



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
March 03, 2015

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. Joint Meeting with Planning Commission

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Planning and Community Development Director Eric Shields, Planning and Community Development Deputy Director Paul Stewart, and Planning Commission members Carter Bagg, Jon Pascal, C. Ray Allshouse, Colleen Cullen, Eric Laliberte and Chair Glenn Peterson

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Lisa McConnell  
Sandy Helgeson  
Kirsten Larson  
Birgitta Hughes  
Brian Staples  
Bruce Wynn  
Andrew Honig

c. Petitions

7. SPECIAL PRESENTATIONS

a. Kirkland Waterfront Demand Assessment

Philly Hoshko introduced Paul Sorensen of BST Associates, author of the assessment, who reviewed and responded to Council questions. Economic Development Manager Ellen Miller-Wolfe posed questions to the Council and received feedback.

b. Hazardous Slopes Report

Deputy City Manager Marilynne Beard presented information on the City of Kirkland's landslide risk and responded to Council questions.

8. CONSENT CALENDAR

a. Approval of Minutes: February 17, 2015

b. Audit of Accounts:

Payroll \$2,766,757.80

Bills \$3,723,382.15

run #1394 check #559903

run #1395 checks #559905 - 559920

run #1396 check #559947

run #1397 checks #559948 - 560058

run #1398 checks #560059 - 560061

run #1399 checks #560062 - 560206

c. General Correspondence

d. Claims

e. Award of Bids

(1) Kirkland Intelligent Transportation System (ITS) Implementation Phase IB Project, Prime Electric, Inc., Bellevue, Washington

The construction contract for the Kirkland Intelligent Transportation System (ITS) Implementation Phase IB Project was awarded to Prime Electric, Inc. of Bellevue, WA, in the amount of \$407,778.00 via approval of the Consent Calendar.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) NE 85th Street Utility Underground Conversion Project, Tri-State Construction, Inc., Bellevue, Washington

The project work was accepted via approval of the Consent Calendar.

- g. Approval of Agreements
- h. Other Items of Business

(1) Resolution R-5111, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING APPROVAL OF THE KING COUNTY 2014 BUILDABLE LANDS REPORT."

(2) Resolution R-5112, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATION, OR HIS OR HER DESIGNEE, TO CONTRACT WITH FINANCIAL INSTITUTIONS FOR THE ISSUANCE OF CREDIT CARDS AND TO ADOPT A POLICY AND ESTABLISH A SYSTEM GOVERNING THE DISTRIBUTION AND USE OF CREDIT CARDS."

(3) Ordinance O-4478, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE APPEAL PROCESS FOR UTILITY TAX AUDIT ASSESSMENTS AND AMENDING SECTION 5.08.180 OF THE KIRKLAND MUNICIPAL CODE."

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

(4) Report on Procurement Activities

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

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

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

- a. Resolution R-5109, Approving an Agreement to Extend and Amend the Redevelopment Agreement for Totem Lake Mall and Authorizing the City Manager to Sign.

Mayor Walen explained the parameters and opened the public hearing. City Manager Kurt Triplett expressed his appreciation for the work done on this project by staff. Planning and Community Development Director Eric Shields, City Attorney Robin Jenkinson, Deputy City Manager Tracey Dunlap, Michael Hodgins of Berk Consulting provided an overview of the proposed redevelopment agreement. Testimony was provided by Jean Large and Mark Nelson. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-5109, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AGREEMENT TO EXTEND AND AMEND THE REDEVELOPMENT AGREEMENT FOR TOTEM LAKE MALL AND AUTHORIZING THE CITY MANAGER TO SIGN."

Moved by Councilmember Jay Arnold, 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.

Council recessed for a short break.

## 10. UNFINISHED BUSINESS

### a. Park Lane Corridor Enhancements - Update

Capital Projects Manager Dave Snider and Project Engineer Frank Reinart reported on construction conditions encountered during January and February 2015 on the Park Lane Project.

Motion to Approve the staff recommendation for additional funding in the amount of \$115,000 to provide for a 6.5 percent construction contingency for the completion of the Park Lane Pedestrian Corridor Enhancement Phase 2 and Water Main Replacement Project using Surface Water Construction Reserve funds, Water/Sewer Construction Reserve funds, and REET 2 funds previously allocated by Council in support of proposed revisions to the nearby parking lot policies during construction.

Moved by Councilmember Dave Asher, 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. 2015 State Legislative Update #4

Intergovernmental Relations Manager Lorrie McKay provided a status report on current Council legislative priorities.

## 11. NEW BUSINESS

- a. Ordinance O-4479, and its Summary, Relating To Land Use and Zoning, Repealing Ordinances O-4439, O-4446, O-4447, O-4453 and O-4462; Permitting State-Licensed Marijuana Production and Processing Facilities in the Totem Lake (TL) 7 and 9A Zones and in Light Industrial (LIT) Zones; Permitting State-Licensed Retail Facilities in TL 7, TL 9A and LIT Zones Where at Least 50 Percent of the Zone is Bounded by Commercial Zones; Prohibiting State-Licensed Retail Facilities in Market Street Corridor (MSC) 1 and 2 Zones; Prohibiting State-Licensed Retail Sales in all Zones on Properties Abutting Designated School Walk Routes; and Amending Kirkland Zoning Code Section 115.100 to Add an Odor Regulation for Processing and Production Facilities; Providing for Severability, and Approving a Publication Summary, File No. CAM14-0237.

Planning and Community Development Director Eric Shields provided a brief overview of the proposed regulations.

Motion to Approve Ordinance O-4479, and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, REPEALING ORDINANCES O-4439, O-4446, O-4447, O-4453 AND O-4462; PERMITTING STATE-LICENSED MARIJUANA PRODUCTION AND PROCESSING FACILITIES IN THE TOTEM LAKE (TL) 7 AND 9A ZONES AND IN LIGHT INDUSTRIAL (LIT) ZONES; PERMITTING STATE-LICENSED RETAIL FACILITIES IN TL 7, TL 9A AND LIT ZONES WHERE AT LEAST 50 PERCENT OF THE ZONE IS BOUNDED BY COMMERCIAL ZONES; PROHIBITING STATE-LICENSED RETAIL FACILITIES IN MARKET STREET CORRIDOR (MSC) 1 AND 2 ZONES; PROHIBITING STATE-LICENSED RETAIL SALES IN ALL ZONES ON PROPERTIES ABUTTING DESIGNATED SCHOOL WALK ROUTES; AND AMENDING KIRKLAND ZONING CODE SECTION 115.100 TO ADD AN ODOR REGULATION FOR PROCESSING AND PRODUCTION FACILITIES; PROVIDING FOR SEVERABILITY, AND APPROVING A PUBLICATION SUMMARY, FILE NO. CAM14-0237."

Moved by Councilmember Dave Asher, 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-5113, Ratifying Amendments to the 2014 King County Countywide Policies Regarding Greenhouse Gas Emissions.

Motion to Approve Resolution R-5113, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE 2014 KING COUNTY COUNTYWIDE POLICIES REGARDING GREENHOUSE GAS EMISSIONS."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 6-1

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

No: Councilmember Toby Nixon.

- c. Resolution R-5114, Authorizing the City Manager to Execute a Real Property Purchase and Sale Agreement for Properties Commonly Known as 6711 106th Avenue Northeast and 6705 106th Avenue Northeast, Kirkland, Washington, and Authorizing an Interfund Loan to Finance the Acquisition of the Real Property.

Facilities Services Manager Chris Dodd presented an overview of the property purchase. City Manager Kurt Triplett then responded to Council questions.

Motion to Approve Resolution R-5114, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR PROPERTIES COMMONLY KNOWN AS 6711 106TH AVENUE NORTHEAST AND 6705 106TH

AVENUE NORTHEAST, KIRKLAND, WASHINGTON, AND AUTHORIZING AN INTERFUND LOAN TO FINANCE THE ACQUISITION OF THE REAL PROPERTY."

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.

d. Waverly Beach Park Renovation Funding

Motion to Approve additional funding to construct improvements to Waverly Beach Park for up to \$429,500 from REET reserves.

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.

e. Ordinance O-4478, Relating to the Appeal Process for Utility Tax Audit Assessments and Amending Section 5.08.180 of the Kirkland Municipal Code.

Motion to Approve Ordinance O-4478, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE APPEAL PROCESS FOR UTILITY TAX AUDIT ASSESSMENTS AND AMENDING SECTION 5.08.180 OF THE KIRKLAND MUNICIPAL CODE."

Moved by Councilmember Doreen Marchione, seconded by Councilmember Jay Arnold

Vote: Motion carried 6-1

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

No: Councilmember Dave Asher.

12. REPORTS

a. City Council Reports

(1) Finance and Administration Committee

Chair Marchione reported on Council policies and procedures related to communication and Council committees; housekeeping items presented to the Council at the March 3 council meeting; a proposal to discuss initiatives and referendums at the May retreat.

(2) Legislative Committee

Chair Asher noted the legislative report earlier on the evening's agenda.

(3) Planning, and Economic Development Committee

Did not meet.

(4) Public Safety Committee

Chair Sweet referenced the posted minutes from that committee meeting.

(5) Public Works, Parks and Human Services Committee

Did not meet.

(6) Tourism Development Committee

Did not meet.

(7) Regional Issues

Councilmembers shared information regarding the recent King County Regional Law, Safety and Justice Committee meeting; the upcoming Sound Cities Association Public Issues Committee meeting; the Sound Cities Association Networking Dinner; the Greater Kirkland Chamber of Commerce business luncheon; the Higher Leaf grand opening/ribbon cutting; a King County Regional Transit Committee meeting; a King County Mental Illness and Drug Dependency Oversight Committee meeting; the Association of Washington Cities Action Days meetings with legislators; a Master Builders Association of King County reception; an upcoming Youth Eastside Services "Invest in Youth" breakfast; a Microsoft Smart Building Initiative demonstration; a Cascade Water Alliance meeting; the King County Economic Development Council meeting; a North King County Mayors' meeting; and the Sound Cities Association Puget Sound Regional Council Executive Board meeting.

b. City Manager Reports

(1) Calendar Update

City Manager Kurt Triplett noted the Council's desire to have the Initiative/Referendum issue to be placed on the agenda for the City Council retreat in May and reviewed the proposed agenda for the upcoming Joint Meeting with City of Redmond. The City Manager also noted that the City Work Program will be on the agenda for the March 17 Council Meeting.

City Manager Kurt Triplett reported on his recent testimony at a King County Council meeting regarding the need for a ballot measure in support of the Eastside Public Safety Communications Agency radio system.

Councilmember Asher added some Legislative Committee information regarding capital project funding priorities.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of March 3, 2015 was adjourned at 10:48 p.m.

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City Clerk

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Mayor