



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
December 15, 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. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

Mayor and Councilmembers completing their terms of office expressed thanks and appreciation for the public, staff and regional partners during their tenure.

a. Items from the Audience

Bob Style  
Penny Sweet  
Scott Brady  
G.G. Getz  
Jack Wherry  
Katherine Winder  
Jane Hague  
Bea Nahon  
Todd Woosley  
Omar Aftab

b. Petitions

None.

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

Motion to Approve the addition of an item on the Consent Calendar acknowledging a Salary Commission resignation under item 8.h.2.

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

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.

a. Approval of Minutes: December 1, 2009

b. Audit of Accounts:

Payroll \$2,183,094.59

Bills \$2,321,045.90

run # 874 checks # 513456 - 513570

run # 875 checks # 513573 - 513728

c. General Correspondence

None.

d. Claims

(1) Bill Nelson

(2) Earl G. Wayman

e. Award of Bids

(1) The 120th Avenue NE and 73rd Street Water Main Replacement Project was awarded to Freeman Bell LLC, of Pacific, WA in the amount of \$267,855.62, and authorization was given to transfer \$90,000 of the project budget into the annual street preservation program to provide for the half street overlay required by

the watermain project.

f. Acceptance of Public Improvements and Establishing Lien Period

- (1) 2009 Water System Improvement Project
- (2) Kirkland City Hall Annex Renovation

g. Approval of Agreements

(1) Resolution R-4788, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN A COOPERATIVE PURCHASING AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF GENERAL ADMINISTRATION'S OFFICE OF STATE PROCUREMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

(2) Resolution R-4789, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE USE OF PORTIONS OF THE DILLARD PROPERTY AT 151 3RD STREET FOR PUBLIC PAY PARKING PURPOSES."

This item was pulled for consideration under Unfinished Business.

h. Other Items of Business

- (1) Next Steps for South Rosehill Water District Building
- (2) Salary Commission Resignation

Motion to Approve the Consent Calendar with the exception of item 8.g.(2). which was pulled for consideration under unfinished business.

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. School Impact Fees Public Hearing Continuation to January 19, 2010

Motion to table the public hearing indefinitely.

Moved by Councilmember Bob Sternoff, 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.

## 10. UNFINISHED BUSINESS

- a. Resolution R-4792, Approving the Transfer of Control of the Cable Franchisee Verizon Northwest, Inc. to Frontier Communications Corporation and Authorizing the City Manager to Execute a Transfer of Control Agreement

Chief Information Officer Brenda Cooper reviewed the discussions and provided a status update on the proposed transfer; she introduced Frontier Communications of Rochester Chairman Ann L. Burr, who shared additional comments and perspective.

Motion to Approve Resolution R-4792, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE TRANSFER OF CONTROL OF THE CABLE FRANCHISEE VERIZON NORTHWEST, INC. TO FRONTIER COMMUNICATIONS CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSFER OF CONTROL AGREEMENT."

Moved by Councilmember Mary-Alyce Burleigh, 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.

- b. Development Incentives for Affordable Housing:

Planning Supervisor Dawn Nelson reviewed the proposed amendments and related issues.

(1) Ordinance No. 4222 and its Summary, Relating to Zoning, Planning, and Land Use, Revising the City's Regulations Regarding Affordable Housing and Development Incentives, Amending

Ordinance 3719 as Amended, the Kirkland Zoning Ordinance and Approving a Summary Ordinance for Publication, File No. ZON09-00005

Motion to Approve Ordinance No. 4222 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING AFFORDABLE HOUSING AND DEVELOPMENT INCENTIVES, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON09-00005" as amended.

Moved by Deputy Mayor Joan McBride, 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.

Motion to amend Ordinance 4222 and its summary, to include option 2 that would include enhancements for affordable housing but would exempt the Houghton area from the mandatory provision.

Moved by Deputy Mayor Joan McBride, seconded by Councilmember Bob Sternoff

Vote: Motion carried 5-2

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

No: Councilmember Dave Asher, and Councilmember Mary-Alyce Burleigh.

(2) Ordinance No. 4223 and its Summary, Amending Kirkland Municipal Code Chapter 5.88 Regarding the Multifamily Housing Property Tax Exemption

Motion to Approve Ordinance No. 4223 and its Summary, entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING KIRKLAND MUNICIPAL CODE CHAPTER 5.88 REGARDING THE MULTIFAMILY HOUSING PROPERTY TAX EXEMPTION."

Moved by Deputy Mayor Joan McBride, 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.

(3) Ordinance No. 4224 and its Summary, Relating to Transportation and Park Impact Fees and Amending Certain Sections of Chapters 27.04 and 27.06 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4224 and its Summary, entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TRANSPORTATION AND PARK IMPACT FEES AND AMENDING CERTAIN SECTIONS OF CHAPTERS 27.04 AND 27.06 OF THE KIRKLAND MUNICIPAL CODE."

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

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.

(4) Ordinance No. 4225, Relating to Sewer Capital Facility Charges and Amending Certain Sections of Chapters 15.12 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4225, entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SEWER CAPITAL FACILITY CHARGES AND AMENDING CERTAIN SECTIONS OF CHAPTERS 15.12 OF THE KIRKLAND MUNICIPAL CODE."

Moved by Deputy Mayor Joan McBride, 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.

(5) Resolution R-4790, Stating Its Intent to Designate Residential Targeted Areas Under Chapter 84.14 RCW and Providing Notice of a Public Hearing Pursuant to RCW 84.14.040

Motion to Approve Resolution R-4790, entitled, "A RESOLUTION OF THE CITY OF KIRKLAND STATING ITS INTENT TO

DESIGNATE RESIDENTIAL TARGETED AREAS UNDER  
CHAPTER 84.14 RCW AND PROVIDING NOTICE OF A PUBLIC  
HEARING PURSUANT TO RCW 84.14.040."

Moved by Deputy Mayor Joan McBride, 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. Tree Regulation Amendments:

Senior Planner Jon Regala and Urban Forester Deb Powers reviewed the  
proposed changes and staff recommendation.

(1) Ordinance No. 4226 and its Summary, Relating to Zoning and  
Land Use, Amending City Regulations Relating to Trees, Amending  
Ordinance 3719 as Amended, the Kirkland Zoning Ordinance and  
Approving a Summary Ordinance for Publication, File No. ZON08-  
00016

Motion to amend Ordinance No. 4226 and its Summary, part 95.23  
subparagraph 5.b. (1 and 2.b) as proposed in option 2  
on electronic council meeting packet page 183.

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.

Motion to amend Ordinance No. 4226 and its Summary, to include the  
staff recommended revision to part 95.23 subparagraph 5.a.

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 Jessica Greenway, and Councilmember Tom  
Hodgson.

No: Councilmember Bob Sternoff.

Motion to amend Ordinance No. 4226 and its Summary, as proposed

by staff in part 95.20 (exemptions) as shown on electronic council meeting packet page 185.

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 Approve Ordinance No. 4226 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE, AMENDING CITY REGULATIONS RELATING TO TREES, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00016" as amended.

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.

(2) Ordinance No. 4227 and its Summary, Amending Chapter 19.36 of the Kirkland Municipal Code Regarding Street Trees and Trees on City Property

Motion to Approve Ordinance No. 4227 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 19.36 OF THE KIRKLAND MUNICIPAL CODE REGARDING STREET TREES AND TREES ON CITY PROPERTY."

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.

(3) Ordinance No. 4228 and its Summary, Relating to Fees Charged

by the Department of Planning and Community Development, Establishing New Fees for Certain Tree Related Permits and Reflecting the Current Published Annual Change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers

Motion to Approve Ordinance No. 4228 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FEES CHARGED BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT, ESTABLISHING NEW FEES FOR CERTAIN TREE RELATED PERMITS AND REFLECTING THE CURRENT PUBLISHED ANNUAL CHANGE IN THE SEATTLE CONSUMER PRICE INDEX FOR WAGE EARNERS AND CLERICAL WORKERS."

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. Annexation:

(1) Resolution R-4791, Expressing the Council's Intent to Accept the Annexation of Certain Territory Referred to as the Finn Hill, Kingsgate and North Juanita Annexation Area Without the Assumption of Voter-Approved Indebtedness

Motion to Approve Resolution R-4791, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND EXPRESSING THE COUNCIL'S INTENT TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY REFERRED TO AS THE FINN HILL, KINGSGATE AND NORTH JUANITA ANNEXATION AREA WITHOUT THE ASSUMPTION OF VOTER-APPROVED INDEBTEDNESS."

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

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.

(2) Ordinance No. 4229 and its Summary, Annexing Certain Territory Referred to as the Finn Hill, Kingsgate and North Juanita

Annexation Area; Providing that the Property in the Annexation Area be Assessed and Taxed at the Same Rate and on the Same Basis as Other Property Within the City of Kirkland, but Without the Assumption of Voter-Approved Indebtedness; Adopting Zoning Regulations; and Fixing the Effective Date of the Annexation

Motion to Approve Ordinance No. 4229 and its Summary, entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND ANNEXING CERTAIN TERRITORY REFERRED TO AS THE FINN HILL, KINGSGATE AND NORTH JUANITA ANNEXATION AREA; PROVIDING THAT THE PROPERTY IN THE ANNEXATION AREA BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY OF KIRKLAND, BUT WITHOUT THE ASSUMPTION OF VOTER-APPROVED INDEBTEDNESS; ADOPTING ZONING REGULATIONS; AND FIXING THE EFFECTIVE DATE OF THE ANNEXATION."

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

Vote: Motion carried 4-3

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

No: Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

- e. Ordinance No. 4230, Establishing the Amount of Property Taxes to be Levied for the Year 2010, the Second Year of the City of Kirkland's 2009-2010 Fiscal Biennium and Repealing Ordinance 4216

Motion to Approve Ordinance No. 4230, entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2010, THE SECOND YEAR OF THE CITY OF KIRKLAND'S 2009-2010 FISCAL BIENNIUM AND REPEALING ORDINANCE NO. 4216."

Moved by Councilmember Dave Asher, 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.

- f. 2009-2010 Mid-Biennial Budget Adjustment:

(1) Ordinance No. 4231, Amending the Biennial Budget for 2009-2010

Motion to Approve alternate Ordinance No. 4231, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2009-2010."

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

Vote: Motion carried 6-1

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

No: Councilmember Dave Asher.

(2) Resolution R-4793, Authorizing the Transfer of Funds from the Contingency Reserve Fund to the General Fund to Pay Firefighter Overtime Costs in 2009

Motion to Approve Resolution R-4793, entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE TRANSFER OF FUNDS FROM THE CONTINGENCY RESERVE FUND TO THE GENERAL FUND TO PAY FIREFIGHTER OVERTIME COSTS IN 2009."

Moved by Councilmember Dave Asher, 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.

g. Shoreline Master Program

Deputy Director of Planning and Community Development Paul Stewart provided an update on the status of the program.

h. Kenyon Disend Contract Amendment

Motion to Approve approve a contract amendment for additional services related to the Bank of America review and approve the use of \$2,400.49 from the Council special project reserve.

Moved by Councilmember Mary-Alyce Burleigh, 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.

Council recessed for a short break at 9:06 p.m.

- i. Resolution R-4789, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE USE OF PORTIONS OF THE DILLARD PROPERTY AT 151 3RD STREET FOR PUBLIC PAY PARKING PURPOSES."

This item was pulled from Consent Calendar.

Motion to Approve Resolution R-4789, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE USE OF PORTIONS OF THE DILLARD PROPERTY AT 151 3RD STREET FOR PUBLIC PAY PARKING PURPOSES."

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.

11. NEW BUSINESS

None.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the upcoming Lodging Tax Advisory Committee Branding Study presentation; Kirkland Heritage Society Cookie Exchange at the Marsh Mansion; Public Meeting to solicit comment on the Solid Waste Comprehensive Plan; Food Waste Recycling Project for Multifamily properties; Eastside Human Services Forum; SR520 Environmental Impact Statement

Public Hearing; and Suburban Cities Regional Board Assignments. Thanks were extended to outgoing Councilmembers and an update on the City Manager recruitment was requested.

b. City Manager

(1) Calendar Update

13. ANNOUNCEMENTS

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of December 15, 2009 was adjourned at 10:23 p.m.

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City Clerk

Mayor