
CITY OF KIRKLAND

CITY COUNCIL



Amy Walen, Mayor • Penny Sweet, Deputy Mayor • Jay Arnold • Dave Asher
Shelley Kloba • Doreen Marchione • Toby Nixon • Kurt Triplett, City Manager

Vision Statement

*Kirkland is an attractive, vibrant and inviting place to live, work and visit.
Our lakefront community is a destination for residents, employees and visitors.
Kirkland is a community with a small-town feel, retaining its sense of history,
while adjusting gracefully to changes in the twenty-first century.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • www.kirklandwa.gov

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chamber
Tuesday, February 4, 2014
6:00 p.m. – Study Session
7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. Cross Kirkland Corridor Master Plan Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
 - a. Citizen Hero Award
 - (1) CPR on November 16, 2013
 - (2) Fire Rescue on December 28, 2013
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Take Charge Puget Sound Energy Green Power Challenge Wrap-up

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

QUASI-JUDICIAL MATTERS

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

b. Public GIS and My Building Permit Websites Demonstration

c. King County Metro Transportation Benefit District

8. *CONSENT CALENDAR*

- a. *Approval of Minutes:* (1) January 16, 2014 Special Meeting
(2) January 21, 2014

- b. *Audit of Accounts:*
 - Payroll* \$
 - Bills* \$

c. *General Correspondence*

d. *Claims*

e. *Award of Bids*

f. *Acceptance of Public Improvements and Establishing Lien Period*

g. *Approval of Agreements*

h. *Other Items of Business*

- (1) Ordinance O-4432 and its Summary, Relating to Enforcement of Regulations Regarding Discharge of Fats, Oils and Grease Into the City Sewer System.
- (2) Six-Year Transportation Improvement Plan – Set Public Hearing Date
- (3) Resolution R-5031, of the City Council of the City of Kirkland Reaffirming Its Position In Support of the Closure of the Houghton Transfer Station by 2021.
- (4) Resolution R-5032, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owners Gregory and Lisa Kostal.
- (5) Resolution R-5033, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owners Joseph H. and Sharon S. Matthews.
- (6) Report on Procurement Activities

9. *PUBLIC HEARINGS*

- a. Ordinance O-4434 and its Summary, Relating to Land Use and Zoning, Adopting Interim Zoning Regulations Prohibiting the Retail Sale of

Recreational Marijuana as a Permitted Land Use in the Market Street Corridor (MSC) MSC 1 and MSC 2 Zones; Declaring an Emergency, Providing for Severability, and Establishing an Immediate Effective Date.

10. UNFINISHED BUSINESS

- a. Cross Kirkland Corridor/Interim Trail Update
- b. State Legislative Update #1

11. NEW BUSINESS

- a. 2014 Board and Commission Interview Process

12. REPORTS

a. City Council

- (1) Finance and Administration Committee
- (2) Public Safety Committee
- (3) Community Planning, Housing and Economic Development Committee
- (4) Public Works, Parks and Human Services Committee
- (5) Regional Issues

b. City Manager

- (1) Upcoming 2014 City Council Meetings with the Neighborhoods
- (2) February 21, 2014 City Council Retreat Agenda
- (3) Calendar Update

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

ITEMS FROM THE AUDIENCE
Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: David Godfrey, P.E., Transportation Engineering Manager
Pam Bissonnette, Interim Public Works Director

Date: January 23, 2014

Subject: Cross Kirkland Corridor Master Plan Update

RECOMMENDATION:

It is recommended that the City Council receives a presentation concerning the Cross Kirkland Corridor (CKC) Master Plan. This is another in a series of reviews on the Master Plan process.

BACKGROUND DISCUSSION:*General Background*

Council last received a CKC briefing during a study session on September 17. At that time we presented information on existing conditions, character zones, and goals for the Corridor Master Plan.

Council was very supportive of the material that was presented, and that material was further developed and presented at the October 19 Community Planning Day. On October 19, a number of citizens interacted with staff and the consultant team either through one of the presentations that were given or during the informal question and answer time. The material was well received and many helpful comments were captured that have been, and will be, used to further inform Plan development.

Since October, the bulk of the effort on the Plan has gone into further establishing foundational elements on trail development such as trail location, cross section and intersection design and, significantly, how transit could be accommodated in the corridor. Prototypical elements and corridor-wide principles have also been firmed up.

These items will be the primary areas of discussion at the Study Session. A draft Plan will be presented that, although it is not fully populated with text and graphics, will allow the Council to understand the look and feel as well as the planned content of the document.

The draft Plan is very graphic-intensive and is too large to attach to this memo in the usual manner. The plan has been broken into its chapters, and there are links to each chapter throughout this memo in order to present the Plan in its best resolution and formatting.

- Attachments that refer to the Master Plan are numbered in order of their appearance in the Master Plan, not in order of their reference in this memo. Lettered attachments are not part of the Master Plan.

- The page numbers referred to in the links are the page numbers of the pdf file, not the document page numbers.
- Grey spaces in the draft will be replaced with illustrations in the future.

[The entire plan](#) is available on line as a 40 mb pdf file.

The next step in Plan development will be to add more detail; further describing items such as alternatives at intersections, art, plantings, and surface water treatments. Placeholders for this information are shown on pages 12 through 20 of [Attachment 3](#).

What is the Plan?

This section is a recap of the purpose of the Master Plan and contrasts the Plan with other stages of development that will bring future projects to reality.

Foremost, the Plan sets the Vision and Goals for what the corridor is to become. The goals for the Plan are:

- Connect Kirkland
- Foster a Greener Kirkland
- Shape a place unique to Kirkland
- Activate Kirkland and evolve with time

These are shown on pages 10-13 of [Attachment 1](#).

The Plan both inspires and guides the designer. For example, the Corridor character zones shown on pages 3 and 4 of [Attachment 2](#) are each developed further in the Plan to help understand the materials, art, and plantings that should be used in that zone. The Plan also gives more specific guidance on intersection treatments, trail location, trail width, and locations where connections should be developed. Staff also worked with PSE, Sound Transit, and King County Wastewater staff to show that transit and utilities can be accommodated simultaneously in the CKC.

The Plan does not, for example, specify exactly where art goes, how connections are made off the corridor, or precisely how surface water should be treated. It does not design a transit element nor does it specify a certain space for transit.

After the Plan is completed, the next phase is design. A design team will review the Master Plan, understand the intentions and themes for the section of the corridor being designed, how that section fits into the whole, and prepare detailed plans used by contractors to build a section of the corridor. As with any City project, the public would be actively involved in deciding how the facilities are to be built and how the information in the Master Plan is translated into a design. As designs are developed, partners like Puget Sound Energy, Sound Transit and King County will be further consulted as called for in their various permits and easements. The design will take into account where each partner is in development of potential facilities.

Finally, construction would take place; a contractor would be selected to build the project shown in the design plans.

An example of the process from Master Plan to construction is shown in Figure 1 below, using the Redmond Central Connector as an example.

Public Outreach

With assistance from Berger Partnership and Stepherson Associations, a great deal of outreach has been conducted through public involvement activities, print materials, and web-based information.



In 2013, one business outreach event and two Community Planning Days (June 7 and October 19) were held where participants were able to give ideas on how the Corridor should be developed. A report on the October 19th event is included as Attachment A at the end of this memo.

The [City's Ideas Forum site](#) (image at left) currently hosts questions about trail connections, points of interests, trail layout and the future evolution of the CKC. Further enhancing the city's media outreach was the launch of the [Cross Kirkland Corridor Facebook page](#) in October 2013 which now has over 230 "Likes."

On October 27, hundreds of people walked the corridor to celebrate the removal of rail materials and the Master Plan team was on hand to answer questions and discuss the Plan.

Large maps of the corridor are posted at key locations along the trail and have message areas that can be changed to promote various corridor-related events.

The City regularly features the CKC Master Plan, Interim Trail and other associated topics in the City Update newsletter and Currently Kirkland news program and will continue to do so.

Additionally, the City will continue to distribute information to the CKC list serv subscribers (830+ subscribers).

An evening event is currently in the planning stages for the last week in February, with a tentative date of Thursday, February 27. It is planned to be a combined open house on two Kirkland 2035 plans; the Park Recreation and Open Space Plan and the CKC Master Plan. Presentations and group question and answer sessions will be held on the CKC Plan.

The Transportation Commission has had regular briefings on the Plan and has helped shape the content. The Commission often receives public comment on the CKC.

Several other elements of public outreach are being implemented for the corridor, rather than specifically for the Master Plan, but will certainly add to the Master Plan outreach efforts. These include a newsletter and a brown bag lunch series.

Schedule

The following key dates have events scheduled for review and adoption of the CKC Master Plan:

January 27 Houghton Community Council Update

- February 4 City Council** Check-in/Update at Study Session
February 12 Eastside Rail Corridor Regional Advisory Council¹ Kirkland Presentation (see page 8)
February 27 Joint Public Meeting with PROS Plan
April 1 **City Council** Check-in/Update at regular meeting
April 26 Community Planning Day III
May 20 **City Council** final Check-in/Update at Study Session
June 17 **City Council** Adoption at regular meeting

In addition, Transportation Commission meetings are available on February 26, March 26, April 23 and May 28.

Overall Corridor Considerations

Trailheads, restrooms, access points and parking are all considerations that are discussed in the draft Plan. The South Kirkland Park and Ride and Totem Lake Park are logical trailheads for the CKC. Restrooms are available at Terrace, Crestwoods and the proposed Totem Lake parks and are proposed in the draft Plan for the South Kirkland Park and Ride area. Parking is not planned to be specifically provided as a part of the Master Plan due to its general availability along the corridor and due to the fact that the CKC is not being viewed as a destination but as a transportation facility. The Plan calls for informal access from single family homes to be phased out in the long term based on concerns with safety and maintenance. A discussion of these subjects is on page 5 of [Attachment 2](#).

Separated Trails

As described in September, through much of the corridor dual trails are shown as the ultimate vision. There is always a wider shared use trail and it is often complemented with a smaller trail (see Figure below). There are a number of factors that go into deciding where two trails are developed. These include:

- Safety
- Surrounding land use
- Surface water concerns
- Physical constraints
- Relationship to environment
- Volume of users



Through our outreach efforts it is clear that many people feel that separation of slower moving pedestrians and faster cyclists is important. Having two separate trails is potentially one way of achieving this outcome. There are other ways as well, including an appropriately sized single shared use trail, regulations, designs that slow cyclists and so forth. For example, in the area adjacent to the Google Campus, a single trail makes sense because there will be

¹ Meetings of the ERAC are open to the public and have taken public input.

appealing experiences on both sides of the trail. Therefore the boundaries of the trail should be permeable, permitting those who wish to do so to move freely between each side of the trail. While segregating user types can have certain safety advantages, they can also limit the ability of all users to experience the entire corridor.

The path of evolution from interim gravel trail to ultimate trail vision will depend on the interaction of many factors such as funding, timing of other improvements, and community interest. For example, it may be that a first project would be to pave the entire length of the CKC on the alignment of what will be the existing interim trail, perhaps widening the interim trail to a more acceptable standard. This could be followed by other projects that will add a secondary trail and more character elements. Another example approach would be to completely build out a single shorter section of the corridor to the full design shown in the Plan.

This topic is further described and illustrated on pages 3 and 4 of [Attachment 3](#).

Transit and Utilities

An important and sizeable effort has been made to understand how future transit could fit into the corridor. A Transit and Utility Study ([Attachment B](#)) summarizes this work. As described in that document, a basic preferred trail alignment was placed on the corridor along with a 40 foot² wide generic transit envelope. The transit envelope was located on the eastern edge of the corridor to coincide with Sound Transit's East Link project which is on the east side of the corridor in Bellevue. We then examined where the transit envelope overlapped with the King County sewer pipe. This is important because although some transit modes could be located over the pipe, others, like light and heavy rail could not. These areas are shown on pages 12 and 13 of [Attachment B](#). The goal of this effort was to create a 40 foot transit envelope throughout the entire corridor that would not be over the sewer pipe. The good news is that in each of the conflict areas a suitable modified trail cross section was able to fit in the corridor, or with the standard cross section moved laterally to the west and at some points with a combined trail both the trail and the transit envelope were able to fit.

The Plan will be designed around the preferred alignment. The shifted or modified alignments are certainly feasible and could be selected during the design phase depending on the status of transit when design is undertaken. Pages 5 and 6 of [Attachment 3](#) have more information on this subject.

Staff has explained this approach to staff from Sound Transit and PSE and at this writing is awaiting formal responses although the initial meetings were very positive. Similar meetings to discuss utilities and coordination are scheduled with King County Department of Natural Resources and Parks, and the City of Redmond. More information on this topic will be available at the Study Session on February 4.

Intersections

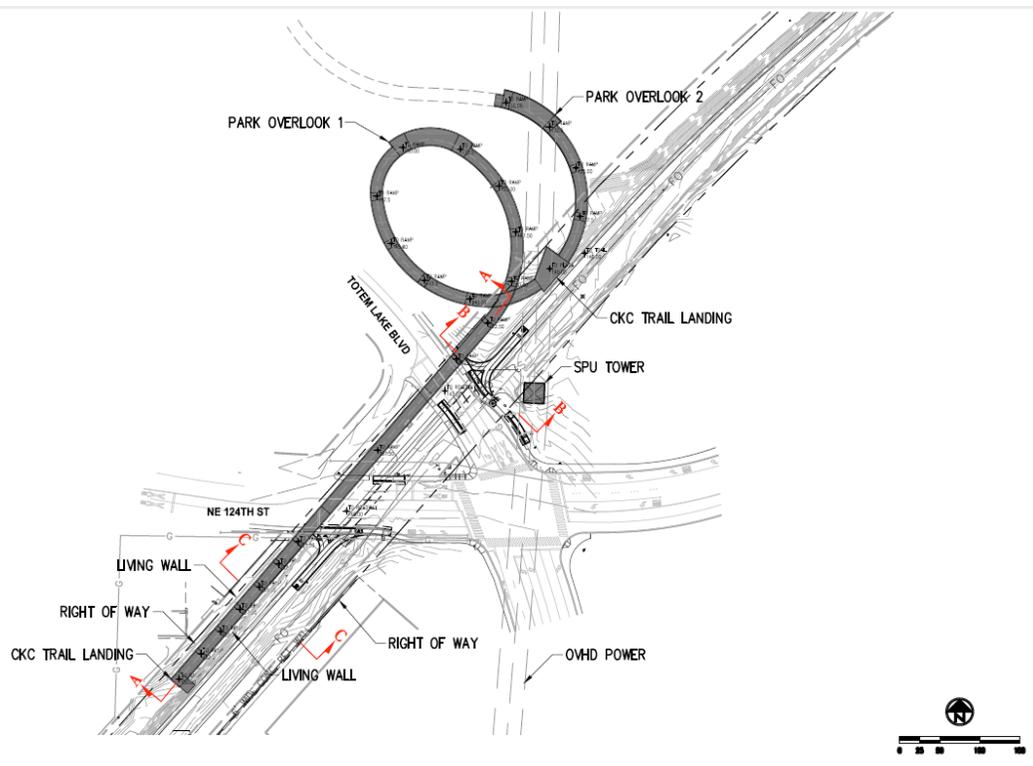
A standard treatment to the approach to each intersection is proposed. This same treatment will be placed in advance of each mixing area. The overall effect will be to have a common experience for trail users as they arrive at areas of conflict or where they need to slow and increase awareness. This general treatment is shown on pages 7 and 8 of [Attachment 3](#).

Because of the engineering work done for the interim trail, intersection treatments are further developed than normal for a Master Plan. Of particular interest are the intersections at 6th

² A forty foot wide corridor was used in order to accommodate modes currently under study by Sound Transit.

Street, 120th Avenue NE and NE 124th/124th NE. At these three locations grade separations are being explored, due to relatively high traffic volumes and other considerations. These options will be discussed at the study session, and further detailed as the Plan continues to develop. The portion of the Plan that describes intersections is contained in [Attachment 6](#).

At NE 124/124 NE, preliminary engineering is being performed on an overpass that is part of the Totem Lake Park Master Plan. There are challenges with an overhead structure because of the presence of the Seattle City Light facilities and proposed PSE overhead lines. We are working with both Seattle City Light and PSE on this issue in order to inform the location of the future PSE facilities and the location of the overpass. A preliminary plan- view drawing is shown below and a rendering of the view from the structure is shown on pages 4 and 5 of [Attachment 1](#).



Page 9 of [Attachment 3](#) discusses several other prototypical elements including wayfinding, lighting and bollards.

Corridor Layout and Character Zone Design

A significant portion of the Master Plan will be dedicated to describing how and where the prototypical elements should be deployed and to describing a sense of elements that gives each character zone a sense of place. This is shown in [Attachment 4](#). In the Corridor layout section the entire CKC is shown with features noted on each sheet. The Character Zone Design section ([Attachment 5](#)) will provide a "scrapbook" for each character zone. This will contain images and text that capture the essence of each zone and provide direction and inspiration to the designer.

For the current draft plan, one page of each of these sections is more fully developed (page 4 in [Attachment 4](#) and pages 3 through 5 in [Attachment 5](#)) in order to give a sense of what is to follow as the Plan is advanced. Completion of these sections will be an important order of work in the upcoming weeks.

Other Sections of the Plan

The final plan will contain information about how the corridor responds to land use, implementation strategies and other topics. The current draft Plan contains place holders for this information. [Appendices](#) to the Plan will contain background information such as the complete Existing Conditions report and the Transit and Utilities report.

Eastside Rail Corridor Regional Advisory Council Review of Master Plan

The CKC is part of the larger Eastside Rail Corridor (ERC) spanning from Renton to north Snohomish County. Portions of the ERC are owned by Redmond, Kirkland, Sound Transit and King County with substantial utility easements by PSE and King County Wastewater. Within and throughout the CKC substantial easements and permits are owned by PSE, King County, and Sound Transit.

The Eastside Rail Corridor Regional Advisory Council (RAC) was set up by King County to coordinate development of the ERC to assure that each of the owners could exercise their rights within the Corridor even though they would all be developing their facilities at different points in time. Further, the RAC seeks to coordinate the ERC development to have some consistency of "feel" as a major regional trail. The initial efforts of this group, which culminated in a "Vision" Report for the ERC throughout its length within King County, were reported to Council at the September 17 City Council Meeting,. The Kirkland City Council approved Resolution No. 5020 on 11/19/2013 which embraces the "Vision" contained in the ERC Report and establishes Kirkland's intention to continue to coordinate planning with the RAC. The CKC Master Plan goals are consistent with the content of the "Vision" for the ERC.

The ERAC is comprise of 4 members from King County (Christie True, Director of DNRP representing King County Executive Dow Constantine co-chair; County Councilmember Jane Hague, co-chair, County Councilmember Larry Phillips, and County Councilmember Kathy Lambert), Mayor John Marchione, City of Redmond; Joni Earl, CEO, Sound Transit and Mayor Amy Walen, City of Kirkland. Kirkland staff continues to meet with interagency staff to this group approximately twice a month.

The next RAC meeting is scheduled for February 12 (2:00-4:00) pm in Kirkland City Hall Council Chambers and includes a presentation on Kirkland's CKC Master Plan by Kurt Triplett.

At the Study Session, the Kirkland staff and Berger Partnership welcome questions, comments and feedback on any elements of the Master Plan or the memo.

CROSS KIRKLAND CORRIDOR

Public Involvement Report

Community Planning Day – Saturday, October 19, 2013



Prepared by:
Stepherson & Associates Communications
November 2013



Community Planning Day

OVERVIEW

On Saturday, October 19, 2013, the City of Kirkland hosted a city-wide event to showcase a number of projects related to the Vision 2035 planning process in a way that demonstrates the interconnected nature of the overall vision for the city's next two decades.

“Community Planning Day” was held at the Peter Kirk Community Center and Kirkland Teen Union Building (KTUB) from 10 a.m. to 2 p.m. Informational booths were set up throughout the building and were staffed by city personnel and project teams. Visitors passed through the hallways, visited with project representatives, and participated in interactive activities designed to increase awareness and understanding of oftentimes technical and complex project information. In addition to the Cross Kirkland Corridor Master Plan, the following projects were in attendance: Capital Improvement Program/Capital Facilities Plan, Juanita Drive Corridor Study, Totem Lake Park Master Plan, Transportation Master Plan, Parks, Recreation and Open Space (PROS) Plan, Surface Water Master Plan, and the 2035 Comprehensive Plan.

CROSS KIRKLAND CORRIDOR PRESENCE

The Cross Kirkland Corridor (CKC) project was set up in the auditorium of KTUB. The project team arranged three interactive stations around the stage and presentation area, offering passersbys and attendees the opportunity to engage, ask questions, and share their site-specific input with the project team.

Presentation

More than 150 people attended the October 19 event, and a majority spent time at the CKC activity stations, talking with project staff, and providing input on maps of the corridor before or after attending a presentation by Guy Michaelsen of the design consultant, Berger Partnership.

Two identical 30-minute presentations were made during the course of the day. The presentation reviewed the project's vision, goals, and timeline, as well as the corridor's key elements, and included a virtual walk-through of the corridor itself, with a detailed look at each of the project's Character Zones.

The presentation can be found on the CKC website at:

<http://www.kirklandwa.gov/Assets/CMO/CMO+Images/Cross+Kirkland+Corridor/CKC+Oct+19+Slide+Show.pdf>



Stations

Three identical stations were set up and staffed by project team members throughout the day. The stations were designed to spark meaningful dialogue and to capture feedback.

Large, comprehensive base maps were provided at each station. The base maps identified area



schools, parks, street crossings, and other characteristics that will influence the master plan. The base maps were divided into Character Zones, each defined by neighborhood character, culture, topography, and landmarks. Character Zones are listed below, from north to south:

Yarrow Woods

Stretches from 108th Ave NE to around Carillon Point

Houghton Porch

North from Yarrow Woods, extends to NE 65th

Buzz Zone

Extends north to the corridor intersection with 6th Street S

Everest Edge

Bounded by 6th Street S and NE 85th Street to the north

Norkirk Edge

Reaches north to the corridor crossing of 110th Ave NE

Highland Pass

Continues north to approximately 116th Ave NE

Active Zone

A rebranding of ParMac; extends north to 120th Ave NE

West Totem Lake Connector

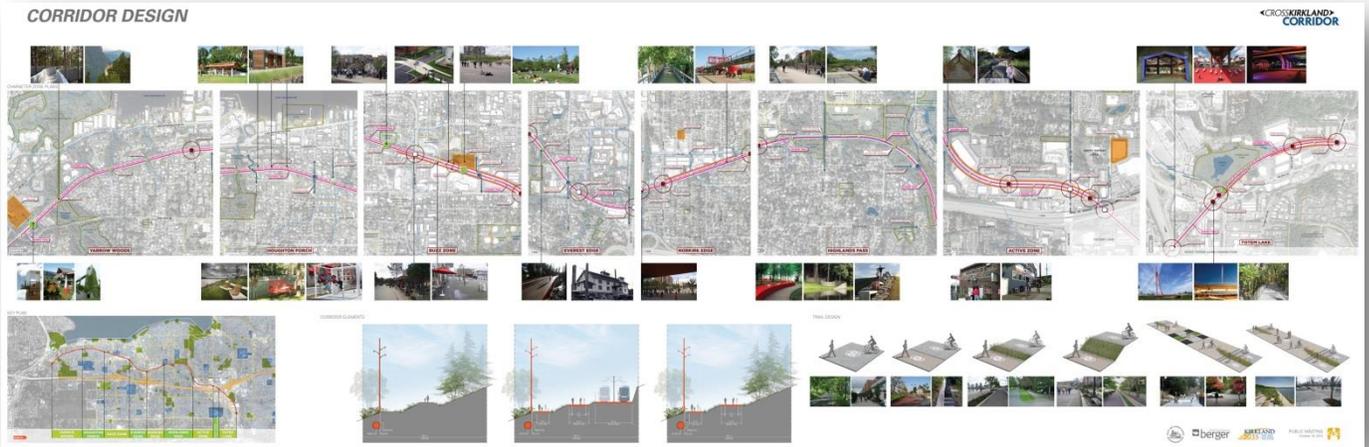
Active Zone ends but Totem Lake is yet to begin

Totem Lake

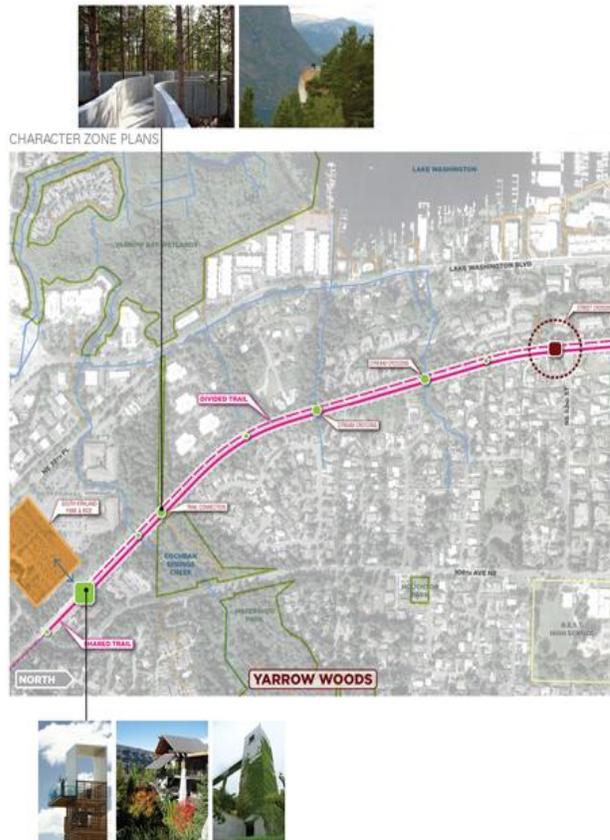
East side of I-405 to the city limits

Feedback

Feedback received from the event was captured on the large maps. The three maps' feedback was combined and is summarized on the following pages, by site.



YARROW WOODS



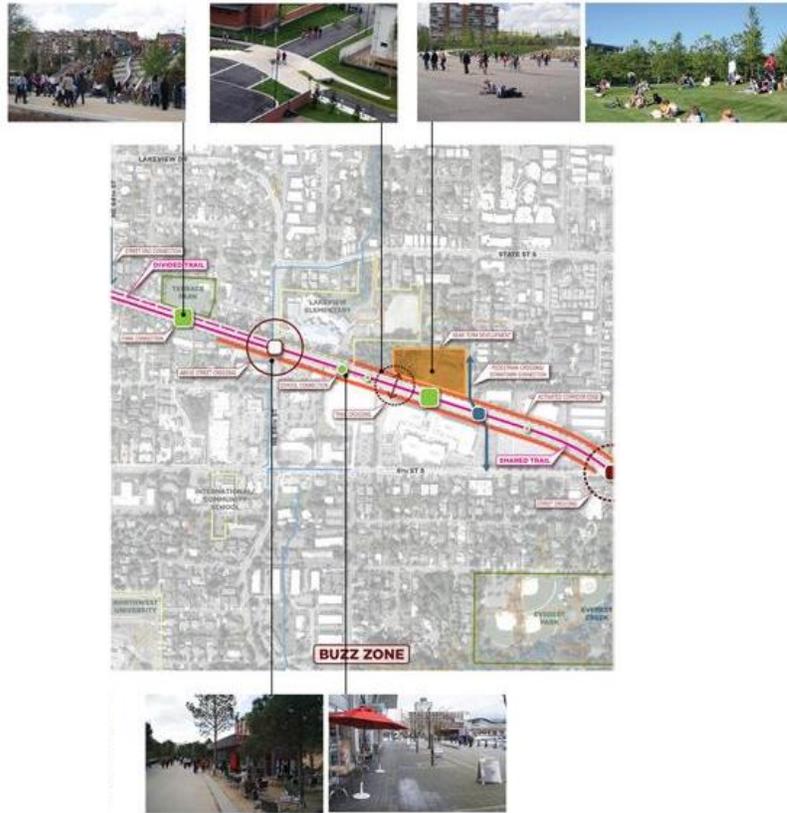
- How can bikes bypass the Park-and-Ride to connect to 520?
- Like daylighting of creeks
- Keep it simple: bike and walk only!
- Make trail development modular so that we can begin immediate usage, rather than having to wait for funding all these costly ideas
- Pave ASAP
- Where is link to 520 bike trail? [arrow points to south end point of CKC]
- Yes [to 520 bike trail comment]
- Safety?? [CKC intersection at Cochran Springs]
- More traffic control – at intersection of NE 52nd and street crossing
- Connection to Bellevue? [south end of CKC]
- Who will maintain the trail over the long term?
- Does the state have money available for the connection to the Park-and-Ride?
- Pea-Patches where you have SUN!
- Wayfinding signs? Ex. “1 mile to NW University, Google,” “Turn here for 68th,” etc.
- How will private property along CKC access the corridor? Management of illegal access? Hot tub encroachments?
- 520 connections TODAY!
- Regional connections – 520
- Train in residential areas is a concern
- Provide parking opportunities at trailheads

HOUGHTON PORCH



- Great view [at NE 62nd ST]
- Too residential for trains
- Bike and walk!
- Not too residential for trains. Need trains to connect to other transit systems.
- Lakeview Elementary contact: Luke Johnson (teacher)
- Connection to East of 108th Ave NE?
- Parking impact on neighborhood

BUZZ ZONE



- Concern: Views [arrow to condos across from Terrace Park]
- Future Transit-Oriented Development?
- Connect to Lakeview [trail crossing near Lakeview Elementary]
- Would like access to Met Market, etc. [at “school connection”]
- Me too [re: Met Market comment]
- Very Fun [arrow to renderings of parks and open spaces]
- Quietest way to downtown [via State Street]
- Beach!
- Start downtown and work your way out [from Everest Park]
- Current informal path [east of Lakeview Elementary]
- Pedestrians along buzz edge [at Google]
- School kids’ connection [at Lakeview]
- Alternative transit mode elements focused in developing zone
- Focus lighting in developed/active zone

EVEREST EDGE



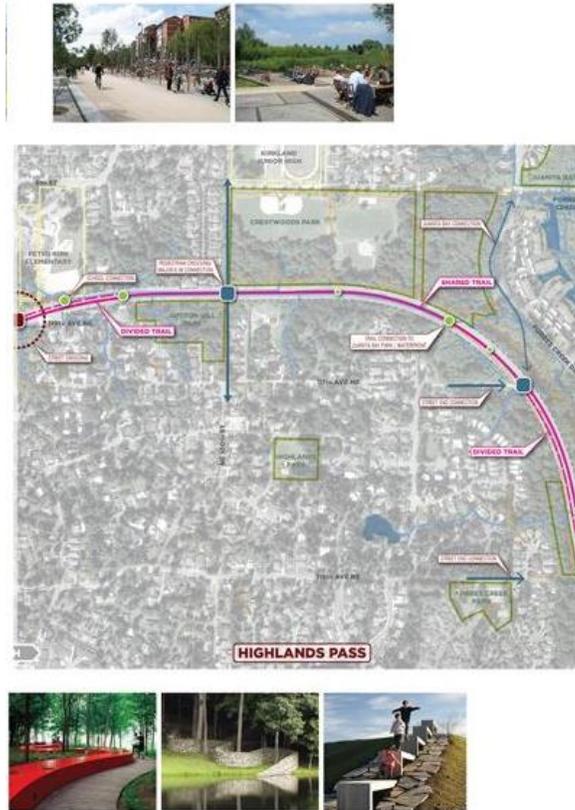
- Rest stop at Everest Creek
- Future TOD Station – How will land use change with the trail?
- Connection to park place and downtown
- Beautiful trail to commerce
- Remember Depot history [arrow to Pedestrian Crossing connection]
- Yes, incorporate this somehow [picture of historic building beneath Everest Edge map]
- No sidewalks, increases traffic [at Everest Creek crossing]
- Kirkland Depot gateway opportunity

NORKIRK EDGE



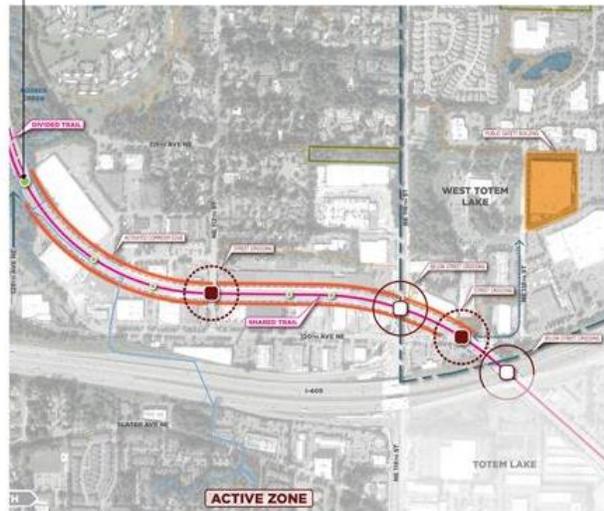
- Connect with Crestwoods and KMS Park and schools
- Lighted street crossings with blinking crosswalks [at NE 87th Street]
- Maps/signs to local cafes (e.g., Deru) [at NE 87th Street]
- Like daylighting
- Remove invasive species
- Electric bike charging at commute locations
- Hope recycling receptacles are all along trail. Compost too?

HIGHLANDS PASS



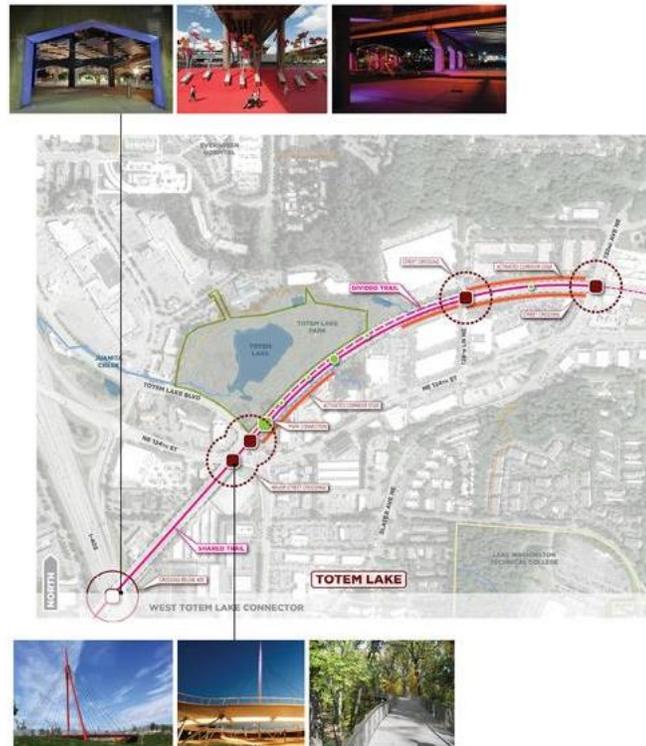
- Boardwalk and bikes: safe surface [CKC along Crestwoods Park edge]
- Artwork to be more natural in Highlands
- “Green” divider
- Want separated trails for safety’s sake [at Crestwoods Park edge]
- Add “woods trails” and connect to existing trails [at Founders Creek Park]
- Artwork to be more natural in highlands
- Trail first, then the rest?
- Regional connection? [along Founders Creek]

ACTIVE ZONE



- Open up the underpass
- Upgrade and include historical markers ALL along trail. I know there's one out there now.
- Yes! [to historical markers comment]
- Pea Patches at Hopelink?
- Educate people on rules [of the trail]
- Possible artisan zone? [at NE 112th St]
- Public Safety building connection to CKC
- Supply driverless vehicles on corridor

TOTEM LAKE



- Think about connecting to Burke-Gilman Trail
- Connection to Woodinville? Wineries? When?
- Start with Totem Lake enhancements with the idea that these enhancements would be a catalyst in attracting development there that we need! Also—in tandem—start at S. Kirkland P&R section and get that connection going!
- Consider safety rail barriers between sidewalk and roads with directional signs and arrows for crossing NE 124th and Totem Lake Blvd.
- Need to separate trail from road
- Totem Lake is currently hidden

Comment Forms

The Cross Kirkland Corridor provided comment forms with three specific questions as an additional method for visitors to share feedback. The questions are listed below along with a bulleted summary of comments received. Full comments are appended on pages 18-22.

1. What are your favorite spaces and activities proposed for the corridor? What other ideas do you have for elements along the corridor?

- Community gardens and edible landscaping
- Community service opportunities
- Streams—keep it natural
- Views
- Dislike intrusive art pieces
- Forbes Creek/Juanita Bay trail as a bike route to Juanita Road and 100th Ave/Simonds Road for regional connectivity to Bothell, Kenmore, Finn Hill, etc.
- Ephemeral art
- Trail bridges to pass over heavy traffic cross points
- Boardwalks
- Split trail
- Historical features
- Pet-friendly stations
- Recycling stations

2. Share your thoughts on trail layout, trail treatments and different trail profiles along the whole of the corridor.

- What happens at the trail terminus?
- Access for all users
- Continuous study of users and needs over the lifetime of the trail
- Like diversity of opportunities/amenities among the Character Zones
- Don't forget about rainy, icy and sometimes snowy winter conditions and impact of winter drivers on corridor users
- Historic cannery preservation

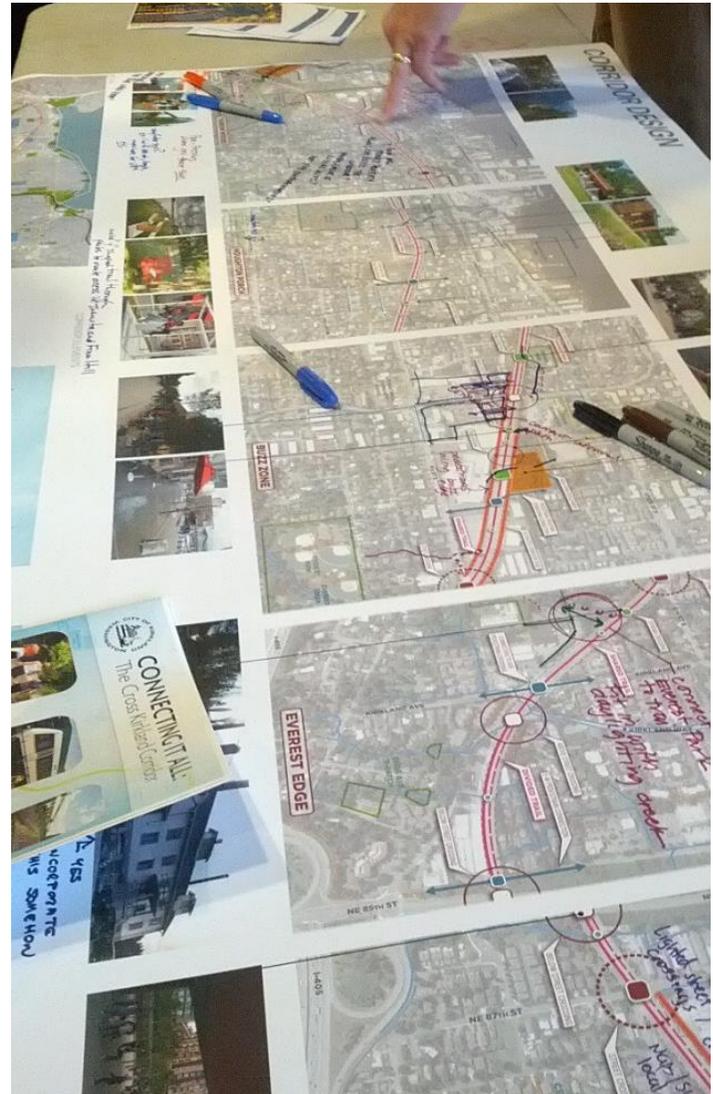
3. Share your thoughts on how we are planning for the corridor's ongoing evolution, including growth along the corridor and possible future transit.

- User education and cyclist education programming for trail etiquette and safe use
- Like that the landscape architecture firm is local
- Transit option is desirable if the transit is quiet and doesn't pollute the air

Key themes

A few key themes emerged from the feedback received.

- **Equitable planning** for all types of users
 - Pedestrians
 - Recreationalists
 - Cyclists
 - School children
 - Families
 - Neighbors
 - Slow- vs. fast-moving traffic
- **Connections** to destinations of interest
 - Park-and-Ride
 - Shopping
 - Schools
 - Transit-oriented development
 - 520
 - Cyclist connections and bikeways
 - Woodinville and wineries
- **Look and Feel**
 - Beauty and aesthetics
 - Nature
 - Preserving viewpoints
 - Invasive species control
 - Separated lanes of travel
 - Neighborhood access trails
- **Amenities**
 - Recycling/trash receptacles
 - Lighting
 - Crosswalks and safe crossings
 - Signage—directional, milestones, landmarks and wayfinding
 - Artwork



APPENDIX

- I. Roll Plot Maps
- II. Comment Forms

Appendix Comment Forms

What are your favorite spaces and activities proposed for the corridor?
What other ideas do you have for elements along the corridor?

Love viewpoints, opening
underground creeks, 'eddies',
art.
Like idea of split trail
for wheeled + foot traffic

Share your thoughts on trail layout, trail treatments and
different trail profiles along the whole of the corridor.

So glad to hear Cannery
mentioned. Hope it will be
protected, saved + used!

Share your thoughts on how we are planning for the corridor's ongoing
evolution, including growth along the corridor and possible future transit.

Really like future transit
opportunity.

Cross Kirkland Corridor Master Plan - 19 October 2013

Appendix Comment Forms

What are your favorite spaces and activities proposed for the corridor?
What other ideas do you have for elements along the corridor?

Ephemeral Art
Trail bridges to fly over the heavy traffic
Cross points
Boardwalks
Historical Features, Modern features
Pet friendly Poop Stations

Share your thoughts on trail layout, trail treatments and different trail profiles along the whole of the corridor.

Don't forget about winter =
Dark, Rain, ice, snow (maybe)
Design low impact lighting, pervious
Surfaces that drain well.
Snow/Ice causes gridlock to cars but
this trail is a great asset to travel through
the city when the roads are locked up.
Light the trail, texture the trail for non-slip during heavy rains.

Share your thoughts on how we are planning for the corridor's ongoing evolution, including growth along the corridor and possible future transit.

Need to design mixing points with greenways all around Kirkland to facilitate non-auto means to access the Corridor

Cross Kirkland Corridor Master Plan - 19 October 2013

Appendix Comment Forms

What are your favorite spaces and activities proposed for the corridor?
What other ideas do you have for elements along the corridor?

Emphasize potential for Forbes Creek / Juanita Bay Trail to eventually also be a bike connection to the

Share your thoughts on trail layout, trail treatments and different trail profiles along the whole of the corridor.

Juanita Drive Corridor and 100th Ave / Simonds Road Corridors for bike commuting to/from Bothell, Kenmore, Firin Hill, and points beyond.

Share your thoughts on how we are planning for the corridor's ongoing evolution, including growth along the corridor and possible future transit.

Cross Kirkland Corridor Master Plan - 19 October 2013

Appendix Comment Forms

What are your favorite spaces and activities proposed for the corridor?
What other ideas do you have for elements along the corridor?

Spaces : love that streams set free!
love naturalistic in urban surroundings
activities : quiet seating ~~at~~ with view
my views ~~at~~ of lake not to have intrusive
art pieces - the lake view is so nourishing. by
itself.

Share your thoughts on trail layout, trail treatments and
different trail profiles along the whole of the corridor.

Like that there are 8 sections to
satisfy many different ideas of urban
living. Quiet, contemplative +
busy, art-filled, or play.

Share your thoughts on how we are planning for the corridor's ongoing
evolution, including growth along the corridor and possible future transit.

~~But~~ Appreciate "Berger" in local co. by
local mean Pacific NW.
Want to plan for transit - ONLY if that
transit is QUIET + not emitting toxic
fumes.

Cross Kirkland Corridor Master Plan - 19 October 2013

Appendix Comment Forms

What are your favorite spaces and activities proposed for the corridor?
What other ideas do you have for elements along the corridor?

Include community gardens and edible landscaping in the plan—maintained by volunteers and

Share your thoughts on trail layout, trail treatments and different trail profiles along the whole of the corridor.

harvested to help the poor and needy through Hopelink etc. Focus these uses in areas with close parking because people will be carrying tools + produce.

Share your thoughts on how we are planning for the corridor's ongoing evolution, including growth along the corridor and possible future transit.

Cross Kirkland Corridor Master Plan - 19 October 2013

Appendix Comment Forms

What are your favorite spaces and activities proposed for the corridor?
What other ideas do you have for elements along the corridor?

Share your thoughts on trail layout, trail treatments and different trail profiles along the whole of the corridor.

What happens at the terminus
of this trail?
Is there a plan for
access for all users?
Will there be a user reeducation
when the trail is fully developed?

Share your thoughts on how we are planning for the corridor's ongoing evolution, including growth along the corridor and possible future transit.

Educate the users of the
trail. There are rules for
cyclist sharing a trail, but
walkers and dog owners are
clueless!

Cross Kirkland Corridor Master Plan - 19 October 2013

**CITY OF KIRKLAND**Fire & Building Department · 123 Fifth Avenue, Kirkland, WA 98033
425.587.3600 (Building) or 425.587.3650 (Fire) · www.kirklandwa.gov**MEMORANDUM**

To: Kurt Triplett, City Manager

From: J. Kevin Nalder, Director of Fire & Building Department

Date: January 23, 2014

Subject: Citizen Hero Award

RECOMMENDATION:

Present the City of Kirkland Citizen Hero Award to ten City of Kirkland residents for their selfless and courageous actions which resulted in saving the lives of two Kirkland residents.

BACKGROUND DISCUSSION:**Cardiac Arrest**

On November 16, 2013, ten year old Nizhoni Newman dialed 911 and reported to dispatcher Megan Hestir that her father was unresponsive on the family couch. The dispatcher proceeded to talk Nizhoni and her six year old brother, Ayateway Newman, through moving their father off the couch and onto the floor. Megan instructed Nizhoni how to initiate and perform Cardio Pulmonary Resuscitation (CPR) on her father. Nizhoni continued CPR, with Megan's calm assistance, while Kirkland Firefighter/EMT's were responding to the Newman home. Ayateway unlocked the entry door and guided the EMTs to Nizhoni and the patient and father, Turkak Newman.

Turkak Newman survived a cardiac arrest thanks to the heroic acts of Nizhoni Newman, Ayateway Newman and Megan Hestir. For their selfless and courageous acts, in order to save the life of another, Mayor Amy Walen and Fire Chief Kevin Nalder, on behalf of the City of Kirkland, will be honored to present these three individuals with the City of Kirkland Citizen Hero Award. Turkak Newman will be in attendance to witness his children Nizhoni and Ayateway and dispatcher Megan Hestir receive commendation for saving his life.

Fire Rescue

On December 28, 2013, Andrea Dodge, a college student, was home sick and heard cries for help outside of her home. Andrea immediately notified her mother, Deborah Dodge. They looked out the window to see their neighbor's house on fire. Andrea went to get her father, David Dodge, for help and then called 911. Deborah carried a ladder to the neighbor's house while David attempted entry through the front door of the burning house without success. David then raised the ladder to a window, with a false balcony, where a trapped occupant was crying for help. At this time, two off-duty Kirkland Police Officers who live in the area, Kimberly Smith and Patrick Baxter, arrived on the scene. Kimberly assisted David moving the trapped

occupant out of the window onto the false balcony. Patrick was joined by neighbors Brent Adkins and Leo Pakkala, who together moved the trapped occupant down the ladder and away from the burning house.

The rescue was completed prior to the first fire department unit arriving 4.5 minutes after the 911 call was received.

A life was saved due to the bravery and quick actions of Andrea Dodge, Deborah Dodge, David Dodge, Patrick Baxter, Kimberly Smith, Brent Adkins and Leo Pakkala. For their selfless and courageous acts, in order to save the life of another, Mayor Amy Walen and Fire Chief Kevin Nalder, on behalf of the City of Kirkland, will be honored to present these seven individuals with the City of Kirkland Citizen Hero Award.

The trapped occupant will be in attendance, with her daughter, to witness these seven City of Kirkland neighbors receiving commendation for saving her life.

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Van Sheth, Management Analyst
Bobbi Wallace, Surface and Wastewater Manager
Pam Bissonnette, Interim Public Works Director

Date: January 16, 2014

Subject: TAKE CHARGE GREEN POWER CHALLENGE – ACCOMPLISHMENTS AND
AWARD OF CHECK BY PUGET SOUND ENERGY

RECOMMENDATION:

It is recommended that Council receives Puget Sound Energy's (PSE) presentation summarizing Kirkland's accomplishments in the 2013 Take Charge, Green Power Challenge including the presentation of an award check for \$20,000.

BACKGROUND:

At the May 7, 2013 meeting, Council received PSE's presentation regarding Kirkland's participation in the Take Charge Green Power Challenge, a competition among five cities – Tumwater, Snoqualmie, Bainbridge Island, Anacortes, and Kirkland – to enroll new participants in the Green Power Program. The Challenge was comprised of two goals. Each of the five Challenge cities set an individual goal for net new enrollments and also competed against the other cities in an inter-city competition for the highest percentage increase in participation over the previous year. Each city that reached its goal was to receive a grant of \$20,000 to purchase and install a solar energy efficiency project at a municipal facility in their community. The community that realized the greatest percentage of new participants was to receive an additional \$20,000 toward the cost of their project.

Before the challenge (at the end of 2012), Kirkland had 1,600 participants in PSE's Green Power Program. The City of Kirkland's goal for the challenge was to enroll 400 new participants and to have 2,000 total participants by the end of 2013. The city exceeded the goal and actually enrolled 739 new participants during 2013. The City of Kirkland ended the challenge with 2,339 total participants at year's end – far exceeding the original goal of 2,000 enrollments by year's end. Success with PSE's Green Power Program resulted in earning \$20,000 to purchase and install a solar energy efficiency project at the Public Safety building. Increased participation from the community in the program assists with our community greenhouse gas emissions reduction targets set in the City of Kirkland's Climate Protection Action Plan. Heather Mulligan, representative from PSE and Nate Caminos, PSE Senior Local Government Affairs Representative for King County, will be presenting the check. In addition, Lisa DiMartino of 3Degrees will be present but not presenting.

Please direct any questions to Van Sheth at 425-587-3907.

**CITY OF KIRKLAND**

Development Services

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Rob Jammerman, Development Engineering Manager
Nancy Cox, Development Review Manager
Tom Phillips, Building Services Manager

Date: January 23, 2014

Subject: Demonstration of Public Geographic Information System (GIS) and My Building Permit (MBP) Websites

RECOMMENDATION:

City Council receives a short demonstration of the new Public GIS and MBP websites.

BACKGROUND DISCUSSION:

Development Services continuously strives to assist our customers and the following two major technological changes are currently underway:

- **Public Access to Kirkland GIS Maps.Kirklandwa.gov**
 - ✓ Public access to the Kirkland GIS was recommended in the 2013 Zucker and Associates Development Services Organizational Review. The study stated that Kirkland's GIS was best in class, customers requested access to it, and staff time could be saved by allowing the public to view and utilize it.
 - ✓ The Information Technology Department began working on the project in the third quarter of 2013 and launched the Public GIS link on February 1, 2014.
 - ✓ The demonstration will illustrate that the Public GIS is very robust; it provides almost all of the information to the public that is available to staff.
- **MyBuildingPermit.com**
 - ✓ MBP is a consortium of 14 cities and counties. The City of Bellevue hosts MBP.
 - ✓ MBP was initially launched in Kirkland in 2002 and offered only simple, over-the-counter permits (trade permits), such as water heater replacements, electrical permits, etc.
 - ✓ In 2011, MBP ePlan (Phase I) was launched which expanded MBP's offerings from simple over-the-counter permits to less complex plan review applications.
 - ✓ In July 2013, MBP released Phase II of the ePlan site which opened up the ability to apply for all development activity applications online.
 - ✓ Each jurisdiction is implementing the application types on their own timeframe.

- ✓ To date, Kirkland has implemented Building, Mechanical, Plumbing, Electrical, Sign, Fire, and Land Use applications. By March 2014, all Development Services applications that Kirkland offers will be available through MBP.
- ✓ One way the public can gain access to MBP is through the new Public GIS site (this will be demonstrated).

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Pam Bissonnette, Interim Public Works Director

Date: January 23, 2014

Subject: King County Special Presentation on a proposed Countywide Transportation Benefit District

RECOMMENDATION:

It is recommended that the City Council receives a presentation from King County on the County's proposed Transportation Benefit District that may be placed on the April 22, 2014 ballot.

BACKGROUND AND DISCUSSION:

The City of Kirkland has long supported regional transportation, and in particular, transit. King County is proposing a regional funding package for transportation, and will be making a presentation on the formation of a Transportation Benefit District (TBD), pursuant to RCW 36.73 (Attachment A) at the February 4th Kirkland Council meeting. A countywide vote is being considered for April 2014, for the purpose of funding transit and other transportation projects and programs in the event that the State Legislature does not act this session on a comprehensive transportation package. King County maintains that without new funding, a \$75 million funding gap exists representing 600,000 hours of transit service which will be cut in fall 2014.

The King County Executive has transmitted two ordinances to the King County Council (Attachments B & C). On January 28th, the County explained to a gathering of city attorneys and government affairs managers the timeline for County action. According to the County's representatives, on February 4 the King County Council will decide which of these ordinances to enact on February 10th. The action on February 10 will be to create a countywide TBD boundary and governance structure. According to County staff, the major distinction between the two ordinances is whether the countywide TBD is limited to raising funding for transportation improvements to be carried out by others (ex. King County Department of Transportation and cities), or is it more broadly created to actually undertake the full range of authorities provided under the law as a separate government. In either case the Board of the TBD is proposed to be the King County Council.

The County has been requested to answer the following questions:

1. What is the basis of the \$75 million gap given that sales tax has significantly rebounded? What would be necessary to delay these cuts until 2015?
2. What is the possibility of delaying the vote until the fall primary or general elections thereby allowing sufficient time for thorough analysis of this action, mitigation of any risks, and adequate public involvement?
3. Does the County commit to placing the 60/40 split of revenues into the ballot measure so that it cannot be changed without a return to the voters?

4. What is the County's plan for an Interlocal Agreement between the TBD and the County for the administration and implementation of this program so as to reduce these costs to the minimum? What actions will the TBD reserve to itself, why and at what cost?
5. What is the County's plan for Interlocal Agreements with cities for the transfer of funds? What requirements will the County impose? What provisions will the County make for allowing cities to bond against these funds?
6. What survey information is available to identify public support for the TBD proposal?
7. If approved by the voters, will the TBD funding package eliminate the proposed transit cuts that Metro is considering?

The Council is encouraged to ask additional questions during and after the presentation. Once the Council has received the presentation, staff will be seeking direction on whether to return to a future Council meeting with a public hearing and a resolution of support for the measure.

Kirkland TBD and the Countywide TBD

The City of Kirkland has considered forming a local TBD using the boundaries of the city over the past several years for the purpose of funding transportation improvements. The City is currently engaged in updating its Comprehensive Plan through 2035, which includes an updated Transportation Master Plan.

It is not clear under RCW 36.73 whether the formation of the Executive's proposed countywide TBD would preclude Kirkland from later forming its own TBD. Under the current Council calendar, the City staff had planned on asking the Council at its March 4th meeting to consider the formation of a Kirkland TBD, without tapping any of the revenue sources, to preserve the future funding options based on the Comprehensive Plan.

However, the new information presented on January 28 that King County intends to act on February 10 has caused the City staff to accelerate consideration of forming a TBD in order to avoid the risk of being precluded from doing so after the County creates a countywide TBD. King County does not intend that the countywide TBD preempts local options and the county's legal analysis is that there is little risk of preemption. Kirkland has communicated its potential action and the county does not object to Kirkland establishing boundaries first. The consensus of both Kirkland and King County is that Kirkland establishing a Kirkland TBD boundary has no impact on the countywide TBD effort. Eleven other cities in King County have already established TBDs within their own boundaries. Therefore, the City is calling a Special Council Meeting at 9:00 a.m. on February 10th for the purpose of holding a hearing to take and consider public testimony as to whether Kirkland should form a TBD at this time. Following the hearing the Council will consider an ordinance to form a TBD.

Attachments:

- A: RCW 36.73 regarding the creation of Transportation Benefit Districts (TBD)
- B: Proposed King County Ordinance for the creation of a TBD
- C: Alternate Proposed King County Ordinance for the creation of a TBD

Chapter 36.73 RCW**TRANSPORTATION BENEFIT DISTRICTS**Chapter Listing**RCW Sections**

- 36.73.010 Intent.
- 36.73.015 Definitions.
- 36.73.020 Establishment of district by county or city -- Participation by other jurisdictions.
- 36.73.030 Establishment of district by city.
- 36.73.040 General powers of district.
- 36.73.050 Establishment of district -- Public hearing -- Ordinance.
- 36.73.060 Authority to levy property tax.
- 36.73.065 Taxes, fees, charges, tolls, rebate program.
- 36.73.067 Vehicle fee rebate program -- Low-income individuals -- Report to legislature.
- 36.73.070 Authority to issue general obligation bonds, revenue bonds.
- 36.73.080 Local improvement districts authorized -- Special assessments -- Bonds.
- 36.73.090 Printing of bonds.
- 36.73.100 Use of bond proceeds.
- 36.73.110 Acceptance and use of gifts and grants.
- 36.73.120 Imposition of fees on building construction or land development.
- 36.73.130 Power of eminent domain.
- 36.73.140 Authority to contract for street and highway improvements.
- 36.73.150 Department of transportation, counties, cities, and other jurisdictions may fund transportation improvements.
- 36.73.160 Transportation improvement projects -- Material change policy -- Annual report.
- 36.73.170 Completion of transportation improvement -- Termination of district operations -- Termination of taxes, fees, charges, and tolls -- Dissolution of district.
- 36.73.180 Supplemental transportation improvements.
- 36.73.900 Liberal construction.

Notes:

Roads and bridges, service districts: Chapter 36.83 RCW.

36.73.010**Intent.**

The legislature finds that the citizens of the state can benefit by cooperation of the public and private sectors in addressing transportation needs. This cooperation can be fostered through

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enhanced capability for cities, towns, and counties to make and fund transportation improvements necessitated by economic development and to improve the performance of the transportation system.

It is the intent of the legislature to encourage joint efforts by the state, local governments, and the private sector to respond to the need for those transportation improvements on state highways, county roads, and city streets. This goal can be better achieved by allowing cities, towns, and counties to establish transportation benefit districts in order to respond to the special transportation needs and economic opportunities resulting from private sector development for the public good. The legislature also seeks to facilitate the equitable participation of private developers whose developments may generate the need for those improvements in the improvement costs.

[2005 c 336 § 2; 1987 c 327 § 1.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.015

Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "City" means a city or town.
- (2) "District" means a transportation benefit district created under this chapter.
- (3) "Low-income" means household income that is at or below forty-five percent of the median household income, adjusted for household size, for the district in which the fees, taxes, or tolls were imposed.
- (4) "Rebate program" means an optional program established by a transportation benefit district that includes a city with a population of five hundred thousand persons or more for the purpose of providing rebates to low-income individuals for fees, taxes, and/or tolls imposed by such transportation benefit district for: (a) Vehicle fees imposed under RCW 36.73.040(3)(b); (b) sales and use taxes imposed under RCW 36.73.040(3)(a); and/or (c) tolls imposed under RCW 36.73.040(3)(d).
- (5) "Supplemental transportation improvement" or "supplemental improvement" means any project, work, or undertaking to provide public transportation service, in addition to a district's existing or planned voter-approved transportation improvements, proposed by a participating city member of the district under RCW 36.73.180.
- (6) "Transportation improvement" means a project contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2). A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs.
[2012 c 152 § 1. Prior: 2010 c 251 § 2; 2010 c 105 § 1; 2006 c 311 § 24; 2005 c 336 § 1.]

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Notes:**Findings -- 2006 c 311:** See note following RCW 36.120.020.**Effective date -- 2005 c 336:** "This act takes effect August 1, 2005." [2005 c 336 § 26.]**36.73.020****Establishment of district by county or city — Participation by other jurisdictions.**

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time;
- (i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in *RCW 47.06B.012; and
- (j) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

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(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW, with the governing body being composed of (a) at least five members including at least one elected official from the legislative authority of each participating jurisdiction or (b) the governing body of the metropolitan planning organization serving the district, but only if the district boundaries are identical to the boundaries of the metropolitan planning organization serving the district.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection. [2010 c 250 § 1; 2009 c 515 § 14; 2006 c 311 § 25; 2005 c 336 § 3; 1989 c 53 § 1; 1987 c 327 § 2.]

Notes:

*Reviser's note: RCW 47.06B.012 was repealed by 2011 c 60 § 51.

Findings -- 2006 c 311: See note following RCW 36.120.020.

Effective date -- 2005 c 336: See note following RCW 36.73.015.

Severability -- 1989 c 53: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 53 § 5.]

Transportation benefit district tax authority: RCW 82.47.020.

36.73.030

Establishment of district by city.

See RCW 35.21.225.

36.73.040

General powers of district.

(1) A transportation benefit district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(2) A transportation benefit district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or

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hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. Public works contract limits applicable to the jurisdiction that established the district apply to the district.

(3) To carry out the purposes of this chapter, and subject to the provisions of RCW 36.73.065, a district is authorized to impose the following taxes, fees, charges, and tolls:

(a) A sales and use tax in accordance with RCW 82.14.0455;

(b) A vehicle fee in accordance with RCW 82.80.140;

(c) A fee or charge in accordance with RCW 36.73.120. However, if a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district. Developments consisting of less than twenty residences are exempt from the fee or charge under RCW 36.73.120; and

(d) Vehicle tolls on state routes, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. However, consistent with RCW 47.56.820, the vehicle toll must first be authorized by the legislature if the toll is imposed on a state route. The department of transportation shall administer the collection of vehicle tolls authorized on state routes, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, may approve, set, and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls authorized on city streets or county roads, and shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement plan. However, consistent with RCW 47.56.850, the vehicle toll, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in RCW 47.56.850 if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

[2008 c 122 § 17; 2005 c 336 § 4; 1989 c 53 § 3; 1987 c 327 § 4.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

Severability -- 1989 c 53: See note following RCW 36.73.020.

36.73.050

Establishment of district — Public hearing — Ordinance.

(1) The legislative authorities proposing to establish a district, or to modify the boundaries of an existing district, or to dissolve an existing district shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. Subject to the provisions of RCW 36.73.170, the legislative authorities shall make provision for a district to be automatically dissolved when all indebtedness of the district has been retired and anticipated responsibilities have been satisfied. This notice shall be in addition to any other notice required by law to be published. The notice shall, where applicable, specify the functions or activities proposed to be provided or funded, or the additional functions or activities proposed to be provided or funded, by the district. Additional notice of the hearing may be given by mail, by posting within the proposed district, or in any manner the legislative authorities deem necessary to notify affected

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persons. All hearings shall be public and the legislative authorities shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the district.

(2)(a) Following the hearing held pursuant to subsection (1) of this section, the legislative authorities may establish a district, modify the boundaries or functions of an existing district, or dissolve an existing district, if the legislative authorities find the action to be in the public interest and adopt an ordinance providing for the action.

(b) The ordinance establishing a district shall specify the functions and transportation improvements described under RCW 36.73.015 to be exercised or funded and establish the boundaries of the district. Subject to the provisions of RCW 36.73.160, functions or transportation improvements proposed to be provided or funded by the district may not be expanded beyond those specified in the notice of hearing, unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or transportation improvements proposed to be provided or funded.

[2007 c 329 § 3; 2005 c 336 § 5; 1987 c 327 § 5.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.060

Authority to levy property tax.

(1) A district may levy an ad valorem property tax in excess of the one percent limitation upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

[2005 c 336 § 6; 1987 c 327 § 6.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.065

Taxes, fees, charges, tolls, rebate program.

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under RCW 36.73.067; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

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(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, tolls, or rebate program takes effect, unless authorized by the district voters pursuant to RCW 36.73.160.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees and charges:

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140; or

(ii) A fee or charge in accordance with RCW 36.73.120.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities shall not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to twenty dollars of the vehicle fee authorized in RCW 82.80.140.

[2012 c 152 § 3; 2007 c 329 § 1; 2005 c 336 § 17.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.067

Vehicle fee rebate program — Low-income individuals — Report to legislature.

(1) A district that: (a) Includes a city with a population of five hundred thousand persons or more; and (b) imposes a vehicle fee under RCW 36.73.040(3)(b), sales and use taxes under RCW 36.73.040(3)(a), or tolls under RCW 36.73.040(3)(d), may establish a rebate program for the purposes of providing rebates of up to forty percent of the actual fee, tax, or toll paid by a low-income individual.

(2) Funds collected from a vehicle fee under RCW 36.73.040(3)(b), sales and use tax under RCW 36.73.040(3)(a) or tolls under RCW 36.73.040(3)(d) may be used for a rebate program established under this section.

(3) A district that establishes a rebate program is responsible for the development and

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administration of the program and all functions and costs associated with the rebate program.

(4) A district that establishes a rebate program under this section must report back to the legislature two years after the program takes effect. The report must include, but is not limited to, a detailed description of the structure of the program, the average rebate, the total amount of rebates issued, and the number of people that received rebates.

[2012 c 152 § 2.]

36.73.070

Authority to issue general obligation bonds, revenue bonds.

(1) To carry out the purposes of this chapter and notwithstanding RCW 39.36.020(1), a district may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter-approved general obligation indebtedness, equal to one and one-half percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A district may additionally issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to five percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the district pursuant to Article VIII, section 6 of the state Constitution, and may also provide for the retirement thereof by excess property tax levies as provided in RCW 36.73.060(2). The district may, if applicable, submit a single proposition to the voters that, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the district shall by resolution determine for each general obligation bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the district may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds. The district may also pledge any other revenues that may be available to the district.

(4) In addition to general obligation bonds, a district may issue revenue bonds to be issued and sold in accordance with chapter 39.46 RCW.
[2005 c 336 § 7; 1987 c 327 § 7.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

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36.73.080**Local improvement districts authorized — Special assessments — Bonds.**

(1) A district may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefited by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement districts shall be created and administered, and assessments shall be made and collected, in the manner and to the extent provided by law to cities and towns pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW. However, the duties devolving upon the city or town treasurer under these chapters shall be imposed upon the district treasurer for the purposes of this section. A local improvement district may only be formed under this section pursuant to the petition method under RCW 35.43.120 and 35.43.125.

(2) The governing body of a district shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the district issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the district has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the district arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the district has created. The district issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection (2) shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by a district for real property or property right donations made pursuant to RCW 47.14.030.

(4) The governing body may establish, administer, and pay money into a local improvement guaranty fund, in the manner and to the extent provided by law to cities and towns under chapter 35.54 RCW, to guarantee special assessment bonds issued by the district.

[2005 c 336 § 8; 1987 c 327 § 8.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

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36.73.090**Printing of bonds.**

Where physical bonds are issued pursuant to RCW 36.73.070 or 36.73.080, the bonds shall be printed, engraved, or lithographed on good bond paper and the manual or facsimile signatures of both the treasurer and chairperson of the governing body shall be included on each bond. [1987 c 327 § 9.]

36.73.100**Use of bond proceeds.**

(1) The proceeds of any bond issued pursuant to RCW 36.73.070 or 36.73.080 may be used to pay costs incurred on a bond issue related to the sale and issuance of the bonds. These costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, and other similar activities.

(2) In addition, proceeds of bonds used to fund capital projects may be used to pay the necessary and related engineering, architectural, planning, and inspection costs.

[2005 c 336 § 9; 1987 c 327 § 10.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.110**Acceptance and use of gifts and grants.**

A district may accept and expend or use gifts, grants, and donations.

[2005 c 336 § 10; 1987 c 327 § 11.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.120**Imposition of fees on building construction or land development.**

(1) Subject to the provisions in RCW 36.73.065, a district may impose a fee or charge on the construction or reconstruction of commercial buildings, industrial buildings, or on any other commercial or industrial building or building space or appurtenance, or on the development, subdivision, classification, or reclassification of land for commercial purposes, only if done in accordance with chapter 39.92 RCW.

(2) Any fee or charge imposed under this section shall be used exclusively for transportation improvements as defined in RCW 36.73.015. The fees or charges imposed must be reasonably necessary as a result of the impact of development, construction, or classification or reclassification of land on identified transportation needs.

(3) If a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district.

[2010 c 105 § 2; 2007 c 329 § 4; 2005 c 336 § 11; 1988 c 179 § 7; 1987 c 327 § 12.]

Notes:

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Effective date -- 2005 c 336: See note following RCW 36.73.015.
Severability -- Prospective application -- Section captions -- 1988 c 179: See RCW 39.92.900 and 39.92.901.

36.73.130

Power of eminent domain.

A district may exercise the power of eminent domain to obtain property for its authorized purposes in the same manner as authorized for the city or county legislative authority that established the district.

[2005 c 336 § 12; 1987 c 327 § 13.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.140

Authority to contract for street and highway improvements.

A district has the same powers as a county or city to contract for street, road, or state highway improvement projects and to enter into reimbursement contracts provided for in chapter 35.72 RCW.

[2005 c 336 § 13; 1987 c 327 § 14.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.150

Department of transportation, counties, cities, and other jurisdictions may fund transportation improvements.

The department of transportation, counties, cities, and other jurisdictions may give funds to districts for the purposes of financing transportation improvements under this chapter.

[2005 c 336 § 14; 1987 c 327 § 15.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.160

Transportation improvement projects — Material change policy — Annual report.

(1) The district governing body shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan. The policy must at least address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes. At a minimum, in the event that a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the governing body shall hold a public hearing to solicit comment from the public regarding how the cost change should be resolved.

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(2) A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

[2005 c 336 § 18.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.170

Completion of transportation improvement — Termination of district operations — Termination of taxes, fees, charges, and tolls — Dissolution of district.

Within thirty days of the completion of the construction of the transportation improvement or series of improvements authorized by a district, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any and to carry out the requirements of RCW 36.73.160. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, charges, or tolls imposed by the district terminate when the financing or debt service on the transportation improvement or series of improvements constructed is completed and paid and notice is provided to the departments administering the taxes. Any excess revenues collected must be disbursed to the participating jurisdictions of the district in proportion to their population, using population estimates prepared by the office of financial management. The district shall dissolve itself and cease to exist thirty days after the financing or debt service on the transportation improvement, or series of improvements, constructed is completed and paid. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation improvement or series of improvements authorized by the district. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

[2005 c 336 § 19.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.180

Supplemental transportation improvements.

(1) In districts comprised of more than one member city, the legislative authorities of any member city that is located in a county having a population of more than one million five hundred thousand may petition the district to provide supplemental transportation improvements.

(2) Upon receipt of a petition as provided in subsection (1) of this section for supplemental transportation improvements that are to be fully funded by the petitioner city, including ongoing operating and maintenance costs, the district must:

(a) Conduct a public hearing, and provide notice and opportunity for public comment consistent with the requirements of RCW 36.73.050(1); and

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(b) Following the hearing, if a majority of the district's governing board determines that the proposed supplemental transportation improvements are in the public interest, the district shall adopt an ordinance providing for the incorporation of the supplemental improvements into any existing services. The supplemental transportation improvements must be in addition to existing services provided by the district. The district shall enter into agreements with the petitioner city or identified service providers to coordinate existing services with the supplemental improvements.

(3) Upon receipt of a petition as provided in subsection (1) of this section for supplemental transportation improvements proposed to be partially or fully funded by the district, the district must:

(a) Conduct a public hearing, and provide notice and opportunity for public comment consistent with the requirements of RCW 36.73.050(1); and

(b) Following the hearing, submit a proposition to the voters at the next special or general election for approval by a majority of the voters in the district. The proposition must specify the supplemental transportation improvements to be provided and must estimate the capital, maintenance, and operating costs to be funded by the district.

(4) If a proposition to incorporate supplemental transportation improvements is approved by the voters as provided under subsection (3) of this section, the district shall adopt an ordinance providing for the incorporation of the supplemental improvements into any existing services provided by the district. The supplemental improvements must be in addition to existing services. The district shall enter into agreements with the petitioner city or identified service providers to coordinate existing services with the supplemental improvements.

(5) A supplemental transportation improvement must be consistent with the petitioner city's comprehensive plan under chapter 36.70A RCW.

(6) Unless otherwise agreed to by the petitioner city or by a majority of the district's governing board, upon adoption of an ordinance under subsection (2) or (4) of this section, the district shall maintain its existing public transportation service levels in locations where supplemental transportation improvements are provided.

[2010 c 251 § 3.]

36.73.900

Liberal construction.

The rule of strict construction does not apply to this chapter, and this chapter shall be liberally construed to permit the accomplishment of its purposes.

[1987 c 327 § 16.]

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KING COUNTY

ATTACHMENT 1

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

January 17, 2014

Ordinance

Proposed No. 2013-0526.1

Sponsors Phillips

1 AN ORDINANCE creating a countywide transportation
 2 benefit district in King County, Washington, in order to
 3 finance the acquisition, construction, operation,
 4 maintenance and preservation of public transportation
 5 facilities, services and programs, roads and any other
 6 projects authorized by chapter 36.73 RCW.

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 **SECTION 1. Findings:**

9 A. The 2008 recession had a deep and enduring impact to the economy in King
 10 County, causing property and sales tax revenues that finance government transportation
 11 services to drop unexpectedly.

12 B. As the largest labor market in the state, failure of the transportation system in
 13 King County will have far reaching economic impacts across Washington.

14 C. The King County transit division ("Metro") is vital to the region's economic
 15 health. Metro provided over one hundred fifteen million passenger trips in 2012 with
 16 ridership expected to grow; more than one thousand five hundred companies provide
 17 transit passes to their employees; over half of Metro's passengers are commuters; and
 18 current service levels keep approximately one hundred seventy-five thousand cars off our
 19 roads every weekday.

Ordinance

20 D. Sales tax currently provides for sixty percent of Metro's operating budget, and
21 reductions in property tax revenue and the lack of growth in gas tax revenue will limit
22 key funding sources for city and unincorporated King County transportation projects.

23 E. The twenty-dollar congestion reduction charge authorized in Ordinance 17169
24 in 2011 was a temporary measure while sustainable funding solutions were developed.
25 King County's authority for this implemented funding source expires May 31, 2014.

26 F. In 2011, the King County council adopted the landmark King County Metro
27 Transit Strategic Plan for Public Transportation and Service Guidelines that established a
28 new course that prioritizes productivity, social equity and geographic value in the
29 ongoing development of the Metro transit system.

30 G. To respond to decreased revenues during the recession, Metro undertook a
31 number of measures to preserve service. Metro implemented system-wide reforms,
32 including restructuring the transit system to improve productivity and effectiveness and
33 discontinuing the Ride Free Area in downtown Seattle. Metro has also increased revenue
34 for transit through property tax changes, through the implementation of the temporary
35 congestion reduction charge and through multiple fare increases raising fares by eighty
36 percent since 2008. As a result, Metro realized nearly eight hundred million dollars in
37 savings and new revenues combined to support the system.

38 H. Metro still faces an ongoing annual revenue shortfall up to seventy-five
39 million dollars to maintain existing service levels. Without new revenue, Metro will face
40 up to a seventeen percent cut in service, or approximately six hundred thousand annual
41 hours of service cuts beginning in fall 2014.

Ordinance

42 I. The King County road services division is responsible for an unincorporated
43 area road network that supports more than one million trips per day. The system consists
44 of about one thousand five hundred miles of county roads and one hundred eighty
45 bridges, plus numerous sidewalks and pathways, traffic signs and signals, drainage pipes
46 and culverts and other critical transportation infrastructure.

47 J. The road services division's funding for maintenance of roads and bridges has
48 declined by more than one-third since 2009 due to annexations, declining property
49 values, less state and federal grant support and lower gas tax revenue. At the same time,
50 the volume of county road miles has not dropped proportionally while transportation
51 safety, preservation and other needs are increasing due to aging infrastructure, population
52 growth, development and changing travel patterns.

53 K. Property tax is the road services division's primary funding source, and
54 property values in unincorporated King County have declined significantly since the start
55 of the recession. The ability of property tax revenue to recover from its depressed levels
56 is impeded by statutory constraints limiting tax collections.

57 L. Gas tax revenues, another major source of funding for the road services
58 division, will not increase with the rate of inflation as gasoline consumption stagnates due
59 to more fuel efficient cars and to fewer vehicle miles travelled, and because the tax rate
60 per gallon is fixed and does not adjust with inflation.

61 M. Future grant funding for capital projects is also uncertain as federal and state
62 decision-makers choose between competing interests for limited dollars.

63 N. The Strategic Plan for Road Services was approved by the council in 2010 to
64 provide key guidance to the agency about work priorities, including infrastructure service

Ordinance

65 and investment decisions. The plan gives top priority to basic goals: meet critical safety
66 needs, comply with legal requirements, and maintain and preserve the existing road
67 network.

68 O. The road services division is reducing costs through reductions in
69 management and administrative costs, space consolidation and reductions to fleet
70 equipment, and has already reduced division staff by forty percent and implemented
71 changes to service priorities.

72 P. Without funding to stabilize the declining road system, the roads services
73 division expects to close thirty-five bridges before they become unsafe, restrict access to
74 seventy-two miles of failing roadways and reduce storm service on snowy and icy roads
75 by two-thirds during the winter season.

76 Q. Cities in King County maintain five thousand five hundred miles of streets
77 plus bridges, sidewalks, drainage systems, traffic signals, bicycle and pedestrian facilities
78 and trails. Existing facilities are aging. Revenue sources currently available to cities are
79 not keeping pace with the costs of replacement and expansion to meet growth.

80 R. King County cities also are beset by failing roads and bridges, congested
81 corridors and bottlenecked interchanges, which undermine the mobility of cars, buses and
82 freight carriers to transport people and goods.

83 S. With new funding for transportation investments throughout King County,
84 there is an opportunity to catalyze construction jobs, enhance freight mobility for our
85 ports and create a pathway for retaining and growing new jobs for key industry sectors.

86 T. It is in the best interest of the citizens of the county to establish a
87 transportation benefit district to finance any transportation improvement authorized by

Ordinance

88 chapter 36.73 RCW, including but not limited to, the acquisition, construction, operation,
89 maintenance and preservation of public transportation facilities, services and programs,
90 roads and any other project contained in the transportation plan of the state, a regional
91 transportation planning organization, a city or the county.

92 U. The transportation benefit district is intended solely to finance transportation
93 improvements authorized by chapter 36.73 RCW, and is not intended to directly acquire,
94 construct, operate, maintain, preserve or otherwise provide transportation improvements.
95 It is further intended that local jurisdictions receiving funding from the transportation
96 benefit district will directly acquire, construct, operate, maintain, preserve or otherwise
97 provide any transportation improvement authorized by chapter 36.73 RCW.

98 V. The King County council anticipates that, in an effort to provide an efficient
99 operation of the transportation benefit district and avoid the potential for creating
100 duplicative staffing functions, the transportation benefit district will contract with King
101 County to utilize existing King County staff to provide administrative functions required
102 by the district to the extent allowed by applicable law.

103 SECTION 2. There is created a transportation benefit district, to be known as the
104 King County transportation district, with geographical boundaries comprised of the limits
105 of the county. The district shall have the authority to exercise the statutory powers in
106 chapter 36.73 RCW.

107 SECTION 3. A. The King County council shall be the governing board of the
108 transportation district, acting in an ex officio and independent capacity, which shall have
109 the authority to exercise the statutory powers in chapter 36.73 RCW.

Ordinance

110 B. The King County executive services finance director shall be the treasurer of
111 the transportation district.

112 C. The board shall develop and implement a material change policy for projects
113 that the district is implementing. The material change policy shall address major plan
114 changes that affect project delivery or the ability to finance the plan, in accordance with
115 RCW 36.73.160(1).

116 D. The board shall cause to be issued an annual report, in accordance with
117 chapter 36.73 RCW.

118 SECTION 4. The district shall be dissolved in accordance with RCW 36.73.050.

119 SECTION 5. The transportation district is formed to finance, but not directly
120 carry out, any transportation improvement authorized by chapter 36.73 RCW, including,
121 but not limited to, the acquisition, construction, operation, maintenance and preservation
122 of public transportation facilities, services and programs, roads and any other project
123 contained in the transportation plan of the state, a regional transportation planning
124 organization, a city or the county. When authorized by statute or by the voters in
125 accordance with chapter 36.73 RCW, the board may impose taxes, fees, charges or tolls,
126 or any combination thereof, for the purposes consistent with chapter 36.73 RCW.

127 SECTION 6. For the purposes of chapter 36.73 RCW and section 5 of this
128 ordinance:

129 A. "Transportation plan" includes the Transportation Element of the King County
130 Comprehensive Plan, the King County Metro Transit Strategic Plan for Public
131 Transportation, the King County Metro Transit Service Guidelines, the annual King
132 County Metro Transit Service Guidelines Report, the King County Department of

Ordinance

133 Transportation Strategic Plan for Road Services, the Transportation Needs Report, the
134 King County Roads Services CIP and any other plan concerning transportation that is
135 adopted by the King County council; and

136 B. The transportation plan of the state, a regional transportation planning
137 organization or a city shall be as identified by each entity.

138 SECTION 7. As authorized under chapter 36.73 RCW, this ordinance shall be
139 liberally construed to permit the accomplishment of its purposes.

140 SECTION 8. Severability. If any provision of this ordinance or its application to

Ordinance

141 any person or circumstance is held invalid, the remainder of this ordinance or the
142 application of the provision to other persons or circumstances is not affected.
143

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



KING COUNTY

ATTACHMENT 2

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

January 17, 2014

Ordinance

Proposed No. 2013-0527.1

Sponsors Dembowski, Phillips and Lambert

1 AN ORDINANCE creating a countywide transportation
2 benefit district as authorized by chapter 36.73 RCW.

3 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

4 **SECTION 1. Findings:**

5 A. The 2008 recession had a deep and enduring impact to the economy in King
6 County, causing property and sales tax revenues that fund government transportation
7 services to drop unexpectedly.

8 B. As the largest labor market in the state, failure of the transportation system in
9 King County will have far reaching economic impacts across Washington.

10 C. The King County transit division ("Metro") is vital to the region's economic
11 health. Metro provided over one hundred fifteen million passenger trips in 2012 with
12 ridership expected to grow, more than one thousand five hundred companies provide
13 transit passes to their employees, over half of Metro's passengers are commuters and
14 current service levels keep approximately one hundred seventy-five thousand cars off our
15 roads every weekday.

16 D. Sales tax currently provides for sixty percent of Metro's operating fund, and
17 reductions in property tax revenue and the lack of growth in gas tax revenue will limit
18 key funding sources for city and unincorporated King County transportation projects.

Ordinance

19 E. The twenty-dollar congestion reduction charge authorized in 2011 was a
20 temporary measure while sustainable funding solutions were developed. The authority
21 for this implemented funding source expires at the end of May 2014.

22 F. In 2011, the King County council adopted the landmark King County Metro
23 Transit Strategic Plan for Public Transportation and Service Guidelines that established a
24 new course that prioritizes productivity, social equity and geographic value in the
25 ongoing development of the Metro system.

26 G. To respond to decreased revenues during the recession, Metro undertook a
27 number of measures to preserve service. Metro implemented system-wide reforms,
28 including restructuring the transit system to improve productivity and effectiveness and
29 discontinuing the Ride Free Area in downtown Seattle, saving nearly eight hundred
30 million dollars over five years. Metro has also increased revenue for transit through
31 property tax changes, through the implementation of the temporary congestion reduction
32 charge and through multiple fare increases raising fares by eighty percent since 2008.

33 H. Metro still faces an ongoing annual revenue shortfall up to seventy-five
34 million dollars to maintain existing service levels. Without new revenue, Metro will face
35 up to a seventeen-percent cut in service, or approximately six hundred thousand annual
36 hours of service cuts beginning in fall 2014.

37 I. The King County road services division ("road services") is responsible for an
38 unincorporated area road system that supports more than one million trips per day. The
39 system consists of about one thousand five hundred miles of county roads and one
40 hundred eighty bridges, plus numerous sidewalks and pathways, traffic signs and signals,
41 drainage pipes and culverts and other critical transportation infrastructure.

Ordinance

42 J. Road services' funding for maintenance of roads and bridges has declined by
43 more than one-third since 2009 due to annexations, declining property values, less state
44 and federal grant support and lower gas tax revenue. At the same time, the volume of
45 county road miles has not dropped proportionally while transportation safety,
46 preservation and other needs are increasing due to aging infrastructure, population
47 growth, development and changing travel patterns.

48 K. Property tax is road services's primary funding source, and property values in
49 unincorporated King County have declined significantly since the start of the recession.
50 The ability of property tax revenue to recover from its depressed levels is impeded by
51 statutory constraints limiting growth in tax collections to one percent per year, lower than
52 the rate of inflation.

53 L. Gas tax revenues, another major source of funding for road services, will not
54 increase with the rate of inflation as gasoline consumption stagnates due to more fuel
55 efficient cars and fewer vehicle miles travelled and because the tax rate per gallon is
56 fixed and does not adjust with inflation.

57 M. Future grant funding for capital projects is also uncertain as federal and state
58 decision-makers choose between competing interests for limited dollars.

59 N. The Strategic Plan for Road Services was approved by the council in 2010 to
60 provide key guidance to the agency about work priorities, including infrastructure service
61 and investment decisions. The plan gives top priority to basic goals: comply with legal
62 requirements; meet critical safety needs; and maintain and preserve the existing road
63 network.

Ordinance

64 O. Road services is reducing costs through reductions in management and
65 administrative costs, space consolidation and reductions to fleet equipment, and has
66 already reduced division staff by forty percent and implemented changes to service
67 priorities.

68 P. It is the county's responsibility to maintain, preserve and operate the
69 unincorporated area road system, and without dedicated funding to stabilize the declining
70 road system, roads services expects to close thirty-five bridges before they become
71 unsafe, restrict access to seventy-two miles of failing roadways and reduce storm service
72 on snowy and icy roads.

73 Q. Cities in King County maintain five thousand five hundred miles of streets
74 plus bridges, sidewalks, drainage systems, traffic signals, bicycle and pedestrian facilities
75 and trails. Existing facilities are aging.

76 R. King County cities have experienced a substantial downturn in revenues in the
77 past decade. Many cities in King County have been forced to supplement roads funds
78 with general fund dollars, which have themselves not been keeping pace with inflation.
79 Using general fund dollars to maintain roads and other transportation infrastructure
80 means that there are fewer dollars available to fund public safety, parks, human services,
81 and other critical city services.

82 S. A lack of dedicated funding for transportation projects has made it
83 increasingly difficult for King County and King County cities to raise matching funds to
84 compete for State and Federal transportation grant dollars, and State and Federal
85 transportation grant opportunities have dwindled.

Ordinance

86 T. King County cities are beset by failing roads and bridges, congested corridors
87 and bottlenecked interchanges, which undermine the mobility of vehicles, buses and
88 freight carriers to transport people and goods.

89 U. Cities in King County have over \$1.3 billion in maintenance and preservation
90 needs alone over the next six years, and have identified a need of over \$3 billion for
91 mobility projects over the next six years. Cities in King County are responsible for the
92 repair and replacement of 22 bridges in King County with a sufficiency rating of fifty or
93 less, equating to more than \$775 million in bridge repair/replacement costs over the next
94 six years. The lack of adequate transportation funding for Cities is a public safety crisis in
95 King County.

96 V. In 2013, action by the State Legislature related to the Public Works Trust
97 Fund resulted in a substantial reduction of funds available for King County cities,
98 including a greater relative impact on smaller cities in King County. Without an
99 additional source of revenue, many transportation infrastructure projects planned by cities
100 will not be able to move forward.

101 W. With new funding for transportation investments throughout King County,
102 there is an opportunity to catalyze construction jobs, enhance freight mobility for our
103 ports and create a pathway for retaining and growing new jobs for key industry sectors.

104 X. It is in the best interest of the citizens of the county to establish a
105 transportation benefit district to work together and regionally fund, acquire, construct,
106 operate, maintain and preserve roadway, public transportation or other mobility facilities,
107 services and programs, and any other project or program contained in the transportation
108 plan of the state, a regional transportation planning organization, a city or a county, and

Ordinance

109 to exercise any other functions or fund any other transportation improvements authorized
110 by chapter 36.73 RCW. Such a transportation benefit district should focus its
111 investments in local mobility and connecting within the district.

112 SECTION 2. There is created a transportation benefit district, to be known as the
113 King County transportation district, with geographical boundaries comprised of the limits
114 of the county, which shall have the authority to exercise the statutory powers in chapter
115 36.73 RCW.

116 SECTION 3.

117 A. The governing board of the transportation district shall be the King County
118 council acting in an ex officio and independent capacity, which shall have the authority to
119 exercise the statutory powers in chapter 36.73 RCW.

120 B. The King County treasurer shall be the treasurer of the transportation district.

121 C. The board shall develop and implement a material change policy for projects
122 that the district is implementing. The material change policy shall address major plan
123 changes that affect project delivery or the ability to finance the plan, in accordance with
124 RCW 36.73.160(1).

125 D. The board shall issue an annual report, in accordance with chapter 36.73
126 RCW.

127 SECTION 4. The district shall be dissolved in accordance with RCW 36.73.050.

128 SECTION 5. The district shall fund, acquire, construct, operate, maintain and
129 preserve public transportation facilities, services and programs, roads and any other
130 project contained in the transportation plan of the state, a regional transportation planning
131 organization, a city or the county, and exercise any other functions or fund any other

Ordinance

132 transportation improvement authorized by chapter 36.73 RCW. When authorized by
133 statute or by the voters in accordance with chapter 36.73 RCW, the board may impose
134 any one of or a combination of taxes, fees, charges and tolls, for purposes consistent with
135 chapter 36.73 RCW.

136 SECTION 6. For the purposes of defining a “transportation plan” under chapter
137 36.73 RCW and section 5 of this ordinance:

138 A. The transportation plan of the county includes the Transportation Element of
139 the King County Comprehensive Plan, the King County Metro Transit Strategic Plan for
140 Public Transportation, the King County Metro Transit Service Guidelines, the King
141 County Department of Transportation Strategic Plan for Road Services, the
142 Transportation Needs Report, the King County Roads Services CIP and any other plan
143 concerning transportation that is adopted by the metropolitan King County council; and

144 B. The transportation plan of the state, a regional transportation planning
145 organization or a city shall be as defined by each such entity.

146 SECTION 7. As authorized under chapter 36.73 RCW, this ordinance shall be
147 liberally construed to permit the accomplishment of its purposes.

148 SECTION 8. Severability. If any provision of this ordinance or its application to

Ordinance

149 any person or circumstance is held invalid, the remainder of this ordinance or the
150 application of the provision to other persons or circumstances is not affected.
151

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

KIRKLAND CITY COUNCIL SPECIAL MEETING

Minutes

January 16, 2014

1. CALL TO ORDER

Mayor Walen called the Special Meeting of the Kirkland City Council to order at 4:00 p.m.

2. ROLL CALL

Members Present: Mayor Amy Walen, Deputy Mayor Penny Sweet, Councilmembers Jay Arnold, Dave Asher, Shelley Kloba, Doreen Marchione, and Toby Nixon.

3. PLANNING COMMISSION INTERVIEWS

- a. Carter Bagg
- b. Matt Gurrad
- c. Eric Laliberte
- d. James Truhan

4. SELECTION AND APPOINTMENT OF PLANNING COMMISSION MEMBER

Following discussion of the applicants' qualifications, Councilmember Asher moved to appoint Eric Laliberte to the Planning Commission for the remainder of an unexpired term ending March 31, 2017; and to select James Truhan as an alternate appointee should an additional vacancy arise within the next six months on the Planning Commission. Deputy Mayor Sweet seconded the motion, which passed unanimously.

5. ADJOURNMENT

The January 16, 2014 Special Meeting of the Kirkland City Council was adjourned at 4:53 p.m.

City Clerk

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
January 21, 2014

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Aquatic Center Follow-up

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Director of Parks and Community Services Jenny Schroder, and Sports Management Group President Lauren Livingston.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Kirstin Larson
Sophie Larson
Kerry Isbister
Dana Briggs
Janet Pruitt

c. Petitions

7. SPECIAL PRESENTATIONS

- a. King County Councilmember Jane Hague
- b. Kirkland 2035 Update #9

Deputy City Manager Marilynne Beard provided an update on recent and upcoming public outreach and communications efforts and responded to Council questions.

8. CONSENT CALENDAR

- a. Approval of Minutes

(1) January 7, 2014

- b. Audit of Accounts:

Payroll: \$2,914,394.78
Bills: \$2,833,539.31
run #1283 checks #549629 - 549630
run #1284 checks #549631 - 549686
run #1285 checks #549687 - 549876

- c. General Correspondence
- d. Claims

Claims from Jane Dickson and Ian Stuart Hutchinson were acknowledged via approval of the Consent Calendar.

- e. Award of Bids

(1) The construction contract for the NE 120th Street Extension Project was awarded to Sanders General Construction of Auburn, WA in the amount of \$2,571,555.02 via approval of the Consent Calendar.

- f. Acceptance of Public Improvements and Establishing Lien Period

(1) Work on the 2013 Street Preservation Program, Phase III Slurry Seal Project completed by Blackline, Inc. of Vancouver, WA was accepted via approval of the Consent Calendar.

- g. Approval of Agreements

(1) Resolution R-5028, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE SOUTH CORRECTIONAL ENTITY FOR JAIL SERVICES AND AUTHORIZING THE CITY MANAGER TO SIGN."

h. Other Items of Business

(1) Ordinance O-4430, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2014, THE SECOND YEAR OF THE CITY OF KIRKLAND 2013-2014 FISCAL BIENNIUM AND REPEALING ORDINANCE O-4425."

(2) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Deputy Mayor Penny Sweet, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

Yes: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

- a. Resolution R-5029, Selecting Sites and Uses to be Considered for a Potential Facility to Replace the Juanita Aquatic Center and Directing the Parks and Community Services Department to Solicit Resident Input.

Motion to Approve Resolution R-5029, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SELECTING SITES AND USES TO BE CONSIDERED FOR A POTENTIAL FACILITY TO REPLACE THE AQUATIC CENTER AND DIRECTING THE PARKS AND COMMUNITY SERVICES DEPARTMENT TO SOLICIT RESIDENT INPUT, as amended.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Jay Arnold, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

Motion to Amend Resolution R-5029 by amending Section 1.1, to read as follows, "conduct further investigation and analysis of locations for a facility to replace the Juanita Aquatic Center to include, but not be limited to, Juanita Beach Park and the North Kirkland Community Center," as amended.

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

Motion to Amend the amendment to Resolution R-5029, by amending Section 1.1 to include "South Norway Hill Park" after "Juanita Beach Park" as one of the locations to be investigated and analyzed.

Moved by Councilmember Toby Nixon, seconded by Deputy Mayor Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Jay Arnold, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

Motion to Amend Resolution R-5029 by adding a new section as follows, "complete feasibility and cost analysis for converting Peter Kirk Pool to year-round use by 2017 as an interim solution."

Moved by Councilmember Jay Arnold, seconded by Deputy Mayor Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

- b. Resolution R-5030, Accepting the Proposed Settlement of the Remaining Issues in the Administrative Appeal of the 2013-2018 National Pollutant Discharge Elimination System (NPDES) Phase II Permit.

Surface Water Engineering Supervisor Jenny Gaus reviewed the background of the issues addressed in the proposed settlement.

Motion to Approve Resolution R-5030, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ACCEPTING THE PROPOSED SETTLEMENT OF THE REMAINING ISSUES IN THE ADMINISTRATIVE APPEAL OF THE 2013-2018 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II PERMIT."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

- c. Recreational Marijuana Options

Planning and Community Development Director Eric Shields reviewed possible options, responded to Council questions and received Council direction to incorporate Council feedback in the drafting of an interim ordinance for consideration at a future meeting.

Council recessed for a short break.

11. NEW BUSINESS

- a. Ordinance O-4433, Relating to Admissions Tax and Amending Section 5.12.020 of the Kirkland Municipal Code.

City Attorney Robin Jenkinson introduced the proposed Ordinance and responded to Council questions.

Motion to Approve Ordinance O-4433, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ADMISSIONS TAX AND AMENDING SECTION 5.12.020 OF THE KIRKLAND MUNICIPAL CODE."

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

Vote: Motion carried 7-0

Yes: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

b. King County Metro Transit Proposed Service Reductions

Transportation Engineering Manager David Godfrey provided an overview of the proposed service reductions and actions.

Motion to Authorize the Mayor to sign two letters to King County Executive Dow Constantine, one positive and enquiring letter about the ballot measure stating the need for additional information and a desire to consult with the County; and a second letter about service cuts and asking to better understand the formula for the proposed cuts and to attach serious concerns about the cuts and advise the County of the City's desire to collaborate on those cuts before final decisions are made.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

12. REPORTS

a. City Council

(1) City Council Committee Appointments

Motion to Approve the proposed City Council Committee assignments.

Moved by Councilmember Doreen Marchione, seconded by Councilmember Shelley Kloba

Vote: Motion carried 7-0

Yes: Councilmember Jay Arnold, Councilmember Dave Asher, Councilmember Shelley Kloba, Councilmember Doreen Marchione, Councilmember Toby Nixon, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

(2) Finance and Administration Committee

Have not met.

(3) Public Safety Committee

Chair Sweet reported that the Committee discussed application of the public records ordinance application to the Municipal Court; false alarm program update; panhandling ordinance; sprinkler ordinance update; NORCOM update.

(4) Community Planning, Housing and Economic Development Committee

Chair Marchione reported that the Committee met with a group of five broadband providers.

(5) Public Works, Parks and Human Services Committee

Have not met.

(6) Regional Issues

Councilmembers shared information regarding the Sound Cities Association Public Issues Committee meeting; Sound Cities Association orientation for newly elected officials; Puget Sound Energy Community Advisory Group meeting and open house about "Energize Eastside" Sammamish to Renton transmission lines; Association of Washington Cities Legislative Action Day; Juanita High School Booster Club meeting; Kirkland Chamber of Commerce luncheon and Mayor's State of the City address; kudos to staff for retirement celebration for Mayor McBride and Seahawks Fan Fair events; Washington State Parks workshop for public input into the future of the St. Edwards Park seminary building; King County Regional Transit Committee meeting and workshop; King County Committee to End Homelessness Legislative breakfast; removal of Downtown decorations; Emergency Management Advisory Committee meeting; Cascade Water Alliance Public Policy Committee meeting; Bellevue College planning session; Kirkland Chamber Public Policy Committee meeting; Nourishing Networks Edible Kirkland meeting; Seattle/King County Coalition on Homelessness One Night Count; Puget Sound Regional Council Transportation Policy Board; Mayor's meeting with Congresswoman DelBene and presentation of the flag flown over the United States capitol building in celebration of Kirkland's centennial.

b. City Manager

(1) February 21, 2014 Retreat Draft Agenda

City Manager Triplett requested Council feedback on proposed agenda topics.

(2) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of January 21, 2014 was adjourned at 10:59 p.m.

City Clerk

Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: January 23, 2014
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledges receipt of the following Claim(s) for Damages and refers each claim to the proper department (risk management section) for disposition.

POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

BACKGROUND DISCUSSION

The City has received the following Claim(s) for Damages from:

- (1) Brynn Yraguen
13111 123rd Lane NE #A101
Kirkland, WA 98034

Amount: \$958.13

Nature of Claim: Claimant states damage to vehicle resulted from construction wet cement at the 108th Street exit.

- (2) 307 Homeowners Association
307 5th Avenue
Kirkland, WA 98033

Amount: \$422.94

Nature of Claim: Claimant states damage to property resulted from a broken water main.

Note: Names of claimant are no longer listed on the Agenda since names are listed in the memo.



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Bobbi Wallace, Wastewater Division Manager
Pam Bissonnette, Interim Public Works Director

Date: January 15, 2014

Subject: Fats, Oils, and Grease (FOG) Fine Enforcement

RECOMMENDATION:

It is recommended that the City Council adopts the enclosed ordinance update which provides needed language for Fats, Oils and Grease (FOG) fine processing.

BACKGROUND DISCUSSION:

In spring of 2013, after review by the Public Works and Parks Council Committee, the City sent out notices to several FOG generating businesses that were not in compliance with FOG controls. The notice alerted business owners to the violation of FOG regulations and requested installation of the required FOG control devices by January 1, 2014, at which point fines would be assessed.

The City Attorneys' Office recently reviewed KMC 15.36.120 (relating to FOG violations and penalties) and determined that important enforcement procedures were missing. In addition, the Public Works and Parks Council Committee recommended that dischargers be given an option to offset FOG fines against the cost of installing required FOG devices. The offset would only be available after proper installation of the required FOG control devices to businesses that are reasonably cooperative with City staff in addressing the violation. This ordinance change was initially reviewed at the City of Kirkland Council meeting held on January 7, 2014. It was requested that city staff provide more definition for the term, "cooperation". Cooperation has been defined to be based on the expedition of the installation for F.O.G. controls.

The following language was added to the ordinance to clarify cooperation:

The decision of whether to grant all or a portion of the requested fine offset shall be made by the Director of Public Works or his or her designee and shall be based on the extent to which the discharger, upon a finding of violation by the City, cooperated with City staff by promptly installing the required FOG pretreatment facilities.

This ordinance update provides the necessary enforcement procedures and provides a new opportunity for violators to apply the fine to offset the cost of the installation or correction to capture the FOG prior to it entering the side sewer or public sewer main. FOG is extremely damaging to sewer conveyance systems, restricting flows and creating hazardous sewer plugs which then overflow from the system into the environment. The FOG program is in compliance with the required Capacity, Management, Operation, and Maintenance plan (CMOM) for the wastewater conveyance system, which is mandated under the Federal Water Pollution Act amended in 1972 and implements the National Pretreatment Standards.

Staff recommends adoption.

Attachments (2)

ORDINANCE O-4432

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ENFORCEMENT OF REGULATIONS REGARDING DISCHARGE OF FATS, OILS AND GREASE INTO THE CITY SEWER SYSTEM.

The City Council of the City of Kirkland ordains as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 15.36.120 is hereby amended to read as follows:

15.36.120 Standards for discharges and reporting—Enforcement—Penalties.

(a) Those dischargers subject to national pretreatment standards will be subject to enforcement action in accordance with this chapter for any violations of the criteria and limitations specified in the categorical standard or the general pretreatment standards set forth in 40 CFR 403, as currently written or hereafter amended, which standards are hereby adopted by reference.

(b) Maximum Daily Concentration Allowed. The maximum daily allowable concentration for dischargers not regulated under national pretreatment standards is violated under the following circumstances:

(1) The arithmetic mean of concentrations for eight consecutive samples collected within a twenty-four-hour time period over intervals of fifteen minutes or greater is in excess of the limitation.

(2) The concentration value obtained from a composite sample that is representative of the twenty-four-hour discharge is in excess of the limitation.

(3) The concentration of any single sample (whether a single grab sample or a sample within a series) exclusive of any fats, oils, and grease exceeds the limitation by a factor of two and one-half times.

(4) The arithmetic mean of the concentration of fats, oils, or greases for three grab samples, taken no more frequently than five-minute intervals, exceeds the limitation.

(c) Maximum Allowable Poundage Limitations. A violation shall occur if the maximum allowable effluent poundage limitation as established in the private wastewater discharge permit is exceeded. The daily poundage discharged shall be calculated using the volume of effluent discharged that day times the concentration for that day either reported by the discharger or obtained through sampling by the city. The poundage shall be determined utilizing the formula:

$$\text{Lb./day} = \text{conc. in mg/L} \times \text{gal./day} \\ \text{disch./1,000,000} \times 8.34$$

(d) Reporting Requirements. A violation shall occur if any reporting requirements established by permit, accidental discharges, upset conditions, written request of the city or authorized representative, or

as specified by general pretreatment standards (40 CFR 403.12) are not complied with. A violation shall occur when any person knowingly makes any false statement, representation, or certification in an application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter.

(e) "FOG" Pretreatment Facility—Maintenance. A violation shall occur if there is any failure to install or maintain grease or grit interceptors, or oil/water separators or other required FOG control devices, ~~which causes maintenance on any sewer line to be greater than once every two years caused by excessive oil, grease, or fat buildup in the sewer lines; or excess buildup of sand, gravel or other materials clogging the sewer lines.~~ The lack of any device to prevent discharge of grease, oil, fats, sand, gravel or any other materials which will cause excessive maintenance of the sewer lines shall not relieve the discharger of the responsibility of liability for any costs to city for excessive maintenance and/or other costs incurred by the city.

(f) Discharge of Dangerous Waste. A violation shall occur if any material listed on the discharge chemical products list of the state of Washington (WAC 173-303-9903) is discharged into any public sewer or building sewer tributary thereto.

(g) Explosion Meter Readings. A violation shall occur if the reading on an explosion meter at any point in the collection system or wastewater treatment plant is greater than ten percent for a single reading or greater than five percent for two successive readings.

(h) Termination of Treatment Services—Permit Revocation. The city shall have the authority to terminate wastewater treatment services of the discharger and revoke any permit issued if it determines that the discharger has:

(1) Failed to accurately report wastewater constituents and characteristics more than once; or

(2) Failed to report significant changes in wastewater constituents, characteristics, flow volumes or types of discharge to the wastewater treatment plant; or

(3) Refused reasonable access to the discharger's premises for purposes of inspection or monitoring; or

(4) Violated conditions of the wastewater discharge permit; or

(5) Violated any of the provisions of this chapter, regulations promulgated hereunder, state law or federal law; or

(6) Violated any lawful order of the city issued with respect to the discharger's permit or this chapter; or

(7) Tampers with, disrupts, damages or renders inaccurate any wastewater monitoring device required by this chapter.

(i) Other Violations.

(1) If reports required by permit, this chapter or state or federal pretreatment regulations are submitted later than thirty days after they are due, the discharger shall be subject to civil penalties as set forth in KMC Section 5.74.040. In the event the reports have not been

submitted at the time the maximum penalty is imposed, the city shall seek remedies under subsection (h) of this section.

(2) If any of the actions prescribed in any compliance schedule established by permit or by order of the city are not complete within thirty days of the time they are required to be complete, the discharger shall be subject to civil penalties as set forth in KMC Section 5.74.040. In the event the actions have not been completed ninety days after the date scheduled in the permit or order, the city shall seek remedies under subsection (h) of this section.

(3) If a discharger fails to maintain grease, oil and/or sand removal systems, which results in the city having to perform the maintenance of the collection system or treatment plant, the discharger shall be subject to the applicable civil penalty set forth in KMC Section 5.74.040, which shall be added to the costs incurred by the city to perform the maintenance. If the city must perform any maintenance for that discharger a second time within a three-year period, the penalty shall be the applicable civil penalty set forth in Section KMC 5.74.040, which shall be added to the costs of maintenance by the city. In the event the city having to perform any maintenance for that discharger continues, the city shall seek remedies under subsection (h) of this section.

(4) Failure to provide accurate or complete information on any wastewater discharge reports or the requirements of a discharge permit shall result in a civil penalty as set forth in KMC Section 5.74.040. Thereafter, the discharger shall be subject to remedies under subsection (h) of this section.

(5) In addition to the assessments described in this section, any costs incurred by the city, including but not limited to attorney's fees, shall be added to the total amount of the civil penalty assessment.

(j) Enforcement Process and Appeals.

(1) In the event the city determines there is a violation of this Chapter, the Public Works Director, or his or her designee, shall issue a written notice of civil infraction to the discharger with the following information:

(a) The name and address of the person(s) responsible for the violation;

(b) The street address or description of the property where the violation is occurring;

(c) A description of the violation and a reference to the provision of this Chapter which has been violated;

(d) The required corrective action and a date and time by which the correction must be completed;

(e) A statement of the fines for failure to comply with the notice of civil infraction by the stated compliance date.

(2) The notice of civil infraction shall be personally served or sent by regular and certified mail to the discharger's address.

(3) The discharger may appeal the issuance of the notice of civil infraction by submitting a written appeal to the city no later than 14 days after receipt of the notice of civil infraction.

(4) Appeals shall be heard by the Hearing Examiner pursuant to the process set forth KMC Section 1.12.050, provided that the hearing shall be conducted as an appeal from the notice of civil infraction issued under this chapter.

(5) If the discharger does not complete corrective action or file an appeal of the notice of civil infraction within 14 days after receipt of the notice of civil infraction, the City shall assess fines against the violator. The fines assessed are set forth in KMC Section 5.74.040; provided that if that Section does not specify a fine for a particular violation, the fine shall be \$100 per day for a maximum of 60 days.

(6) A discharger against whom fines are assessed for failure to maintain approved FOG pretreatment facilities may apply to the Department of Public Works to offset the amount of the fines assessed against the cost of installing approved FOG pretreatment facilities. The discharger shall submit proof of the cost incurred in installing the approved FOG pretreatment facilities. The decision of whether to grant all or a portion of the requested fine offset shall be made by the Director of Public Works or his or her designee and shall be based on the extent to which the discharger, upon a finding of violation by the City, cooperated with City staff by promptly installing the required FOG pretreatment facilities.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2014.

Signed in authentication thereof this ____ day of _____, 2014.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4432

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ENFORCEMENT OF REGULATIONS REGARDING DISCHARGE OF FATS, OILS AND GREASE INTO THE CITY SEWER SYSTEM.

SECTION 1. Amends Kirkland Municipal Code Section 15.36.120 relating to enforcement of regulations regarding discharge of fats, oils and grease into the City sewer system.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2014.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirkland.wa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: David Snider, P.E., Capital Projects Manager
Pam Bissonnette, Interim Public Works Director

Date: January 17, 2014

Subject: 6-Year Transportation Improvement Plan – Set Hearing Date

RECOMMENDATION:

Staff recommends that City Council establishes February 18, 2014 as the date to hold a public hearing on the proposed 2014-2019 TIP.

BACKGROUND DISCUSSION:

The purpose of the hearing is to provide the public with an opportunity to comment and/or offer input on City transportation projects. Adoption of a six-year TIP is in accordance with RCW 35.77.010 and 47.26.210; the primary use of the TIP is to identify transportation projects which are eligible for federal, state and/or local funding.

With few exceptions associated with maintenance related work, the projects that are identified in the 2014-2019 TIP mirror the transportation element of the proposed 2014-2019 CIP.

The proposed 2014–2019 TIP was discussed with the Kirkland Transportation Commission on January 22, 2014.

The project list will be available for review on February 13, 2014, when the Council packet is posted for the February 18th Council meeting.



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: John MacGillivray, Solid Waste Programs Lead
Pam Bissonnette, Interim Public Works Director

Date: January 24, 2014

Subject: Houghton Transfer Station Resolution and Letter

RECOMMENDATION:

Staff recommends that the City Council adopts the attached resolution affirming Kirkland's position in support of the closure of the Houghton Transfer Station by 2021 and authorizing the Mayor to sign and transmit the attached Houghton Transfer Station letter to King County Council Vice-Chair Jane Hague.

BACKGROUND:

On January 21, 2014, King County Council Vice-Chair Jane Hague addressed the City Council and asked the Council to reaffirm its position that the Houghton Transfer Station should be closed by 2021. On September 17, 2013, the City Council unanimously adopted Resolution R-5001 and the King County Solid Waste Transfer and Waste Export Plan Position Statement (attached) which clearly states the Council's position that the Houghton Transfer Station should be closed by 2021. Subsequent to the adoption of the position statement, a letter signed by ex-Mayor Joan McBride containing Kirkland's comments on the draft Transfer Station Plan Review was sent to Executive Constantine (attached).

No new information has been presented by King County that would lead staff to recommend any change in the City Council's position and therefore staff recommends that the Council approves the resolution and authorizes the Mayor to sign the attached letter.

DRAFT

February 5, 2014

Ms. Jane Hague, Vice-Chair
King County Council, District 6
516 Third Ave, Room 1200
Seattle, WA 98104

RE: CITY OF KIRKLAND POSITION ON CLOSURE OF THE HOUGHTON TRANSFER STATION

Dear Councilmember Hague:

Thank you for taking the time to address the Kirkland City Council on January 21, 2014 and your kind words about our community and City Council. We appreciate your thoughtful and thorough representation of the interests of our residents and congratulate you on your deserving appointment as Vice-Chair of the King County Council and Chair of the Committee of the Whole.

During your remarks, you asked if the City Council is still committed to the closure of the Houghton Transfer Station by 2021. I would like to strongly reiterate that the Kirkland City Council remains steadfast and unanimous in its long-held position that the Houghton Transfer Station should be completely closed by 2021 as promised in our 2005 Memorandum of Understanding with the County and in the adopted 2006 Transfer System Plan.

As noted in the attached Kirkland City Council *Resolution R-5001* and the *King County Solid Waste Transfer and Waste Export Plan Position Statement Regarding the Houghton Transfer Station* as unanimously adopted by the Kirkland City Council on September 17, 2013, it is our position that King County should:

Construct the new Factoria Transfer Station as currently designed as soon as possible. Initiate a siting process in 2014 for an expanded Factoria [Transfer Station] on the Eastgate property or a new northeast transfer station capable of handling the combined solid waste of the cities remaining in the County system at that time that cannot be handled by the new Factoria transfer station. Complete the expansion by the 2021 and close the Houghton Transfer Station.

For your convenience, I have also attached an October 29, 2013 letter to Executive Constantine which includes our comments on the recommendations made in the draft Transfer Station Plan Review.

The Council has further reaffirmed Kirkland's position by the approval of Resolution R-5031 which was adopted by the Council at our meeting of February 4, 2014. I have included a copy of Resolution R-5031 for your information.

If you have any questions concerning this position, please do not hesitate to contact me or our Kirkland Interim Public Works Director, Pam Bissonnette at (425) 587-3802.

Sincerely,
Kirkland City Council

By Amy Walen
Mayor

Attachments (3)

Cc: Kirkland City Council
Kurt Triplett, Kirkland City Manager
Marilynne Beard, Kirkland Deputy City Manager
Pam Bissonnette, Kirkland Interim Public Works Director
John MacGillivray, Kirkland Solid Waste Programs Lead

RESOLUTION R-5001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING A POSITION STATEMENT ON THE CLOSURE OF THE HOUGHTON TRANSFER STATION, THE CONSIDERATION OF LIMITING SELF HAULING AT TRANSFER STATIONS AND THE ESTABLISHMENT OF DIFFERENT CUSTOMER CLASSES TO AVOID DISPROPORTIONATE FINANCIAL IMPACTS ON THOSE WHO SIGNED THE AMENDED AND RESTATED INTERLOCAL AGREEMENT THROUGH 2040.

WHEREAS, King County Solid Waste Division (KCSWD) has owned and operated the Houghton Transfer Station in the City of Kirkland for many years; and

WHEREAS, it has been the goal of the City to close this facility for many years because it does not meet the majority of criteria necessary for a safe and modern transfer station and is the only transfer station located entirely within a residential neighborhood with only local access; and

WHEREAS, with the assistance of the Metropolitan Solid Waste Advisory Committee (MSWAC), KCSWD has been formulating a Solid Waste Transfer and Waste Export Plan that results in the closure of the Houghton Transfer Station as well as considering alternative plans for handling solid waste in King County; and

WHEREAS, concurrently with this effort, the County was negotiating with a number of cities the Amended and Restated Interlocal Agreement (Amended ILA) that would extend the duration of the Amended ILA and by which the Cities using KCSWD facilities would continue to be part of the KCSWD system; and

WHEREAS, failure of some of the cities to agree to the Amended ILA will have disproportionate financial impacts on the cities that did sign if no differential solid waste rate is established; and

WHEREAS, the Kirkland City Council approved the Amended ILA on February 19, 2013, based in part on assurances by the KCSWD that the Houghton Transfer Station would be closed and that a differential solid waste rate would be established; and

WHEREAS, the Council wishes to present a Position Statement to KCSWD as to its preferences in these matters,

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

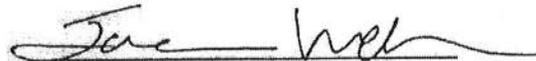
Section 1. The City Council adopts the attached Position Statement, which is incorporated by reference, recommending 1) to provide the County sufficient time to site, design, construct, and commission facilities to serve them, Bellevue and the other cities who have elected not to extend their contracts for solid waste disposal with

King County should be provided a date certain in the near term beyond which they will be precluded from returning to the system; 2) a new transfer station should be constructed and the Houghton Transfer Station closed; 3) that King County Solid Waste Division's Transfer Plan review should consider alternatives for limiting self-haul at existing and new transfer stations, while exploring disposal options for small business users who are not commercial haulers; and 4) different customer classes should be established by King County to ensure that system users who extended contracts with King County do not pay a disproportionate share of the cost of improvements to system assets as a result of other Cities' decisions not to extend their contracts for solid waste disposal with King County.

Section 2. The City Council authorizes the City Manager or designee to present the attached Position Statement to KCSWD at its Final Transfer Plan Review Workshop on September 27, 2013, as well as for subsequent King County Council deliberations.

Passed by majority vote of the Kirkland City Council in open meeting this 17th day of September, 2013.

Signed in authentication thereof this 17th day of September, 2013.


MAYOR

Attest:


City Clerk

CITY OF KIRKLAND

KING COUNTY SOLID WASTE TRANSFER AND WASTE EXPORT PLAN POSITION STATEMENT

Regarding Houghton Transfer Station, Self-Hauling and Financial Impacts

September 17, 2013

The current adopted Solid Waste Transfer System Plan of 2006 is the preferred plan, having been arrived at by significant and long regional negotiation. That Plan has been called into question by the City of Bellevue and four satellite cities when, unlike other cities in the King County Solid Waste (KCSW) service area, they elected not to extend their contracts with King County for solid waste disposal beyond 2028. By not extending the contract, Bellevue and the satellite cities are signaling they will be leaving the system by 2028.

The King County Solid Waste Division (KCSWD) is now not planning to include Bellevue and the other cities' tonnage, which comprises about 10% of the entire system and 50% of the tonnage processed by the Factoria Transfer Station in Bellevue. Yet the KCSWD has not proposed differential solid waste rates to account for the financial impact of these cities leaving the system as the KCSWD continues to state hope that Bellevue and the other cities will change positions and remain within the KCSW system. This has resulted in adverse impacts and uncertainty to those cities that elected to extend their contracts to 2040, and in particular to the City of Kirkland, the host of the Houghton Transfer Station. The closure of Houghton has been predicated on the construction of Factoria and a new northeast transfer station. There needs to be sufficient time to site, design, construct and commission operation of a transfer station. This may take 10-15 years even though solid waste transfer stations are essential public facilities under the Growth Management Act (GMA). Therefore, the issue of whether Bellevue and the other cities will change their positions must be resolved.

- 1. Position Statement Regarding Planning Assumptions and Timing:** To provide the County sufficient time to site, design, construct, and commission facilities to serve them, Bellevue and the other cities who have elected not to extend their contracts for solid waste disposal with King County should be provided until the end of 2014 to extend their ILAs, beyond which they will be precluded from returning to the system. In the meantime, planning for cities remaining within the system will proceed without tonnages of those leaving the system and on the assumption that Bellevue and the other cities will not be remaining in the system after 2028.
- 2. Position Statement Regarding the Houghton Transfer Station:** Construct the new Factoria Transfer Station as currently designed as soon as possible. Initiate a siting process in 2014 for an expanded Factoria on the Eastgate property or a new northeast transfer

station capable of handling the combined solid waste of the cities remaining in the County system at that time that cannot be handled by the new Factoria transfer station. Complete the expansion by 2021 and close Houghton Transfer Station.

3. **Self-Haul Position Statement:** To limit cost and subsidy of self-haul services, both capital and operating, the KCSWD's Transfer Plan review should consider alternatives for limiting self-haul at existing transfer stations and in the design of new transfer stations while exploring disposal options for small business users who are not commercial haulers. Those using self-haul services that do not belong to the KCSWD system should be surcharged to recover the full cost of self-haul services.
4. **Rate Differential Position Statement:** Different customer classes should be established by King County to ensure system users do not pay a disproportionate share of the cost of improvements to system assets as a result of the decision by Bellevue and other cities not to sign an Amended and Restated Interlocal Agreement through 2040. The rate differential should be established to account for the full pay-off costs incurred for development of KCSWD system assets prior to the end of the mid-2028 Solid Waste Interlocal Agreement (SWIA) term. These rate differentials should reflect actual costs necessary for paying off construction bonds issued on behalf of the KCSWD with costs apportioned to the solid waste tonnage originating in those cities that elected to end their SWIA in mid-2028. The KCSWD should put verification measures in place that ensure any rate differential applies only to solid waste originating in cities that elected to end their ILA's in mid-2028, regardless if solid waste is self-hauled or delivered by a commercial carrier. The costs of any verification measures should be included in the overall rate differential applied to those cities that elect to end their SWIA in mid-2028.



October 29, 2013

Executive Dow Constantine
King County Chinook Building
401 5th Ave. Suite 800
Seattle, WA 98104

RE: CITY OF KIRKLAND SUPPLEMENTARY COMMENTS
ON TRANSFER STATION PLAN REVIEW RECOMMENDATION

Dear Executive Constantine:

Thank you for the extended opportunity to provide comments on the recommendations made in the County's recent review of the Solid Waste Transfer and Export Plan. On September 17, 2013, the Kirkland City Council unanimously adopted a position statement concerning the Transfer Plan Review (attached). On October 16, 2013, Kirkland staff submitted comments on the Transfer Plan recommendation to the Solid Waste Division via email (attached). At the October 18, 2013 Metropolitan Solid Waste Advisory Committee (MSWAC) meeting, Kirkland staff verbally reiterated our comments to the County and the MSWAC membership.

We generally support the recommendation in the draft transfer plan of proceeding with the Base Alternative but downsized as necessary to accommodate the withdrawal of the City of Bellevue and similar communities that did not extend their contracts. However, the language below from the draft transfer plan creates a serious cause of concern.

TRANSFER PLAN REVIEW RECOMMENDATION:

*"Based on analysis of the alternatives and preliminary stakeholder feedback, the Division recommends proceeding with a variation of the Base Alternative which would include **deferring the opening date of the new Northeast transfer station so that the Division can assess the timing and potential phasing of the new station [emphasis added]**. This recommendation would proceed with construction of the new Factoria station as currently designed, **while studying whether additional space and services could be added to the new Factoria station that could affect a new Northeast station. With flexibility in the timing and scope of a new Northeast facility, the division would also evaluate options to further mitigate impacts on the Houghton neighborhood [emphasis added]**. Mitigation could include closing Houghton to commercial traffic between opening the new Factoria and final closure of Houghton **[no date provided]**. The project to site a new facility in the south county to replace the Algona Transfer Station would continue as scheduled. This variation on the Base Alternative recognizes the value of a regional system that provides equivalent services to all system ratepayers."*

I would like to strongly reiterate the Kirkland City Council's position that the Houghton Transfer Station should be closed as promised by 2021 in observance of King County's firm commitment to Kirkland in its 2005 Memorandum of Understanding and in the 2006 adopted Transfer System Plan. Please accept our supplementary comments below:

- We urge the County to begin the siting process for the NE Transfer Station in 2014 in earnest to ensure that construction is completed by 2021 and the Houghton Transfer Station closed.
- By the County's own admission, construction of the new Factoria Transfer Station as currently designed will not handle all the tonnage and services for northeast King County even when Bellevue leaves the system. A new NE transfer station, or an expanded Factoria Transfer Station, will be required in any case.
- By the County's own admission, it will take at least 3 years to do a siting study with or without including an expansion of the Factoria Transfer Station. It will then take 2 years for design and permits, and 2 years to build for a total of 7 years. If initiated in 2014 there is enough time for completion of the process in time to close Houghton on schedule by 2021. Delays for further studies can only delay the closure of the Houghton Transfer Station.
- The County should have adequate resources to complete the siting process of the Northeast Transfer Station concurrent with any study of the Factoria Transfer Station. During the siting process the size and services of the new facility would be determined.
- By the County's own admission, the expansion of Factoria in lieu of a new NE site will not require redesign and reconstruction of the Factoria facility as currently designed. The process undertaken to identify and/or purchase parcels in NE King County to site a new NE Transfer Station as compared to an expansion of Factoria are not mutually exclusive.

The City of Kirkland has been an accommodating host to a King County transfer station for well over 50 years and our residents and businesses have enjoyed its financial and convenience benefits, but also have shouldered the burdens associated with high volumes of traffic, noise and odors in a residential neighborhood. While Kirkland remains firmly committed to fulfilling its regional obligation to host critical public facilities, the Houghton Transfer Station has outlived its useful life, no longer meets any critical service criteria in the Transfer Plan, and our patient residents affected by the facility have been promised its closure by 2021. Mitigation at the Houghton Transfer Station is not what was promised. Closure is. Please remove any language in the Transfer Plan Review recommendation that would defer a siting study of a new NE Transfer Station thereby risking delay of the closure of the Houghton Transfer Station beyond 2021, and take actions in accord with this direction.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan McBride", with a long horizontal flourish extending to the right.

Joan McBride, Mayor
City of Kirkland

Attachments (2)

Cc: Kirkland City Council
Kurt Triplett, Kirkland City Manager
Marilynne Beard, Kirkland Deputy City Manager
Pam Bissonnette, Kirkland Interim Public Works Director
John MacGillivray, Kirkland Solid Waste Programs Lead
Kevin Kiernan, Assistant King County Solid Waste Division Director
Jane Hague, King County Councilmember
Rod Dembowski, King County Councilmember

RESOLUTION R-5031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND REAFFIRMING ITS POSITION IN SUPPORT OF THE CLOSURE OF THE HOUGHTON TRANSFER STATION BY 2021.

WHEREAS, King County Solid Waste Division has owned and operated the Houghton Transfer Station in the City of Kirkland for many years; and

WHEREAS, the Houghton Transfer Station has outlived its useful life and no longer meets any of the critical service criteria in the County's 2006 adopted Solid Waste Transfer System Plan; and

WHEREAS, the City Council has repeatedly articulated its desire to see the Houghton Transfer Station closed by 2021 as committed to by King County in the 2005 Memorandum of Understanding entered into with the City and in the Transfer System Plan; and

WHEREAS, on September 17, 2013, the City Council unanimously passed Resolution R-5001 adopting a position statement which included its support for the closure of the Houghton Transfer Station by 2021; and

WHEREAS, the comment period on the King County Solid Waste Division's Transfer Plan review was extended until February 3, 2014; and

WHEREAS, on January 21, 2014, King County Council Vice Chair Jane Hague addressed the Kirkland City Council and asked that the Kirkland City Council reaffirm its position;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Council reaffirms its position that the King County Solid Waste Division should proceed with the construction of the new Factoria Transfer Station, concurrently initiate the siting for a new Northeast Transfer Station, and close the Houghton Transfer Station by 2021.

Section 2. The City Council authorizes the City Manager or his designee to transmit this Resolution to the King County Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2014.

Signed in authentication thereof this _____ day of _____, 2014.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Development Engineering Analyst
Pam Bissonnette., Interim Public Works Director

Date: January 13, 2014

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY; FILE #VAC13-00852

RECOMMENDATION:

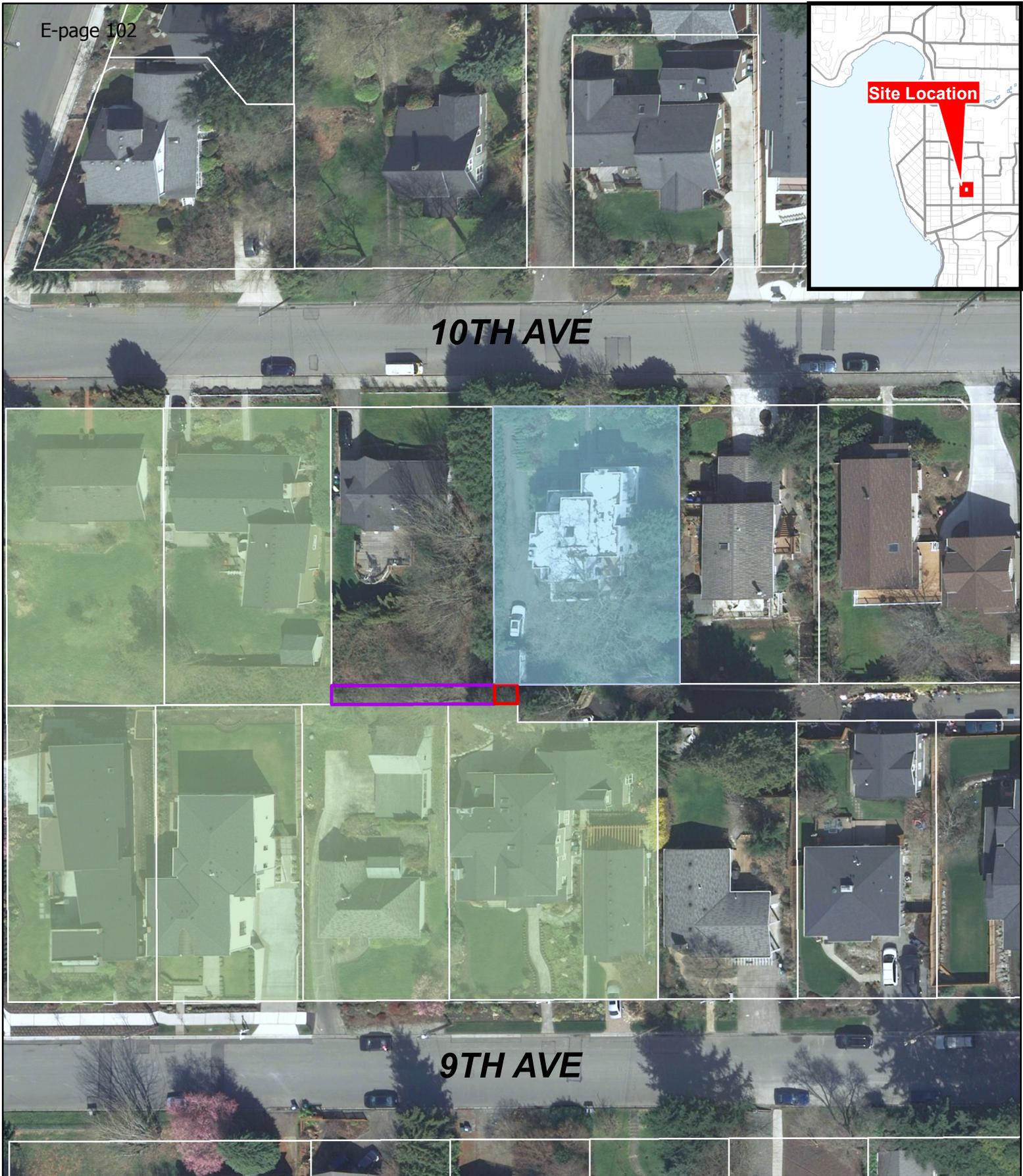
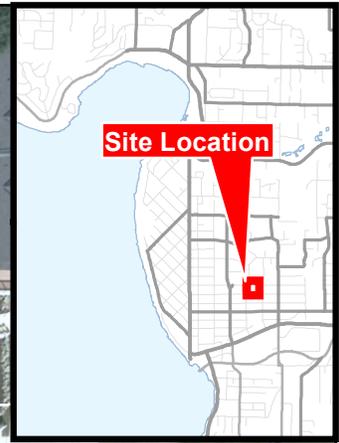
It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened alley being identified as the west 10 feet of the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 6 and 7, Block 140 of Burke & Farrar's Kirkland Addition to the City of Seattle Division No. 27, according to the plat recorded in Volume 21 of Plats, page 90, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 425 10th Avenue (Attachment 1) was originally platted and dedicated in 1890 as Kirkland Addition. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Gregory and Lisa Kostal, the owners of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution (Attachment 2) is permissible.

Attachments (2)



Kostal Non-User Vacation Exhibit
425 10th Avenue

- Kostal Property
- Proposed Vacation
- Other Pending Vacation
- Granted Non-User Vacations



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 Printed 2013 - Public Works

RESOLUTION R-5032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS GREGORY AND LISA KOSTAL

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Town of Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owners Gregory and Lisa Kostal, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the west 10 feet of the north 8 feet of the unopened alley abutting the south boundary of the following described property: Lots 6 and 7, Block 140 of Burke & Farrar’s Kirkland Addition to the City of Seattle Division No. 27, according to the plat recorded in Volume 21 of Plats, page 90, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2014

Signed in authentication thereof this ____ day of _____, 2014.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Development Engineering Analyst
Pam Bissonnette., Interim Public Works Director

Date: January 13, 2014

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY; FILE #VAC13-00854

RECOMMENDATION:

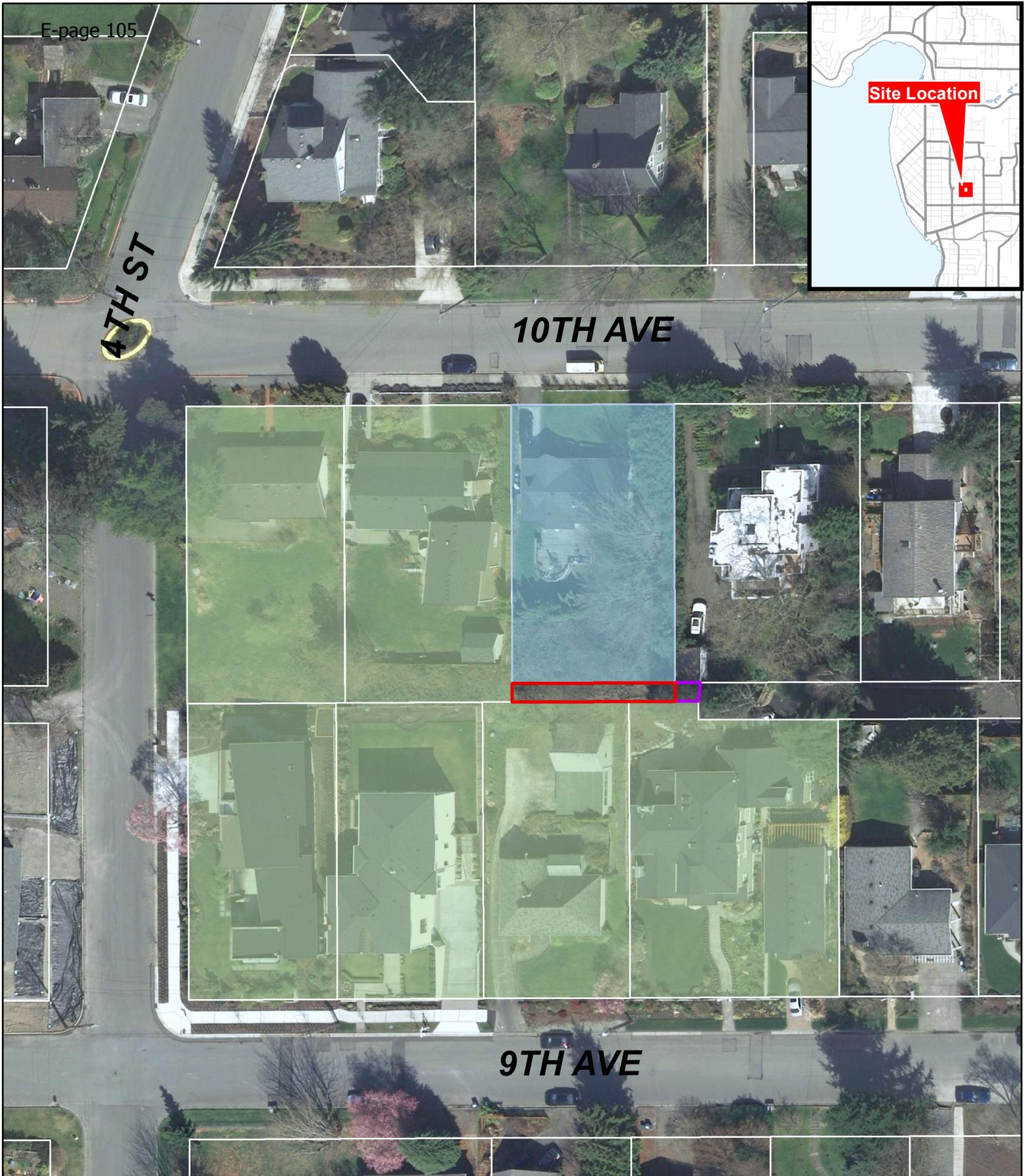
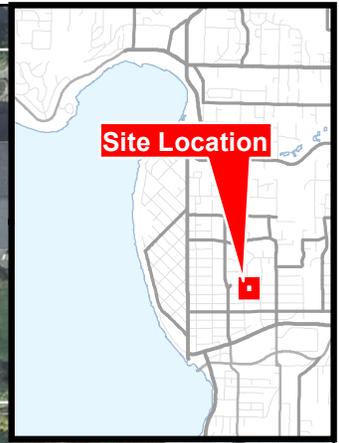
It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened alley being identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: the east 30 feet of Lot 4 and all of Lot 5, Block 140 of Burke & Farrar's Kirkland Addition to the City of Seattle Division No. 27, according to the plat recorded in Volume 21 of Plats, page 90, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 417 10th Avenue (Attachment 1) was originally platted and dedicated in 1890 as Kirkland Addition. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Joseph and Sharon Matthews, the owners of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution (Attachment 2) is permissible.

Attachments (2)



Matthews Non-User Vacation Exhibit 417 10th Avenue

- Proposed Vacation
- Other Pending Vacation
- Matthews Property
- Granted Non-User Vacations



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 (c) 2013, the City of Kirkland, all rights reserved.
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RESOLUTION R-5033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS JOSEPH H. AND SHARON S. MATTHEWS

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Town of Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owners Joseph H. and Sharon S. Matthews, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the north 8 feet of the unopened alley abutting the south boundary of the following described property: The east 30 feet of Lot 4 and all of Lot 5, Block 140 of Burke & Farrar’s Kirkland Addition to the City of Seattle Division No. 27, according to the plat recorded in Volume 21 of Plats, page 90, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2014

Signed in authentication thereof this ____ day of _____, 2014.

MAYOR

Attest:

City Clerk

**CITY OF KIRKLAND**

Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: January 23, 2014

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF FEBRUARY 4, 2014

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report, dated January 10, 2014, are as follows:

	Project	Process	Estimate/Price	Status
1.	Environmental Impact Statement for 2013-2015 Growth Management Act Update of the Comprehensive Plan	Request for Proposals	\$140,000-\$180,000	RFP advertised on 1/21 with proposals due on 2/13.
2.	Bandit Brush Chipper	Cooperative Purchase	\$62,197.92	Purchased off of WA State Contract from PCI Waste and Recycling Equipment of Portland, OR.
3.	Inspection Services for Local Source Control Program	Request for Qualifications	\$98,000	RFQ issued on 1/27 with Statements of Qualifications due on 2/10.

Please contact me if you have any questions regarding this report.



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, Planning Director
Paul Stewart, Deputy Planning Director
Robin Jenkinson, City Attorney

Date: January 23, 2014

Subject: Marijuana Interim Zoning Regulations

RECOMMENDATION

After conducting a public hearing, the City Council determines whether to approve the attached Ordinance which would prohibit the retail sale of recreational marijuana in the Market Street Corridor (MSC) 1 and/or MSC 2 Zones for a period of six months.

BACKGROUND DISCUSSION

Council Direction

On January 21, 2014, the City Council reviewed a number of options for regulating the sale of recreational marijuana in Kirkland's commercial zones. Following a lengthy discussion, the Council directed that interim regulations be prepared for consideration, following a public hearing, at its February 4, 2014 meeting. The Council initially focused on prohibiting marijuana sales in only the MSC 1 Zone, which extends along Market Street from 8th Avenue to 19th Avenue. However, in response to community concerns, the Council asked that the interim regulations also provide the option of prohibiting marijuana sales in the MSC 2 Zone, a small retail center located on the west side of Market Street between 14th Avenue West and 16th Avenue West. A map showing the location of the MSC 1 and MSC 2 Zones is included as Attachment 1. The question has been raised as to whether the MSC 3 or MSC 4 Zones should also be included in the interim regulations. Staff does not feel that is necessary because under the current state regulations both MSC 3 and MSC 4 are within 1000 feet of active parks (either Heritage Park or Tot Lot Park) and therefore no marijuana retail sales are allowed.

The interim regulations are drafted to prohibit marijuana sales in both MSC 1 and MSC 2 Zones. Should the Council determine that it wishes to have the prohibition against retail marijuana sales apply to only the MSC 1 Zone, a motion could be made to strike references to the MSC 2 Zone throughout the Ordinance. Similarly, if the Council desires to prohibit marijuana sales in additional Zones, a motion could be made to add a particular Zone throughout the Ordinance.

State Regulations

The Washington State Liquor Control Board (WSLCB) is now reviewing applications for the sale, processing and production of recreational marijuana legalized by Initiative 502. The WSLCB has indicated that it will issue licenses for only two marijuana retailers in Kirkland. WSLCB rules prohibit licenses from being issued to marijuana businesses within 1,000 feet of public parks,

elementary and secondary schools, state licensed child care centers and public transit centers. After further review of the regulations, staff would note that the WSLCB does not apply the restriction to all public parks, only those with facilities for active uses, such as ball fields and playgrounds. Therefore, under the WSLCB definition, the proximity of the Bridle Trails Shopping Center (BCX Zone) to Snyder's Corner Park likely does not preclude licensed marijuana retailers at the shopping center or in the BN zone just to the northeast of the shopping center. However, it is up to the WSLCB to interpret its rules and definitions.

Local Regulations

The City Council previously determined that existing zoning regulations would control and marijuana businesses would be restricted to locations where retailing, processing and production are allowed by the Zoning Code. However, a recently issued opinion from the State Attorney General's Office concludes that Initiative 502 does not prevent local jurisdictions from adopting special regulations for recreational marijuana businesses or even outright prohibiting marijuana businesses. The proposed interim Ordinance is consistent with the Attorney General's guidance.

Attachments 4A – 4D show the locations of marijuana license applications, other than along Market Street, which appear to meet both City zoning requirements and the WSLCB required 1000 feet separation from active public parks, elementary and secondary schools, state licensed child care centers and public transit centers.

Interim Regulations

Under RCW 35A.63.220 and RCW 36.70A.390, the City Council must adopt findings of fact that support the adoption of interim regulations. Section 1 of the proposed ordinance includes findings of fact for the Council's consideration. If desired, the Council may amend the findings of fact prior to adopting the Ordinance.

The interim regulations are limited to a duration of six months. During that time, the expectation is that the City will be working to prepare amendments to the Zoning Code. Prior to the expiration of the interim regulations, the City Council may, after conducting another public hearing, extend the interim regulations for another six months if a work plan is developed for such a longer period.

Letter to the WSLCB

At the January 21, 2014 meeting, the City Council reviewed a draft letter to the WSLCB. The Council directed some changes to the letter, which are reflected in Attachment 2. The letter is presented in track changes mode so that the Council can see the proposed edits. The letter was also revised to reflect the adoption of the interim regulations for both the MSC 1 and MSC 2 zones. If the Council does not adopt the interim regulations or adopts them only for one of the MSC zones, the letter will be amended accordingly.

SEPA Compliance

The adoption of interim regulations is subject to compliance with the State Environmental Policy Act (SEPA). A SEPA Determination of Nonsignificance was issued on January 27, 2014 and is included as Attachment 3.

Kirkland Support for I-502

The issue of Kirkland residents' support for I-502 was raised during the discussions. Staff has assembled the Kirkland election results regarding the Initiative from November of 2012. Overall the voters of Kirkland approved I-502 with a 62% yes vote. I-502 was approved by a majority of voters in every neighborhood in the city. The Highlands neighborhood had the highest percentage of approval with 68% and Kingsgate had the lowest approval percentage of 56%. The information is presented by each Kirkland neighborhood boundary in attachments 5 and 6. There is not an exact correlation between every precinct boundary and neighborhood boundaries but they are close enough to do the analysis. Attachment 5 shows the results by neighborhood in a table format. Attachment 6 shows the results by neighborhood in a GIS map format.

Attachments:

1. Map of the MSC1 and MSC 2 zones
2. Revised letter to the WSLCB
3. SEPA Determination of Nonsignificance
4. Locations of eligible marijuana applications
5. I-502 Approval Results by Neighborhood: Table
6. I-502 Approval Results by Neighborhood: Map

MSC 1 an MSC 2 Zones



Sharon Foster, Board Chair
 Ruthann Kurose, Board Member
 Chris Marr, Board Member
 Washington State Liquor Control Board
 P.O. Box 43085
 Olympia, WA 98504-0385

Subject: Comments on Marijuana Applications in Kirkland

Dear Liquor Control Board Members:

On behalf of the Kirkland City Council, I offer the following comments on applications submitted to the Washington State Liquor Control Board (WSLCB) for marijuana retail, processing and production licenses in Kirkland. The City is not opposed to having sd recreational marijuana uses within the City. ~~Our zoning regulations do not specifically address marijuana as a distinct use. Instead, marijuana businesses are allowed in those zones where retailing, processing or production is allowed.~~ Generally, the City's approach is to allow licensed marijuana businesses in land use zones where retailing, processing or production are otherwise allowed. The Council has enacted an interim ordinance prohibiting marijuana retailers in in one use zone. Retailer applications in this zone are listed below with applications that do not comply with zoning. Although we have the Council has chosen to prohibit the sale of marijuana in one predominantly residential area of the City, we are the Council is mindful of maintaining viable places where marijuana retailers, processors and producers may locate.

However, several of the Kirkland license applications are in locations where the zoning clearly does not allow the type of use proposed. In other locations, the zoning allows the use but the proposed sites are within 1,000 feet of public parks, elementary or secondary schools, state licensed child care centers or public transit centers. In addition, ~~there are some locations where the City Council has heard from citizens expressing strong opposition to the siting of marijuana retail facilities. There are also~~ a number of applications listing addresses of which we have no record that are nonexistent. This letter is intended to provide you with information about these issues.

The City objects to the following license applications which are in zones that do not allow retailing, production or processing:

License	Applicant	Address	Zoning Issue
412968	Blue Moose	6105 111 th Pl. NE	Producer in residential zone (RS 8.5 zone)
413915	Chad Grospe	1524 Market St.	Processor in office zone (MSC 1 zone)
412993	Think About It	11851 108 th Ave. NE	Producer in residential zone (RSX 7.2 zone)
413594	M Enterprise	11308 124 th Ave. NE	Retailer in office zone (NRH 3 zone)
414172	Organic Gardens	11014 120 th Ave. NE	Retailer in office zone (TL 10E zone)
414297	W & L Holdings	11509 Juanita Dr. NE	Retailer in a residential zone (RSA 8 zone)
053096	Seattle Cannabus Kitchens	6227 102 nd Pl NE	Producer & processor in residential zone (RSX 7.2 zone)
054638	Cameron Deak	11236 115 th Pl NE	Retailer in residential zone (RS 8.5 zone)

054386	Emerald City Bot.	10856 NE 108 th St.	Retailer in residential zone (RS 8.5 zone)
054499	The Garden LLC	11341 106 th Ave. NE	Retailer in residential zone (RS 8.5 zone)
054500	The Garden LLC		
053596	The Novel Tree	825 7 th Ave.	Retailer in industrial zone (LIT zone)
412927	Biloxi Green	1818 Market St.	Retailers in a zone (MSC1) where marijuana sales prohibited by interim ordinance.
054868	Buzz U		
054759	Fireplace		
413682	Maison Botanique		
413252	McCormick Green		
413325	Mind's Eye		
414063	Resolute Partners	1313 Market St.	Retailer in a zone (MSC1) where marijuana sales prohibited by interim ordinance
414401	Recreational Marijuana King	1431 Market St.	Retailer in a zone (MSC 2) where marijuana sales prohibited by interim ordinance
054035	Twisted Sacks Corp.	1417 Market St.	Retailer in a zone (MSC 2) where marijuana sales prohibited by interim ordinance

Consequently, the City Council requests that the WSLCB not issue retail licenses to properties in the MSC-1 Zone along Market Street and instead focus the licenses in other more clearly commercial locations. The following applications in the MSC-1 Zone are of concern to the City:

License	Applicant	Address	Comments
412927	Biloxi Green	1818 Market St.	Located in an office zone, abutting residential neighborhoods, on school walk routes.
054868	Buzz-U		
054759	Fireplace		
413682	Maison Botanique		
413252	McCormick Green		
413325	Mind's Eye		
414063	Resolute Partners	1313 Market St.	

A number of applications for uses that would be allowed in the zone where they are proposed appear to be prohibited under RCW 69.50.331 and WAC 314-55-160(2) as the locations are within 1,000 feet of elementary or secondary schools, public parks, [state licensed](#) child care centers or transit facilities. Following are the applications in that category:

License	Applicant	Address
413826	Cema Investments	8520 122 nd Ave. NE
414073	Good News Everyone	12642 NE 85 th St.
414109	One Love Organics	12504 116 th Ave. NE
414172	Organic Gardens	
414479	THC4Less	12403 NE 124 th St
414469	Hector Degner	11901 124 th Ave. NE
054218	Okeemomo LLC	

Finally, the City has no record of the following addresses:

License	Applicant	Address	Comments
054326	Lester Farms	13600 NE 128 th St. Suite D	
051728	Leganjafairy LLC	13536 NE 126 th Pl.	

413184	Recreation Health & Exercise Consult.	14253 23 rd Ave. NE B-301	Appears to be Seattle address.
O54026	420 PM Corps	13100 NE 70th PI	
053742	Josh's Joint	13205 NE 124th St #124	
054037	Stoner Haze	6157 132nd Ave NE	
054500	The Garden LLC	11341 106th Ave NE Suite B	No record of suite number.

All other marijuana applications listed on the WSLCB web site appear to be located in appropriate zones and are more than 1,000 feet from public parks, elementary and secondary schools, child care centers and public transit centers. The City expresses no objections to issuing licenses for those applications.

Thank you for your consideration of these comments. We look forward to being informed of the applications that you select for final consideration.

Sincerely,

Kurt Triplett,
City Manager

cc: @

CITY OF KIRKLAND
123 FIFTH AVENUE
KIRKLAND, WA 98033-6189
425.587.3225



Determination Of Nonsignificance

CASE #: SEP14-00153

DATE ISSUED: January 27, 2014

DESCRIPTION OF PROPOSAL: Interim zoning ordinance prohibiting the retail sale of recreational marijuana as a permitted use in the Market Street Corridor MSC1 and MSC2 zones.

APPLICANT: City of Kirkland

PROJECT LOCATION: Market Street Corridor

LEAD AGENCY IS THE CITY OF KIRKLAND

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

Responsible Official:

Eric Shields, Director
Department of Planning and Community Development
425-587-3225

Date

Address:

City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

You may appeal this determination to the Planning Department at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., February 10, 2014 by WRITTEN NOTICE OF APPEAL.

You should be prepared to make specific factual objections. Contact the Planning Department at 425-587-3225 to read or ask about the procedures for SEPA appeals.

Please reference case # SEP14-00153

Owner: City of Kirkland

cc: Case # PLN13-01363

Distributed By:

Date:

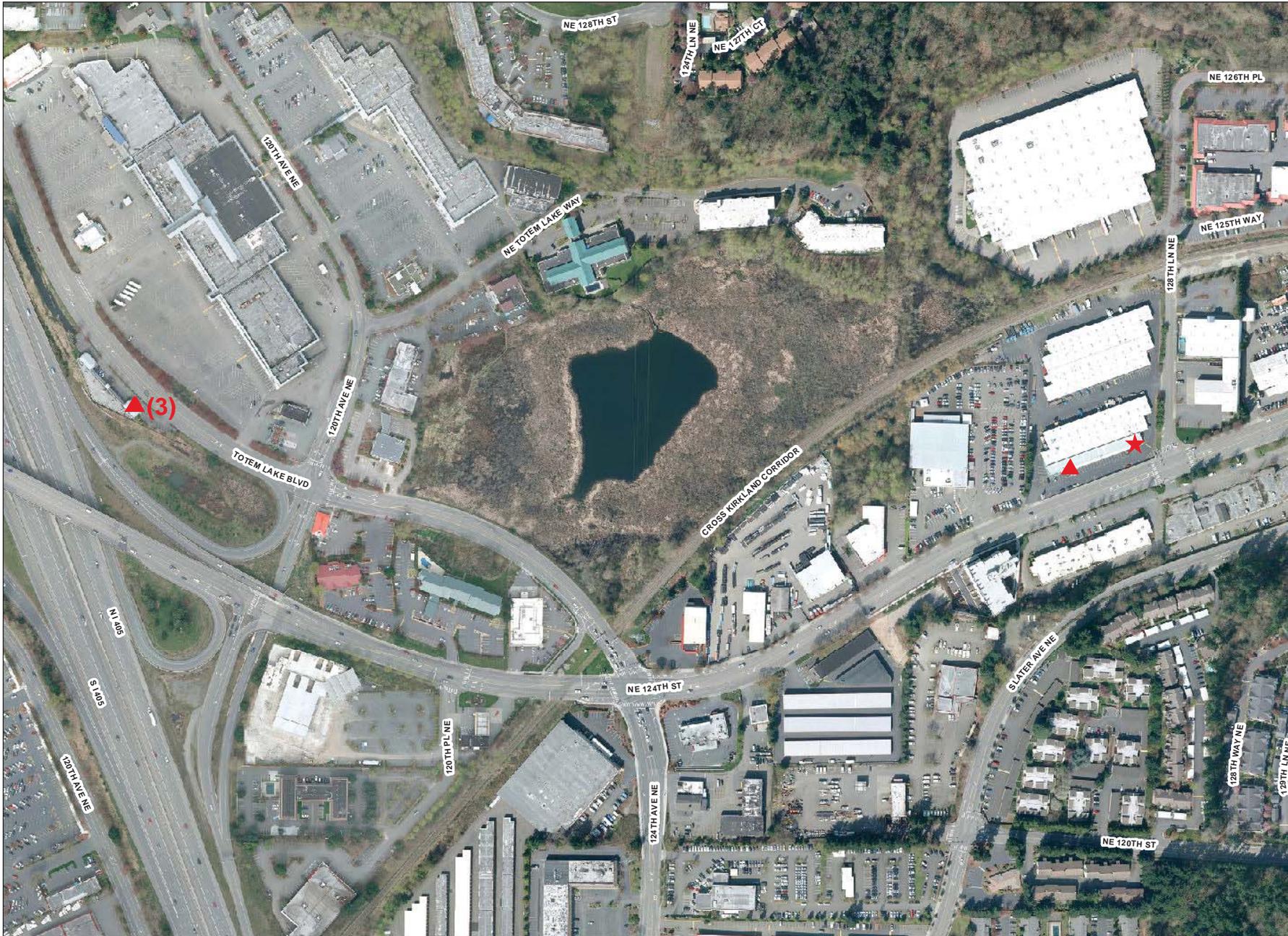
Eligible Marijuana License Applications Totem Lake (Eastern Portion)
(As of January 7, 2014)
Based on information obtained from the Washington State Liquor Control Board.



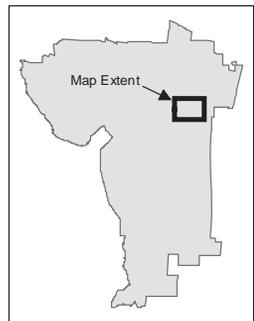
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	Processor
	Producer
	Producer & Processor
	Invalid Address



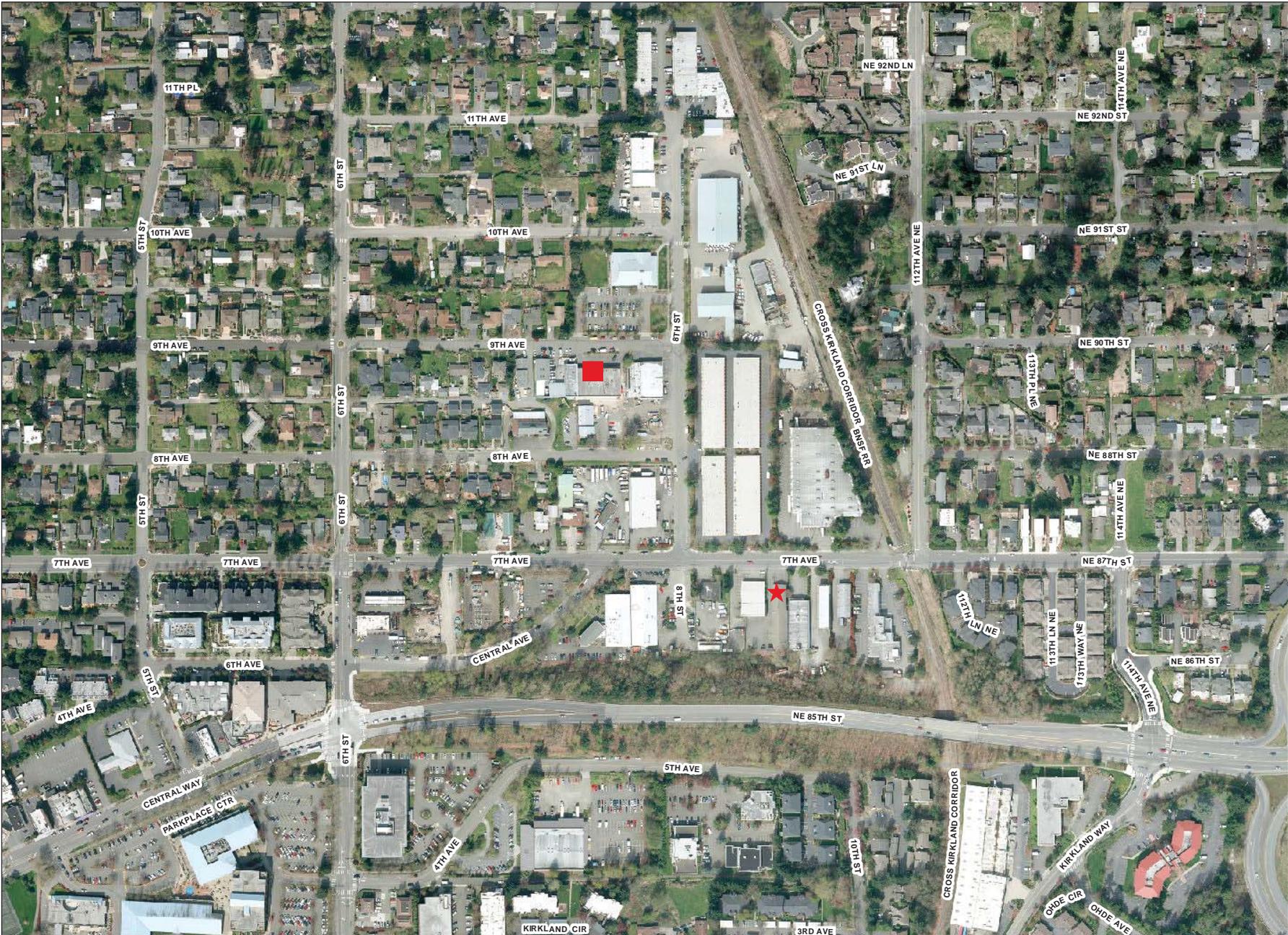
Eligible Marijuana License Applications Totem Lake (Near Interchange)
(As of January 7, 2014)
Based on information obtained from the Washington State Liquor Control Board.



- Application Type**
- ★ Producer & Processor
 - ▲ Retailer

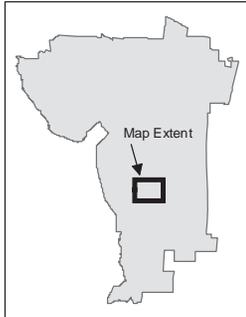


Eligible Marijuana License Applications Norkirk
(As of January 7, 2014)
Based on information obtained from the Washington State Liquor Control Board.

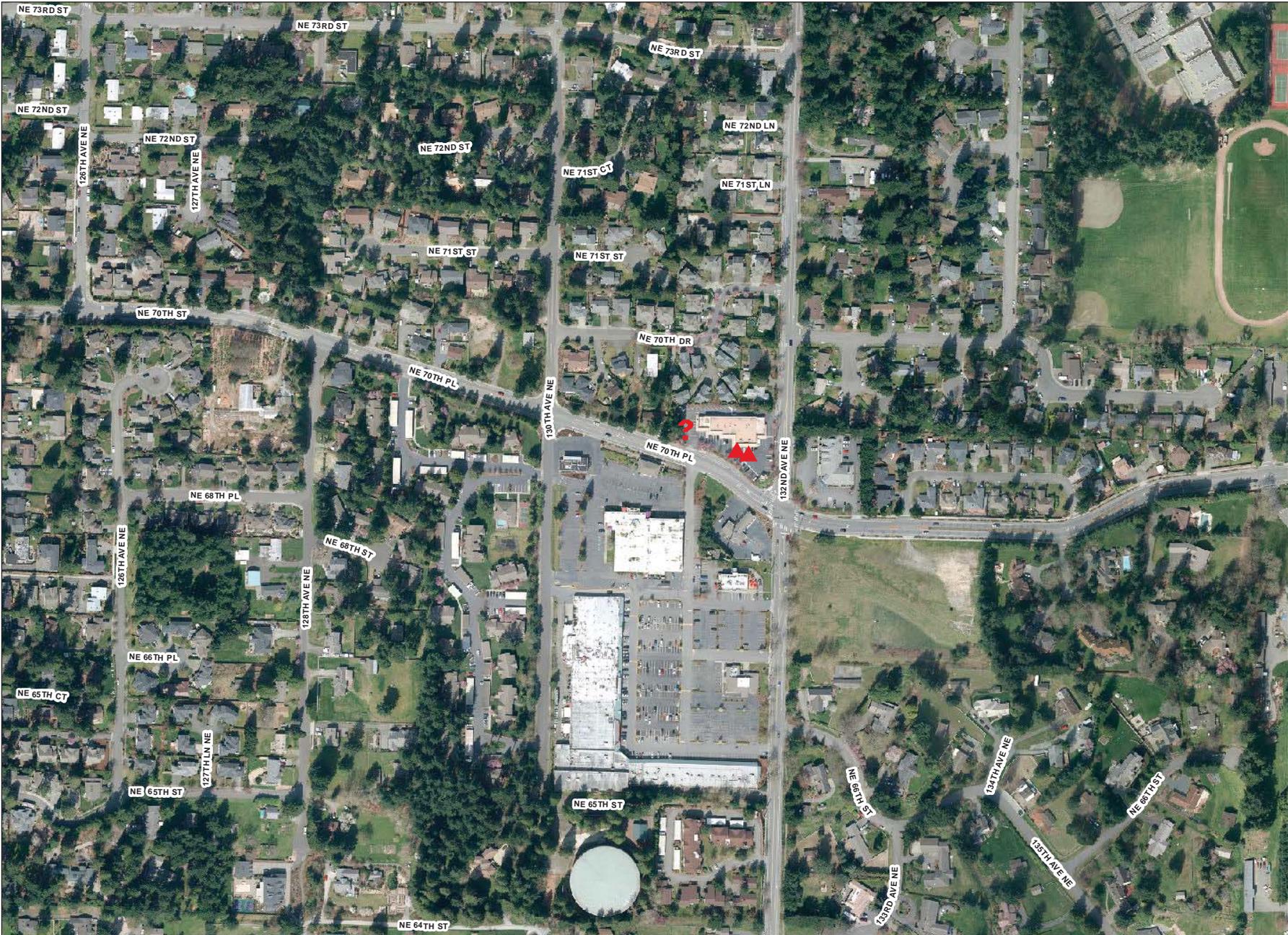


Type

- Processor
- ★ Producer & Processor

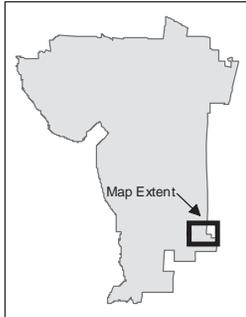


Eligible Marijuana License Applications South Rose Hill
(As of January 7, 2014)
Based on information obtained from the Washington State Liquor Control Board.



Type

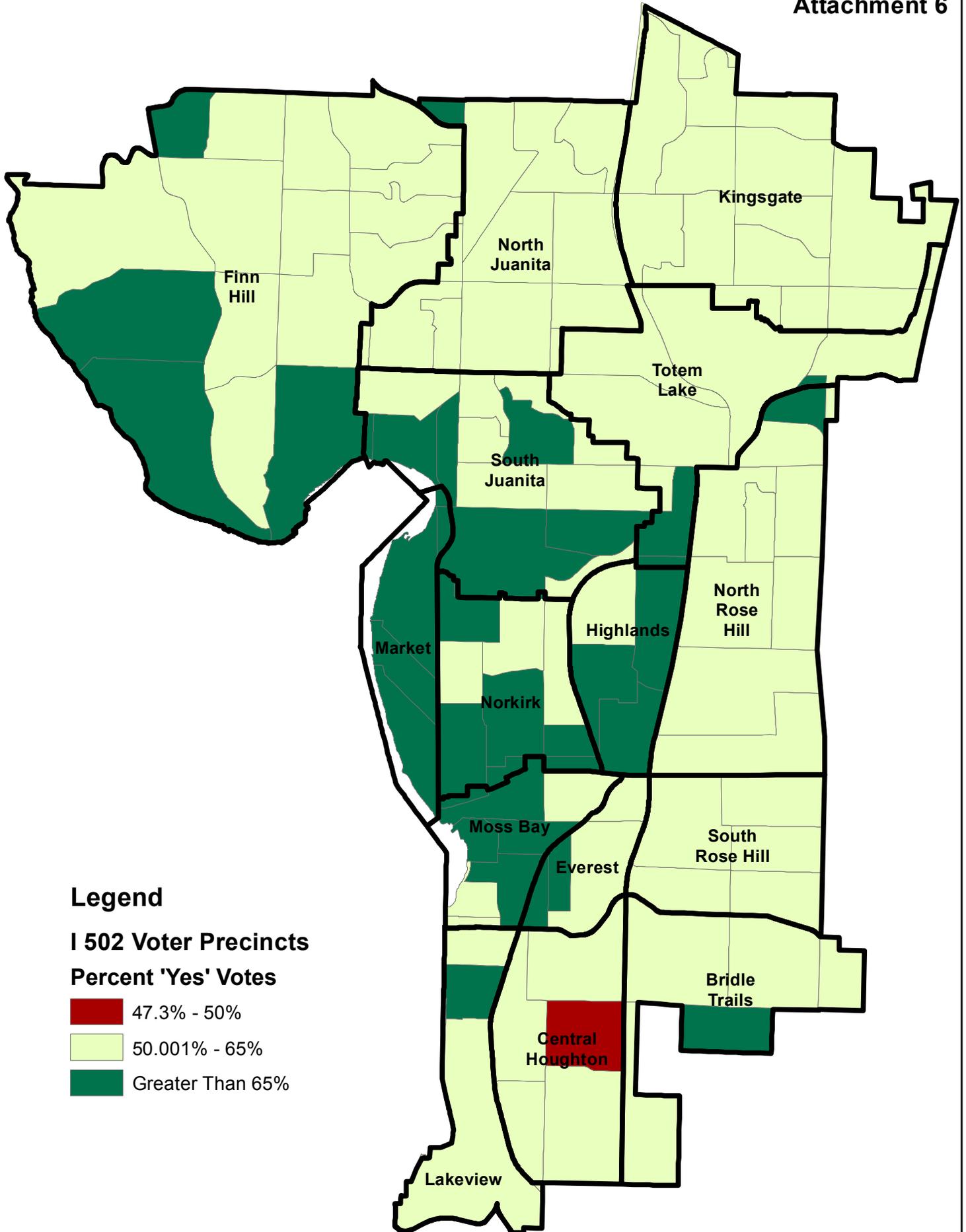
-  Retailer
-  Invalid Address



Approximate Vote by Neighborhood	Yes	No	Percentage Yes
Finn Hill	5,451	3,367	62%
North Juanita	2,585	1,727	60%
Kingsgate	3,150	2,463	56%
Totem Lake	915	585	61%
South Juanita	2,490	1,356	65%
Market	751	375	67%
Norkirk	1,378	688	67%
Highlands	1,130	531	68%
North Rose Hill	2,092	1,409	60%
South Rose Hill	998	687	59%
Everest & Moss Bay	2,096	1,107	65%
Bridle Trails	869	572	60%
Central Houghton	1,208	813	60%
Lakeview	899	552	62%
Total	26,012	16,232	62%

Based on I-502 Voting Results by Precincts

Source: King County Elections



ORDINANCE O-4434

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, ADOPTING INTERIM ZONING REGULATIONS PROHIBITING THE RETAIL SALE OF RECREATIONAL MARIJUANA AS A PERMITTED LAND USE IN THE MARKET STREET CORRIDOR (MSC) MSC 1 AND MSC 2 ZONES; DECLARING AN EMERGENCY, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Initiative 502 (I-502) approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana; and

WHEREAS, the Washington State Liquor Control Board has adopted rules pertaining to the licensing of marijuana producers, processors, and retailers and has accepted applications, and is poised to issue licenses for these marijuana businesses; and

WHEREAS, the State Liquor Control Board has determined that two state licenses for the retail sale of recreational marijuana may be issued for the City of Kirkland; and

WHEREAS, on January 16, 2014, the Washington State Attorney General issued a formal opinion which concluded that I-502 does not prevent local governments from regulating or banning marijuana businesses; and

WHEREAS, the City Council believes that health, safety, and welfare of the community is best served by imposing interim regulations to exclude the retail sale of recreational marijuana from certain zones, with neighboring incompatible uses, while permanent Zoning Code amendments are considered; and

WHEREAS, on February 4, 2014, the City Council conducted a public hearing to take public testimony on the imposition of interim zoning regulations; and

WHEREAS, on January 27, 2014, a determination of nonsignificance was issued on this proposed Ordinance; and

WHEREAS, the City has the authority to enact interim zoning regulations under RCW 35A.63.220 and RCW 36.70A.390;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Findings. The recitals set forth above are incorporated as findings of fact in support of the interim regulations imposed by this ordinance. The City Council further finds as follows:

a. The City Council wishes to exercise its police power authority granted under article XI, section 11 of the Washington Constitution to promote public safety, health, and welfare, but expressly disclaims any

intent to exercise authority over marijuana uses in way that would conflict with the federal Controlled Substances Act; and

b. It is the intent of these interim zoning regulations to ensure that marijuana retail uses are not located in zones where the use could cause inappropriate off-site impacts; and

c. The MSC 1 and MSC 2 Zones are bordered by single-family residential neighborhoods, a portion of MSC 1 is along a designated school walk route, the traffic impacts of marijuana retail locations are unknown and Market Street, which serves the MSC 1 and MSC 2 Zones, has limited parking and access and is heavily congested at certain periods of the day; and

d. There are other potential sites within the City where the zoning would permit retail sales of recreational marijuana and the properties appear to be located more than 1,000 feet from public parks, elementary and secondary schools, child care centers, and public transit centers, the minimum criteria of the State Liquor Control Board; and

e. The City Council has also determined that City staff shall draft permanent Zoning Code amendments for referral to the Planning Commission for review, public hearing, and recommendation by the Planning Commission.

Section 2. Interim Zoning Regulations.

a. Marijuana retailers are prohibited in the Market Street Corridor (MSC) MSC 1 and MSC 2 Zones.

Section 3. Definitions. As used in this ordinance, the following terms have the meanings set forth below:

a. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3% percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, it seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plan which is incapable of germination.

b. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

c. "Marijuana retailer" means a person licensed by the State Liquor Control Board to sell useable marijuana and marijuana-infused products in a retail outlet.

d. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

Section 4. Duration. The interim zoning regulations adopted by this ordinance shall be in effect for a period of six months from the effective date of this Ordinance and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Kirkland City Council.

Section 5. Work Plan. The City staff is directed to draft permanent Zoning Code amendments. The proposed amendments shall be referred to the Kirkland Planning Commission for review, public hearing, and recommendation for inclusion in the Kirkland Zoning Code.

Section 6. Declaration of Emergency. Based upon the recitals and findings set forth above, the City Council declares a public emergency exists requiring that this ordinance take effect immediately.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 8. Effective Date. This ordinance shall be in force and effect immediately upon passage by the Kirkland City Council.

Section 9. Publication. Publication of this ordinance shall be pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this __ day of _____, 2014.

Signed in authentication thereof this ___ day of _____, 2014.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4434

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, ADOPTING INTERIM ZONING REGULATIONS PROHIBITING THE RETAIL SALE OF RECREATIONAL MARIJUANA AS A PERMITTED LAND USE IN THE MARKET STREET CORRIDOR (MSC) MSC 1 AND MSC 2 ZONES; DECLARING AN EMERGENCY, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

SECTION 1. Spells out the findings in support of the interim regulations imposed by the ordinance.

SECTION 2. Lists the interim zoning regulations.

SECTION 3. Provides definitions.

SECTION 4. Defines the duration of the ordinance.

SECTION 5. Sets the work plan.

SECTION 6. Declares that a public emergency exists requiring that the ordinance take effect immediately.

SECTION 7. Provides a severability clause for the ordinance.

SECTION 8. Establishes the effective date as immediately upon passage by the Kirkland City Council.

SECTION 9. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2014.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk



CITY OF KIRKLAND
Public Works Department
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
 www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Pam Bissonnette, Interim Public Works Director
 Dave Snider, P.E., Capital Projects Manager
 Kari Page, Cross Kirkland Corridor Coordinator

Date: January 22, 2014

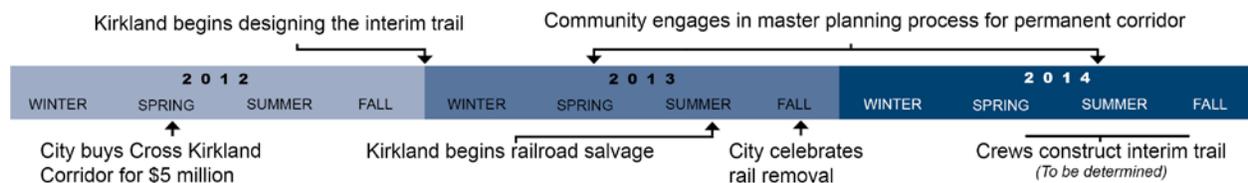
Subject: Cross Kirkland Corridor/Interim Trail Update

RECOMMENDATION:

It is recommended that City Council receives an update on the Cross Kirkland Corridor (CKC) and Interim Trail and present any questions, concerns or comments they may have. Council is also being updated on the proposed CKC use permit process.

BACKGROUND DISCUSSION:

Since the City Council authorized the purchase of the CKC in December of 2011, the planning and coordination of activities surrounding the Corridor have been vigorous. In 2012: The CKC officially became Kirkland's; and State Senator Andy Hill secured \$2 million for the development of an interim trail. The Puget Sound Regional Council (PSRC) then gave Kirkland an additional \$1 million for the interim trail; and voters passed the Parks levy which included funding for the CKC. In 2013: Kirkland survived an injunction over the CKC and was able to remove the rails and ties, and re-grade the former rail bed into a rough but serviceable trail. The City hired the engineering firm of KPG to begin the design and permitting process for an interim trail, and also launched a Master Plan process with the help of the Berger Partnership. On October 27, 2013 the City hosted a community walk along the CKC that was attended by hundreds of people. In 2014: Kirkland will host a symposium for creative exploration of advanced transit options for the 42-mile Cross Kirkland Corridor. The proceedings before the Surface Transportation Board regarding reactivation of the Eastside Rail Corridor (ERC) for freight will be concluded in the next few months. In addition, the Master Plan will be complete, the Interim Trail will be constructed, and a collaborative regional strategy will be developed for pursuing State and Federal funding for the development of the CKC and the ERC. The design of a pedestrian and bike bridge from the South Kirkland Park and Ride to the CKC will also be underway.



The following topics will be covered in this CKC update: 1) Interim Trail; 2) Increased Public Outreach and Participation; 3) Proposed Process for CKC Use Permit; 4) Advanced Transportation Symposium; and 5) Surface Transportation Board pending decision.

1. INTERIM TRAIL:

- A. Scope: To meet City Council's interest in making the corridor available as soon as practical and as approved by the City Council on August 7, 2012, an interim trail consisting of a compacted gravel path and other improvements will be constructed on the former rail bed. This will allow the maximum flexibility for future uses while offering reasonable non-motorized use quickly.

The design phase for the CKC Interim Trail began in April, 2013, and the final design is now approaching substantial completion. The improvements contained within the final design of the Interim Trail include:

- A finely crushed gravel path along the 5.75 mile-long CKC alignment matching the width of the former rail bed (8 to 10-feet wide) for use by walkers and bicyclists. The new trail will meet federal funding requirements for a shared use gravel path including ADA compliance being achieved through careful specification of materials and proper construction methods.
- Roadway modifications at all street intersection locations to provide crossings that meet applicable guidelines, including enhanced street lighting and other improvements at crossings where needed.
- New signing and markings at street crossings and for parking regulation.
- Railing or fencing as required for safety or to protect sensitive areas. The railing will be a 48-inch tall turned-wood, three cross bar fence similar to that used in City parks and recreational areas. In many locations this will be sufficient to meet all needs, such as protection of sensitive areas, pedestrian fall protection, and additional trail widening. Upon inspection of the proposed railings/fencing areas, the designers determined that some sections would benefit from an additional level of user protection from fall hazards and black vinyl coated chain-link fencing will be attached to the wood railing) -- wooden railing will also be used to prohibit vehicle access to the corridor.



3-Rail Turned Fence

- B. Schedule Delay: As reported to City Council at their March 5 and September 17, 2013 Study Sessions, the Interim Trail design and environmental work was to have been completed in 2013, with trail construction being done in spring, 2014. In an attempt to achieve that schedule City staff and the design consultant worked diligently to complete all necessary environmental documentation, required studies, modeling, and analysis in accordance with State Environmental Policy Act (RCW 43.21C), SEPA Rules (WAC 197-11), as well as all appropriate federal regulations required of the federal funding made available to the Project.

As the environmental permitting phase has progressed, a number of unforeseen circumstances occurred and, as a result, the originally anticipated completion schedule has been adversely impacted.

The following issues have resulted in impacts to the current schedule for completion of the Interim Trail:

- Pending legal action and Surface Transportation Board (STB) ruling (see Section 5 below for more information on STB) resulting in the Project being prevented from federal paperwork submission while awaiting resolution.
- Resolution of internal interpretations of existing codes related to the Cross Kirkland Corridor, specifically on design elements and sensitive areas (i.e. wetlands, streams) protection.
- Additional coordination with the Muckleshoot Tribe resulting in SEPA document submittal delay.
- An unanticipated Section 106 (Federal) Archeological & Historic Preservation Documentation action initiated by State and Federal permitting agencies, and the Washington State Historic Preservation Office (SHPO) -- these funding and permitting agencies will not authorize obligation of funds until this matter has been concluded (see discussion below) and as a result, authorization to advertise for contractor bids remains on hold.

Section 106

The City's contracted legal representatives and environmental consultants originally concluded that Section 106 consultation requirements were met when BNSF Railway received all the federal permissions necessary to officially abandon the rail corridor. Even so, when the City first began planning for the rail salvage portion of the project, our consultant reviewed the official state repository of archeological investigations, to which all documents pertaining to known or potential historic properties are to be posted. Finding no such documentation, the consultant initiated discussions and scheduled a field review of the Project site with the state Local Programs representative for these types of matters, as per established protocols. The Local Programs representative did not produce any additional documents and, based on his field visit, concluded that no special conditions, historic structures, or artifacts were present on the site. At that time the City received direction to monitor all work and, if any known or suspected historic or archeological items were discovered, suspend the work and notify the appropriate state agencies for further direction.

As the City moved forward with the design, permitting and SEPA processes, including the Section 106 submittal for the Interim Trail, WSDOT Local Programs has now expressed concern that rail salvage occurred without additional consultation between the City and SHPO, as they believe was required. In response, City staff and its consultants have reviewed all pertinent and related documents and have now re-confirmed our original conclusion that the Section 106 consultation requirement for abandonment and salvage actions had been previously removed by the STB, the ultimate federal jurisdictional body. Consequently, no additional consultation with SHPO occurred prior to initiating salvage activity. Regardless, the City and its consultants are pursuing immediate, on-going discussions with our Local Programs office and with SHPO, moving quickly to provide information, identify solutions, and resolve this matter in the most expedient manner possible.

Please see the attached draft letter from the City to SHPO that provides more detail and fully describes the City's position on this matter (**Attachment A**).

- C. Timeline: Staff will report back to City Council once the discussions with the State Historical Preservation Office are concluded and a new timeline can be established.
- D. Budget: The Interim Trail Project continues to be at or under the approved budget of \$3.6 million.

2. INCREASED PUBLIC OUTREACH AND PARTICIPATION:

There is a significant public appetite for information and updates on all things related to the Cross Kirkland Corridor. As can be seen by the length of each Council update on the CKC, a multitude of issues and developments surround the Corridor each day/week. To embrace the public's desire for information, staff is increasing the level of communication and public involvement for the Corridor in the following ways:

- A. Newsletter and Brown Bag Lunch: Starting in January, there will be a monthly update that will be sent to the CKC list serve subscribers and posted to the CKC webpage. Two weeks after each update is published, CKC Team members will host a brown bag lunch at City Hall, along the Corridor, or at a park adjacent to the Corridor to give the public an opportunity to ask questions, suggest improvements and learn more about the issues surrounding the Corridor. The [January newsletter](#) was distributed on January 18 announcing the first brown bag lunch on January 27 at 12:00 p.m. in the City Council Chambers. Over two dozen people attended the first brown bag lunch.
- B. Embracing community ideas: The passion for the Corridor is spreading as the community uncovers more of this gem, and as additional people discover the trail for the first time. Staff recognizes the importance of the community's pride of ownership and grass roots participation in the planning of the Corridor. To that end, there are several small improvements suggested by the public that are underway even before the construction of the Interim Trail.

- Connection to Kirkland Middle School: Last month staff met on the Corridor with parents from Kirkland Middle School (KMS) and Kirkland Greenways to discuss ways to improve bicycle access from KMS to the Corridor at the southern end of Crestwoods Park. As a result, the Parks Department is lining up a volunteer to install "bicycle runnels" (i.e. bike wheel trough) along the side of the steps that were built by volunteers last year. Another meeting is being scheduled to investigate a connection at the north end of Crestwoods Park.



Bicycle Runnel Example

- Connection to Lakeview Elementary School: SRM Development (property owners of the Google campus) and City staff met with the Lakeview Elementary School Principal and parents to discuss options for connecting the CKC to Lakeview Elementary School. As a result, SRM Development (SRM) has offered to construct a temporary trail from the CKC to Lakeview Elementary School along their construction fence at the southern end of the Phase II Google Campus. The temporary trail is scheduled to be complete in February. SRM has also proposed a permanent trail and landscaping at this location in their final plan (to be constructed by June of 2015).

This CKC connection enables children from both the Everest and Central Houghton Neighborhoods to bypass the busy Houghton Shopping Center area to reach Lakeview Elementary School via the CKC.

- The City Manager took seven members of the LWSD staff and Superintendent Dr. Pierce on a tour of the Corridor on January 24 to share the community's vision of the corridor and learn more about how it can help improve safety of children walking and biking to and from school.

- Connection to Terrace Park: Also as a result of talks with Lakeview Elementary School parents, the Parks Department is working with a volunteer and Rotary to connect the CKC to Terrace Park. The City is paying for materials while volunteers build the steps. That project is anticipated to be complete by early February 2014.



- Master Plan: Last month, the City Manager walked a portion of the Corridor with the Highlands Neighborhood Chair to hear concerns related to a mixed use trail through "Highlands Pass" (and other areas of the Corridor where a secondary trail is not specified in the Master Plan). Based on those concerns and the concerns of others, the Master Plan will now show a divided trail in this area. The City's consultant will continue to look at other areas of the Plan to best recommend how the trail can evolve over time and address the safety concerns as they develop.

- Wayfinding Signs: The Highlands Neighborhood has requested to use their 2014 Neighborhood Matching Grant funding to build two wayfinding signs. One will be at the top of 100th Street Stairs in Cotton Hill Park directing pedestrians to the Corridor. The other will be on the Corridor directing users to Crestwoods Park. There will also be a separate overall wayfinding signage plan developed after the Interim Trail has been built and the community has had time to use the trail and provide input into the Plan.



- Railroad Signage and Equipment at Crossings at both Slater Avenue/CKC and 108th Avenue NE/CKC: In response to requests from Kirkland residents and the City of Kirkland, the County gave the City permission to place "Tracks Out of Service" signs in both directions of the crossing arm masts on Slater Avenue. The signs were installed in December. The County also announced they would be removing the signage and equipment from other crossings along the Eastside Rail Corridor. The signage and equipment on 108th Avenue NE is located within Bellevue's City limits. The County's timeline for removal is not known at this time.
- Grassroots Celebration of Interim Trail: Staff will be forming a community "CKC Celebration Team" for the Interim Trail celebration expected later this year. The goal is to capture the community's passion for the CKC by creating a grassroots event planned and implemented by the community.

- Mutt Mitt Dispenser: There is a problem with dog waste and litter along the Corridor. The Adopt a Trail volunteers are being contacted to solicit help with possible mutt mitt dispensers and disposal locations along the Corridor. The goal is to have a dispenser and disposal location every mile by the time the Interim Trail opens.

3. PROCESS FOR CKC USE PERMIT:

The City recognizes and embraces the potential for the CKC to stimulate economic development from one end of Kirkland to the other. The development process will likely result in requests for temporary access or privately funded amenities on or near the Corridor. As demonstrated with SRM's development for the Google expansion, requests to use the CKC (either short or long term) will benefit from a public notification process as well as formal review by Kirkland staff and other ERC owners. Further, the CKC ownership is shared with Sound Transit, King County, and Puget Sound Energy, each of which own substantial easement and use permits in the CKC and ERC. Kirkland is required by these ownership interests to consult with these agencies on our own developments, as well as those the City issues permits for.

Staff is proposing the following two processes for evaluating public and private use requests of the CKC. Mowing, gravel restoration, tree trimming, fence maintenance, ditch maintenance and signage would be exempt from the permitting process. See **Attachment B** for a flow chart showing the decision making processes.

A. Two proposed types of CKC Use Permits

- Type A: Type A CKC Use Permit would be for short-term use involving temporary access, special events, or maintenance. Since the activity is short term and doesn't involve modifications to the surface or installation of any physical structure, the project would only go through review by the City's Development Review staff (as with right-of-way use permits). Final approval authority of Type A permits is proposed to be the Cross Kirkland Corridor Coordinator (Kari Page).
- Type B: Type B CKC Use Permit would be for surface and subsurface modifications and physical or aerial structures. Type B may also include longer term surface access (such as crossing the Corridor for access to private property). Other examples include franchise utility cable or wires, wastewater pipes, "purple-pipe", watermains, or transit facilities. Type B CKC use applications will include notification and consultation of other ERC owners (with a 30-day comment period). Simultaneous notification will go to the general public and City Council. If the proposal involves another development permit (such as building or clearing and grading permit), there may be public notice, comment, and involvement opportunities as part of these other processes. Type B permits also require review/approval by the City's Development Review staff (as with right-of-way use permit). The CKC Service Team may review these requests to expedite the process and increase efficiencies of interdepartmental review and coordination. Final approval of Type B permits is proposed to be by the City Manager.

D. Projects currently in review

Four projects are moving forward and pending the CKC Use Permit application process (beyond the Interim Trail) – each is in different stages of internal and external review and some have not yet submitted the CKC Use Permit application:

- Puget Sound Energy 115 kV transmission line: *CKC Use Permit application has not yet been submitted.* Puget Sound Energy is proposing to construct approximately 4.5 miles of new 115 kV transmission line from their Sammamish substation in Redmond (9221 Willows Road NE) to intersect an existing 115 kV line that crosses NE 124th Street south of their Juanita substation in Kirkland (10910 NE 132nd Street). A portion (between 7,000 and 9,800 lineal feet) of the project will occupy a segment of the Cross Kirkland Corridor (as per the South Rail Line Easement and Reciprocal Coordination and Cooperation Covenant Agreement). The alignment has the transmission line running along the Cross Kirkland Corridor from approximately 135th Avenue NE/124th Avenue NE to just west of I405. In August of 2013, the City of Kirkland responded to the initial Notice of Construction from PSE with concerns about:
 - The placement of poles relative to the planned CKC grade separated crossing at the NE 124th Street and Totem Lake Boulevard intersection.
 - The City's desire to have the poles placed as near to the edge of the Corridor as possible.
 - The need for ongoing coordination with regard to pole design, SEPA, and access for construction that we will continue to discuss with PSE and resolve as their design and the City's trail design continues to be refined.

The City and PSE are continuing to meet to work out specific alignment and pole placement details related to these concerns. PSE has been responsive, and the schematic alignment of the proposed transmission line is as follows (from east to west):

- The line will be on the north side of the Corridor east of Totem Lake Park and will be placed as close as possible to the north edge (given constraints of sensitive areas and required separation of electric lines from adjoining development).
- The line shifts to the south side of the Corridor at Totem Lake Park until it reaches the freeway and will be placed as close as possible to the south edge (given constraints of sensitive areas and required separation of electric lines from adjoining development).
- The line then crosses over the freeway and continues in City right-of-way and easements to the Juanita substation, as identified in the route selection process.

The discussions with PSE will continue moving into specifics regarding the NE 124th Street/Totem Lake Boulevard intersection. In addition to coordination with the proposed CKC overpass at NE 124th Street, the PSE lines will need to avoid the Seattle City Light (SCL) transmission lines and the SCL tower near the Discount Tire Store. The City has moved ahead with schematic layouts of the overpass and PSE is reviewing their alignment options with SCL. Staff and PSE will be meeting again in the next month to continue this dialogue to ensure that all parties' interests can be accommodated at this challenging intersection.

- SRM Public Improvements on the CKC: *CKC Use Permit application has been submitted for preliminary review of the schematic design before construction*

drawings are developed. Process Type B has begun with notification to the ERC owners, the public and City Council. SRM has submitted a schematic showing proposed public improvements to the CKC between the existing and new Google buildings along the Corridor. These improvements are shown in **Attachment C**. The Type B CKC Use Permit process is underway to review this schematic. A more robust review will take place after construction drawings and formal application has been submitted later this year. All CKC improvements by SRM in the Corridor will be available for use by the general public. The exception to this is the surface crossing for cars across the CKC that links the new building to the old building. That crossing is for Google employees only, but it can also be used by City employees on official business such as Police, Fire or Inspectors.

SRM anticipates the construction of the Google buildings and the public improvements to be complete by June 2015. The number of Google employees is expected to increase from 800 to approximately 1,800.

- South Kirkland TOD CKC Multi-Modal Bridge: CKC Use Permit application has not been submitted. As part of the 2013-2018 Amended CIP process, staff created a new CIP project to study, design and construct an access bridge between the recently completed new parking garage at the South Kirkland Park & Ride/Transit Center and the CKC. As approved by City Council on December 10, 2013, the South Kirkland Transit Oriented Development /Cross Kirkland Corridor Multi-Modal Connection Phase 1 Project (NM 0084) also provides for the design and construction of a stair, elevator tower, and pedestrian bridge for providing ADA compliant pedestrian access between the King County Parking Garage and the CKC. The Project is currently funded through a \$1.3 million State Appropriations budget item being administered by the State Department of Commerce.

Since being approved by City Council in December, City staff has met with King County staff to begin the process of establishing an inter-agency coordination action plan with both KC Metro operations as well as the KC Construction Services Group, including securing the required property rights. City staff has also begun the consultant selection process for starting the engineering, design and permitting phase as soon as possible. Since the Amended CIP adoption, staff has learned that the Project will receive an additional \$150,000 in funding through a recent King County Budget Adjustment. An Interlocal Agreement with King County will be necessary to take receipt of these funds. We are proposing this as a joint project with King County. The Project may also receive another \$200,000 through a State Appropriations budget clarification during the current State Legislative Session, with that final determination being made during the on-going State Legislative Session. With these two additional external funding sources, the total project budget could increase to \$1.65 million. Staff will return to City Council with a revised project funding matrix once all external funding amounts and sources are established.

The proposed schedule for the TOD Bridge Project presently shows the engineering and design phase running through 2014 and into the first quarter of 2015. The construction phase is being planned for the summer of 2015 and a more complete construction schedule will be established once a preferred design and the choice of construction materials and methods are more fully developed.

- The Decant Expansion Project: *CKC Use Permit has not been submitted for this project.* Kirkland's Decant Expansion Project will increase the capacity of the City's existing facility to help handle the additional maintenance load resulting from annexation. The existing decant facility is located in the Maintenance Center yard. In order to expand this building, it is necessary to do an administrative lot-line consolidation (between the Maintenance Center and the west property line of the CKC) to meet building setback requirements in the City's code. The decant facility will be expanded by;
 - adding additional detention/settlement vaults and ultrasonic flow meters to allow for an increase in the permitted daily discharge of waste water from storm system cleaning,
 - adding water quality improvements to surface water leaving the site and entering the storm system,
 - increasing the capacity of the solids settling structure for materials cleaned from the storm system, and
 - adding a temporary dry storage facility along the property line separating the CKC and the Maintenance Center.

This project will also construct a temporary dry storage facility on the CKC parcel. This facility will be constructed such that it could be dis-mantled at a later date and removed from the CKC if necessary. The dry storage will incorporate a green roof of drought-resistant plantings and a "Living Wall" of plantings to camouflage the structure side facing the CKC.



The project is fully funded in the approved CIP with a combination of City funds and a Department of Ecology Stormwater grant for 75% of the estimated \$1.26 million project cost.

4. ADVANCED TRANSPORTATION SYMPOSIUM

Transportation futurists, planners and decision makers are gathering for a day of creative exploration about advanced transit options for the Cross Kirkland Corridor with possible application to the 42-mile Eastside Rail Corridor and other transit-challenged suburban locations. The event will be held at Kirkland Google Campus, located directly on the Cross Kirkland Corridor, on Saturday, February 8, 2014, 8 a.m. to 4:30 p.m. with a reception to follow.

Advanced transportation includes manually operated and automated vehicles running on tires, rail, guide way, and/or cable. Previously implemented at airports, college campuses and major cities, these systems could be adapted to connect suburban residents to employment centers, schools, hospitals, shopping and recreation areas as well as to

traditional transit hubs. Proponents note that these advanced technologies are energy-efficient, less costly to operate than traditional transportation systems with designs scaled to people and neighborhoods. The results of the Symposium could guide Kirkland's input and cooperative planning with Sound Transit during their corridor study on the eastside, or potentially with other interests that might provide alternative transportation modes on the CKC.

Regional transportation leaders, internationally-recognized developers of advanced transit, and cities considering deployment of these systems have been invited to share their visions. Hosted by Google, the Advanced Transportation Symposium is sponsored by the City of Kirkland, Keller Williams Eastside, Nytec, Inc., PACE Engineering, Inc. and SRM Development, LLC. Additional Information: Philly Hoshko, PHoshko@kirklandwa.gov and Ellen Miller-Wolfe, emwolfe@kirklandwa.gov

5. SURFACE TRANSPORTATION BOARD

On January 15, 2014, the federal Surface Transportation Board (STB) issued a decision in which it authorized additional discovery and requested additional briefing from the City, King County, Sound Transit and Ballard Terminal Railway Co. (Ballard). The parties had anticipated a STB ruling on the merits by January 17, 2014, but the decision contemplates additional proceedings before the STB before a final ruling on the merits.

The STB noted that Ballard provided new information about potential new shippers in a reply brief filed on December 6, 2013. The City, King County and Sound Transit (collectively, the "Regional Entities") objected to this information because it was raised for the first time in a reply brief. The Regional Entities asserted that the STB should disregard the new shipper information because it should have been included in Ballard's original petition, which was filed in April, 2013. Alternatively, the Regional Entities argued that the new shipper information was vague and did not constitute evidence of actual shipper demand for freight rail service.

The STB agreed that the new information should have been submitted earlier by Ballard. However, instead of dismissing Ballard's reactivation request, the STB allowed the Regional Entities additional time to take discovery and fully respond to the new information provided by Ballard. The additional discovery is to be complete by February 14, 2014. Additional briefing from the Regional Entities is due on March 6, 2014 and Ballard's response to that briefing is due on March 21, 2014. The STB will issue a final decision "as soon as practicable" after that.

In essence, the January 15 STB decision is a procedural ruling that simply delays the date of a final ruling on the merits. The decision does not affect the City's ability to engage in planning or construction of trail improvements.

Attachment A: Draft letter to SHPO
Attachment B: CKC Permit Process Flow Chart
Attachment C: Proposed SRM CKC Improvements

January 30, 2014

Allyson Brooks, Ph.D.
State Historic Preservation Officer
Department of Archaeology & Historic Preservation
PO Box 48343
Olympia, WA 98504-8343

Re: Eastside Rail Corridor—City of Kirkland Rail Salvage Activity in Kirkland, WA

Dear Dr. Brooks:

I am writing with respect to discussions that have been taking place between the City of Kirkland ("City") and the State Historic Preservation Office (SHPO) regarding the City's rail salvage activity along the portion of the Eastside Rail Corridor known as the Cross Kirkland Corridor ("CKC"). SHPO has expressed concern regarding the City's salvage of railroad tracks and ties on the CKC and has questioned whether the City properly consulted with SHPO with respect to its salvage operations. I would like to explain why the City believed it had authority to proceed with salvage operations without further authorization from SHPO and propose a meeting between SHPO and City officials to address SHPO concerns. The City is eager to resolve any misunderstandings regarding its salvage operations and is willing to take the necessary steps to ensure that the remaining work on the trail is eligible for FHWA funding as well as addressing SHPO's concerns.

In August 2008, BNSF Railway Company ("BNSF") applied to the STB for authority to abandon the Eastside Rail Corridor. BNSF explained to the STB that it planned to sell the Line to the Port of Seattle and to enter into a trail use agreement with King County under the federal railbanking program. In response, King County sought issuance of a NITU (Notice of Interim Trail Use) order from the STB that would allow for the railbanking of the portion of the Eastside Rail Corridor south of Woodinville.

In reviewing BNSF's petition, the STB observed that "[t]here are no other prospects for future rail traffic." Based on these findings, the Board authorized BNSF to railbank or abandon the Line. In its November 28, 2008 decision ("NITU Order"), the STB included a condition requiring BNSF to:

- (1) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way that are eligible for listing or listed in the National Register until the completion of the section 106 process of the NHPA;
- (2)

report back to SEA [STB Section of Environmental Analysis] regarding any consultations with the SHPO and the public; (3) be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the section 106 process has been completed and the Board has removed this condition; and (4) consult with the WDFW [Department of Fish & Wildlife] and the [Muckleshoot] Tribe regarding the fish barriers.

SHPO subsequently submitted a letter to the STB dated February 26, 2009 stating that it "concur[s] with the Surface Transportation Board's recommendation that the proposed abandonment of the BNSF right-of-way between Woodinville and Wilburton will have 'NO ADVERSE EFFECT' on National Register eligible or listed historic and cultural resources." Based on that submission, the STB removed the condition requiring consultation with SHPO on March 25, 2009:

SEA [STB's Section of Environmental Analysis] has received an e-mail with an attached letter, from the SHPO, both dated February [2]6, 2009. In this correspondence, the SHPO reiterates its belief that the proposed abandonment of the BNSF right-of-way between Woodinville and Wilburton will have no adverse effect on historic properties or cultural resources listed in or eligible for inclusion in the National Register. Therefore, based on the information provided, SEA recommends that the section 106 condition be removed. Accordingly, the proceeding will be reopened and the previously imposed section 106 condition will be removed. The condition regarding tribal concerns over fish passage barriers remains a condition of the abandonment.

BNSF sold the Eastside Rail Corridor to the Port of Seattle in December 2009. In April 2012, the Port of Seattle subsequently sold the City the approximately 5.75 mile portion of the Eastside Rail Corridor in Kirkland that is now known as the CKC.

When the City acquired the CKC, it began to plan for development of an Interim Trail on the CKC. It quickly became clear that the best and most cost-effective approach was to remove the rails and ties and install a gravel trail over the existing rail bed. Other options, such as installing a trail beside the existing rails, were ruled out because of the steep grades along the rails in many portions of the CKC.

In the process of researching the required process for removing the rails on the CKC, the City reviewed the STB rulings previously described. The City also confirmed that the STB has exclusive jurisdiction over matters relating to the regulation of railroads, including the preservation of rail corridors for future use. The City also discovered STB decisions and case law which stated that rail salvage is within the exclusive jurisdiction of the STB and not subject to state or local preclearance processes. As a result, the City concluded that the issuance of a NITU authorizes the abandoning railroad, or its successor, to salvage rail materials in accordance with the issued NITU Order.

In reviewing the NITU Order, the City noted the Section 106 condition along with the condition that consultation take place with the Muckleshoot and WDFW prior to rail salvage. The City discovered that the Section 106 condition was removed by the STB in its March 25, 2009 Order. The City also discovered that there was no record of any consultation with the Muckleshoot Tribe or WDFW, so it met with and had productive discussions with representatives of the Muckleshoot Tribe prior to commencing with rail salvage. It also informed WDFW of its rail salvage plans and offered to consult with WDFW on more than one occasion. WDFW acknowledged the City's communications but never requested consultation or followed up with any substantive concerns. I emphasize that point, because had the City believed that additional consultation with SHPO was required, it would have had discussions with SHPO as it did with the Muckleshoot and offered to do with WDFW.

It also appears that the August 8, 2007 Archaeological Investigations Northwest ("AIN") Historic Inventory Report (which contained pedestrian survey information for the Eastside Rail Corridor) has not been available on the SHPO website until quite recently. City Public Works staff and its consultants checked the SHPO website prior to commencing rail salvage and the AIN report did not appear. Moreover, prior to salvage, one of the City's consultants did a pedestrian survey of the CKC with Trevin Taylor, an Environmental Engineer with the Washington Department of Transportation and did not see any historic preservation issues with respect to the rail salvage along the CKC as long as the City maintained compliance with the conditions of the STB conditions as well as providing WSDOT with such documentation.

In retrospect, I can see how the AIN report and the portions of the October 10, 2008 STB Environmental Assessment seem unclear with respect to the scope of environmental review. And the purpose of this letter is to explain why the City believes it has acted in good faith--not to revisit what the STB did or should have done. I have refrained from providing citations to case law and STB decisions but I am more than happy to provide copies of any additional documentation you may need upon request.

City staff and I look forward to meeting with you and SHPO staff to discuss resolution of this issue at your earliest convenience. The implementation of the CKC Interim Trail is an important priority for the Kirkland City Council. I would also like to take this opportunity to extend our appreciation for all the assistance Mr. Steiner provided over the last few weeks to help us understand the issues that the City needs to address. Please let me know if you have any questions about this letter.

Sincerely,

Oskar Rey
Assistant City Attorney

cc: Kurt Triplett, City Manager
Pam Bissonnette, Interim Public Works Director

**Cross Kirkland Corridor (CKC)
Use Application
CKC Coordinator**

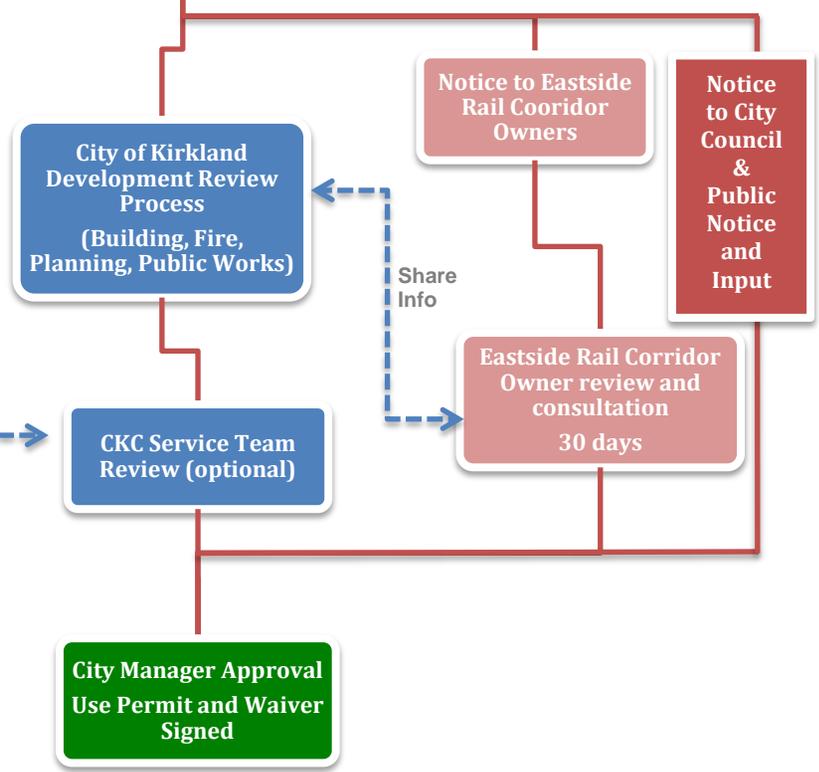
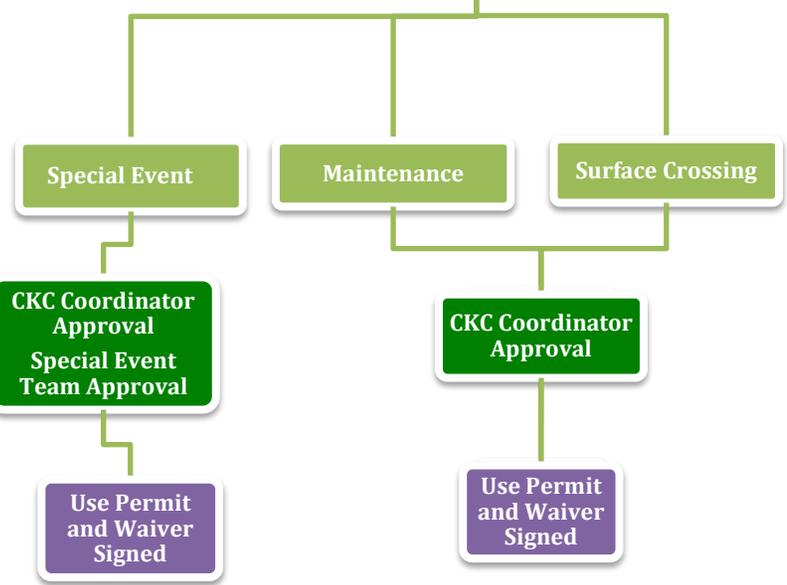
- EXAMPLES:**
- Temporary access to property via corridor
 - Special Events
 - Temporary private access path to corridor
 - Work party for clean up
 - Adopt a trail

- EXAMPLES:**
- Land Use
 - Building
 - Clearing and Grading
 - Demolition
 - ROW
 - Land Surface Modification
 - Special Use
 - Seating and amenities within setback or in corridor

TYPE A
Adjacent to CKC
Short term surface access

TYPE B
Surface modification
Subsurface structure
Physical structure
Aerial structure
Long term surface access

Inform/Input
CKC Service Team
(occasional)



Share Info



- LEGEND**
- PROPOSED TREES
 - SHRUB/GROUNDCOVER PLANTINGS
 - LAWN
 - CONCRETE PAVING
 - CONCRETE PAVERS
 - SAFETY SURFACING/SAND
 - CROSS KIRKLAND CORRIDOR
 - FREE STANDING CONCRETE OR STONE BENCH
 - CAFE TABLES AND SEATING
 - STORMWATER ELEMENT
 - GRANITE LANDSCAPE BOULDERS
 - POLE LIGHTING
 - BOUNDARY ELEMENT
 - 1 FOOT CONTOUR INTERVAL
 - 5 FOOT CONTOUR INTERVAL
 - RIGHT OF WAY LINE

1 RIGHT OF WAY PLAN
1" = 30'



**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov**MEMORANDUM**

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: January 24, 2014

Subject: 2014 LEGISLATIVE UPDATE #1

RECOMMENDATION:

Council should receive its first update on the 2014 legislative session.

BACKGROUND DISCUSSION:

The 2014 State Legislative Session opened on Monday, January 13. It is a short, 60-day session this year that will conclude March 13, 2014. At the writing of this memo, the legislature has completed its second week with a flurry of legislative proposals. In this first two weeks, our consultants (Waypoint Consulting) have identified over 80 bills as having potential impacts on the city. City staff are working diligently, having reviewed, analyzed and provided timely recommendations on 54 bills to date.

This is an update on the City's legislative interests as of January 24.

COUNCIL LEGISLATIVE COMMITTEE:

The Council's Legislative Committee (Mayor Walen, Councilmember Asher and Councilmember Marchione) meets weekly on Friday's at 3:30pm.

The Council's Legislative Committee met on January 24 to discuss the status of the city's 2014 legislative priorities (Attachment A) and other bills of interest to the City (Attachment B).

Week 1 (1/13 – 1/19)

The primary focus in week 1

1. Department review and analysis of 39 bills introduced of interest to the City
2. Review draft letter requesting a technical correction in the 2014 supplemental capital budget
3. Noting a dozen marijuana related bills introduced
4. Upcoming AWC Legislative Cities Days conference
5. King County TBD Proposal materials

Week 2 (1/20 – 1/24)

The primary focus in week 2

1. Reviewed status of City's legislative priorities
2. Summary list of bills the City is tracking and positions
3. Department review and analysis of 25 bills of interest to the City (Attachment C)
4. Review draft letter requesting a technical correction in the 2014 supplemental capital budget (Attachment D)
5. Discussed the differences of the over 20 marijuana related bills introduced
6. AWC Legislative Cities Days conference – Jan. 29 & 30

7. Discussed Eastside Human Services Forum priority bill (SB 6313) hearing scheduled 1/30
8. Approved signing onto Mayors Transportation Letter to Senators Tom, Schoelser & Nelson
9. King County TBD Proposal (City Council briefing Feb.4. County hearing scheduled Feb. 4.)

HEARINGS AND CORRESPONDENCE:

<u>Bill</u>	<u>Cmte</u>	<u>Dt/Time</u>	<u>City Rep.</u>	<u>SME</u>
HB 2349 , Redevelopment financing in apportionment dist.	HF	1/23 1:30pm	Kurt Triplett	T. Dunlap

Cmte (Committee) Legend

HF = House Committee on Finance

BILL TRACKING:

Waypoint Consulting continues to monitor bills dropped and is tracking other bills of interest to the City, while staff and the Council's Legislative Committee continue measuring them against our 2014 legislative agenda. The bill tracker on positions that the City has taken (as of January 24) is attached to this memorandum.

Matrices updated January 31, for both Kirkland's legislative priorities and an updated bill tracker will be emailed to Council in advance of the meeting on February 4.

The cutoff calendar for the 2014 regular session is attached (Attachment E). Cutoffs for the first half of the session are: The last day to read in committee reports in the house of origin, except fiscal committees and Senate Ways and Means and Transportation committees is Friday, February 7. The last day to read in committee reports from House fiscal committees and Senate Ways and Means and Transportation committees is Tuesday, February 11. And Tuesday, February 18 is the last day to consider bills in their house of origin.

- Attachments:
- A. Status of City's 2014 legislative priorities
 - B. Summary list of bills the City is tracking and positions
 - C. List of bills, City analysis and recommended positions
 - D. Letter requesting a technical correction in the 2014 supplemental capital budget
 - E. 2014 Session Cutoff Calendar

	Legislative Priority	Bill #	Prime Sponsor	Status
1	State & local transportation revenue	HB 1954	Rep. Clibborn Sen. King	6/29/13 – Returned to House Rules
2	\$5M for the next phase of the I-405 / NE 132nd Interchange ramp design	HB 1955	Rep. Moscoso	Project & \$5M is included in House package
3	Continued state financial assistance and other tools that further the development of the CKC	LETTER	Sen. Tom	City to request technical adjustment of \$200,000 to amount awarded in 2013 Capital Budget
4	Restoration of funding to the Public Works Assistance Account that was swept in 2013	SB 6120	Sen. Hobbs	1/15 – Referred to Ways & Means
5	Restoration of local liquor revenue sharing formulas to adequately fund public safety & other local impacts of liquor consumption	HB 2067 HB 2313	Rep. Tharinger Rep. Bergquist	1/13 – Retained in Appropriations 1/15 – Referred to Appropriations
6	Support sharing marijuana revenue to address public safety needs and other local impacts	HB 2144 HB 2198 HB 2409 HB 2411 SB 5955	Rep. Condotta Rep. Carlyle Rep. Carlyle Rep. Wylie Sen. Hawegawa	1/30 – Hearing at 10am Government Accountability & Oversight 1/15 – Heard in House Finance Committee 1/21 – Heard in House Finance Committee 1/27 – Scheduled to Exec Government Accountability & Oversight 1/16 – Heard in Financial Institutions and Housing & Insurance
7	Harmonize medical marijuana regulations to reflect recreational marijuana regulations	HB 2149 HB 2233 HB 2304/ SB 6160 HB 2322 HB 2638 SB 6178	Rep. Cody Rep. Appleton Rep. Moscoso Sen. Conway Rep. Sawyer Rep. Wylie Sen. Kohl-Welles	1/23 – Exec'd from Health Care & Wellness 1/14 – Referred to House Health Care & Wellness 1/27 – Hearing at 1:30 Government Accountability & Oversight 1/16 – Referred to Commerce & Labor 1/30 – Hearing at 10am Government Accountability & Oversight 1/30 – Hearing at 10am Government Accountability & Oversight 1/24 – Exec'd from Senate Health Care
8	Oppose legislation that proposes lending products or practices that adversely impact the middle class and the poor	HB 1657 HB 2142 SB 5312	Rep. Stanford Rep. Kirby Sen. Hobbs	1/13 – Retained in Business & Financial Services 1/13 – Referred to Business & Financial Services 1/13 – Retained in Senate Rules

Bill	Title	Position	Status
Support			
SHB 1126	Concerning state fire service mobilization.	Support	1/24 – Heard in Public Safety
HB 2105	Promoting transparency by requiring public agencies post their agendas online in advance of meetings	Support	1/22 – Exec'd from Gov Ops and Elections
HB 2121	Training pub officials & employees re: public records, records mngmnt, & open public mtgs	Support	1/21 – Exec'd from Gov Ops and Elections
HB 2128	Creating a public disclosure exemption for GPS data that shows the residence of an employee or agent of a criminal justice agency.	Support	1/15 – Heard in Gov Ops and Elections
HB 2144	Establishment of a dedicated local jurisdiction marijuana fund & the distribution of a specified % marijuana excise tax revenues to locals	Support	1/30 – Hearing at 10am in Gov Acctnbly & Ovrst
HB 2149	Concerning medical marijuana.	Support - pending clarification of effect on local gov auth to regulate	1/23 – Exec'd Health Care & Wellness
HB 2150	Encouraging rec. access to private property.	support	1/21 – Exec'd Judiciary 1/23 - Referred to Rules
HB 2185	Making 2014 supplemental operating appropriations	Support (or Neutral)	1/13 – Referred to Appropriations
HB 2192	Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes.	Support	1/31 – Hearing at 8 in Gov Ops and Elections
HB 2206	Concerning the possession or use of alcohol, cannabis products, and controlled substances in sentencing provisions.	Support / Neutral	1/21 – Heard in Public Safety
HB 2214	Concerning the training of code enforcement officials.	Support	1/22 – Heard in Local Gov 1/27 - Scheduled to Exec from Local Gov
HB 2219	Concerning golf cart zones established by cities or counties.	Support?	1/22 – Hearing at 3:30 in Transportation
HB 2224	2013-2015 supplemental capital budget.	Support	1/21 - Heard in Capital Budget
HB 2234	Addressing vesting under comprehensive plans or development regulations determined to be invalid by the growth management hearings board.	Support	1/29 – Hearing at 8 in Local Gov
HB 2244	Restoring resources to the capital budget.	Support	1/30 - Hearing at 1:30 in Capital Budget
HB 2296	Addressing duplicate signatures on petitions in cities, towns, and code cities.	Support	1/22 – Exec'd from Local Gov
HB 2303	Encouraging safe & responsible sales of marijuana by authorizing the use of minors in compliance checks	Support	1/27 – Schelued to Exec Gov Acctnbly & Ovrst
HB 2312	Involving communities in enviro decision making.	Support	1/24 - Heard in Environment
HB 2349	Concerning community redevelopment financing in apportionment districts.	Support / Neutral	1/23 - Heard in Finance
HB 2368	Concerning a surcharge for local homeless housing and assistance.	Support	1/21 - Heard Comm Dev. and Hsing & Tribal Aff
HB 2382	Improving the methods for evaluation of the local infrastructure financing tool program.	Support	1/28 - Hearing at 1:30 Technology & Econ Dev
HB 2403	Exempting portions of certain records containing GIS data for sewer mains, water mains, and manholes from public disclosure.	Support	1/28 – Hearing at 10 in Gov Ops and Elections
HB 2409	Delaying the use of existing tax preferences by the marijuana industry to ensure a regulated and safe transition to the controlled and legal marijuana market in Washington.	Support	1/23 - Heard in Finance
HB 2411	Creating a tax stamp system for the sale of recreational marijuana.	Support	1/27 – Schelued to Exec Gov Acctnbly & Ovrst
HB 2539	Simplifying the taxation of amusement, recreation, and physical fitness services.	Support	1/30 - Hearing at 1:30 in Finance
Neutral			
HB 2266	Addressing small public works projects for fire depts and RFAs.	Neutral	
HB 2229	Concerning long-term funding for a state tourism marketing program.	Neutral	

Oppose			
HB 2151	Concerning recreational trails.	Oppose	1/17 – Heard in Environment
HB 2168	minimum room area and floor area square footage requirements for single-family residential areas.	Oppose	1/21 – Heard in Comm Dev and Hsing & Tribal
HB 2198	Providing tax relief to qualifying patients for purchases of marijuana for medical use.	Oppose?	1/15 Heard in Finance
HB 2233	Concerning the medical use of cannabis.	Oppose	1/14 - Referred to Health Care & Wellness
HB 2311	Addressing notice requirements for land use applications and decisions.	Oppose	1/20 – Heard in Local Gov
HB 2322	Prohibiting local governments from taking actions preventing or impeding the creation or operation of commercial mj businesses licensed by LCB	Oppose	1/15 – Hearing at 10 in Gov Acctnbly & Ovrst

Bill	Title	Position	Status
Support			
SB 5955	Establishing WA publicly owned trust to create a financing infrastructure to implement I-502 compliant with the US AG's guidance letter of 8/29/13, thereby providing resources for public infrastructure & other public purposes.	Support	1/16 – Heard in Financial Institutions and Housing & Insurance
SB 5964	Training pub officials & employees re: public records, records mngmnt, & open public mtgs	Support	1/16 – Heard in Gov Ops
SB 5971	Concerning the continuity of government and operations in the event of an emergency, disaster, or attack.	Support	1/27 – Hearing at 10 in Gov Ops
SB 6001	Making 2013-2015 supplemental transportation appropriations.	Support (or neutral)	1/13 – Referred to Transportation
SB 6002	Making 2014 supplemental operating appropriations.	Support (or Neutral)	1/15 - Heard in Ways & Means
SB 6018	Concerning the training of code enforcement officials.	Support	1/31 - Hearing at 8 in Commerce & Labor
SB 6020	2013-2015 supplemental capital budget.	Support	1/14 - Referred to Ways & Means
SB 6158	Encouraging safe and responsible sales of marijuana by authorizing the use of minors in compliance checks and addressing identification and manufacturing.	Support	1/16 – Referred to Commerce & Labor
SB 6178	Aligning the medical marijuana system with the recreational marijuana system.	Support all but Section 2	1/24 – Exec'd from Commerce & Labor
SB 6227	Enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices.	Support	1/21 – Heard in Transportation
SB 6313	Concerning a surcharge for local homeless housing and assistance.	Support	1/30 - Heaing at 1:30 in Financial Institutions and
Neutral			
SB 5998	Establishing the position and authority of warrant officers in first-class cities to enforce court orders and outstanding warrants.	Neutral, with concerns	1/20 – Hearing at 1:30pm in Senate Law & Justice
SB 6114	Revising local government treasury practices and procedures.	Neutral	
SB 6075	Addressing small public works projects for fire depts and RFAs.	Neutral	
Oppose			
SB 5993	Concerning a sales tax exemption provided to state and local government on purchases made with debt proceeds.	Oppose (or Neutral)	1/13 – Referred to Ways & Means
SB 5995	Local government selection of the appropriate sewer systems as part of growth management.	Oppose	1/20 – Heard in Senate Gov. Ops

Bill #	Bill Short Title	Position	Companion	Sent to LEG	Notes
HB 2105	Promoting transparency in government by requiring public agencies with governing bodies to post their agendas online in advance of meetings.	Support		1/24/2014	Clerk recommends support or neutral. We do this already. There are no penalties mentioned for non-compliance, so no apparent financial impact; it does not invalidate actions taken if not posted in accordance. It shouldn't affect us other than possibly not being able to comply in an emergency meeting situation. CM Asher supports.
HB 2121	Concerning training public officials and employees regarding public records, records management, and open public meetings requirements	Support	SB 5964	1/24/2014	This education may reduce our liability exposure. There may be financial impacts (cost of training for elected officials) however WCIA conducts regular free training for member agencies that would probably be specifically designed to comply. The PRO already does this and budgets for it.
HB 2128	Creating a public disclosure exemption for global positioning system data that shows the residence of an employee or agent of a criminal justice agency.	Support		1/24/2014	Even if the City PD would like to see this bill expanded, the bill as written would be very beneficial to the safety of law enforcement families. Clerk rec support. New Section intends a clarification and additional protection for staff (primarily fire/code/law enforcement?); it would not appear to me to have a financial or burdensome work impact.
HB 2198	Providing tax relief to qualifying patients for purchases of marijuana for medical use.	Oppose?		1/24/2014	From a purely financial perspective, recommend oppose because it negatively impacts potential revenues and appears that it might create a market in questionable healthcare provider authorizations. Seek input from others on the in the broader context.
HB 2224	Concerning the 2013-2015 supplemental capital budget.	Support	SB 6020	1/24/2014	Includes our \$1.3 million for the S. Kirkland TOD/CKC Connector. Our technical amendment, if supported would result in seeing the current amount crossed out and the new amount of \$1.5m underlined as a change to the current budget.

2014 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 2233	Concerning the medical use of cannabis.	Oppose		1/24/2014	CM Asher - Dual systems will make administration/prosecution much more difficult. Oppose. Staff are a little confused about what this bill would accomplish. It doesn't appear to have significant land use implications. It appears that the bill would perpetuate a separate system for dispensing medical marijuana from the new recreational marijuana system. Combining them, with strict requirements for obtaining lower taxed medical marijuana is the direction the City is advocating. (Sent to PD for review as well)
HB 2244	Restoring resources to the capital budget.	Support		1/24/2014	Finance recommends 'support' the funds are coming from improved collections, so they are not being diverted from programs that might impact us.
HB 2266	Addressing small public works projects for fire departments and regional fire authorities.	Neutral	SB 6075	1/24/2014	PW/CIP perspective is neutral. Fire perspective is oppose, suggesting it could create an unfair public perception as an unethical practice
HB 2296	Addressing duplicate signatures on petitions in cities, towns, and code cities.	Support		1/24/2014	this bill is in the best interest of all agencies (multiple signatures by same signatory only count once).
HB 2312	Involving communities in environmental decision making.	Support		1/24/2014	Wouldn't affect Kirkland, but would authorize DOE to require extra mitigation when enforcing violations affecting low income or minority communities.
HB 2349	Concerning community redevelopment financing in apportionment districts.	Neutral		1/24/2014	We are evaluating the potential benefits to Kirkland but it is extremely complex and it might be too soon to make a recommendations. It might be a few weeks before we understand how it really works. Initial concerns are how business would respond to a tax, that property owners do not get the opportunity to vote like an LID, whether the value added adds up to anything significant in re infrastructure funding,
SB 6059	Concerning charges for scanning public records.	Support		1/24/2014	This is just a needed simple update that adds the term/process of scanning.
SB 6114	Revising local government treasury practices and procedures.	Neutral		1/24/2014	It appears that the changes apply to County treasurers.

<p>CM Asher recommends support. Without something to fund the public works assistance account, cities all across the state are going to be falling further behind in maintenance of infrastructure and to support growth requirements.</p>				
SB 6120	Concerning funding the public works assistance account. Support			1/24/2014
				<p>CM Asher support this bill, so long as it doesn't become an unfunded mandate. Staff recommend neutral, suggesting it is unlikely to impact Kirkland. Kirkland has not used LIFT, but the reporting requirements are significant as defined in the bill, adding burdens to local governments who use the tools. Agree with the information that they are tracking and any improvements to this program. Recall that it has not been funded for some time. I would say support or neutral.</p>
HB 2382	Improving the methods for evaluation of the local infrastructure financing tool program.	Support		1/24/2014
				<p>This issue is what we have been concerned about on our "public facing GIS". We support the new language: Those portions of records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes to the extent that they identify specific system vulnerabilities or where the release of such information may increase the risk to the agency's infrastructure or assets from criminal terrorist acts. Clerk recommends 'neutral' This may expose us to liability when making a call to exempt disclosure of these records (must defend whether disclosure risks terrorist acts). We have been disclosing this readily for a number of years, so the horse has already left the barn, so to speak. It could be useful, but may create more difficulties than it prevents due to the above; many developers and contractors seek this information.</p>
HB 2403	Exempting portions of certain records containing geographic information systems (GIS) data for sewer mains, water mains, and manholes from public disclosure.	Support		1/24/2014
<p>CM Asher recommends support. Appears to exclude marijuana from a variety of agricultural and other tax breaks, which seems reasonable since it will likely be a profitable business, but probably needs to be looked at in the broader marijuana context.</p>				
HB 2409	Delaying the use of existing tax preferences by the marijuana industry to ensure a regulated and safe transition to the controlled and legal marijuana market in Washington.	Support		1/24/2014

HB 2411	Creating a tax stamp system for the sale of recreational marijuana.	Support		1/24/2014	Seems reasonable if needed to ensure taxes are collected properly.
HB 2229	Concerning long-term funding for a state tourism marketing program.	Neutral		1/24/2014	CM Nixon does not support this bill saying that a non-profit advocacy organization asking to be given taxing authority by the state. They want to raise \$7.5 million dollars to run a tourism marketing program, on the backs of the lodging, food service, entertainment, retail, and transportation industries. EMW - Staff believes that in past years the WTA has not focused on the needs of small cities like Kirkland and it is questionable at least prior to the year of study that we would directly benefit from a more fully funded organization. On the other hand, without a statewide marketing effort, we are losing market share to other states, and without visitors to this state and its major destinations, Kirkland will continue to have difficulty encouraging the side trips and small town/waterfront experience that we offer.
HB 2368	Concerning a surcharge for local homeless housing and assistance.	Support		1/24/2014	Legislation is consistent with Eastside Human Services Forum legislative agenda as endorsed by the City. This fee is set to reduce by \$10 in July 2015 and then reduce by another \$20 in July 2017. This would result in a loss of 62.5% of total current funding for homelessness. King County received about \$10 million in revenue in 2012 (\$32 million state-wide). Local homeless shelter and transitional housing programs and services would be supported by this legislation. The legislation also supports jobs and earned income for landlords from rent/lease assistance.

2014 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 2539	Simplifying the taxation of amusement, recreation, and physical fitness services.	Support		1/24/2014	Been working with WRPA for over a year to get clarification on sale tax rules, and how they impact our Recreation programs and services. Which lead to the purposed change in language in this bill. Finance staff have been very helpful in the process and has good understanding of the situation from the finance end.
SHB 1126	Concerning state fire service mobilization.	Support		1/24/2014	This bill would remedy this dangerously narrow interpretation by codifying existing practice with respect to state mobilization, and does so without expanding the use of mobilization for purposes other than those already identified in both state and federal disaster response policies, including "other disasters of unprecedented size," as outlined in RCW 43.43.961.



January 25, 2014

The Honorable

P.O. Box 40448
Olympia, WA 98504-0448

Dear Senator/Representative,

In 2013, the legislature awarded the City of Kirkland \$1.3 million from the capital budget for the Phase I design and construction of a multi-modal pedestrian connection, between the new South Kirkland Transit Oriented Development public parking garage and the adjacent Cross Kirkland Corridor.

The City's original intent was to phase the project with Phase I completing the design and construction of a stairwell and pedestrian bridge; the stairwell would be constructed so that an elevator could be added under a later Phase II project. Severe elevation differences of 30-60 feet exist between the parking garage and the Cross Kirkland Corridor, accompanied by a steep slope presents special challenges in design and construction. A more comprehensive and complete cost assessment has now been concluded. The updated assessment revealed efficiencies that will allow this project to be completed in one phase, rather than in two phases as originally conceived. The assessment recommended the most cost-effective approach would be to design and construct the elevator tower, stairs, and bridge in a single phase as a prefabricated structure.

The City of Kirkland therefore respectfully requests a correction in the 2014 supplemental capital budget to its original project allocation amount of \$1.3 million for Phase I to account for this more accurate estimate. The result is a \$200,000 change to \$1.5 million. With this technical correction, we are pleased to report no Phase II project will be needed, with the entire Project being completed in a single phase.

Thank for your consideration of the City's request and please feel free to contact City Manager Kurt Triplett at 425-587-3020 if you would like to discuss this matter further.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink, appearing to read "Amy Walen", is written over a light blue background.

By Amy Walen, Mayor

cc: Kirkland City Council
Kurt Triplett, City Manager
Pam Bissonette, Interim Director of Public Works

2014 Session Cutoff Calendar

January 13, 2014	First Day of Session
February 7, 2014	Last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.
February 11, 2014	Last day to read in committee reports from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.
February 18, 2014	Last day to consider bills in house of origin (5 p.m.).
February 28, 2014	Last day to read in committee reports from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.
March 3, 2014	Last day to read in opposite house committee reports from House fiscal committees and Senate Ways & Means and Transportation committees.
March 7, 2014*	Last day to consider opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session).
March 13, 2014	Last day allowed for regular session under state constitution.
* After the 54th day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect state revenue, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.	



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Tracey Dunlap, Director, Finance and Administration

Date: January 27, 2014

Subject: 2014 Board and Commission Interview Process

RECOMMENDATION:

That the City Council appoints three members to this year's Council Board and Commission Interview Selection committee and separately considers how it wishes to proceed in regard to recruitment and interviews for the Planning Commission.

BACKGROUND DISCUSSION:

The Council adopted Resolution 4911 at their March 6, 2012 meeting, which updated Council's procedures, reduced the maximum number of applicants to be interviewed per vacancy to three, and included the following:

Appointment Process:

Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, an ad hoc committee of the Council will be appointed **by lot** to review and recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

The 2014 process began with a posting of upcoming vacancies on January 23rd. Council will need to select by lot the three members of the selection committee. The selection committee will need to meet during the week of February 18th and forward on their recommendations of three candidates per vacancy to the full Council. The full Council will then take action to accept the recommendations, alter the recommendations, or add additional candidates to be interviewed for any of the positions. The Council has selected March 24th as the date to conduct the interviews for terms which end on March 31, 2014.

Planning Commission Recruitment

Recently, a recruitment and appointment process was done to fill the vacancy on the Planning Commission created when Commissioner Jay Arnold was elected to the Kirkland City Council. The Planning Commission has two additional members with terms ending this year: Andy Held, who is not eligible to apply for reappointment under the Council's term limit guidelines, and Mike Miller, who can apply for a second term.

At their special meeting on January 16th, Council filled the existing vacancy and also selected an alternate appointee, James Truhan, whose status makes him eligible for appointment without an additional interview to Mr. Held's seat upon completion of his term on March 31st.

Since that is the case, staff is seeking direction from Council as to whether it would prefer to include the Planning Commission vacancies in the current recruitment, or appoint James Truhan and reappoint Mr. Miller, who has indicated he will apply to remain on the Commission. Under this scenario however, no new candidates will be generated to select as an alternate if future openings on the Planning Commission occur. The Council would then need to initiate a new recruitment in that event. These Planning Commission vacancies have been posted with the current recruitment in order to keep all options open for the Council. But if the Council elects not to proceed, the Planning Commission recruitment can be closed following the February 4 Council meeting.



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kari Page, Neighborhood Outreach Coordinator
Date: January 21, 2014
Subject: Upcoming 2014 City Council Meetings with the Neighborhoods

RECOMMENDATION:

City Council finalizes the agenda for the City Council Meeting with the South Rose Hill/Bridle Trails. In addition, Council reviews and approves the City Council Meeting dates with the Market, Evergreen Hill/Totem Lake and Central Houghton Neighborhood Associations.

BACKGROUND:

The Council is scheduled to meet with the South Rose Hill/Bridle Trails Neighborhood Association, March 11, 2014 6:45–8:45 p.m. at Lake Washington Methodist Church, 7525 132nd Ave NE.

Unless otherwise instructed by Council, staff will continue to format the meetings as previously done.

The agenda for the meeting is as follows:

- 6:45-7:00 p.m. Informal Casual Conversations
- 7:00-7:05 p.m. Welcome and Introduction - Mayor Amy Walen
- 7:05-7:10 p.m. Comments from Deirdre Johnson, South Rose Hill/Bridle Trails Neighborhood Chair
- 7:10-7:30 p.m. Introductions from City Council Members
- 7:30-8:45 p.m. General Discussion and Questions from Audience
- 8:45 p.m. Social Time

Topics are always requested from the Neighborhood Association Board that is being visited. The topics are then added to the list of questions submitted online by residents and answers will be distributed at the meeting and posted online.

South Rose Hill/Bridle Trails topics:

The South Rose Hill/Bridle Trails Neighborhood Association Board has not yet submitted the topics they are interested in having the Council discuss at the meeting. Once these have been submitted, staff will forward them to Council by email.

Proposed 2014 City Council Meetings with the Neighborhoods

South Rose Hill/Bridle Trails:
March 11, 2014
LW Methodist Church, 7525 132nd Ave NE

Market Neighborhood:
May 21, 2014
Heritage Hall, 203 Market Street

Central Houghton:
October 1, 2014
Houghton Fire Station, 6602 108th Ave

Evergreen Hill/Totem Lake:
November 19, 2014
Friends of Youth, 13116 NE 132nd Street

Attachment A outlines the timeline for receiving the questions and answers in advance of the 2014 meetings and a map of the areas. If you have any suggestions or changes to this schedule, please contact Kari Page at (425) 587-3011.

City Council Meetings with the Neighborhoods

2014 Schedule

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S			
JANUARY							FEBRUARY							MARCH							APRIL									
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9	7	8	9	10	11	12	13			
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16	14	15	16	17	18	19	20			
20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23	21	22	23	24	25	26	27			
27	28	29	30	31	24	25	26	27	28	24	25	26	27	28	29	30	28	29	30											
MAY							JUNE							JULY							AUGUST									
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10			
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17			
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24			
26	27	28	29	30	31	23	24	25	26	27	28	29	28	29	30	31	25	26	27	28	29	30	31							
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER									
1	2	3	4	5	6	7	6	7	8	9	10	11	12	3	4	5	6	7	8	9	1	2	3	4	5	6	7			
8	9	10	11	12	13	14	13	14	15	16	17	18	19	10	11	12	13	14	15	16	8	9	10	11	12	13	14			
15	16	17	18	19	20	21	20	21	22	23	24	25	26	17	18	19	20	21	22	23	15	16	17	18	19	20	21			
22	23	24	25	26	27	28	27	28	29	30	31	24	25	26	27	28	29	30	22	23	24	25	26	27	28					
29	30											29	30	31	29	30	31													

Neighborhood Meetings Dates	
	South Rose Hill/Bridle Trails: March 11, 2014 <i>PROPOSED</i> LW Methodist Church, 7525 132 nd Ave NE
	Market Neighborhood: May 21, 2014 <i>PROPOSED</i> Heritage Hall, 203 Market Street
	Central Houghton: October 1, 2014 <i>PROPOSED</i> Houghton Fire Station, 6602 108 th Ave
	Evergreen Hill/Totem Lake: November 19, 2014 <i>PROPOSED</i> Friends of Youth, 13116 NE 132 nd Street

Milestones	
	Residents receive mailing and submit questions
	Regular Council meeting to finalize agenda
	Directors answer questions from residents
	City Council receives questions and answers
	City Council Meeting with the Neighborhood

**CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
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MEMORANDUM

To: City Council
From: Kurt Triplett, City Manager
Date: January 30, 2014
Subject: CITY COUNCIL FEBRUARY 21, 2014 RETREAT FINAL AGENDA

RECOMMENDATION:

City Council reviews and approves the February 21st Council retreat proposed final agenda.

BACKGROUND DISCUSSION:

In 2013, the City Council changed from having one annual retreat late in the spring to having two annual retreats in the first half of the year. The first retreat, to occur in February, is intended to cover policy topics and initiatives not directly related to finance and budgeting. The second retreat is devoted primarily to finance and performance management topics and occurs in May or June. The Council made this change to allow more time to focus on major policy initiatives early in the year, as well as provide more time for financial information and budget "actuals" to be known so that the budget and finance discussions were better informed. The Council elected to continue the two retreat format for 2014.

The first 2014 Council retreat will be held on Friday, February 21st. This memo is intended to provide a final agenda for the February retreat. Staff recommends that the Council should review the agenda, make any final amendments, and then approve the agenda at the end of the discussion.

The Council reviewed and debated topics proposed by staff and members at the January 21st Council meeting. Council approved the following retreat topics:

- Draft Comprehensive Plan Vision Statement and Comp Plan update
- Next steps for City Hall and whether it should be renovated or relocated
- Review of the Citizen Survey questions to ensure alignment with the "Kirkland Quad" chart and the budget process prior to initiating the 2014 Community Survey
- Public Meetings for Council Committees
- Council "Topics of Interest": a facilitated discussion of initiatives important to each Councilmember, followed by decisions from the Council of any initiatives to pursue.

Each of these topics has been incorporated into the proposed final retreat agenda that follows the memo.

The Council may choose to add or subtract topics but staff needs final decisions at the February 4 Council meeting.

Paid Sick Leave White Paper, Totem Lake Action Plan and 2013-2014 Work Program

There was also a request at the January 21st Council meeting for background information about the potential for paid sick leave legislation. Council asked staff to develop a "white paper" with this information based on the experience in the City of Seattle. The white paper will be included in the retreat materials and the topic will be discussed under "Topics of Interest." A request was also made to provide an update on the City actions at Totem Lake. Staff will provide retreat materials updating the Totem Lake Action Plan and summarizing the many City actions and investments in Totem Lake since 2010.

Finally, the retreat materials will include a review and update of the 2013-2014 City Work Program elements.

If Council is interested in any additional background information on other topics, staff will need to know at the February 4 meeting in order to assemble the materials in time for the retreat.

Attachment A to this memo includes a draft retreat agenda based on the topics.

Council Retreat I
City Policy Initiatives and Updates
Friday, February 21, 2014
Peter Kirk Room

- 8:30a.m. Coffee and Bagels
- 9:00a.m. Agenda Overview and Housekeeping (Kurt Triplett)
- 9:10a.m. Comprehensive Plan Update and Draft Vision Statement (Eric Shields)
- Draft Vision Statement
 - Neighborhood Plan Update report
 - Totem Lake Zoning update
 - Land Use and Economic Development Chapter updates
 - Council discussion
- 10:45a.m. Break
- 11:00a.m. Citizen Survey Update (Marilynne Beard)
- Presentation of current questions and staff proposed edits
 - Discussion by Council with staff and survey consultant EMC Research
 - Finalize survey questions for 2014 Citizen Survey
- 12:00p.m. Lunch
- 1:00p.m. Next Steps for City Hall (Tracey Dunlap/Ellen Miller-Wolfe)
- City Hall renovation status update
 - Options and issues for relocating City Hall
 - Council discussion and direction
- 2:00p.m. Public Meetings for Council Committees (Marilynne Beard)
- 2:30p.m. Break
- 2:45p.m. Council Topics of Interest (Facilitated by Marilynne Beard)
- Councilmembers present their “Top 3” topics of interest
 - Each Councilmember presents their first priority topic. Once every member has had the opportunity to present, the Mayor will call upon members to present their second priority topic, and after each member presents, the third priority.
 - Council discusses the topics and completes a “dot exercise” to determine which topics the Council wishes to pursue for 2014 and beyond.