



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
March 18, 2014

1. CALL TO ORDER
2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

- a. Information Technology

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Chief Information Officer Brenda Cooper and Applications Division Manager Karen Mast.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

Motion to add item 5.a., Earth Hour proclamation, to the agenda.

Moved by Councilmember Dave Asher, seconded by Councilmember Jay Arnold

Vote: Motion carried 7-0

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

- a. Earth Hour Proclamation

Representing the City's Green Team, Director of Human Resources and Performance Management Jim Lopez and Sustainable Kirkland members Margaret Schwender and Kent Kollmorgen accepted the proclamation from Mayor Walen and Councilmember Arnold.

6. COMMUNICATIONS

- a. Announcements

b. Items from the Audience

Caron LeMay
Scott Morris
Warren Raven
Glen Buhlmann
Thor Carpenter

c. Petitions

7. SPECIAL PRESENTATIONS

a. Kirkland 2035 Update #11

Deputy City Manager Marilynne Beard provided an update on public involvement activities and a progress report on plan updates related to the Kirkland 2035 initiative.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) March 4, 2014

(2) March 11, 2014 Special Meeting

b. Audit of Accounts:

Payroll: \$2,793,469.93
Bills: \$2,350,291.45
run #1300 checks #550980-551128
run #1301 checks #551130-551281

c. General Correspondence

d. Claims

Claims from Beach View Terrace Condominium Owners Association and Sean Gallagher were acknowledged via approval of the Consent Calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) NE 112th Street Sidewalk Project, Danneko Construction, Kirkland, WA was accepted via approval of the Consent Calendar

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-5040, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE KIRKLAND SCHOOL WALK ROUTES."

(2) Resolution R-5041, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING FORTH THE CURRENT RULES OF PROCEDURE FOR THE CONDUCT OF KIRKLAND CITY COUNCIL MEETINGS."

(3) Tourism Development Committee Membership Review

The current membership of Jac Cooper, Belinda Jensen, Vicci Sorenson, and Michelle Quisenberry was approved in accordance with the annual review and approved via the consent calendar.

(4) Surplus of Equipment Rental Vehicles/Equipment

(5) Report on Procurement Activities

Motion to Approve the Consent Calendar.

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

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

- a. Ordinance O-4439 and Its Summary, Relating to Land Use and Zoning, Repealing and Replacing Ordinance O-4434, Adopting Interim Zoning Regulations Regarding the Retail Sale of Recreational Marijuana, Including Locational Restrictions, Providing for Severability, and Approving a Publication Summary.

Planning and Community Development Director Eric Shields reviewed the proposed Ordinance. Mayor Walen then explained the parameters of the public hearing and declared it open. Testimony was provided by Kirstin Larson, Sharon Whitson, Eric Campbell, Jim Tosti, Barbara Loomis, Robert Larson, Stephanie Lecovin, Troy Howe, Nichole Swanger, Mark Nelson, Erik Teutch, Kerry Isbister, Laurent Bentitou, and Bobby Mulder. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Ordinance O-4439 and Its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, REPEALING AND REPLACING ORDINANCE O-4434, ADOPTING INTERIM ZONING REGULATION REGARDING THE RETAIL SALE OF RECREATIONAL MARIJUANA, INCLUDING LOCATIONAL RESTRICTIONS, PROVIDING FOR SEVERABILITY, AND APPROVING

A PUBLICATION SUMMARY," as amended.

Moved by Councilmember Toby Nixon, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

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

Motion to Amend Ordinance O-4439 by striking section 3(d), removing the provision about odor, and renumbering the subsequent subsections.

Moved by Councilmember Toby Nixon, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

Motion to Amend Ordinance O-4439 by striking Section 3(e), removing the provision about security, and renumbering the subsequent subsections.

Moved by Councilmember Toby Nixon, seconded by Councilmember Doreen Marchione

Vote: Motion carried 5-2

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

No: Councilmember Dave Asher, and Deputy Mayor Penny Sweet.

Motion to Amend Ordinance O-4439 by striking the word "site" in Section 3(c) and inserting the words "subject property."

Moved by Councilmember Dave Asher, seconded by Councilmember Jay Arnold

Vote: Motion carried 7-0

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

Motion to Amend Ordinance O-4439 by striking Section 8 and inserting a new Section 8, "Declaration of Emergency," to read as follows: "Section 8. 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." and further inserting "Section 9. Effective Date. This Ordinance shall be in force and effect immediately upon passage by the Kirkland City Council. This Ordinance may be published in the summary form attached to this Ordinance and by this reference approved by Council."

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

Vote: Motion failed 1 - 6

Yes: Councilmember Jay Arnold.

No: Councilmember Toby Nixon, Councilmember Shelley Kloba, Councilmember Dave Asher, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

Council recessed for a short break at 9:52 p.m.

- b. Resolution R-5042, Stating the City Council's Support for Proposition No. 1, the Lake Washington School District No. 414 General Obligation Bonds - \$404,000,000.

Lake Washington School District No. 414
Proposition No. 1
General Obligation Bonds - \$404,000,000

The Board of Directors of Lake Washington School District No. 414 adopted Resolution No. 2178 concerning this proposition for bonds. This proposition authorizes the construction and equipping of new schools (three elementary, one middle, and one Science Technology Engineering and Math focused secondary school); the rebuilding of Juanita High School; an addition to Lake Washington High School; and other capital improvement; the issuance of \$404,000,000 of general obligation bonds maturing within a maximum of 20 years, and the levy of excess property taxes annually to repay the bonds, as provided in Resolution No. 2178. Should this proposition be:

- APPROVED?
- REJECTED?

Intergovernmental Relations Manager Lorrie McKay reviewed the proposed Resolution in support of the Lake Washington School District's proposed bond measure. Mayor Walen then explained the parameters of the public hearing and declared it open. Testimony was provided by Dr. Traci Pierce, Lile Ellefsen, Susan Baird-Joshi, Johanna Palmer, Cristy Craig, Siri Bliesner, Mike Nykreim, Steven Swedenburg, Bobby Mulder, Susan Wilking, and K-Y Su. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-5042, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND STATING THE CITY COUNCIL'S SUPPORT FOR PROPOSITION NO. 1, THE LAKE WASHINGTON SCHOOL DISTRICT NO. 414 GENERAL OBLIGATION BONDS - \$404,000,000."

Moved by Councilmember Dave Asher, seconded by Councilmember Shelley Kloba
Vote: Motion carried 6 - 1

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

No: Councilmember Toby Nixon.

10. UNFINISHED BUSINESS

- a. State Legislative Update #4

Item 10.a. was postponed for a future Council meeting.

- b. King County Transportation Benefit District Project List Discussion

Item 10.b. was postponed for a future Council meeting.

11. NEW BUSINESS

- a. Surface Water Master Plan Update

Item 11.a. was postponed for a future Council meeting.

- b. 2013 Miscellaneous Zoning and Municipal Code Amendments:

Senior Planner Joan Lieberman-Brill provided a brief presentation of the proposed Zoning and Municipal Code Amendments and responded to Council questions. Planning and Community Development Director Eric Shields and Planning Commission Chair Jon Pascal also spoke and answered questions.

(1) Ordinance O-4437 and Its Summary, Relating to Zoning, Planning, and Land Use and Amending the Following Chapters of the Kirkland Zoning Code: 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 95, 114, 115, 120, 135, 142, 160, 161, 170, 180 and Approving a Summary for Publication, File No. CAM13-00669.

Motion to Approve Ordinance O-4437 and Its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE: 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 95, 114, 115, 120, 135, 142, 160, 161, 170, 180 AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM13-00669."

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

Vote: Motion carried 6-1

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

No: Councilmember Shelley Kloba.

Motion to Amend Ordinance O-4437 by striking item "Q, New Regulations for Ground Mounted Solar Collectors," from Attachment A and also striking proposed Section 5.10.881.1 the definition for "solar collector," from Attachment A, and also striking the proposed number change to Section 5.10.881.1 "solar panel," and also striking proposed Section 115.137, "Solar Collectors in Residential Zones" from the list of section titles and also striking all of proposed Section 115.137, "Solar Collectors in Residential Zones."

Moved by Councilmember Jay Arnold, seconded by Councilmember Shelley Kloba

Vote: Motion failed 3 - 4

Yes: Councilmember Shelley Kloba, Councilmember Doreen Marchione, and Councilmember Jay Arnold.

No: Councilmember Toby Nixon, Councilmember Dave Asher, Deputy Mayor Penny Sweet, and Mayor Amy Walen.

(2) Ordinance O-4438 and Its Summary, Relating to Zoning, Planning, and Land Use and Amending Title 20, "Development Projects," Section 20.12.010, "Exclusions," and Section 20.12.300, "Time Frame for Approval,"; Title 22, "Subdivisions," Section 22.28.030, "Lots-Size," Section 22.28.041, "Lots-Low Impact Development," Section 22.28.042, "Lots-Small Lot Single-Family," and Section 22.28.048, "Lots-Historic Preservation," of the Kirkland Municipal Code; and Approving a Summary Ordinance for Publication, File No. CAM13-00669

Motion to Approve Ordinance O-4438 and Its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LANG USE AND AMENDING TITLE 20, "DEVELOPMENT PROJECTS," SECTION 20.12.010, "EXCLUSIONS," AND SECTION 20.12.300, "TIME FRAME FOR APPROVAL,"; TITLE 22, "SUBDIVISIONS," SECTION 22.28.030, "LOTS-SIZE," SECTION 22.28.041, "LOTS-LOW IMPACT DEVELOPMENT," SECTION 22.28.042," LOTS-SMALL LOT SINGLE-FAMILY," AND SECTION 2.28.048, "LOTS-HISTORIC PRESERVATION," OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00669."

Moved by Councilmember Dave Asher, seconded by Councilmember Jay Arnold

Vote: Motion carried 7-0

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

12. REPORTS

a. City Council

(1) Finance and Administration Committee

Did not meet.

(2) Planning and Economic Development Committee

Chair Arnold reported on the transfer of development rights as an incentive and financing tool option in the Totem Lake Urban Center; the Industrial Lands study; latest plans for Park Place; Cross Kirkland Corridor.

(3) Public Safety Committee

Did not meet.

(4) Public Works, Parks and Human Services Committee

Chair Kloba reported on the Edith Moulton Park Master Plan; King County Regional Wastewater Disposal Agreement; Standards and Guidelines for using C-Curbs; Adoption of School Walk Routes; potential CIP project to connect I-405 walkway to Kirkland's pedestrian network.

(5) Regional Issues

Councilmembers shared information regarding a recent LEOFF meeting, YWCA Eastside Inspire Luncheon, KITH's 5th Annual Fighting Homelessness Benefit Luncheon, Kirkland Alliance of Neighborhoods meeting, Kirkland Nourishing Networks food box program for Spring Break; ARCH program on affordable housing; Youth Eastside Services "Invest in Youth" breakfast; Commercial Real Estate Brokers meeting; Kirkland Chamber of Commerce luncheon; King County Sustainable Cities Roundtable; Cascade Water Alliance meeting; Sound Cities Association Regional Water Quality Committee meeting; Fourth of July Fundraising Auction; and a performance by the Lake Washington Symphony Orchestra.

b. City Manager

(1) Calendar Update

Council directed City Manager Kurt Triplett to draft a letter to the Liquor Control Board informing them of the passage of Ordinance O-4439. Councilmember Nixon also asked that more effort be made in recognizing National Night Out in August. The City Manager also reminded the Council that the Park Board would be receiving a briefing on the Aquatic Center prior to the next Council meeting.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of March 18, 2014 was adjourned on March 19, 2014 at 12:05 a.m.

City Clerk

Mayor