

**City of Kenmore
City Council Meeting
Special and Regular Meeting Minutes
Monday, December 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
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 Clerk Anastasiya Warhol
Deputy City Clerk Michelle Kang
Co-Clerk Brian Randall
Communications Specialist Lauren Chomiak
Kenmore Police Chief Brandon Moen
Development Services Director Samantha Loyuk
Housing and Human Services Manager Tambi Cork
Finance and Administration Director Melinda Merrell
ARPA Management Analyst Janet Quinn

Speaking Guests: Sarah Roberts, Kenmore Prosecutor
Karen Lee, Plymouth Housing CEO
Andrea Carnes, Plymouth Housing COO
Karen Peterson, Plymouth Housing Vice President of Real Estate
Elizabeth Murphy, Plymouth Housing Real Estate Development
Manager
Katherine Revello, Plymouth Housing Senior Director of Quality
Assurance
Dennis Sills, Plymouth Housing Director of External Affairs
Elsa Kings, Housing Trust Fund Manager at A Regional Coalition for
Housing (ARCH)

Public Comments Speaking Guests:

Carl Michelman, Brier Resident
Wayne Miller, Kenmore Resident
Lou Novak, Kenmore Resident
Patrick O'Brien, Kenmore Resident
Stacey Valenzuela, Kenmore Resident
Dan Troyan, Kenmore Resident
Bill Leak, Kenmore Resident
David Bowling, Woodinville Resident
Hali Willis, Seattle Resident
Jerry Dugan, Shoreline Resident
Janet Quinn, Kenmore Resident
John Hendrickson, Kenmore Resident
Brandon Joseph, Kenmore Resident
William Moran, Kenmore Resident
Eli Ren, Kenmore Resident
Liana Ren, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Chris Olson, Kenmore Resident
Krista Michelman, Brier Resident

Public Hearing Speaking Guests:

Elise Jiang, Kenmore Resident
Elena Chesta, Kenmore Resident
Sam Paveza, Kenmore Resident
Carl Michelman, Brier Resident
Anisha Chodrey, Kenmore Resident
Laurie Feetham, Kenmore Resident
Wayne Miller, Kenmore Resident
Dan Troyan, Kenmore Resident
Nathan MacDonald, Kenmore Resident
Laurie Sperry, Kenmore Resident
Carol Castellani, Kenmore Resident
Kara Macias, Kenmore Resident
Josh Kurcinka, Kenmore Resident
Michelle Marchello, Kenmore Resident
Patrick O'Brien, Kenmore Resident
Stacey Valenzuela, Kenmore Resident
David Dorrian, Kenmore Resident
Roger McConwalie, Kenmore Resident

Laura Hodge, Kenmore Resident
Brent Smith, Kenmore Resident
Geoff Chism, Kenmore Resident
Theresa Dunning, Kenmore Resident
Joe Nance, Kenmore Resident
Tom Elliott, Kenmore Resident
Edouard Lasalle, Kenmore Resident
Kathleen Cooper, Lake Forest Park Resident
Karen Woessner-Smith, Kenmore Resident
Bill Leak, Kenmore Resident
David Kersten, Kenmore Resident
Clifford Cawthorn, Habitat for Humanity King County
Rex Rempel, Kirkland Resident
Bob Wallis, Kenmore Resident
Tracy Banaszynski, Kenmore Resident
Jill Norling, Kenmore Resident
Raphaelle Dubray, Kenmore Resident
Dan Burns, Kenmore Resident
Janet Quinn, Kenmore Resident
Stephanie Burnell, Kenmore Resident
Dakota Rash, Lake Forest Park Resident
Elisabeth Walton, Kenmore Resident
Kristen Joyner, Bothell Resident
Susan Garnder, Kenmore Resident
Rob Beem, Seattle Resident
Tom Hermann, Kenmore Resident
Jeffrey Pooley, Kenmore Resident
Juliana Pooley, Kenmore Resident
John Hendrickson, Kenmore Resident
Michael Troyer, Lake Forest Park Resident
Audrii Nikitiyuk, Kenmore Resident
William Moran, Kenmore Resident
Melissa Pendleton, Kenmore Resident
Dwight Thompson, Kenmore Resident
Andrea Carnes, Kenmore Resident
Danielle Claar, Kenmore Resident
Courtney Gebhardt, Kenmore Resident
Suzanne Garland, Kenmore Resident
Elizabeth Mooney, Kenmore Resident – Virtual
Christopher Olson, Kenmore Resident – Virtual

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the special meeting to order at 6:15 PM.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council entered an executive session to discuss potential litigation. This executive session lasted 45 minutes, ending at approximately 7:00 PM. No final action took place.

ADJOURN SPECIAL MEETING

Mayor Herbig adjourned the special meeting at approximately 7:00 PM.

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at 7:00 PM.

LAND ACKNOWLEDGEMENT

Mayor Herbig read the Land Acknowledgement Honoring First Peoples.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as presented.

PRESENTATION

Outgoing Councilmembers—Councilmember Baker, Councilmember Pfeil, and Councilmember Kugler—were recognized by Councilmembers and City Manager Rob Karlinsey. Major accomplishments were highlighted for each councilmember, and special plaques were awarded. Cake was provided to attendees.

WHERE'S THE FUN?

City Manager Rob Karlinsey highlighted two “love notes” from co-creator Maura Query: Scarves for Mary’s Place and Seasons Greetings cards for Seniors.

PUBLIC COMMENTS

The City Council took comments from the public.

Timestamped link here:

<https://www.youtube.com/live/KkGwdtpNmFI?si=WqxVUehqd9aLqD2q&t=5233>.

CONSENT AGENDA

A. Approve City Council Regular Meeting Minutes from November 27, 2023.

[City Council Regular Meeting Minutes from November 27, 2023](#)

- B. Cancel the City Council Regular Meetings of December 18, 2023 and December 25, 2023 (December 26, 2023).
- C. Cancel the City Council Regular Meeting of January 15, 2024 (January 16, 2024).
Call a Joint Special Meeting with the Planning Commission on Tuesday, January 16, 2024 from 6:00 PM - 7:30 PM.
- D. Authorize the City Manager to execute a maintenance and operation agreement with the Washington State Department of Transportation for the red-light camera system at 61st Avenue NE and NE Bothell Way (SR 522).
[Agenda Bill - WSDOT Agreement](#)

MOTION: Councilmember Srebnik moved to approve the consent agenda outlined above. Seconded by Councilmember Pfeil.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

BUSINESS AGENDA

- A. Proposed Ordinance No. 23-0596, amending Title 9 of the Kenmore Municipal Code, Criminal Code, presented by Deputy City Manager Stephanie Lucash, Kenmore Police Chief Brandon Moen, and City Attorney Dawn Reitan, *for discussion*
[Agenda Bill - Proposed Ordinance No. 23-0596, Amending Title 9 of the KMC](#)
[Attachment 1 - Proposed Ordinance No. 23-0596](#)
[Attachment 2 - Exhibit A to Proposed Ordinance No. 23-0596](#)
[Memo - Washington State and Kenmore Drug Statistics](#)
[Presentation - Proposed Ordinance No. 23-0596 \(added 12/11/2023\)](#)

City Attorney Dawn Reitan opened the presentation. On May 16, 2023, the Washington Legislature passed SB 5536, establishing penalties for possessing or using counterfeit or controlled substances in public places as gross misdemeanors. It also made the knowing possession or use of non-prescribed legend drugs a misdemeanor. The bill preempted local regulations on drug paraphernalia, stating that cities and counties could only enact laws consistent with state regulations and with the same penalties. However, they were allowed to establish harm reduction services related to drug paraphernalia.

The City is updating its criminal code, incorporating SB 5536 and other legislative changes. SB 5536 was a response to a 2021 Washington Supreme Court decision on drug possession, aiming to address rising drug-related crimes in the region. Alternative methods like Community Court may be used to handle cases affected by this ordinance, focusing on different approaches beyond traditional criminal justice. Kenmore Police Chief Brandon Moen highlighted information from the Washington State and Kenmore Drug Statistics memo, linked above.

Councilmembers asked questions related to the Community Court, trends related to drug cases, and diversion or referral programs. Kenmore's Prosecutor Sarah Roberts explained that recent law encourages referrals but does not require two police contacts prior to sending a case to a prosecutor's office.

MOTION: Deputy Mayor O'Cain moved to adopt Ordinance No. 23-0596 amending Chapter 9.05 KMC, of the City's Criminal Code, and repealing Chapter 9.60 KMC, relating to the adoption of state criminal code provisions for misdemeanor and gross misdemeanor enforcement within the City. Seconded by Councilmember Pfeil.
VOTE: 7 Yes: Srebnik, Marshall, Kugler, Herbig, O'Cain, Pfeil, Baker; 0 No; 0 Abstain.
MOTION PASSES.

PUBLIC HEARING

Proposed Ordinance No. 23-0600, Development Agreement for real property located at 6532 Bothell Way NE (Plymouth), presented by Deputy City Manager Stephanie Lucash, Development Services Director Samantha Loyuk, Housing and Human Services Manager Tambi Cork, and guests from Plymouth Housing including CEO Karen Lee, COO Andrea Carnes, Vice President of Real Estate Karen Peterson, Real Estate Department Manager Elizabeth Murphy, Senior Director of Quality Assurance – Permanent Supportive Housing Katherine Revello, and Director of Government Relations Dennis Sills, *for public hearing*

[Agenda Bill - Proposed Ordinance No. 23-0600, Plymouth Development Agreement](#)

[Attachment 1 - Development Agreement](#)

[Attachment 2 - Proposed Ordinance No. 23-0600](#)

[Attachment 3 - City Manager Letter of Recommendation](#)

[Attachment 4 - Conceptual Drawings](#)

[Attachment 5 - Northshore Utility District \(NUD\) Easement Letter](#)

[Memo - Answers to Council's Questions \(added 12/09/2023\)](#)

[Presentation - Development Agreement \(added 12/11/2023\)](#)

City Attorney Dawn Reitan discussed procedural matters, explaining that the City treats the decision on the development agreement as quasi-judicial, requiring additional scrutiny and procedure. She invited individual Councilmembers to disclose any conflicts of interest; Councilmembers disclosed communications related to Plymouth. In addition, both Mayor Herbig and Councilmember Srebnik disclosed their employers and the nature of their jobs. The Attorney determined that information provided and disclosed thus far does not rise to the level of a conflict under the Appearance of Fairness Doctrine.

Mayor Herbig opened the Public Hearing at approximately 9:17 PM.

Timestamped link of Presentation by Plymouth and City Staff:

https://www.youtube.com/live/KkGwdtpNmFI?si=8V_9lyor8oi2Ou6K&t=10851

City Manager Rob Karlinsey explained that this is the second of two public hearings; the first was held on November 27, 2023. City Staff recommend that the Council adopt Ordinance No. 23-0600 and the proposed Development Agreement. The project reflects the Council's direction toward promoting more affordable housing and is a specific goal spelled out in section 7.3.3 of the DEIA Five-Year Roadmap.

Plymouth Housing was selected after an RFP process. Deputy City Manager Stephanie Lucash explained that this project was also added to the Council's 2023 Legislative agenda. The City, A Regional Coalition for Affordable Housing (ARCH), and Plymouth Housing worked diligently to secure funding in a highly competitive funding climate. Housing and Human Services Manager Tambi Cork explained that there are requirements tied to the funding received for this project. The following requirements must be met: income of 30% or less of Area Median Income (AMI); individuals must be homeless at entry; individuals must be single adults with no children; and the land must maintain its affordability for 50 years.

Plymouth Housing representatives discussed elements of the project such as funding requirements, what qualifies someone as homeless, the partner referral program, the supportive structures within a building, resident expectations, and parking mitigations. They highlighted a case study of the positive impact that supportive housing has made in the region.

Development Services Director Samantha Loyuk explained that the Plymouth Housing Development Agreement is for the following project:

- A six-story building with five stories of residential units and the ground floor including commercial space.
- 100 residential units with a mix of one-bedroom and studio units.
- Plymouth will provide onsite resident services for tenants and property management.
- A courtyard area will be constructed and available for residential tenants.

Plymouth has also requested modifications from the Kenmore Municipal Code in the following areas:

Depth and Density: KMC 18.25.020 and 18.25.040 require a 30-foot nonresidential depth from the street facade, with a 15-foot minimum. The proposed project varies from 21'-0" to 26'-4" in depth. The maximum density allowed is 75 units for 0.50 acres, but the project proposes 100 residential units.

Setbacks: KMC 18.25.040 dictates a minimum 10-foot setback from SR-522, with other streets at 0 feet. The project plans a 10-foot ground floor setback and 5-foot upper floor setbacks along SR 522, with setbacks over 10 feet near the courtyard on 67th Avenue NE.

Parking: According to KMC 18.40.030 and 18.80.080, 122 parking spaces are standard, reduced to 100 for affordable housing. The project, however, proposes only 9 off-street parking spaces and includes 8 bicycle parking spaces plus wall-mounted bike hooks in each residential unit.

Upper Floor Setbacks: KMC 18.52.150 requires a 10-foot ground floor setback and 5 to 10 feet for upper floors along SR-522. The project adheres to these requirements, with additional setbacks along 67th Ave NE.

Building Design and Walkways: KMC 18.52.220, 18.52.300, 18.52.310.B, and others require specific architectural elements, materials, and walkway dimensions. The project proposes a flat roof, non-masonry materials, and walkways that vary in width, sometimes narrowing to 6 feet, deviating from these requirements.

Impact Fees Waiver: The project requests an exemption from transportation and park impact fees under KMC 20.47.040.A.6 due to its public purpose of providing low-income housing. The school district has agreed to adjust the school impact fees to \$0, with a restrictive covenant recorded to reassess fees if the project's use changes.

Processing Procedure Modification: A request is made to modify KMC 18.110.050 to waive minor procedural irregularities in the processing of this Development Agreement.

Ms. Loyuk noted that the proposed affordable housing building is allowed in the downtown commercial zone, and is aligned with the City's Comprehensive Plan, and the City Council's goals. The development agreement before the Council asks for specific modifications described above; the type of use (affordable housing structure) is already authorized in Kenmore under the code.

Councilmembers asked questions related to the population served, retail space uses, building façade, and drug use prevention, views, vouchers, behavioral services offered on site, communication flow between the City and Plymouth, and others.

The City Council Chambers and connected Community Room were full of attendees; overflow seating was provided in the foyer. In addition, members of the media were present.

The City Council received testimony from the public.

Timestamped link here:

<https://www.youtube.com/live/KkGwdtpNmFI?si=3B3uGvk96A1CJH5h&t=14831>

Mayor Herbig closed the Public Hearing at approximately 2:26 AM on Tuesday, December 12, 2023.

BUSINESS AGENDA (continued)

B. Proposed Ordinance No. 23-0600, Development Agreement for real property located at 6532 Bothell Way NE (Plymouth), presented by Deputy City Manager Stephanie

Lucash, Development Services Director Samantha Loyuk, Housing and Human Services Manager Tambi Cork, and guests from Plymouth Housing including CEO Karen Lee, COO Andrea Carnes, Vice President of Real Estate Karen Peterson, Real Estate Department Manager Elizabeth Murphy, Senior Director of Quality Assurance – Permanent Supportive Housing Katherine Revello, and Director of Government Relations Dennis Sills, *for adoption*

[Agenda Bill - Proposed Ordinance No. 23-0600, Plymouth Development Agreement](#)

[Attachment 1 - Development Agreement](#)

[Attachment 2 - Proposed Ordinance No. 23-0600](#)

[Attachment 3 - City Manager Letter of Recommendation](#)

[Attachment 4 - Conceptual Drawings](#)

[Attachment 5 - Northshore Utility District \(NUD\) Easement Letter](#)

[Memo - Answers to Council's Questions \(added 12/09/2023\)](#)

[Presentation - Development Agreement \(added 12/11/2023\)](#)

Deputy City Manager Stephanie Lucash offered closing remarks, highlighting the efforts on the project, Plymouth Housing’s credibility as an organization, the funding opportunity, and the possibility of positive impact in Kenmore. City Attorney Dawn Reitan explained that new public objections were raised during public testimony. She stated that her original consideration related to Mayor Herbig remained unchanged. Pertaining to Councilmember Srebnik, the Attorney did not offer a recommendation or objection. Mayor Herbig, multiple times, called for order in the room to address incidents of booing, yelling, interrupting, jeering, and loud applause. Councilmembers offered closing remarks prior to the vote.

MOTION: Councilmember Baker moved to Adopt Ordinance No. 23-0600, approving the proposed Development Agreement in accordance with KMC 18.110 for the real property located at 6532 Bothell Way NE, Kenmore, Washington, 98028 between the City of Kenmore, Plymouth Housing Group and Kenmore Housing, LLC. Seconded by Councilmember Pfeil.

VOTE: 1 Yes – Pfeil.

6 No – Baker, Kugler, Marshall, Srebnik, O’Cain, Herbig; 0 Abstain.

MOTION FAILS

C. Proposed Resolution No. 23-409, Disposition of Surplus Property for City-owned property at 6532 Bothell Way NE (“Plymouth”), presented by Deputy City Manager Stephanie Lucash and Housing and Human Services Manager Tambi Cork, *for adoption*

[Agenda Bill – Proposed Resolution No. 23-409, Disposition of Surplus Property \(updated 12/08/2023\)](#)

[Attachment 1 – Proposed Resolution No. 23-409](#)

The Council did not address the business item due to vote on item B (above).

- D. Proposed Ordinance No. 23-0601, amending Ordinance No. 21-0527 and Ordinance No. 23-0572, relating to the City of Kenmore's expenditure and reporting of American Rescue Plan Act (ARPA) funds, presented by Deputy City Manager Stephanie Lucash and ARPA Management Analyst Janet Quinn, *for adoption*
[Agenda Bill - Proposed Ordinance No. 23-0601 ARPA Expenditure and Reporting](#)
[Attachment 1 - Proposed Ordinance No. 23-0601](#)
[Attachment 2 - Ordinance No. 23-0572](#)
[Attachment 3 - Ordinance No. 21-0527](#)

The Council did not address the business item due to vote on item B (above).

- E. Proposed Resolution No. 23-410, approving City funds for the Plymouth Affordable Housing project and authorizing A Regional Coalition for Housing (ARCH) to administer funds on behalf of the City, presented by Deputy City Manager Stephanie Lucash and Housing and Human Services Manager Tambi Cork, *for adoption*
[Agenda Bill - Proposed Resolution No. 23-410](#)
[Attachment 1 - Proposed Resolution No. 23-410 with Exhibit A \(updated 12/08/2023\)](#)

The Council did not address the business item due to vote on item B (above).

- F. Love Where You Live Project Community Engagement Phase I, Phase II, and Next Steps, presented by City Manager Rob Karlinsey, Deputy City Manager Stephanie Lucash, and Communications Specialist Lauren Chomiak, *for approval*
[Agenda Bill - Love Where You Live Project Community Engagement](#)
[Presentation - Love Where You Live Phase 1 Overview and Proposed Phase 2 Plan \(updated 12/11/2023\)](#)

City Manager Rob Karlinsey and Deputy City Manager Stephanie Lucash explained that Communications Specialist Lauren Chomiak is the lead of the project, and they hope that Ms. Chomiak will get a chance to present the full scope of efforts to the Council soon. Lauren Chomiak was present at the meeting, but had to return home after the meeting stretched beyond 2 A.M.

Ms. Lucash summarized efforts related to the first two phases. The Kenmore Love Where You Live (LWYL) Project, starting in summer 2023, aimed to gather broad community input using the "Dream, Play, Build" approach, encouraging residents to share their ideas for Kenmore's future. Phase I outreach from June 21 to September 22 included in-person booths at events, collecting 759 responses, and an online survey with 145 responses. University of Washington Bothell students organized and analyzed this data, identifying main themes: Economic Development and Community Spaces. Phase II involves two surveys by EMC Research, focusing first on broad goals and later specific ideas. Community workshops in early 2024 will gather more feedback, particularly on

Lakepointe, a prominent theme. Staff will also foster partnerships with stakeholders, including property owners and developers, aiming to initiate discussions on downtown development and possibly partnering with the Urban Land Institute.

MOTION: Councilmember Srebnik moved to vote on the matter when the project lead (Lauren Chomiak) can present the material, sometime in January 2024. Seconded by Councilmember Baker.

VOTE: 6 Yay – Baker, Kugler, Marshall, Srebnik, O’Cain, Herbig; 0 Abstain;
1 Nay – Pfeil.

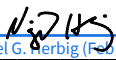
MOTION PASSES.

STAFF REPORTS

Deputy City Manager Stephanie Lucash reported on a very successful Elected Officials Orientation hosted at Kenmore City Hall by the Association of Washington Cities. She thanked the Clerk team for helping support a successful, and well-attended event.

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 3:06 AM.


Nigel G. Herbig (Feb 16, 2024 13:00 PST)

Nigel Herbig, Mayor


Anastasiya Warhol (Feb 13, 2024 11:08 PST)

Anastasiya Warhol, City Clerk

City Council Regular Meeting Minutes from December 11, 2023

Final Audit Report

2024-02-16

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