



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
September 01, 2009

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

None.

4. EXECUTIVE SESSION

None.

5. SPECIAL PRESENTATIONS

a. King County Councilmember Jane Hague

b. Kirkland Dog Off-Leash Group (KDOG) Donation

KDOG President Jean Guth presented a check to the City for \$3000 to assist in funding continuation of the Mutt Mit program.

c. Green Tips

Wednesday Market President Kate Butcher shared information on the 2nd Annual Harvest Supper and Grape Choice Grape Stomp.

6. REPORTS

a. City Council

(1) Regional Issues

Councilmember Bob Sternoff read a statement regarding a recent public records request relating to City Council email.

Councilmembers shared information regarding a recent Lodging Tax Advisory Committee meeting; South Rose Hill/Bridle Trails, Everest and NorKirk Neighborhood Associations picnics; 50th Anniversary celebration of Lake Washington United Methodist Church ; Girls Little League World Series; Cascade Water Alliance meeting; Mark Twain Elementary School beautification project; Suburban Cities Public Issues Committee caucus with King Conservation District; Washington State Salmon Recovery Board testimony by WRIA 8 representative Deputy Mayor Joan McBride; and the recent passing of Frederick Danz.

b. City Manager

(1) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Armene Wegener  
Judith Shattuck  
Michael Raekes  
Jeff Twersky  
Tom Jones  
Doug Steding  
Michael Heslip  
Randy Altig  
Katherine Winder  
Kellie Jordan

b. Petitions

None.

8. CONSENT CALENDAR

a. Approval of Minutes: August 4, 2009

b. Audit of Accounts:

Payroll \$ 4,120,043.53  
Bills \$ 4,570,758.77  
run #845 check #'s 510638 - 510773  
run #846 check #'s 510774 - 510804  
run #847 check #'s 510805 - 510936  
run #848 check #'s 510962 - 510971  
run #849 check #'s 510972 - 511130

run #850 check #'s 511131 - 511182  
run #851 check #'s 511183 - 511210  
run #852 check #'s 511214 - 511323

c. General Correspondence

(1) Randy Altig, Regarding Waterfront Street Ends

This item was pulled and placed under Unfinished Business, 10.e.

(2) Phillip Combs, Regarding Annexation Zoning

(3) Pat Harris, Regarding City Street Trees

(4) Patty Sorenson, Regarding Construction at 1112 1st Street

d. Claims

(1) Linda C. Horning

(2) Pathway Medical Technologies, Inc.

(3) Patricia A. Puckett

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) Resolution R-4772, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE KING COUNTY FLOOD CONTROL ZONE DISTRICT AND THE CITY OF KIRKLAND FOR OPPORTUNITY FUND PROJECTS"

(2) Resolution R-4773, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A SEWER FACILITY AGREEMENT WITH WONG KIRKLAND LLC AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND"

(3) Resolution R-4774, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A WATER FACILITY AGREEMENT WITH WONG KIRKLAND LLC AND AUTHORIZING THE CITY MANAGER TO SIGN SAID

AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND"

h. Other Items of Business

(1) Ordinance No. 4203, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS ACTIVITY IN CITY PARKS AND AMENDING THE TITLE OF KIRKLAND MUNICIPAL CODE SECTION 11.80.100"

(2) Setting Public Hearing Date for 2010-2015 Transportation Improvement Program (TIP)

(3) Report on Procurement Activities

Motion to Approve the Consent Calendar with the exception of item 8.c.(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

None.

10. UNFINISHED BUSINESS

a. Council Goals

Assistant City Manager Marilynne Beard reviewed the process as Council continued their discussion.

b. Ordinance No. 4204 and its Summary, Annexing Pursuant to RCW 35A.14.120 Et Seq. Certain Unincorporated Territory Described in the Property Owners Petition for Annexation; Providing for the Assumption of the Existing Indebtedness; and Zoning Said Territory in Accordance with Section 10.45 of Ordinance No. 3719, as Amended, the Kirkland Zoning Code (Bridle View Annexation)

Motion to Approve Ordinance No. 4204 and its summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ANNEXING PURSUANT TO RCW 35A.14.120 ET SEQ. CERTAIN UNINCORPORATED TERRITORY DESCRIBED IN THE PROPERTY OWNERS PETITION FOR ANNEXATION; PROVIDING FOR THE ASSUMPTION OF THE

EXISTING INDEBTEDNESS; AND ZONING SAID TERRITORY IN ACCORDANCE WITH SECTION 10.45 OF ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING CODE"

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

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.

c. Potential Annexation Update

Assistant City Manager Marilynne Beard provided an update and received Council approval to send a letter to King County requesting transition funding.

d. Lodging Tax Advisory Committee

Motion to reconsider the motion made at Council's August 4, 2009 meeting reappointing Tom Hodgson as Chair of the Lodging Tax Advisory Committee.

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

Vote: Motion carried 5-2

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

No: Mayor Jim Lauinger, and Councilmember Jessica Greenway.

Motion to reappoint Tom Hodgson as Chair of the Lodging Tax Advisory Committee and to re-examine the selection process for other committee members. This motion originally made at Council's August 4, 2009 meeting.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion failed 3 - 4

Yes: Mayor Jim Lauinger, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

No: Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

Motion to to reexamine the selection process for all committee members of the Lodging Tax Advisory Committee.

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.

Motion to request a self-assessment of the Committee from current Lodging Tax Advisory Committee members, either individually or as a group.

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.

Motion to have the Mayor, Deputy Mayor and City Attorney prepare a draft letter in response to Mr. Alskog's letter by September 15, 2009.

Moved by Councilmember Bob Sternoff, 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.

- e. Randy Altig Correspondence, Regarding Waterfront Street Ends

Council requested a review of the process for street end management and declined to send the draft response letter to Mr. Altig as he was present to hear the discussion.

## 11. NEW BUSINESS

- a. Development Services Process Improvements Summary Report

Development Engineering Manager Rob Jammernan introduced a presentation by Kurt Latimore on his study of the City permitting process and implemented process improvements.

- b. 2009-2014 Capital Improvement Program Update

Financial Planning Manager Sandi Hines responded to Council questions related to the changes for review.

- c. Request for Verizon/Frontier Cable Franchise Transfer and Approve Funding

Chief Information Officer Brenda Cooper presented information on the proposed transfer and funding request. Outside Counsel Nick Miller also responded to Council questions.

Motion to Approve the expenditure of up to \$54,750 for legal counsel, financial experts and for work with other jurisdictions regarding the transfer. 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.

- d. Amending Title 26 of the Kirkland Municipal Code

(1) Ordinance No. 4205 and its Summary, Relating to Use of Right of Way for Communications Purposes and Repealing and Reenacting Title 26 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4205 and its summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO USE OF RIGHT OF WAY FOR COMMUNICATIONS PURPOSES AND REPEALING AND REENACTING TITLE 26 OF THE KIRKLAND MUNICIPAL CODE"

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

Vote: Motion carried 7-0

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

(2) Ordinance No. 4206 and its Summary, Relating to Cable Franchising and the Provision of Cable Services Within the City of Kirkland

Motion to Approve Ordinance No. 4206 and its summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CABLE FRANCHISING AND THE PROVISION OF CABLE SERVICES WITHIN THE CITY OF KIRKLAND"

Moved by Councilmember Dave Asher, seconded by Councilmember

Mary-Alyce Burleigh

Vote: Motion carried 7-0

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

(3) Ordinance No. 4207 and its Summary, Relating to Cable Consumer Protection Within the City of Kirkland

Motion to Approve Ordinance No. 4207 and its summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CABLE CONSUMER PROTECTION WITHIN THE CITY OF KIRKLAND"

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

- e. Authorizing Correspondence to King County on Metro Transit Funding

Motion to authorize correspondence to King County on Metro Transit Funding with changes as directed.

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

Vote: Motion carried 6-1

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

No: Councilmember Jessica Greenway.

- f. Evergreen Freedom Foundation/Scott St Clair public records request

Motion to hire an independent investigator (for an amount not to exceed \$5,000) that will review the information disclosed as part of the Evergreen Freedom Foundation public records request to determine if there are violations of the laws of Kirkland or the State of Washington, and to direct staff to cooperate fully in this investigation to support the goal of the investigator, and that the report from the independent investigator should be provided to the Council by close of business on October 2, 2009.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 4-3

Yes: Mayor Jim Lauinger, Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

No: Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of September 1, 2009 was adjourned at 11:32 p.m.

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City Clerk

Mayor