

**City of Kenmore
City Council Meeting
Special & Regular Meeting Minutes
Monday, November 21, 2022**

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
Assistant City Manager Stephanie Lucash
City Attorney Dawn Reitan
Deputy City Clerk Michelle Kang
Co-Clerk Brian Randall
Assistant to the City Manager Garrett Oppenheim
Community Development Director Debbie Bent
Principal Planner Lauri Anderson
Finance & Administration Director Leticia Salcido

Planning Commission:
Chair Dwight Thompson
Commissioner Nathan Loutsis
Commissioner Derek Wyckoff
Commissioner Tracy Banaszynski

Speaking Guests: Mariel Torres Mehdipour
Alexis Mercedes Rinck, KCRHA Director of Sub-Regional Planning and
Equitable Engagement

Public Comments Speaking Guests:
Melissa van Meurs, Kenmore Resident
Patrick O’Brien, Kenmore Resident
Elizabeth Mooney, Kenmore Resident
Dakota Rash, Lake Forest Park Resident

John Hendrickson, Kenmore Resident
Janet Hays, Kenmore Resident
David Morton, Redmond Resident
Stacey Valenzuela, Kenmore Resident

Public Hearing Speaking Guests:

Stacey Valenzuela, Kenmore Resident
Patrick O'Brien, Kenmore Resident

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the special meeting to order at approximately 6:30 PM.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council entered an executive session to discuss pending or potential litigation. Mayor Herbig announced that this executive session is slated to last 30 minutes. No action was taken.

ADJOURN SPECIAL MEETING

Mayor Herbig adjourned the special meeting at approximately 7:03 PM.

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at approximately 7:03 PM.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as published with the removal of Item C under Presentation.

PRESENTATIONS

- A. Mayor Herbig recognized Mariel Torres Mehdipour for service on the Planning Commission. Mariel Torres Mehdipour provided remarks.
- B. North King County Homelessness Interlocal Agreement, presented by Assistant to the City Manager Garrett Oppenheim and King County Regional Homelessness Authority Director of Sub-Regional Planning and Equitable Engagement Alexis Mercedes Rinck
[Presentation - North King County ILA with KCRHA](#)

Mayor Herbig recused himself for the presentation and handed the gavel over to Deputy Mayor O'Cain.

Assistant to the City Manager Garrett Oppenheim introduced King County Regional Homelessness Authority Director of Sub-Regional Planning and Equitable Engagement Alexis Mercedes Rinck and the Interlocal Agreement (ILA). Alexis Mercedes Rinck presented updates

to the North King County Interlocal Agreement with King County Regional Homelessness Authority (KCRHA).

The core purpose of the coalition is to work together across sectors and jurisdictions in North King County to support policies and community-based efforts to provide services and housing options to those in North King County experiencing homelessness or are at the risk of experiencing homelessness. There are five North King County cities as well as non-governmental partners. The first presentation on the concept of pooling funding for an interlocal agreement was in March 2022.

Pooled funding on homelessness response through the KCRHA will improve transparency, efficiency, and accountability to ensure a more effective response to homelessness.

- Transparency: annual report to the Council as well as additional presentations reports per request
- Efficiency: eased administrative burden for providers and public funders; one less system for providers to navigated; streamlined funding and contract management
- Accountability: defining the relationship between KCRHA and a partnering city; reporting on funding distribution; improved metrics

ILA Key Components:

- 2023-2024: Kenmore will transfer the amount covering most homelessness grants to KCRHA, who will administer the 2023-2024 contracts on Kenmore's behalf
- 2025-2026: All cities contribute \$1.20 per capita in the budget, with the option to contribute more

Changes to the Agreement: withdrawal and clarified language in exhibits on allowable expenditures

Council provided questions and comments.

- Will our pilot homelessness program be going over to the KCRHA? No, Kenmore will still be administering and managing that contract.
- We want the response to be balance, it feels like the north is often taking a backseat. However, we do have vast economic differences in our community
- Do we have any say in how that money is going to be spent? KCRHA will be bringing proposals for how they recommend funding be utilized; Kenmore would be informed in the process and be partners with KCRHA

C. Public Records Request Presentation, presented by Public Records Officer Teresa McAllister
[Presentation - Public Records Request](#)

This presentation was removed from the agenda.

PUBLIC COMMENTS

Council took comments from the public.

Timestamped Link: https://youtu.be/Z_qxSbz1QOE?t=3245

CONSENT AGENDA

- A. Approve City Council Special Meeting Minutes from November 7, 2022
[City Council Special Meeting Minutes from November 7, 2022](#)
- B. Approve City Council Special Meeting Minutes from November 9, 2022
[City Council Special Meeting Minutes from November 9, 2022](#)
- C. Approve Appointment of Saad Qadri to the Planning Commission, effective immediately, to complete a three-year term ending 12/31/2024
[Agenda Bill - Appointment of Saad Qadri to the Planning Commission](#)

MOTION: Councilmember Baker moved to approve the consent agenda outlined above items A-C. Councilmember Kugler seconded the motion.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

STUDY SESSION AGENDA

Joint Meeting with the Planning Commission to Discuss Transit-Oriented Development (TOD) Amendments, presented by the Planning Commission and introduced by Community Development Director Debbie Bent and Principal Planner Lauri Anderson, *for Discussion*

[Agenda Bill - Joint Meeting with the Planning Commission](#)

[Attachment 1 - Summary of TOD Amendments](#)

[Attachment 2 - Zoning Map Excerpt](#)

[Attachment 3 - Recommended TOD Code Amendments](#)

[Attachment 4 - Public Comment Matrix](#)

[Attachment 5 - TOD Postcard](#)

[Attachment 6 - Related Comprehensive Plan Language](#)

[Attachment 7 - Banaszynski Planning Commission TOD Minority Report November 2022 with Page Numbers](#)

Overview of Regulations:

- TOD: an area of concentrated pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit
- Area in discussion: East of 73rd Avenue and North of SR 522
- Comprehensive Plan's vision statement includes Kenmore's support for bus rapid transit
- The Land Use and Housing Elements of the Comprehensive Plan recognize the city's new role as a high-capacity transit community
- Changes:
 - o Overlay standards put into existing zoning districts or in appropriate chapters are no longer optional
 - o New zone created – Urban Residential (UR)
 - o Height increase from 65 feet to 85 feet
 - o 25% of the rental units must be affordable to those at or below 50% area median income (AMI)

- Parking reduction to .50 stall per unit
- Heron rookery protection
- Standards extended west to downtown: minimum and maximum densities, increased height, and affordable housing requirements
- Parking exceeding the minimum must be placed in a garage or screened throughout the Downtown Commercial and Downtown Residential zones
- Urban Residential zone is subject to a development agreement
- Multi-family allowed on surplus public/semi-public (PSP) properties consistent with surrounding zoning
- Miscellaneous amendments for consistency throughout the Code and with ARCH affordable housing implementation standards

Recommendation from Planning Commission:

Parking

- Current minimums developers have the option to work with: 1.0 parking stall per market rate unit and 0.6 parking stall for affordable housing and senior units
- New recommendation minimum: 0.5 parking stall per dwelling unit in the new zoning district of the TOD overlay
- Reducing minimum would reduce impervious surfaces within the city, encourage residents to use public transportation, and increase the feasibility of requiring more affordable housing per development
- Reducing parking would also attract developers because parking stalls, particularly in a garage, are expensive to construct and add to the cost of housing
- An additional 0.5 parking stalls are required for every five dwelling units for visitor parking
- Council provided questions and comments.
 - What about the worst-case scenario where the developer chooses to develop with the minimum requirement and residents still bring their cars? There is limited street parking on 73rd Avenue but the goal of reducing parking overall in the city was more significant if it could result in more affordable housing.
 - Can we get data to suggest what parking is needed? A developer can do a parking study if they want to provide less than the minimum requirement or a parking study to demonstrate if they want to do more than the maximum parking.
 - Is it 0.5 parking stalls per unit, regardless of number of bedrooms? Yes
 - Why do we have a lower minimum requirement than the state's maximum minimum requirement? One of the reasons Planning Commission recommends 0.5 parking stalls per unit is to increase the chance for affordable housing because parking is one of the more expensive parts for a developer. Clarification is provided that a developer has the flexibility to build more parking than the 0.5 parking stall per unit
 - Why weren't the parking requirements for downtown addressed? That was addressed through another ordinance Council initially considered last summer but deferred and will likely come forward soon.
 - Has the definition of overlay zone changed? No
 - There is a concern with the senior reduced parking. Data tends to show persons living under 60% AMI tend to need cars for their employment.

Affordable Housing

- Downtown Residential Zone: 25% of total units in the development shall be reserved for eligible households with incomes no greater than 70% of the King County median income if renter occupied, or affordable to households with incomes no greater than 80% of the median income if owner occupied
- Downtown Commercial Zone: 25% of total number of residential units in the development shall be very low-income affordable housing if renter occupied or low-income affordable if owner occupied
- Urban Corridor East Subarea Multi-Family or Mixed-Use: 25% of the total number of residential units in the development shall be very low-income affordable housing if renter occupied or low-income affordable if owner occupied
- Community Business Zone Juanita Subarea: properties choosing to develop at the higher residential densities in the sub-area, affordable housing units shall be provided for any development exceeding the base density of 24 dwelling units per acre as follows: for every four bonus units, one bonus dwelling unit shall be reserved for eligible households and affordable to households with incomes no greater than 70% of the AMI if renter occupied or affordable to households with incomes no greater than 80% of the median income if owner occupied
- Urban Residential Zone Multi-family or Mixed-Use: 25% of the total number of residential units in the development shall be very low-income affordable housing units if renter occupied or low-income affordable housing units of owner occupied
- Any fee in lieu would need City approval prior to any permits being issued
- Council provided questions and comments.
 - o What is the median income in King County? Kenmore's median income is \$115,000
 - o Clarification what the percentages are for Urban Corridor and Urban Residential? If renter occupied, 50% AMI; if owner occupied, 80% AMI
 - o Clarification what "very low-income" and "low-income" mean? Low-income: 80% AMI; Very low-income: 50% AMI; Extremely low-income: 30% AMI

Height

- There is no recommendation to go up to 85 feet downtown because of Kenmore Air's flyway
- The current TOD height limit is 65 feet
- 85 feet is recommended to provide the most flexibility for future developers because that height allows for wood frame construction over a concrete podium
- Bottom floor commercial and six floors of residential reaches 85 feet in height
- Council provided questions and comments.
 - o Could we not meet our affordable housing numbers above with a 65-foot height maximum? The units would be really small. Allowing the additional height gives the developer more flexibility to build bigger units
 - o Uncomfortable with 85 feet height maximum and especially with two floors of parking
 - o Would rather have underground parking and rooftops for restaurants or green parks
 - o Above ground parking is necessary for environmental reasons in order for us to achieve the density that we are looking for in affordable housing? Yes, very well may be necessary

Environment (Minority Report)

- The current TOD boundaries do not provide enough space for a healthy, thriving Swamp Creek even with strict adherence to current critical areas regulations

- Considerations:
 1. Redraw TOD boundaries to give Swamp Creek and the Swamp Creek Wetland the space needed to restore natural functions that will accrue multiple benefits to Kenmore
 2. Remove the area west of 80th Avenue NE to Swamp Creek from the TOD
 3. For areas west of Swamp Creek, work with Wetland scientists, fish biologists, wildlife scientists, and other experts to craft evidence-based TOD boundaries that allow us to protect the natural environment while we meet our jobs and housing targets with dense development
 4. When re-drawn TOD boundaries cannot adequately protect Swamp Creek and the Swamp Creek Wetland, consider other remedies including but not limited to conservation easements, land donations and funded land acquisitions, and policies that support the same
- Council provided questions and comments.
 - o Question about best available science. Best available science is set by the Department of Ecology and the Department of Fish and Wildlife when it comes to waterways that connect to the ocean.
 - o Acknowledgment of the courage it takes to vote no and provide reasoning in this Minority Report.
 - o How many more feet of buffer and what science is that based on? Answers require expertise and time to determine
 - o What kind of restoration is needed? Floodplain reconnection which is a side-to-side reconnection with its banks and up-and-down restoration reconnecting the stream bank and the stream bed down

PUBLIC HEARING

Final Public Hearing on the Proposed 2023-2024 Biennial Budget presented by Finance & Administration Director Leticia Salcido, *for Public Hearing*

[Agenda Bill - 2023-2024 Biennial Budget Public Hearing 11-21-2022](#)

[Presentation - 2023-2024 Biennial Budget Public Hearing 11-21-2022](#)

Mayor Herbig opened the public hearing at approximately 10:01 PM.

The public provided testimony during the public hearing:

https://youtu.be/Z_qxSbz1QOE?t=12689

Mayor Herbig closed the public hearing at approximately 10:10 PM.

BUSINESS AGENDA

A. Ordinance No. 22-0561: Amending the 2021-2022 Biennial Budget, presented by Finance & Administration Director Leticia Salcido, *for Adoption*

[Agenda Bill - Amending the 2021-2022 Biennial Budget \(with Exhibit and Proposed Ordinance\)](#)

MOTION: Councilmember Kugler moved to approve Ordinance No. 22-0561: Amending the 2021-2022 Biennial Budget. Councilmember Srebnik seconded the motion.

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

- B. Ordinance No. 22-0560: 2023 Property Tax Levy presented by Finance & Administration Director Leticia Salcido, *for Adoption*
[Agenda Bill - 2023 Property Tax Levy \(with Proposed Ordinance\)](#)

Council provided questions and comments.

- What does the new rate look like for an average household? A \$920,000 home at the new rate would cost \$638.

MOTION: Councilmember Srebnik moved to approve Ordinance No. 22-0560: 2023 Property Tax Levy. Mayor Herbig seconded the motion.

VOTE: 5 Yes; 2 No; 0 Abstain. **MOTION PASSES**

- C. Ordinance No. 22-0568: 2023 Excess Property Tax Levy presented by Finance & Administration Director Leticia Salcido, *for Adoption*
[Agenda Bill - 2023 Excess Property Tax Levy \(with Proposed Ordinance\)](#)

Council provided questions and comments.

- Is there an estimate for how much that is for a Kenmore house? A \$920,000 home at the rate would cost \$119.
- This is the voter approved Walkways and Waterways? Yes

MOTION: Councilmember Srebnik moved to approve Ordinance No. 22-0568: 2023 Excess Property Tax Levy. Deputy Mayor O’Cain seconded the motion.

VOTE: 5 Yes; 2 No; 0 Abstain. **MOTION PASSES**

- D. Ordinance No. 22-0562: Biennial Budget for the Period of January 1, 2023 through December 31, 2024, establishing appropriations of funds for the 2023-2024 biennium and the 2023 Employee Salary Plan, presented by Finance & Administration Director Leticia Salcido, *for Adoption*
[Agenda Bill - 2023-2024 Biennial Budget \(with Proposed Ordinance and Exhibit A\)](#)

Council provided questions and comments.

- Could you highlight for the Council and the public the cuts that were made? Yes
- Maybe there are expenditures that we can postpone or not move forward with so that we could put that money towards the Climate Action Plan.
- There are grant funding that staff should look at.
- To clarify, Kenmore’s salaries are 31% above the total United States’ median wages, not surround cities in the area. We do a salary study to ensure that our salaries are comparable and competitive.

MOTION: Councilmember Pfeil moved to approve Ordinance No. 22-0562: Biennial Budget for the Period of January 1, 2023 through December 31, 2024, establishing appropriations of funds for the 2023-2024 biennium and the 2023 Employee Salary Plan. Deputy Mayor O’Cain seconded the motion.

VOTE: 4 Yes; 3 No; 0 Abstain. **MOTION PASSES**

- E. Ordinance No. 22-0563: Amending Kenmore Municipal Code Chapter 3.35 Utility Tax to include Surface Water Business as an occupation subject to tax, presented by Finance & Administration Director Leticia Salcido, *for Adoption*
[Agenda Bill - Surface Water Utility Tax \(with Exhibit A\)](#)
[Exhibit B - Financial Sustainability Plan](#)

Finance & Administration Director Leticia Salcido summarized for Council that the recommended rate is 6%. For a single-family residence with 10% or less of impervious surface, the service charge will cost them \$249.03. The 6% utility tax will be \$14.94. The projected revenue for the general fund is estimated to be \$125,228.

MOTION: Deputy Mayor O’Cain moved to approve Ordinance No. 22-0563: Amending Kenmore Municipal Code Chapter 3.35 Utility Tax to include Surface Water Business as an occupation subject to tax. Councilmember Pfeil seconded the motion.

VOTE: 5 Yes; 2 No; 0 Abstain. **MOTION PASSES**

STAFF REPORTS

City Manager Rob Karlinsey recognized Finance & Administration Director Leticia Salcido for her hard work with the budget.

COUNCILMEMBER REPORTS & COMMENTS

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 10:36 PM.


[Nigel Herbig \(Jan 10, 2023 17:11 PST\)](#)

Nigel Herbig, Mayor


[Michelle Kang \(Jan 10, 2023 14:33 PST\)](#)

Michelle Kang, Deputy City Clerk

City Council Special and Regular Meeting Minutes from November 21 2022

Final Audit Report

2023-01-11

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