable recent public input and work on the part of the area residents over the last year (see Attachment 1). The updated plan contains a network of loop trails, a playground area of roughly 1900 square feet consistent with the original master plan, featuring a mix of more "natural" looking, and traditional play equipment. Allowance was made in the plan for possible future expansion of a swing bay. As required, the plan includes wetland mitigation in the form of appropriate plantings, fencing and interpretive signs, and ADA access to the play equipment. The plan includes improvement to the maintenance access road and relocation of an existing storm drain line for improved maintenance access and to enable improved ADA and pedestrian access around the upper lawn area. The plan also includes entry improvements, site furniture, buffer plantings, various invasive plant removals and replacement with native plantings and some woodland restoration on the hillsides.

Shown in attachment #2 is a proposed phasing plan. Phase 1 improvements are illustrated in green and relate to the construction of all necessary improvements related to the park entry, ADA access, the play area and the storm water maintenance road. Phase 2 is shown in blue and includes buffer plantings, woodland restoration, completion of the lower

loop trail, and improvements to the secondary entrance and the lower meadow. In order to complete the construction of Phase 1 improvements, Council would need to approve an additional budget of \$367,000, in addition to the \$190,000 in the 2013 adopted budget (total project budget \$557,000). Phase 2 improvements, if done at a later date, are estimated at an additional \$143,000 although \$41,000 would be saved by constructing those improvements at the same time as Phase 1. If Council decides to construct all park improvements then Council would need to approve an additional \$469,000, in addition to the \$190,000 budgeted (total project budget \$659,000). Additional budget amounts would utilize available park impact fee funds. On July 10, 2013 staff applied for a \$20,000 "Let's Play" construction grant from KaBoom! and the Dr. Pepper Snapple Group. If the City is successful in obtaining the grant, the \$20,000 would help offset the equipment costs for the playground, and one of the grant conditions is incorporating volunteers to help build the playground.

The existing project budget of \$190,000 for constructing a portion of Phase 1 for Northshore Summit Park anticipated a basic playstructure, associated drainage improvements for the playground area, and access to the playground utilizing the existing maintenance road, but did not anticipate the costs for mitigation. Based on strong public input an updated master plan layout was prepared which reflected comments gathered at neighborhood workshops hosted in April 2013. Staff is recommending appropriating \$367,000 in additional funds to provide improvements to fully construct a complete Phase 1. The increased funding is needed to complete additional improvements in the following areas: 1. Site grading and surface water drainage improvements; 2. Natural and traditional playground equipment; 3. Landscaping including wetland and buffer enhancements, street trees, open lawn area, and native plantings; 4. Improved maintenance access, ADA access and trails. Staff has also provided the costs to fully complete park improvements by constructing Phase 1 and Phase 2 concurrently or a later Phase 2, as options if Council prefers.

The following table contains a summary of the estimated project costs (includes contingency and sales tax) if constructed together:

	Prior phase 1 budget allocation	Current phase 1	Current phase 2	Entire Park (current phase 1 and 2 together)
Survey/Wetland Delineation/Engineering/Construction Documents/Schematic drawings/Temporary staff	\$76,000	\$116,000		\$116,000
Construction	\$74,000	\$350,000	\$102,000	\$452,000
Play Ground Equipment/Supplies	\$40,000	\$91,000	\$0	\$91,000
Total	\$190,000	\$557,000	\$102,000	\$659,000

Project detail if constructed in phases:

	Prior phase 1 budget allocation	Current Phase 1	Current Phase 2 ¹	Total Cost (Current phase 1 and 2 together)
Survey/Wetland Delineation/Engineering/Construction Documents/Schematic drawings/Temporary staff	\$76,000	\$116,000	\$5000	\$121,000
Construction	\$74,000	\$350,000	\$138,000	\$488,000
Play Ground Equipment/Supplies	\$40,000	\$91,000	\$0	\$91,000
Total	\$190,000	\$557,000	\$143,000	\$700,000

¹If constructed separately from phase 1, additional costs would be incurred for revised construction documents, bidding costs, contingency, construction project management and mobilization.

Since the year 2000 the city has spent roughly \$4 million on park and recreation improvements chiefly for improvements to Rhododendron Park (\$948,000), Log Boom Park (\$1.5M) and the fields at Bastyr University (\$98,000). These costs are shown to illustrate that the costs to improve Northshore Summit park are comparable with past work and experience. Playground equipment at Northshore Summit is more expensive due to the selection of a mix of more "natural looking" play equipment in the form of "boulders", and traditional equipment selected as part of the neighborhood workshop process in April of this year. Attachment 3 illustrates the planned playground improvements.

Background:

2006 Master Plan for Northshore Summit Park: A park master plan for the Northshore Summit Park was adopted on 3/27/06. Attachment #4 shows the proposed improvements identified in that master plan.

2013 Updated Master Plan and Phasing Plan At the direction of City Council in March 2013, the Northshore Summit Park Master Plan was updated to include a revised location for the park playground. The update was the result of neighborhood workshops held during the month of April and a site meeting with neighbors held in May. Osborne Consulting was retained by the city to prepare construction documents and cost estimates anticipating a fall construction project.

2011-2012 Budget: The 2011-2012 adopted budget included \$330,000 within the Park Capital Improvement Program (CIP) to fund a first phase of improvements (\$30,000 design in 2011 and \$300,000 for construction in 2012). A proposal for playground equipment, a contract for \$57,876.62 with Sitelines was presented to Council 9/19/11 for approval but Council tabled the discussion to a later date in part due to neighborhood requests for public involvement and review of the master plan. The Sitelines playground was larger in area and scope than the playground shown on the master plan. The City hired a Temporary Parks Project Manager (Bill Evans) in June 2012 to manage and implement parks projects in the adopted CIP, including the Northshore Summit Park Phase 1 project.

June 2012 Community Meeting Discussion of Phase 1 Northshore Summit Park Improvements: On 6/21/12 the City held a meeting to let the community know of the intent to move forward with construction of Phase 1 park improvements at the Northshore Summit Park consistent with the approved master plan, using funds allocated in the City's 2011-2012 adopted budget. The site drainage improvements and playground facilities were intended to be part of Phase 1 with other improvements included depending on available budget. The Community Meeting provided an opportunity for the community to become familiar with the master plan and ask questions about the proposed improvements.

July 2012 Wetland Identification and Wetland Regulations: In July 2012 ESA (environmental consultant) conducted an environmental assessment at the park. A Class 3 wetland (4,470 sq.ft.) was identified in the approximate location of the playground shown on the master plan. Two other possible wetlands were identified close to the western park boundary but these are drainage ditches and do not meet the City's jurisdictional definition of wetlands. The characteristics of an area that result in its classification as wetland are defined by federal and state agencies. Numerous federal, state and local regulations also govern development and other activities in or near wetlands.

The methodology for delineating a wetland is based upon three essential characteristics that must be present: 1. Hydrophytic vegetation; 2. Hydric soils; and 3. Wetland hydrology. The wetland at the park had the three essential wetland characteristics and met the City's definition of a Class 3 wetland. The City requires a 60 foot wetland buffer from the edge of the wetland. The City's regulations allow a degraded wetland buffer to be reduced to 45 feet through a combination of buffer enhancement and low impact development strategies (stormwater management). An additional 15 foot building setback does not apply to playground equipment.

Per the Kenmore Municipal Code KMC 18.55.100 "All actions and developments shall be designed and constructed in accordance with mitigation sequencing to avoid, minimize, restore and compensate for adverse impacts". Applicants must first demonstrate an inability to avoid or reduce impacts before restoration and compensation of impacts is allowed. This sequence is also outlined in State Rules (WAC 197-11-768). Based on City regulations and also Department of Ecology and US Corps of Engineers regulations, the City cannot demonstrate that there are no opportunities for avoidance, minimization and restoration, and therefore would not be allowed to fill the wetland and "compensate", for the wetland impacts on or off site

September 2012 Council Discussion of the 2013-2018 Park Capital Improvement Program (CIP): On 9/17/12 Council discussed a draft park CIP for 2013-2018. The draft CIP includes \$190,000 of funding for construction of Phase 1 Northshore Summit Park improvements in 2013. This also assumes \$80,000 of expenditures in 2012 related to wetland report, survey work, preparation of construction plans and project management. Park impact fee revenues are the funding source for expenditures. On 9/17/12 during Council discussion of the draft 2013-2018 CIP, staff presented two options for estimated project costs for Phase 1 park improvements. Option A costs at \$155,275.00 and Option B costs at \$271,395.00. No direction was given on 9/17/12 as Council wanted an on-site meeting at Northshore Summit Park to obtain further community input and review how the on-site wetland affected the location of park improvements particularly the playground.

October 2012 Council Meeting at Northshore Summit Park: On 10/8/12 an informal Council meeting was held on-site at Northshore Summit Park. The goals of the meeting were: 1) To provide a status update since the 6/21/12 community meeting

held at city hall; 2) Show the approximate location of the wetland and wetland buffer on-site; 3) Show possible playground locations outside of the wetland and buffer, and hear community feedback on the playground locations; and 4) Review next steps. Attachment #4 is meeting notes from the 10/8/12 meeting.

October and November 2012 Council Discussion and adoption of the 2013-2018 Park Capital Improvement Program (CIP):

Following discussion 10/29/12, 11/5/12, 11/13/12 and public hearings on 10/22/12 and 11/26/12, Council adopted the CIP 11/26/12. The CIP includes \$190,000 in 2013 for Northshore Summit Park improvement design and construction. The Phase 1 project includes a proposed playground, drainage improvements and potential improvement to the footprint of the existing maintenance access to provide ADA access to the playground and other potential site improvements based on available budget. At the 11/5/12 Council meeting, council asked for an opportunity to review the survey drawing before giving direction on proceeding with construction plans for improvements consistent with the adopted Northshore Summit Park master plan.

March 2013: At the 3/11/13 Council meeting, staff presented the topographical and boundary survey drawing. The resulting survey identified the wetland and its associated buffer in the approximate location of the proposed play ground for the park. After taking public testimony the City Council directed staff to proceed with plans relocating the play area outside the wetland area. The City Council also directed staff to work with area residents to complete the design and permitting, construction documents and prepare final cost estimates for site utilities, surface water management and maintenance (maintenance access road), landscaping, site furniture, pathways, landscape screening, ADA access requirements, mitigation requirements for wetland buffer reduction, and the selection of the play equipment.

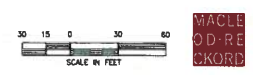
April and May 2013: Osborn Consulting was retained to prepare and complete cost estimates and construction documents for the Northshore Summit Park project. Staff hosted two community workshops on April 9 and April 30 as directed by City Council. The result of the workshops was consensus related to the selection and placement for the playground equipment, layout for pathways, and issues related to general landscaping and buffer plantings. As a result of those meetings a new conceptual plan was developed. Staff then met with several area residents on the site on May 9 to share the new conceptual plan and answer questions regarding the revised plan.

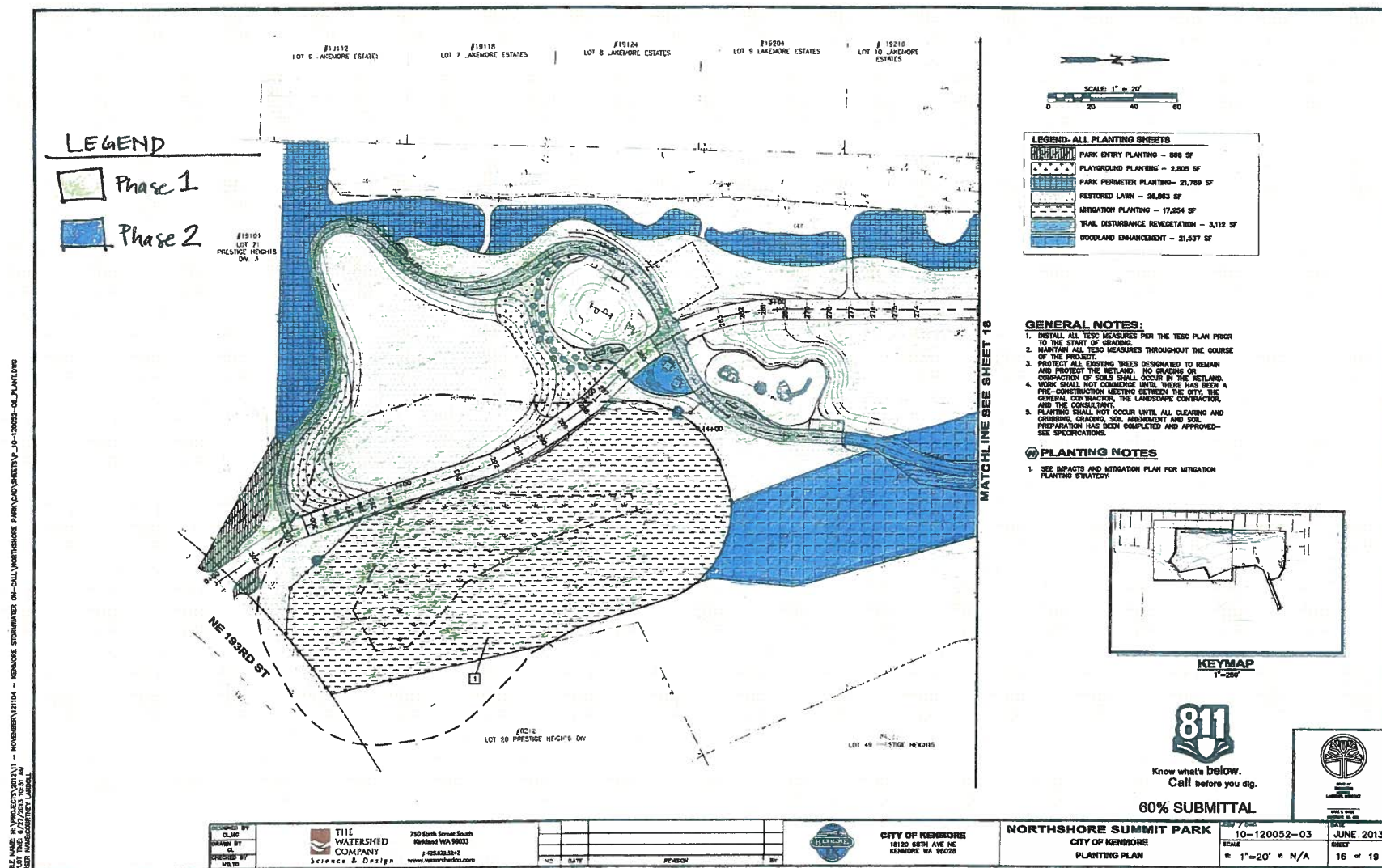
FISCAL CONSIDERATION: The adopted 2013-2018 CIP allocates \$190,000 of Park Impact Fees in 2013 for design and construction costs of Northshore Summit Park Phase 1 park improvements. The projected balance of Park Impact Fees at the end of 2013 is expected to be \$1,562,656. Funding the entire park project would reduce the fund to approximately \$1,093,656. Funding Phase 1 only would reduce the fund to \$1,195,656. Construction in two phases would increase costs related to mobilization, project management, construction document preparation and bidding. According to the estimate provided by the city's consulting team phase 2 costs would increase approximately \$41,000 if constructed separately.

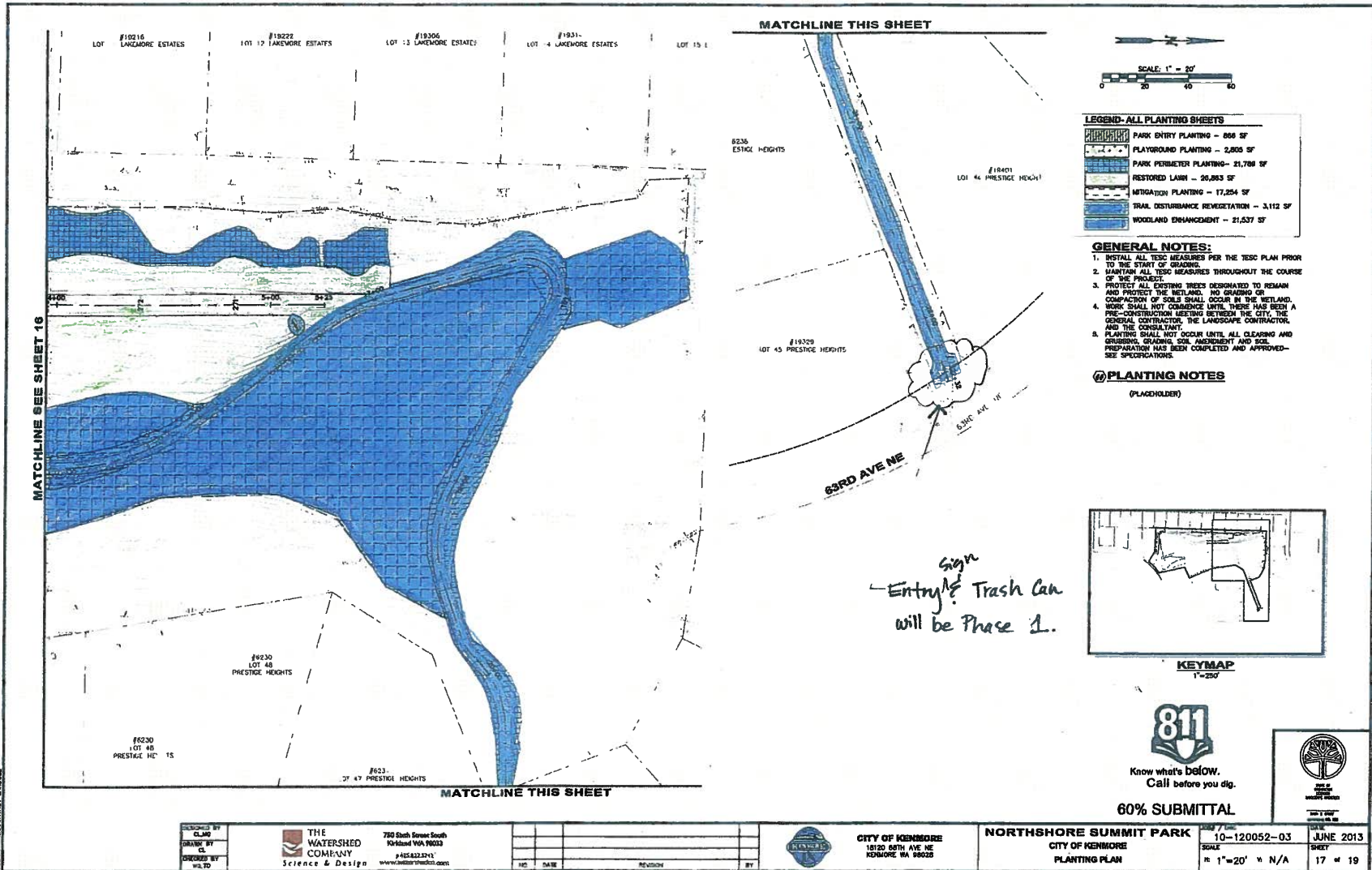
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED: Goal 5 – Implement a parks improvement and financial plan.



Final Plan
Northshore Summit Park
City of Kenmore July 2013

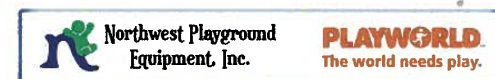






NORTHSHORE SUMMIT PARK

IHD-136-13E







City Of Kenmore, Washington

July 9, 2013

MEMO

TO: Mayor & City Council
Rob Karlinsey, City Manager

FR: Nancy Ousley, Assistant City Manager

RE: Kenmore Business Incubator Update

I am pleased to report that Exato Games Studio is the second company to join the Kenmore Business Incubator (KBI), as of June 1, 2013. Presently, ten technology employees are working in the Incubator space, and six months ago none of these individuals were working in Kenmore. The Incubator has a capacity for 12-15 dedicated workstations.

We have met with several interested companies in the last month and expect to see at least two applications. Through outreach to Bastyr, UW, Digipen, other incubator facilities and business associations, we are getting referrals and inquiries from businesses. We have also heard from a number of businesses who have noticed the prominent exterior signs on the incubator building.

The Kenmore Business Incubator pilot project had a "soft" opening February 2013 and had program elements in place to market the program and accept applications in April. Sending a clear message that Kenmore is "Open for Business" and an excellent business environment for early-stage, promising companies is a primary purpose for embarking on this pilot project. We saw the tremendous opportunities and prospects for tying into the community of technology professionals that live and/or work in the area, in addition to our proximity to higher educational institutions. The KBI offers a lower cost and convenient alternative to incubators in downtown Seattle and Eastside employment centers. We are also working closely with Bastyr University, as well as Digipen and the University of Washington, to market the Incubator to their students and alumnae.

Mentors are lined up to provide business development advice and educational sessions for participants. The KBI will launch a series of information sessions later this summer for program participants and will also continue to work with Fashion Group International members on business development, which will bring more businesses into the program.

The City has joined the National Business Incubation Association (NBIA), which is the major industry organization for incubator programs, and many of the benchmarks and best practices we have identified for the KBI track with the NBIA.

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Now that the pilot incubator is up and running, we need to complete the development of a longer term business plan for the Kenmore Business Incubator, in order for the Administration to discuss options and recommendations with the Council in 2014, as the end of the two year pilot period approaches. The general outline of Kenmore's business incubator plan will be as follows:

Mission/Objective

Client Focus—what types of businesses

Organizational Structure (legal structure, governance)

Services & Programs (services for clients, identifying business assistance providers)

Marketing, Public Relations and Client Recruitment Plan

Client Application/Selection/Graduation Process and Policies

Facility Requirements

Staffing

Budget

Project Schedule and Implementation

Evaluation Criteria

Most of these items are in place, having been developed as part of the pilot program; they will be assessed and tailored to a longer term model. The business plan outline is recommended by the NBIA.

Metrics for Evaluating The Pilot Program

In our most recent report to the Council, the Council expressed interest in the metrics or benchmarks to assess the program. In evaluating the prospects for a longer term program, how will we know if the pilot program is successful and meeting the Council's expectations? The following set of measures will be incorporated in the longer term plan and will help track the KBI's progress.

Outputs:

- # of program inquiries, and how did they hear about the KBI
- # of applications
- # of companies participating
- # of employees working in participating companies
- # of business development seminars presented for participants
- # of individual consultations with participants
- # of partner mentors engaged with the program
- # of business seminars offered for general audiences
- # of participant companies graduating
- # of networking events sponsored: general and incubator-based
- # of potential long term partners contacted (institutional, public, private)

Outcomes:

- Media stories or mentions on the Incubator / Kenmore as a good place for business
- Companies locating in Kenmore post graduation from the Incubator + FTE's (note, companies agree to make best efforts to locate in Kenmore in their program agreements)

- New businesses registered in Kenmore in similar classifications as KBI companies
- Demonstrated need for additional office space in Kenmore
- Commercial/office real estate investment/development/plans (# projects and sf of remodeled or new space)
- Multipliers tied to new businesses related to KBI locating in Kenmore

KBI Budget Update

The City Council appropriated \$238,000 for the incubator project this biennium. During development of the incubator budget, the following expenditure categories were presented, with the expectation that some costs would be offset by user fees:

	2013	2014
Lease & Operations	\$66,000	\$72,000
Consultants	\$36,000	\$36,000
Equipment/Furniture	\$16,000	\$ 2,000
Misc.	\$ 5,000	\$ 5,000
Total	\$123,000	\$115,000

Program Expenditures and Revenue

From January through July 5, 2013, the incubator project expenditures were \$69,999. Most of these costs are attributed to start up costs. Major expenditure categories are as follows:

Furniture & Equipment:	\$ 23,712	(\$22,896 one-time costs; \$816 on-going costs)
Information Technology:	\$ 1,118	
Rent	\$ 19,992	
Utilities	\$ 1,663	
Signage, Printing	\$ 2,868	
Consulting Services	\$ 15,000	
Legal	\$ 2,527	
Maintenance	\$ 3,119	
Total	\$ 69,999	

2012 Expenditures totaled \$16,151 (Consulting \$10,000; Security Deposit/Rent \$4675; Legal \$1476)

Year-to-date Revenues/ user rents equal \$5601

In summary, we are pleased to report that the KBI is moving forward according to plan. The biggest challenges will be to: 1) attract outside funding and partners who can sustain the KBI beyond the City-initiated two-year pilot period 2) secure suitable space for a facility in Kenmore. More discussions and updates will develop as this project progresses.

In the meantime, the KBI is sending a clear message to the business community that we are open for business and that Kenmore is a viable and attractive place to start a new company.