

**City of Kenmore
City Council Meeting
Special & Regular Meeting Minutes
Monday, September 11, 2023**

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.

PRESENT:

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

Staff: City Manager Rob Karlinsey
Deputy City Manager Stephanie Lucash
City Attorney Dawn Reitan
City Attorney Curtis Chambers
City Clerk Anastasiya Warhol
Deputy City Clerk Michelle Kang
Development Services Director Samantha Loyuk
Building Official Bryan Hampson
Community Development Director Debbie Bent
Assistant to the City Manager Garrett Oppenheim
Finance and Administration Director Melinda Merrell
Public Works Operations Director Jennifer Gordon
Public Works Engineering Director John Vicente
Housing and Human Services Manager Tambi Cork

Speaking Guests: Samuel Rodriguez, Proclamation Recipient
Beratta Gomillion, Proclamation Recipient
Margaret Sung Un Andersen, Proclamation Recipient
Chanin Kelly-Rae, DEIA Consultant
Juanita Aguiler, DEIA Advisory Committee Member
David Arthur, DEIA Advisory Committee Member
Carlos Gil, DEIA Advisory Committee Member

Public Comments Speaking Guests:

William Bernbaum, Kenmore Resident
Judy Christ, Kenmore Resident
Kathleen Cooper, Lake Forest Park Resident
Leanne Hust, Kenmore Resident
Karen Olson, Kenmore Resident
Van Sperry, Kenmore Resident
Tess Borromeo, Kenmore Resident
James Lemcke, Kenmore Resident
Katie Rhodes, Kenmore Resident
Martha Johnson, Kenmore Resident
Noemi Aguilar, Kenmore Resident
Steven Leonard, Kenmore Resident
Byron Risch, Kenmore Resident
David Dorian, Kenmore Resident
Samuel Rodriguez, Kenmore Resident
Eric Trout, Kenmore Resident
Marilyn Knutson, Kenmore Resident
Laurie Sperry, Kenmore Resident
Tracy Banaszynski, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Stacey Valenzuela, Kenmore Resident
Carlos Gil, Kenmore Resident
Richard Lewis, Kenmore Resident
Wendy Reynolds, Kenmore Resident

Public Hearing #1 Speaking Guests:

Tracy Banaszynski, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Stacey Valenzuela, Kenmore Resident

Public Hearing #2 Speaking Guests:

Stacey Valenzuela, Kenmore Resident

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the special meeting to order at 5:30 p.m.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(b) and (i), the City Council entered an executive session to 1) consider real estate acquisition and 2) to discuss pending and potential litigation. No action was taken.

ADJOURN SPECIAL MEETING

Mayor Herbig adjourned the special meeting at approximately 7 p.m.

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at 7 p.m. and read the adopted Land Acknowledgement to Honor First Peoples.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as presented.

PROCLAMATIONS

Mayor Herbig read the Hispanic and Latino Heritage Month proclamation. It was accepted by Kenmore business owner Samuel Rodriguez.

[Hispanic and Latino Heritage Month Proclamation](#)

Mayor Herbig read the National Recovery Month proclamation. It was accepted by Beratta Gomillion, Center for Human Services Executive Director.

[National Recovery Month Proclamation](#)

Mayor Herbig Suicide Prevention Awareness Month proclamation. It was accepted by Margaret Sung Un Andersen of NAMI-Eastside.

[Suicide Prevention Awareness Month Proclamation](#)

WHERE'S THE FUN?

City Manager Rob Karlinsey highlighted the recent farmer's market, Kenmore's 25th birthday party, and general summer events. He thanked all staff for putting on excellent events for the community and honored Event Specialist Nicole Suarez, and Interim Volunteer & Events Supervisor Maurita Colbern with flowers.

PUBLIC COMMENTS

The City Council took comments from the public.

Timestamped link here: [City Council Special and Regular Meetings of September 11, 2023, with audio](#)

CONSENT AGENDA

- A. Approve City Council Retreat Report and Council Priorities from the June 30 - July 1 City Council Retreat.
[Agenda Bill - Retreat Report](#)
[Attachment 1 - June 30-July 1, 2023 City Council Retreat Report, including City Council Priorities](#)
- B. Approve City Council Special Meeting Minutes from August 15, 2023.
[City Council Special Meeting Minutes from August 15, 2023](#)
- C. Approve Total Check #s 52722 through 52836 totaling \$1,612,141.24 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 08/11/2023 in the amount totaling \$249,004.37.
[Voucher Certification and Approval 08/05/2023 - 08/18/2023](#)
- D. Receive and file A Regional Coalition for Housing (ARCH) Strategic Planning Process.
[Agenda Bill - ARCH Strategic Planning Process](#)
[Attachment 1 - Letter provided by ARCH](#)
- E. Authorize the City Manager to apply for and, if awarded, execute a grant award contract with the Washington State Department of Commerce.
[Agenda Bill - Washington State Department of Commerce Grant Application](#)
- F. Receive and file July 2023 Financial Report for the City of Kenmore, Washington.
[Agenda Bill - July 2023 Financial Report](#)
[Attachment 1 - July 2023 Financial Report](#)
- G. Cancel the City Council Regular Meeting of October 9, 2023. Call a City Council Special Meeting on Monday, October 9, 2023, beginning with a 5:45 PM Joint Special Meeting with Lake Forest Park and Shoreline at Shoreline City Hall, followed by a 7:30 PM (estimated start time) Special Meeting in the Council Chambers at Kenmore City Hall.

MOTION: Councilmember Srebnik moved to approve the consent agenda items A-G outlined above. Deputy Mayor O’Cain seconded the motion.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

Business Agenda

- A. Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan 2023-2028, presented by City Manager Rob Karlinsey, Assistant to the City Manager and DEIA

Coordinator Garrett Oppenheim, DEIA Consultant Chanin Kelly-Rae, and DEIA Advisory Committee Members, *for adoption*.

[Agenda Bill - DEIA Strategic Plan 2023-2028](#)

[Attachment 1 - DEIA Strategic Plan 2023-2028, with changes highlighted](#)

[Attachment 2 - DEIA Strategic Plan 2023-2028, clean version](#)

[Attachment 3 - 5-Year DEIA Roadmap Spreadsheet \(Excel\), with changes highlighted](#)

[Attachment 4 - 5-Year DEIA Roadmap Spreadsheet \(Excel\), clean version](#)

[Attachment 5 - DEIA Equity Toolkit](#)

[Presentation - DEIA Strategic Plan](#)

Assistant to the City Manager Garrett Oppenheim offered a timeline of the DEIA program in Kenmore. DEIA Consultant Chanin Kelly-Rae clarified the differences between diversity, equity, inclusion, and accessibility and noted many federal and state laws supporting DEIA. The Council shared questions and comments, including the following:

- Will the City Manager bring any substantive changes to the adopted plan to City Council? City Manager Karlinsey answered yes.
- A Councilmember expressed a desire to have more public input on the topic.
- Councilmembers offered minor edits to be incorporated into the strategic plan.
- A Councilmember asked if the proposed plan was reviewed by the City's legal team; City Attorney Reitan responded affirmatively.
- Councilmembers pointed out misinformation and misunderstandings heard during the public comments related to the plan and specified that Kenmore's hiring practices will continue to focus on hiring the most qualified applicants.

DEI Task Force members David Arthur, Juanita Aguilar, and Carlos Gil expressed their support for the DEIA Strategic Plan and the development process of the plan.

MOTION: Councilmember Pfeil moved to adopt the Diversity, Equity, Inclusion, and Accessibility Strategic Plan 2023-2028. Deputy Mayor O'Cain seconded the motion.

MOTION: Councilmember Srebnik moved to amend the Diversity, Equity, Inclusion, and Accessibility Strategic Plan 2023-2028 as follows:

Section 2.1.1: Change "an" to "and"

Section 5.1.2: eliminate words "by creating inclusive parks"

Section 6.2.2: change to "ensure electronic home monitoring is financially accessible to low-income offenders"

Section 7: change to "strive to ensure" basic needs are met

Section 7.3.3: remove and replace with "Partner with health or human services providers at the Plymouth Affordable Housing Development"

Deputy Mayor O’Cain seconded the motion.

VOTE: 7 Yes; 0 No; 0 Abstain. AMENDMENT PASSES

MOTION: Councilmember Pfeil moved to adopt the Diversity, Equity, Inclusion, and Accessibility Strategic Plan 2023-2028 as amended (above). Deputy Mayor O’Cain seconded the motion. VOTE: 6 Yes; 1 No; 0 Abstain. **MOTION PASSES**

B. Proposed Ordinance 23-0593, Exceptional Tree Ordinance, presented by Assistant to the City Manager Garrett Oppenheim, *for discussion*.

[Agenda Bill - Proposed Exceptional Tree Ordinance No. 23-0593](#)

[Attachment 1 - Proposed Exceptional Tree Ordinance No. 23-0593](#)

[Attachment 2 - Exhibit A to Ordinance No. 23-0593](#)

[Attachment 3 - Exhibit B to Ordinance No. 23-0593](#)

[Attachment 4 - Exhibit C to Ordinance No. 23-0593](#)

[Attachment 5 - King County Conservation District Tree Canopy Study](#)

[Attachment 6 - September 2021 Exceptional Trees Policy Report](#)

[Attachment 7 - KMC 18.55.180 Reasonable Use Exception](#)

[Presentation - Exceptional Tree Ordinance No. 23-0593](#)

Assistant to the City Manager, Garrett Oppenheim explained that on March 21, 2022, the City Council adopted the following “List 1” Regulations:

1. Change the definition of “significant tree” so it includes smaller diameter at breast height (DBH) trees.
2. Revise tree retention requirements so certain “nuisance species” (i.e., cottonwood and alder) do not receive credit for retention. This will encourage retention of preferred species that are expected to thrive long term.
3. Codify the tree removal application process for existing single -family residences (code clean up item).
4. Update the removal penalty language for consistency (code clean up item).
5. Have tree removal permits valid for a shorter period so replacement trees get into the ground faster.

In addition, “List” 2 items are still pending:

1. Increase the tree density requirement for new development.
2. Decrease yearly allowances for single - family tree removal.
3. Always require replacement.
4. Establish maximum floor area ratios (F.A.R.) to limit the size of single-family residences.
5. Create a tree fund for instances where replacement is infeasible (“fee in lieu”); could include tree rebate program for planting trees on single -family lots.
6. Establish an exceptional tree program.

Mr. Oppenheim previewed an Exceptional tree program which goes beyond protections in place for Significant Trees by preventing removal of certain enumerated species when they reach specified diameters at breast height (d.b.h.) and all trees over 48" d.b.h. except for four nuisance species listed in the ordinance. The draft ordinance also highlights the following exceptions to the exceptional tree ordinance:

- Hazard Trees: Exceptional trees that have a major defect or disease and a high probability of damaging persons or property may be removed (ISA risk rating of high or extreme).
- Variances: Where special circumstances exist due to the presence of an exceptional tree that would prevent reasonable use of the property, a variance may be granted to allow removal.
- Access: Where no other alignment is feasible, exceptional trees may be removed to provide or maintain access.
- Public Facilities and Utilities: Exceptional trees may be removed when necessary for public roads, facilities, or utilities.

City Manager Rob Karlinsey proposed two public hearings on the topic, on September 25 and October 9. The Council will have an option to adopt on October 9.

PUBLIC HEARINGS

A. Proposed Ordinance 23-0586 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent and Principal Planner Todd Hall, *for public hearing*.

[Agenda Bill - Proposed Ordinance No. 23-0586](#)

[Attachment 1 - Proposed Ordinance No. 23-0586](#)

[Attachment 2 - Ordinance No. 23-0575](#)

[Attachment 3 - Ordinance No. 23-0569](#)

[Attachment 4 - Ordinance No. 22-0555](#)

[Attachment 5 - Ordinance No. 22-0543](#)

Community Development Director Debbie Bent explained that the Public Hearing is scheduled today to receive public testimony on Ordinance 23-0586 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the TOD provisions they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units. Additional background information included in the agenda bill.

Mayor Herbig opened the Public Hearing at approximately 9:49 p.m. The City Council received testimony from the public.

Timestamped link here: https://youtu.be/VEi4Zo-v_jM?si=FvARTzAuvs8Psnt3&t=15513

Mayor Herbig closed the Public Hearing at approximately 9:55 p.m.

- B. Proposed Ordinance No. 23-0594 amending the 2023-2028 Capital Improvement Program (CIP) for Parks, Transportation, and City Facilities, presented by Finance and Administration Director Melinda Merrell and Public Works Operations Director Jennifer Gordon, *for public hearing*.

[Agenda Bill - CIP Amendments](#)

[Attachment 1 - Proposed Ordinance No. 23-0594 with Exhibit A](#)

[Attachment 2 - Park CIP](#)

[Attachment 3 - Transportation CIP](#)

[Attachment 4 - City Facilities CIP](#)

[Attachment 5 - REET Fund Projections](#)

[Attachment 6 - Park Impact Fee Fund Projections](#)

[Attachment 7 - Transportation Impact Fee Projections](#)

[Attachment 8 - King County Parks Levy projections](#)

[Attachment 9 - Adopted CIP, 2023-2024 Budget Book, pages 214-215](#)

[Presentation - Capital Improvement Program \(CIP\) Amendments](#)

Finance and Administration Director Melinda Merrell explained that the updated Capital Improvement Program, excluding Surface Water CIP, includes 24 individual projects which total \$62,079,220 over the six-year planning horizon. Projects added/substantially changed to the 2023-2028 CIP include the following:

PARKS

- P 1 Twin Springs Park Phase 1. \$137,500 from Park Impact Fees has been added to the 2023 CIP to complete the project construction.
- P 27 Lewis & Clark Park Waterfront & Natural Open Space. \$1,160,000 in unspent funds are carried forward and included in the 2023 CIP.

TRANSPORTATION

- T 27 Pedestrian Facilities Program. Project reduced by \$645,000 and funds moved to new sidewalk projects.
- T 37 West Sammamish River Bridge Replacement. \$775,603 in REET and Connecting WA funding added to the 2023 CIP.
- T 41 Juanita Dr Ped & Bike Safety Improvements. This project has been updated for current budget estimates and is funded through WA State Department of Ecology, PSE, REET, and Transportation Impact fees. Final paving and striping of Juanita Drive is happening in 2023.
- T 42 68th AVE Ped & Bike Safety Improvements. \$230,773 from Fund 300 has been added to the 2023 CIP to complete this project.
- T 44 61st AVE Sidewalk Replacement Project. This project is being split into two phases. \$3.5M has been removed from Phase 1 and has been added to Phase 2.

- T 244 Burke-Gilman Trail/NE 175th. Additional REET funds have been added to the 2023 CIP to complete this project.
- T 252 ADA Transition Program. Funding reduced by \$160,000 to better reflect budget estimates.
- T 253 NE 181st Sidewalk Project. This new project is funded by \$1.3M from Sound Transit and additional funds from Transportation Impact Fees.
- T 255 68th/Simonds Rechannelization Project. This new project adds \$450,000 over 2023 and 2024 and is funded from Transportation Impact Fees.
- T 260 80th AVE NE Sidewalk Project. This new project adds \$2.6M to the CIP and is funded by \$2.2M from WSDOT and additional funds from Transportation Impact Fees.
- T 261 NE 192nd ST Sidewalk Project. This new project is funded by \$760,900 from WSDOT and additional funds from Transportation Impact Fees.
- T 262 Arrowhead Project. This new project adds \$2.4M to the CIP and is funded by \$2.0M from WSDOT and additional funds from Transportation Impact Fees.

CITY FACILITIES

- F1 Public Works Shop Land Acquisition & Development. This project has been updated to reflect the debt service needed to complete Phase 1 of the Public Works Operations Center (PWOC). Repayment of the debt will come from SWM Fund and REET.

Mayor Herbig opened the Public Hearing at approximately 10:04 p.m. The City Council received testimony from the public.

Timestamped link here: [City Council Special and Regular Meetings of September 11, 2023, with audio](#)

Mayor Herbig closed the Public Hearing at approximately 10:06 p.m.

BUSINESS AGENDA (continued)

- C. Proposed Ordinance 23-0586 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE, presented by Community Development Director Debbie Bent and Principal Planner Todd Hall, *for adoption*.

[Agenda Bill - Proposed Ordinance No. 23-0586](#)

[Attachment 1 - Proposed Ordinance No. 23-0586](#)

[Attachment 2 - Ordinance No. 23-0575](#)

[Attachment 3 - Ordinance No. 23-0569](#)

[Attachment 4 - Ordinance No. 22-0555](#)

[Attachment 5 - Ordinance No. 22-0543](#)

MOTION: Deputy Mayor O’Cain moved to adopt proposed Ordinance 23-0586 to amend and extend interim regulations for an additional six-months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE. Councilmember Srebnik seconded the motion.

VOTE: 7 Yes; 0 No; 0 Abstain. MOTION PASSES

- D. Proposed Ordinance No. 23-0594 amending the 2023-2028 Capital Improvement Program (CIP) for Parks, Transportation, and City Facilities, presented by Finance and Administration Director Melinda Merrell and Public Works Operations Director Jennifer Gordon, *for adoption*.

[Agenda Bill - CIP Amendments](#)

[Attachment 1 - Proposed Ordinance No. 23-0594 with Exhibit A](#)

[Attachment 2 - Park CIP](#)

[Attachment 3 - Transportation CIP](#)

[Attachment 4 - City Facilities CIP](#)

[Attachment 5 - REET Fund Projections](#)

[Attachment 6 - Park Impact Fee Fund Projections](#)

[Attachment 7 - Transportation Impact Fee Projections](#)

[Attachment 8 - King County Parks Levy projections](#)

[Attachment 9 - Adopted CIP, 2023-2024 Budget Book, pages 214-215](#)

[Presentation - Capital Improvement Program \(CIP\) Amendments](#)

MOTION: Councilmember Baker moved to Proposed Ordinance No. 23-0594 amending the 2023-2028 Capital Improvement Program (CIP) for Parks, Transportation, and City Facilities. Councilmember Pfeil seconded the motion.

VOTE: 7 Yes; 0 No; 0 Abstain. MOTION PASSES

- E. Proposed Ordinance No. 23-0581 Compost Procurement, presented by Public Works Operations Director Jennifer Gordon, *for adoption*.

[Agenda Bill - Compost Procurement](#)

[Attachment 1 - Proposed Ordinance No. 23-0581](#)

[Presentation - Compost Procurement](#)

Public Works Operations Director Jennifer Gordon explained that the current ordinance encourages practices, many of which are already implemented by the City of Kenmore. The agenda bill provided the following summary: House Bill (HB) 1799 was signed into Washington State law in March of 2022. The primary goal of the law is to increase the diversion of organic materials going to landfills to reduce methane emissions as landfills are significant sources of methane emissions. HB 1799 as codified in the Revised Code of Washington (RCW) 49.19A.150(1) directs cities with populations of more than 25,000 residents or cities who offer organic collection services at least 26 weeks out of the year to adopt a compost procurement ordinance. Organics collection is a service offered to residents in Kenmore through Allied Waste, therefore the City must adopt Ordinance 23- 0581 to comply with state law.

MOTION: Councilmember Pfeil moved to adopt Ordinance No. 23-0581. Deputy Mayor O'Cain seconded the motion.

VOTE: 6 Yes; 0 No; 0 Abstain. MOTION PASSES

F. Six-Month Financial Report, presented by Finance and Administration Director Melinda Merrell, *to receive and file*.

[Agenda Bill - June 2023 Financial Report](#)

[Attachment 1 - June 2023 Financial Report](#)

[Presentation - 6-month Financial Report](#)

Finance and Administration Director Melinda Merrell explained that overall, Revenues are on pace for the biennium. Expenditures look low due to the timing of the police contract expense and other transfers. Interest revenues are exceptionally high (127% of the budgeted amount). Discussions relating to the surface water rates are scheduled for the 9/18/23 Council meeting.

STAFF REPORTS

Housing and Human Services Update - Housing and Human Services Manager Tambi Cork provided an update and mentioned both the upcoming Human Services Needs Assessment; the City is in the process of selecting a partner to do the work. Ms. Cork also mentioned the Mental Health First Aid Course (scheduled for October 9).

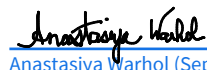
[Presentation - Housing and Human Services Update](#)

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 10:41 p.m.


[Nigel G. Herbig \(Sep 27, 2023 07:54 PDT\)](#)

Nigel Herbig, Mayor



[Anastasiya Warhol \(Sep 26, 2023 21:21 PDT\)](#)

Anastasiya Warhol, City Clerk

City Council Special and Regular Meeting Minutes from September 11, 2023

Final Audit Report

2023-09-27

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