



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
March 15, 2016

1. CALL TO ORDER
2. ROLL CALL

ROLL CALL:

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

Councilmember Marchione was absent/excused due to illness.

3. STUDY SESSION

- a. Joint Meeting with the Youth Council

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Youth Services Coordinator Regi Shubiger, and leadership members of the Kirkland Youth Council, Co-Chairs Annalise Ellefsen and Kevin Nakahara, Megan Gertmenian, Kyler Jobe, Maheen Keshani, Julian Oelsner and Catherine Ross.

4. EXECUTIVE SESSION

- a. To Discuss Potential Litigation

Mayor Walen announced that Council would recess into executive session to discuss potential litigation and would return to regular meeting at 7:30 p.m., which they did. Also in attendance were City Attorneys Robin Jenkinson and Kevin Reynolds, City Manager Kurt Triplett, and Deputy City Managers Marilynne Beard and Tracey Dunlap.

5. HONORS AND PROCLAMATIONS

- a. 2016 Earth Hour Proclamation

Director of Human Resources and Performance Management James Lopez introduced Vivian Weber and Margaret Schwender from Sustainable Kirkland, who accepted the proclamation from Mayor Walen and Deputy Mayor Arnold.

6. COMMUNICATIONS

- a. Announcements

b. Items from the Audience

Jonathan Hopkins  
Keith Kyle  
Charles Cooper  
Brian Marshall  
John Kappler  
Leo Gilbert  
Jeff Bell  
Will Greene  
John Perlic  
Barbie Collins Young  
Dan Ryan  
Neal Wells

c. Petitions

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

a. Approval of Minutes: March 1, 2016

b. Audit of Accounts:

Payroll \$2,947,457.31

Bills \$3,070,508.70

run #1498 checks #600022 - 600023

run #1499 checks #600024 - 600032

run #1500 checks #600033 - 600171

run #1501 checks #600172 - 600226

run #1502 checks #600227 - 600361

run #1503 check #600362

run #1504 checks #600388 - 600397

run #1505 checks #600398 - 600517

c. General Correspondence

d. Claims

Claims received from Vishal Dugar, and Michael Pinkney Lee, were acknowledged via approval of the Consent Calendar.

e. Award of Bids

(1) NE 80th Street Sewer and Watermain Replacement - Phase 2, Shoreline  
Construction Company, Woodinville, WA,

The construction contract for the NE 80th Street Sewer and Watermain Replacement-Phase 2 was awarded to Shoreline Construction Co., of Woodinville, WA, in the amount of \$2,874,603.86 via approval of the Consent Calendar.

- f. Acceptance of Public Improvements and Establishing Lien Period
- g. Approval of Agreements

Resolution R-5190, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE PORT OF EVERETT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

- h. Other Items of Business

- (1) School Impact Fee Report

- (2) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

## 9. PUBLIC HEARINGS

None.

## 10. UNFINISHED BUSINESS

- a. Sound Transit 3 Update

Public Works Director Kathy Brown provided an overview related to Sound Transit 3 options on the Cross Kirkland Corridor and requested approval of correspondence to the Sound Transit Board. Surface Water Engineering Supervisor Jenny Gaus and Planning and Building Department Deputy Director Paul Stewart presented an assessment of the quality of environmental resources along the Cross Kirkland Corridor and the potential environmental permitting process and requirements in relation to the Critical Areas update of the Kirkland Zoning Code.

Motion to Authorize the Mayor to sign the final letter to the Sound Transit Board with the language presented in Alternative 2 on page 1, and including the insertion of the word "support" as the third word on the final page so that it says, "...would also support the ST3 package if it includes the Kirkland Compromise", as amended.

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold  
Vote: Motion carried 6-0

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

Motion to Amend the letter to the Sound Transit Board to strike the last sentence in paragraph 5 that reads, "Light rail would overwhelm the CKC and make it impossible to realize the CKC Master Plan vision created by our residents, while only delivering 5,000 riders per day by 2040."

Moved by Councilmember Shelley Kloba, seconded by Deputy Mayor Jay Arnold  
Vote: Motion carried 6-0

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

Motion to Amend the letter to the Sound Transit Board to insert text at the end of the sentence at the final bullet point on page 3 so that it reads, "Saves Sound Transit significant money in the ST3 ballot measure by avoiding the need to fund a 750 million dollar BRT line or a 1.5 billion dollar light rail line that serves only 5,000 riders per day by 2040."

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet  
Vote: Motion carried 5-1

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.  
No: Councilmember Shelley Kloba.

Motion to Amend the letter to the Sound Transit Board to delete the words, "and want to set the stage for a future Sound Transit package," from the first paragraph on the second page.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Penny Sweet  
Vote: Motion carried 6-0

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

Motion to Amend the letter to the Sound Transit Board to replace the words, "in preparation for transit in a future package," with, "as a quick win for access," in the second paragraph on the second page.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Penny Sweet  
Vote: Motion carried 6-0

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

Motion to Amend the letter to the Sound Transit Board to delete the words, "in future ballot measures," from the eighth bullet point on page 3.

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

Vote: Motion carried 6-0

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

Motion to Amend the letter to the Sound Transit Board on page 2 to replace the single-sentence paragraph, "Phase 2 HCT construction would be funded in subsequent Sound Transit ballot measures." with, "Phase 2 would fund HCT construction."

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

Vote: Motion carried 6-0

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

Council recessed for a short break.

b. 2016 State Legislative Update #5

Intergovernmental Relations Manager Lorrie McKay provided an update on the special legislative session.

c. ITS Phase 2 Funding and Award of Bid, Totem Electric, Inc., Tacoma, WA

Capital Projects Manager Rod Steitzer provided an update on the Kirkland Intelligent Transportation System (ITS) Implementation Phase II Project including ITS general overview, ITS related projects overview, ITS related projects - Phase II, equipment. Advertisement, Bid opening and increased cost. Options for response to bids including use reserves.

Motion to Approve staff's recommendation for completing the Kirkland Intelligent Transportation System Project as originally envisioned, using real estate excise tax 2 reserves in the amount of \$360,000.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

Motion to Award the contract for the Kirkland Intelligent Transportation System Project to Totem Electric, Inc., Tacoma, WA, in the amount of \$1,729,388.50

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

- d. Resolution R-5189, Pertaining to the Adoption of the 2016–2018 Planning Work Program.

Motion to Approve Resolution R-5189, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO THE ADOPTION OF THE 2016 - 2018 PLANNING WORK PROGRAM."

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Penny Sweet  
Vote: Motion carried 6-0

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

- e. Board and Commission Recruitment – Interview Selection Committee Recommendation.

Motion to Accept the Board and Commission Interview Selection Committee's recommendations, as amended.

Moved by Councilmember Penny Sweet, seconded by Councilmember Dave Asher  
Vote: Motion carried 6-0

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

Motion to Approve the recommendations made by the previously appointed Board and Commission Interview Selection Committee for any additional applications with regards to the Planning Commission received in the renewed application period.

Moved by Councilmember Toby Nixon, seconded by Councilmember Shelley Kloba  
Vote: Motion carried 6-0

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

## 11. NEW BUSINESS

- a. Ordinance O-4513 and its Summary, Amending Chapter 3.82 of the Kirkland Municipal Code Entitled "Employee Code of Ethics, Amending Section 3.82.020, "Definitions;" Amending Section 3.82.030, "Conflict of Interest;" and Adding a New Section 3.82.050, "Violation - Penalty."

Deputy City Manager Tracey Dunlap provided some background on the proposed Ordinance.

Motion to Approve Ordinance O-4513 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 3.82 OF THE KIRKLAND MUNICIPAL CODE ENTITLED "EMPLOYEE CODE OF ETHICS, AMENDING SECTION 3.82.020, "DEFINITIONS;" AMENDING SECTION 3.82.030, "CONFLICT OF INTEREST;" AND ADDING A NEW SECTION 3.82.050, "VIOLATION - PENALTY.""

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

- b. Resolution R-5191, Authorizing an Additional One-Time Health Reimbursement Arrangement (HRA) Voluntary Employee Beneficiary Association (VEBA) Contribution to Eligible Employees Who Partnered With the City in Implementing the Healthy Kirkland Initiative.

Motion to Approve Resolution R-5191, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING AN ADDITIONAL ONE-TIME HEALTH REIMBURSEMENT ARRANGEMENT (HRA) VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION (VEBA) CONTRIBUTION TO ELIGIBLE EMPLOYEES WHO PARTNERED WITH THE CITY IN IMPLEMENTING THE HEALTHY KIRKLAND INITIATIVE."

Moved by Councilmember Penny Sweet, seconded by Councilmember Dave Asher

Vote: Motion carried 6-0

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

- c. Discussion of the Transportation Commission Work Plan and Mission Statement

Transportation Commission Chair Tom Neir and Public Works Director Kathy Brown presented the proposed Transportation Commission Work Plan and Mission Statement and received Council direction.

- d. Asphalt Milling Machine Purchase and Funding

Motion to Approve the purchase of an asphalt milling machine in 2016 for an amount not to exceed \$600,000, including sales tax, from the funding sources and amounts indicated in the staff recommendation.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

## 12. REPORTS

- a. City Council Reports

- (1) Finance and Administration Committee  
Did not meet.

- (2) Legislative Committee

Did not meet.

(3) Planning, and Economic Development Committee

Chair Arnold reported on feedback from developers on the affordable housing fee-in-lieu; feedback from downtown merchants regarding the plastic bag reduction ordinance; a recommendation that the Public Works, Parks and Human Services Committee review the plastic bag reduction ordinance and determine if there are options to assist local boutique merchants with the paper bag fee.

(4) Public Safety Committee

Did not meet.

(5) Public Works, Parks and Human Services Committee

Chair Kloba reported on an update the National Pollution Discharge Elimination System (NPDES) and Stormwater adoption; information about a grant for LED lights; preview of the changes to the employee ethics policy; review of pay-by-phone parking options.

(6) Tourism Development Committee

Did not meet.

(7) Regional Issues

Councilmembers shared information regarding a Sound Cities Association Public Issues Committee meeting; a King County Domestic Violence Initiative meeting; the upcoming Leadership Eastside's Civic Incubator Innovation Summit; the Kirkland Alliance of Neighborhoods meeting, a Mental Illness and Drug Dependency Oversight Committee meeting, the upcoming Kiwanis Club of Kirkland Easter Egg Hunt in Peter Kirk Park; the inaugural King County Emergency Medical Services Task Force meeting; a King County Regional Water Quality Committee meeting; a King County Municipal Solid Waste Advisory Committee meeting; a King County Emergency Management Advisory Committee meeting; and an update on the upcoming Cascadia Rising 2016 exercise.

b. City Manager Reports

City Manager Kurt Triplett reported on Google's intent to bring their prototype driverless cars from California to Kirkland. The City Manager also asked for Council direction regarding the purchase of the properties in connection with the proposed Juanita Fire Station; Council directed that the contracts to execute the purchases continue forward.

(1) Calendar Update

City Manager Kurt Triplett informed the Council that a study session for a joint meeting with the Transportation Commission will be added to the calendar as well as a continuation of the discussion of the plastic bag reduction ordinance to the agenda for the upcoming meeting. Mayor Walen reported on a request by the Kirkland Arts Center for a regular funding commitment from the City of Kirkland which was sent to the Kirkland Cultural Arts Commission to review and develop a recommendation to the Council.

Mayor Walen shared some additional remarks recognizing outgoing City Attorney Robin Jenkinson's many accomplishments and the Council expressed their thanks for her service to the City.

### 13. ITEMS FROM THE AUDIENCE

None

### 14. ADJOURNMENT

The Kirkland City Council regular meeting of March 15, 2016 was adjourned at 11:17 p.m.

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City Clerk

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Mayor