



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
May 20, 2008

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Members Absent: None.

3. STUDY SESSION

a. Joint Meeting with the Park Board

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Director of Parks and Community Services Jennifer Schroder, Park Board members Jennifer Davies, Bob Kamuda, Kevin Hanefeld, Stephanie Johnson, Sue Keller, Chair Colleen Cullen and member-elect Adam White.

4. EXECUTIVE SESSION

a. Potential Property Acquisition

5. SPECIAL PRESENTATIONS

a. 2008 Eileen Trentman Memorial Scholarship Recipients

Youth Services Coordinator Regi Schubiger and Terrence Goldberg, representing the Kirkland Fire Fighters Benevolent Association, recognized the three scholarship recipients, Kristen Shimabukuro, Stephanie Johnson and Samara Surface.

b. Lee Johnson Day Proclamation

Mrs. Ginny Johnson, sons Tod, Brett and extended family accepted the proclamation.

c. Designating May 19-23, 2008 as Public Works Week

d. Water Without Waste Proclamation

David Walsh, representing the Water Without Waste organization, accepted the proclamation.

6. REPORTS

This item was first moved to the end of the evening's agenda, then pulled due to the late hour.

7. COMMUNICATIONS

a. Items from the Audience

Cami Keyes, 8126 NE 115th Court, Kirkland, WA
Johanna Palmer, 12911 NE 128th Place, Kirkland, WA
Diane Johnson, 1915 2nd Street, Kirkland, WA
Jennifer Turner, 3205 189th Street SE, Bothell, WA
Shawn Etchevers, 4119 107th Place NE, Kirkland, WA
Molly Lawrence, 2025 First Avenue, Ste. 500, Seattle, WA
Ben Durham, 1310 116th Street SE, Lake Stevens, WA
Toby Nixon, 12113 NE 141st St., Kirkland, WA
Elissa Benson, King County, 701 Fifth Avenue, Ste. 3200, Seattle, WA
Rob Butcher, 1640 2nd Street, Kirkland, WA
Jim McElwee, 12907 NE 78th Place, Kirkland, WA
Cal McCausland, 4555 Lake Washington Blvd. NE, Kirkland, WA
Mike Nykreim, 101 10th Avenue, Kirkland, WA

b. Petitions

(1) In support of the Play Structure at 1915 2nd Street.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) May 6, 2008

(2) May 7, 2008

b. Audit of Accounts:

Payroll \$ 2,018,021.00

Bills \$ 1,314,711.97
run # 746 check #'s 498585 - 498769
run # 747 check # 498770
run # 748 check #'s 498772 - 498917

c. General Correspondence

(1) Chuck Curran, Regarding Zoning of Burlington Northern Railroad Right of Way

d. Claims

e. Award of Bids

(1) Juanita Creek Bank Stabilization Project, Westek Forest, LTD, Olympia, WA

The contract for the base bid only was awarded to Westek Forest, LTD of Olympia, WA in the amount of \$170,200.50.

(2) 2008 Street Preservation Project, Watson Asphalt Paving Co., Redmond, WA

The contract was awarded to Watson Asphalt Paving Co., of Redmond, WA in the amount of \$1,960,709.50.

(3) Award Contract and Authorize Additional Funding for Crosswalk Upgrade Program located on NE 120th Place, Dennis R. Craig Construction, Inc. of Redmond, Washington

The contract was awarded to Dennis R. Craig Construction, Inc. of Redmond, WA in the amount of \$74,145.85, and the use of an additional amount of \$35,000 from the REET II reserve fund was authorized.

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

Resolution R-4705, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN A NON-DISCRIMINATION AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AS REQUIRED BY WSDOT AND TITLES 23 AND 49 OF THE CODE OF

FEDERAL REGULATIONS IN ORDER THAT THE CITY CAN CONTINUE TO RECEIVE FEDERAL FINANCIAL ASSISTANCE THROUGH WSDOT."

h. Other Items of Business

(1) Resolution R-4704, entitled "A RESOLUTION OF THE CITY OF KIRKLAND RELATED TO COMPREHENSIVE PLANNING AND LAND USE AND EXPRESSING AN INTENT TO AMEND THE KIRKLAND COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, AND AMENDING THE KIRKLAND ZONING MAP ORDINANCE 3710 AS AMENDED, AS A RESULT OF THE GORDON HART PRIVATE AMENDMENT REQUEST (FILE ZON06-00019) AND THE TL9 ZONING IMPLEMENTATION PROJECT (FILE ZON07-00023)."

This item was pulled from the consent calendar for discussion under unfinished business.

(2) Acknowledging Design Review Board Resignations

(3) Requesting Additional Funding for Lake Washington Boulevard Sanitary Sewer

(4) Report on Procurement Activities

Motion to Approve the Consent Calendar with the exception of item 8.h.(1)., which was pulled for consideration under Unfinished Business as item 10.e.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

9. PUBLIC HEARINGS

a. Resolution R-4707, Adopting Findings and Conclusions and Reversing the Decision of the Design Review Board Granting Design Review Approval to the Bank of America/Merrill Gardens Mixed Use Project at 101 Kirkland Avenue (File No. DRC 07-0006; Appeal Case No. APL08-0001)

Mayor Lauinger noted that the hearing had been continued from May 6, 2008. The City Attorney reviewed the parameters of the hearing and actions and submittals which had occurred in the interim. Council discussion ensued. Following the motion to reopen, testimony was provided by the Applicant's attorney Molly Lawrence and by the Appellant's attorney Richard Aramburu. Following the motion to table Resolution R-4707, Council indicated that the only further testimony that would be accepted for consideration would be a response from the Applicant to the Appellant's interim submittals. The hearing was then continued to the Council's next regular meeting on June 3, 2008.

Motion to allow further testimony in the hearing.

Moved by Councilmember Jessica Greenway, seconded by Councilmember Dave Asher

Vote: Motion carried 6-1

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, and Councilmember Bob Sternoff.

No: Councilmember Tom Hodgson.

Motion to Table Resolution R-4707 until the June 3, 2008 City Council meeting.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 6-1

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, and Councilmember Bob Sternoff.

No: Councilmember Tom Hodgson.

Council recessed for a short break at 9:30 p.m.

10. UNFINISHED BUSINESS

- a. Resolution R-4706, Relating to the Decision of the Kirkland City Council Not to Place the Question of Whether to Annex the Potential Annexation Area on a Ballot at this Time

Intergovernmental Relations Manager Tracy Burrows reviewed the outstanding policy issues for consideration.

Motion to Table Resolution R-4706.

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 5-2

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave

Asher, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.
No: Councilmember Mary-Alyce Burleigh, and Councilmember Jessica Greenway.

Council agreed to pull items 10.b., 10.c., 10.d., 10.e., 11.b., and 11.c. from the evening's agenda due to the late hour.

11. NEW BUSINESS

- a. Ordinance No. 4135, Relating to Land Use, Approval of a Master Plan, Preliminary PUD, and Final PUD as Applied for by Lake Washington School District in Department of Planning and Community Development File No. ZON07-00035 and Setting Forth Conditions of Said Approval

Mayor Lauinger opened the hearing. Testimony in the closed record hearing was provided by Project Planner Tony Leavitt; Appellants Amanda Fry, Tim Fry, and their representative Ben Durham; Applicant representatives David Zeitlin (LWSD), Steven Cole (LWSD), and Matt Lane (Architect for LWSD). The Mayor then closed the hearing.

Motion to to bring back for Council consideration Ordinance No. 4135, Relating to Land Use, Approval of a Master Plan, Preliminary PUD, and Final PUD as Applied for by Lake Washington School District in Department of Planning and Community Development File No. ZON07-00035 and Setting Forth Conditions of Said Approval with a plan for the applicant and challenger to work together on construction mitigation, landscape screening and bus shelter.

Moved by Deputy Mayor Joan McBride, seconded by Councilmember Bob Sternoff
Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

- d. Funding Options for 2008 Pavement Marking Project

Public Works Director Daryl Grigsby outlined the options for Council consideration.

Motion to proceed with Option 2 as outlined by the Public Works Director.

Moved by Councilmember Dave Asher, seconded by Councilmember Mary-Alyce Burleigh

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of May 20, 2008 was adjourned at 12:28 a.m. on May 21, 2008.

City Clerk

Mayor