



KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES  
December 11, 2012

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. 2013-2014 Draft City Work Plan

City Manager Kurt Triplett presented an overview of the 2013-2014 Draft City Work Plan. Director of Planning and Community Development Eric Shields also contributed to the discussion.

4. EXECUTIVE SESSION

Mayor McBride announced at 6:55 p.m. that Council would enter into executive session to review the performance of a public employee and to discuss property acquisition and would return to their special meeting at 7:30 p.m. in the Council Chamber. City Attorney Robin Jenkinson was also in attendance.

City Clerk Kathi Anderson announced at 7:28 p.m. that the Council would require additional time in executive session and would instead return to their special meeting at 7:35 p.m., which they did.

a. To Review the Performance of a Public Employee

b. To Discuss Property Acquisition

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

David Mann  
Karen Levenson  
Tom Grimm  
Kathy Cox  
Jeff Howard  
Lisa McConnell  
Brian Rohrback  
Francesca Lyman  
Justin Stewart

c. Petitions

7. SPECIAL PRESENTATIONS

a. Frederick E. Ulrich - 35-Year Service Award

Deputy Fire Chief Helen Ahrens-Byington reviewed Emergency Medical Technician Ed Ulrich's history with the Kirkland Fire Department. Fire Chief Kevin Nalder presented Mr. Ulrich's service award.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) November 19, 2012 Special Meeting

(2) November 20, 2012 Special Meeting

(3) November 20, 2012

b. Audit of Accounts:

Payroll \$2,382,337.28

Bills \$4,224,234.61

run #1151 checks #539280 - 539380

run #1152 checks #539381 - 539426

run #1153 checks #539427 - 539578

run #1154 checks #539584 - 539625

run #1155 checks #539626 - 539722

c. General Correspondence

(1) Regarding Funding the Next Phase of the NE 132nd Street Interchange on I-405

A draft letter requesting \$5 million in the state transportation budget to fund the next phase of the NE 132nd Street interchange on I-405 was approved.

(2) Supporting the Washington Tech Cities' Coalition

A draft letter from the Washington Tech Cities Coalition, (WTC2), a group of 15 cities, including Kirkland, with major technology clusters, requesting support from the 2013 State Legislature for transportation infrastructure investments, education investments and other strategies to enhance this state's competitiveness in the technology area, was approved.

d. Claims

Claims received from Joshua Benedict, King County Risk Management, and Franklin Rampersad were acknowledged.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) 2012 Aging Infrastructure Replacement -Juanita Tributary (Billy Creek) Culvert Slip Lining Project, Pacific Northwest Earthworks, Fall City, Washington

g. Approval of Agreements

h. Other Items of Business

(1) Related Actions for Adopting the 2013-2014 Biennial Budget:

(a) Resolution R-4947, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND FINDING THAT SPECIAL CONDITIONS EXIST AND SUSPENDING THE RESERVE REPLENISHMENT PRINCIPLE RESTRICTING THE USE OF UNPLANNED FUNDS."

(b) Resolution R-4948, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE FISCAL POLICIES FOR THE CITY OF KIRKLAND."

(c) Ordinance O-4393, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO IMPACT FEES FOR CHANGES IN USE AND SUSPENDING TRANSPORTATION IMPACT FEES FOR CHANGES OF USE THAT DO NOT RESULT IN INCREASED FLOOR AREA AND AMENDING SECTION 27.04.035 OF THE KIRKLAND MUNICIPAL CODE."

(d) Ordinance O-4394, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE REVENUE GENERATING REGULATORY LICENSE FEE (RGRL) AND AMENDING SECTION 7.02.160(a) OF THE KIRKLAND MUNICIPAL CODE."

(2) Civil Service Commission Reappointments

Council confirmed the City Manager's reappointments of Commission members Christopher Fox and Terry Coonan to terms on the Civil Service Commission ending December 31, 2018.

(3) Remitting Duck Dash Raffle Tax Receipts to Selected Agency

This item was pulled for consideration under New Business, item 11.c.

(4) 100th Avenue NE Bicycle Lanes - Request Funding

An \$86,000 budget increase for the 100th Ave NE Bicycle Lanes Project, to be funded by REET 2 reserves, was approved.

(5) NE 120th Street Extension Project - Status Update

(6) Six-Year Transportation Improvement Plan - Set Public Hearing Date

January 2, 2013 was established as the date to hold a public hearing on the proposed 2013-2018 TIP.

(7) Resolution R-4949, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING INDIGENT DEFENSE STANDARDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC DEFENSE CONTRACT INCORPORATING THE STANDARDS."

(8) Pay Parking Station Shelters

The use of \$5,000 from the parking reserve fund was authorized to proceed with the purchase and installation of two shelters for Downtown Pay Parking Stations as manufactured by Parking Booth Company, Inc.

Motion to Approve the Consent Calendar with the exception of item 8.h.(3)., which was pulled for consideration under New Business, item 11.c..

Moved by Councilmember Bob Sternoff, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

- a. Ordinance O-4395, Amending the Biennial Budget for 2011-2012

Motion to Approve Ordinance O-4395, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2011-2012."

Moved by Councilmember Bob Sternoff, seconded by Councilmember Penny Sweet  
Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

- b. Ordinance O-4396, Adopting the Biennial Budget for 2013-2014.

Motion to Approve Ordinance O-4396, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING THE BIENNIAL BUDGET FOR 2013-2014."

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher  
Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

- c. Ordinance O-4397, Establishing the Amount of Property Taxes to be Levied for the Year 2013, the First Year of the City of Kirkland's 2013-2014 Fiscal Biennium and Repealing Ordinance O-4385.

Motion to Approve Ordinance O-4397, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2013, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2013-2014 FISCAL BIENNIUM AND REPEALING ORDINANCE 4385."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

- d. Resolution R-4941, Adopting the 2013-2018 Six-Year Capital Improvement Program for the City of Kirkland.

Motion to Approve Resolution R-4941, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2013-2018 SIX-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF KIRKLAND."

Moved by Councilmember Penny Sweet, seconded by Councilmember Amy Walen  
Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

11. NEW BUSINESS

a. Annual Comprehensive Planning and Zoning Code Amendments:

Planning and Community Development Deputy Director Paul Stewart introduced the annual amendments and provided context and an overview of each group.

(1) City Initiated Comprehensive Plan Amendments:

(a) Ordinance O-4388 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan Ordinance 3481, as Amended, and Approving a Summary for Publication, File No. ZON12-00001.

Motion to Approve Ordinance O-4388 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481, AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON12-00001."

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

(2) Commercial Zoning Code Amendments:

(a) Ordinance O-4389 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan Ordinance 3481, as Amended, and Approving a Summary for Publication, File No. ZON11-00042.

Planning and Community Development Planning Supervisor Jeremy McMahan reviewed the background and content of the proposed ordinance and responded to Council questions.

Motion to Approve Ordinance O-4389 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481, AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON11-00042." as amended.

Moved by Councilmember Toby Nixon, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 4-3

Yes: Deputy Mayor Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Dave Asher, Mayor Joan McBride, and Councilmember Bob Sternoff.

Motion to Amend Ordinance O-4389 and its Summary, to modify Attachment A, Comprehensive Plan pages VI-14 and B-6 to restore the word residential and to capitalize the word scale on the second line.

Moved by Councilmember Toby Nixon, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

Motion to Amend the amended Ordinance O-4389 and its Summary, to reflect density of 36 units per acre with the bonus.

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher

Vote: Motion failed 2 - 5

Yes: Councilmember Dave Asher, and Councilmember Bob Sternoff.

No: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

(b) Ordinance O-4390 and its Summary, Relating to Zoning, and Land Use and Amending Ordinance No. 3719, as Amended, the Kirkland Zoning Ordinance, to Amend Provisions for Commercial, Residential and Mixed-Use Development in the Neighborhood Business (BN and BNA), Market Street Corridor 2 (MSC 2), Community Business X (BCX), and Community Business 1 and 2 (BC 1 and BC 2) Zones; to Revise Zoning Code Chapters 92 and 142 to Incorporate Design Review Standards for Development in the BN, BNA, and MSC 2 Zones, to Revise Zoning Code Chapters 105 and 180 to Establish Pedestrian Access Requirements for Development in the BN, BNA, and MSC 2 Zones; and Approving a Summary Ordinance for Publication, File No. ZON11-00042.

Motion to Approve Ordinance O-4390 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND PROVISIONS FOR COMMERCIAL, RESIDENTIAL AND MIXED-USE DEVELOPMENT IN THE NEIGHBORHOOD BUSINESS (BN AND BNA), MARKET STREET CORRIDOR 2 (MSC 2), COMMUNITY BUSINESS X (BCX), AND COMMUNITY BUSINESS 1 AND 2 (BC 1 AND BC 2) ZONES; TO REVISE ZONING CODE CHAPTERS 92 AND 142 TO INCORPORATE DESIGN REVIEW STANDARDS FOR DEVELOPMENT IN THE BN, BNA, AND MSC

2 ZONES, TO REVISE ZONING CODE CHAPTERS 105 AND 180 TO ESTABLISH PEDESTRIAN ACCESS REQUIREMENTS FOR DEVELOPMENT IN THE BN, BNA, AND MSC 2 ZONES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON11-00042." as amended.

Moved by Councilmember Penny Sweet, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 4-3

Yes: Deputy Mayor Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Dave Asher, Mayor Joan McBride, and Councilmember Bob Sternoff.

Motion to Amend Ordinance O-4390 and its Summary, to include the following addition to Attachment A: in section KZC 112.15.1.b Voluntary Use, after the word apply, change the period to a semicolon and add this language: "provided, however, the provisions of this chapter are not available for use in developments located within the BN and MSC 2 zones" as amended to delete the reference to MSC 2.

Moved by Councilmember Toby Nixon, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 6-1

Yes: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Dave Asher.

Motion to Amend the amendment to the amendment to Ordinance O-4390 and its Summary, deleting the reference to MSC 2.

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 5-2

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, and Councilmember Penny Sweet.

No: Councilmember Toby Nixon, and Councilmember Amy Walen.

(c) Resolution R-4945 Approving Amended Design Guidelines for Pedestrian Oriented Business Districts and Authorizing the Mayor to Sign.

Motion to Approve Resolution R-4945 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDED DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED BUSINESS DISTRICTS AND AUTHORIZING THE MAYOR TO SIGN."

Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob

Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

(3) Howard Private Amendment Request:

(a) Ordinance O-4391 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, the Kirkland Zoning Map, Ordinance 3710 as Amended, and the Kirkland Zoning Code, Ordinance 3719 as Amended, as Required by RCW 36.70A.130 to Ensure Continued Compliance With the Growth Management Act and Approving a Summary for Publication, File No. ZON11-00005.

Senior Planner Teresa Swan provided a short presentation after which Planning Commission Vice Chair Jon Pascal presented some comments to the Council on behalf of the Planning Commission.

Motion to Approve Ordinance O-4391 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, AND THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON11-00005." Moved by Councilmember Bob Sternoff, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 5-2

Yes: Deputy Mayor Doreen Marchione, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Dave Asher, and Mayor Joan McBride.

(4) Parker Private Amendment Request:

(a) Ordinance O-4392 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, and Amending Ordinance 3719 as Amended, the Kirkland Zoning Code, as Required by RCW 36.70A.130 to Ensure Continued Compliance With the Growth Management Act and Approving a Summary for Publication, File No. CAM12-00290.

Planning Commission Vice Chair Jon Pascal presented some comments to the Council on behalf of the Planning Commission.

Motion to Approve Ordinance O-4392 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO

COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM12-00290."

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

(b) Resolution R-4946 Approving Amended Design Guidelines for Pedestrian Oriented Business Districts and Authorizing the Mayor to Sign.

Motion to Approve Resolution R-4946, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDED DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED BUSINESS DISTRICTS AND AUTHORIZING THE MAYOR TO SIGN."

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

Council recessed for a short break.

b. City of Kirkland Draft 2013 Legislative Agenda

Intergovernmental Relations Manager Lorrie McKay reviewed the draft and received Council feedback for a final version which will be considered for adoption at Council's January 2, 2013 special meeting.

c. Remitting Duck Dash Raffle Tax Receipts to Selected Agency

This item was pulled from the Consent Calendar, item 8.h.(3). for consideration under New Business. Councilmember Asher recused himself from the discussion and vote due to his position on the board of Nourishing Networks and left the chamber, returning following the action taken.

Motion to Approve remittance of the Duck Dash raffle tax receipts to the Rotary's selected human service agency, Nourishing Networks.

Moved by Councilmember Bob Sternoff, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 6-0

Yes: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent tour of Lake Washington School District elementary schools; Kirkland Interfaith Transitions in Housing (KITH) grand reopening of Salisbury Court Apartments; Grand Opening of Carl Sandburg Elementary School; Greater Kirkland Chamber of Commerce Awards luncheon; Ferry Clock Restoration fundraising update; Suburban Cities Association Public Issues Committee meeting and agenda; King County Regional Law, Safety and Justice Committee; Camp Unity public meeting at Lake Washington Methodist Church; meeting with Patti Skelton-McGougan, Executive Director of Youth Eastside Services; Kirkland Nourishing Networks initiative; Cascadia Kirkland Warehouse District wine-tasting event; grand opening of Jasper's Dog Park; Puget Sound Regional Council Regional Transit Committee meeting; Sound Cities North Caucus; Mayor's and City Manager's meeting with Congresswoman Suzan Del Bene; Tree Lightings; and Eastside Human Services Forum Board.

b. City Manager

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council special meeting of December 11, 2012 was adjourned at 10:13 p.m.

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City Clerk

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Mayor