



# CITY OF KIRKLAND

## CITY COUNCIL

Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway  
Doreen Marchione • Bob Sternoff • Amy Walen • Marilynne Beard, Interim City Manager

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY 425.587.3111 • [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

City Council Chamber  
Tuesday, April 6, 2010  
6:00 p.m. – Study Session – Peter Kirk Room  
7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us), at the Public Resource Area at City Hall or at the Kirkland Library on the Friday afternoon prior to the City Council meeting. 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 (587-3190) or the City Manager's Office (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 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. 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*, Peter Kirk Room
  - a. Joint Meeting with the Park Board
4. *EXECUTIVE SESSION*
  - a. To Discuss Property Acquisition
  - b. To Discuss Labor Negotiations
5. *HONORS AND PROCLAMATIONS*
  - a. Days of Remembrance Proclamation
  - b. Recognition of Financial Planning Manager Sandi Hines
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Green Tips

**EXECUTIVE SESSIONS** may be held by the City Council to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

**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.

P - denotes a presentation from staff or consultant

8. CONSENT CALENDAR

- a. *Approval of Minutes:* (1) March 11, 2010  
(2) March 16, 2010  
(3) March 19-20, 2010

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

c. *General Correspondence*

d. *Claims*

- (1) Waterford Court Homeowners Association

e. *Award of Bids*

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

- (1) 99<sup>th</sup> Place NE/100<sup>th</sup> Avenue NE Sidewalk Project, Langsholt Construction, Monroe, Washington

g. *Approval of Agreements*

h. *Other Items of Business*

- (1) Board Resignation
- (2) Report on Procurement Activities

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

- a. Eastside Rail Corridor Update
- b. Resolution R-4809, Pertaining to the 2010-2012 Planning Work Program
- c. City Council Code of Ethics:
  - (1) Ethics Code Topics
  - (2) Recommendation of Appointments to Ethics Committee
- d. Resolution R-4810, Setting Forth the Current Rules of Procedure for the Conduct of Kirkland City Council Meetings

**GENERAL CORRESPONDENCE**

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation. Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

**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.

**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.

**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.

11. *NEW BUSINESS*

a. Economic Development Program Update

b. Ordinance No. 4236 and Its Summary, Authorizing and Providing for the Acquisition of Interests in Land for the Purpose of Construction of the NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE Intersection Improvements Project Within the City of Kirkland, Providing for the Cost of Property Acquisition and Authorizing the Initiation of Appropriate Eminent Domain Proceedings in the Manner Provided for by Law

12. *REPORTS*

a. *City Council*

(1) Regional Issues

(2) City Manager Search

b. *City Manager*

(1) 2010 Legislative Update 7

(2) City Council Retreat Follow-up

(3) Calendar Update

13. *ADJOURNMENT*


**CITY OF KIRKLAND**

Department of Parks &amp; Community Services

505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300

www.ci.kirkland.wa.us

**MEMORANDUM**

**To:** City Council  
**From:** Park Board  
**Date:** March 24, 2010  
**Subject:** Joint meeting between Park Board and the City Council

The Park Board is looking forward to our annual meeting with the City Council. The following is a proposed agenda for our joint session, scheduled for April 6:

### Agenda

- I. **2009 Accomplishments:** A brief review of work accomplished in 2009.  
Highlights include:
  - Completed a trail and park improvement plan for Forbes Lake Park
  - Awarded the contract for the construction of the new Everest Park Restroom/Storage Building
  - Completed construction of the Rose Hill Meadows Park
  - Expanded community garden/pea patch program with 15 new garden plots at McAuliffe Park, 35 total
  - Replaced playground equipment at South Rose Hill Park
- II. **Park Board Work Plan:** A review of major components of the Board's 2010 work program (work plan attached)
- III. **Off-Leash Dog Areas:** Park Board seeking direction from Council on process and parameters for pursuing off-leash areas (OLA's) in Kirkland

**OFF-LEASH DOG AREAS IN KIRKLAND**

As the City Council is aware, the issues surrounding off-leash dog activity in Kirkland have been a recurring Park Board work plan item over the past several years. While many cities in the region have been able to achieve results and provide some form of off-leash area (referred to herein as OLA's) for their citizens, we have struggled to find a suitable solution which fits for our community.

In the past, the Council and Board have agreed on the following basic policy issues related to off-leash dogs, some of which are detailed in Resolution R-4478 which the Council passed in 2004:

1. That park rules should continue to require owners to have their dogs leashed and that resources should be devoted to **ensuring enforcement** of leash laws. In addition,

Memorandum to City Council  
Joint Meeting with Park Board  
Page 2

dogs should be prohibited outright from certain unique park facilities (such as McAuliffe Park, Peter Kirk Pool, Tot Lot playground, pea patches, etc.)

2. That OLA's are a **legitimate recreation use** for parks and should be considered in the formal master planning process of any park site.
3. That successful OLA's in Kirkland must have support from a private **stewardship group** which, through funding assistance and/or volunteer support, helps offset both initial start-up costs and on-going operational costs.
4. That as part of the consideration of specific sites for OLA's, a public process should include at a minimum **public hearings** held by the Park Board and specific **outreach to neighborhood associations**.

In 2008, Kirkland Dog Off-leash Group (KDOG) formed and officially became a recognized non-profit organization about one year ago. To date, nearly 200 individuals have signed up to be involved in KDOG and the organization has expressed a commitment to provide volunteers and financial support for OLA's in the Kirkland community.

At the City Council's January 19<sup>th</sup> meeting, Jean Guth, representing the KDOG organization, asked the City Council to move forward with Resolution R-4478 to conduct a public hearing on an off-leash area. Ms. Guth entered into the record of City Council's February 2<sup>nd</sup> meeting a petition signed by 648 individuals in support for an off-leash park in Kirkland. The Council has also received dozens of email messages in support for holding a public hearing for an off-leash area. Council subsequently asked for a staff report summarizing the Park Board's work regarding off-leash areas (memo attached) and requested to discuss this subject with the Park Board at the April 6<sup>th</sup> Study Session.

KDOG representatives have also attended several Park Board meetings over the past several months. Organization representatives were invited to attend the Park Board's February meeting, at which time they presented their extensive research on various approaches local and national communities have taken to meet the off-leash needs of dog owners and their pets.

Based on these discussions, the Park Board has prepared the following two recommendations for the Council's consideration:

**1. FENCED Off-Leash Area Option**

**The Park Board requests that the Council authorize the Board and staff to investigate the feasibility of utilizing park property south of the Heronfield Wetlands as a designated, fenced OLA.**

Purchased in 2005 from the Schott family, the undeveloped site is approximately 7.5 acres and located at the southwest corner of 113<sup>th</sup> Avenue NE and NE 120<sup>th</sup> Street (just west of the Kirkland Municipal Court building). A portion of the Heronfield Wetlands extends onto the property, while the rest of the site contains a mix of deciduous and conifer forest habitat on relatively steep slopes as well as a large, open grassy meadow at the toe of the slope. The

Memorandum to City Council  
Joint Meeting with Park Board  
Page 3

meadow area, once used as pasture land, is currently invaded by Himalayan Blackberry but could be converted to a fenced OLA. In preliminary conversations with KDOG they have expressed an interest in partnering at this location.

As part of analyzing the suitability of the site, the Board and staff would consider environmental and associated permitting issues, site access, impact to neighboring properties, parking and traffic needs/constraints, and other related issues. A site development cost estimate would also be prepared. Public involvement would include specific outreach to the Juanita neighborhood association and one or more public hearings.

If the Council authorizes the Board to explore this location, we anticipate returning to the Council with a specific recommendation this fall.

## **2. UNFENCED Off-Leash Areas Option**

**In addition to considering a fenced OLA, the Park Board is interested in exploring a revision to Kirkland's existing park regulations to allow limited off-leash dog activity within certain areas of a limited number of existing developed park sites.**

KDOG's research has found examples where park systems have designated unfenced off-leash areas within an existing park, or a designated area within a park that is allowed only during specific times. The Board found this concept to have merit and recommends the Board work with KDOG to develop specific site criteria and to engage in a dialog with the community to identify sites for Council's consideration.

Some of the characteristics of this approach include:

- Limited off-leash recreation use in existing parks during certain times of the day (such as early morning), and/or certain times of the year (such as October through March);
- Limit the off-leash recreation use to a specific location within a park, unfenced but defined through signage or other means;
- On-going volunteer stewardship of designated sites to monitor activity, help ensure compliance with rules, provide educational resources and support to dog owners, and complete routine maintenance tasks as appropriate.

Some of the possible advantages of this approach include:

- A neighborhood-based strategy which encourages off-leash recreation activity geared to meeting a more localized need;
- A geographically-dispersed strategy which lessens impacts to the transportation system and associated impacts to the environment;
- A low-cost strategy which can be implemented without a commitment of new resources;

Memorandum to City Council  
Joint Meeting with Park Board  
Page 4

- A shared-use strategy which would allow continued multiple uses of park open areas and thus would not require segregating a portion of a park site exclusively for off-leash recreation activity;
- This approach lends itself well to a test period, or pilot approach. Effectiveness can be evaluated and the program revised or curtailed after a pre-determined period of time.

The Board believes that this option has enough merit to warrant a closer look and engagement with the community to gauge interest and support. Obvious concerns about safety, impacts to immediate neighbors, and impact to other park uses would need to be studied. Again, the KDOG organization has expressed a willingness to partner with the City in this effort and the implementation of any authorized program.

If the Council is willing to allow the Board and staff to explore this option, once again we anticipate returning to the Council this fall, if not sooner, with a specific recommendation.

Attachments:

- 1\_Park Board 2010 Work Plan
- 2\_Background Memorandum on Off-Leash Areas
- 3\_Resolution R-4478 regarding Dogs Off-leash
- 4\_Location Map for Potential Off-Leash Area

### Kirkland Park Board 2010 Work Plan

<b>Goal 1: Develop or redevelop existing parklands and public recreation facilities.</b>		
<b>Objective</b>	<b>Description</b>	<b>Timing</b>
<u>Objective 1.1:</u> Implement Juanita Beach Master Plan	Construct Phase 1 improvements to park (CIP funded)	Throughout 2010
<u>Objective 1.2:</u> Expand community garden/pea patch program	Provide additional opportunities for community gardening/pea patches within the park system (unfunded)	Throughout 2010
<u>Objective 1.3:</u> Develop renovation plan for Waverly Beach Park	Complete an assessment and prioritized recommendations (with cost estimates) for improvements to Waverly Beach Park (CIP funded)	July - December
<u>Objective 1.4:</u> Develop a pilot off-leash dog area in Kirkland	Find a suitable location, secure sufficient volunteer stewardship commitment and donated funds for a pilot OLA (unfunded)	Throughout 2010
<u>Objective 1.5:</u> Secure State grant funding to complete planned improvements to Forbes Lake Park Trail System	Make application for up to \$500,000 of State Recreation and Conservation Office (RCO) funding for Forbes Lake Park	April - September
<u>Objective 1.6:</u> Update the City's Comprehensive Park, Recreation, and Open Space Plan (PROS PLAN)	Update to six-year planning document	Complete by June
<u>Objective 1.7:</u> Update the Parks' Capital Improvement Program (CIP) for 2011 - 2016	Update to six-year budget planning document	Complete by June
<b>Goal 2: Maintain or increase maintenance and operational levels of service for parks and for recreation facilities.</b>		
<b>Objective</b>	<b>Description</b>	<b>Timing</b>
<u>Objective 2.1:</u> Implement the Green Kirkland 20-Year Plan	Implement restoration plans including volunteer stewardship components (CIP funded). Seek and secure stable funding for Green Kirkland program beyond 2010	Throughout 2010
<u>Objective 2.2:</u> Repair/replace deteriorating park amenities	Complete replacement of playgrounds at Peter Kirk Park and Houghton Beach Park (CIP funded)	Throughout 2010
<u>Objective 2.3:</u> Minimize negative impacts to park system and park/recreation users due to budgetary reductions	Provide advice and guidance to staff as requested regarding potential community impacts related to proposed and/or implemented budgetary reductions and seek community-based solutions (including adopt-a-park opportunities)	Throughout 2010

### Kirkland Park Board 2010 Work Plan

<u>Objective 2.4:</u> Peter Kirk Pool Capital Improvements	Implement upgrades to meet new code requirements and improve pool operations (CIP funded)	February - June
<u>Objective 2.5:</u> Develop new operational plan for Kirkland Teen Union Building (K-TUB)	Determine new operational plan including possible new community operational partner(s) for the teen center	January - July
<u>Objective 2.6:</u> Complete tasks necessary for provision of parks and recreation services to the Pending Annexation Area in 2011	Continue preparations for assumption of County-owned parks and open spaces and provision of services to the PAA	Throughout 2010
<b>Goal 3: Develop more revenue-generating opportunities, alternative revenue sources, and private partnerships within the park system.</b>		
<b>Objective</b>	<b>Description</b>	<b>Timing</b>
<u>Objective 3.1:</u> Implement Marina Park business plan	Maximize opportunities for revenue-generating activities at Marina Park, such as recreation concessions and events	Throughout 2010
<u>Objective 3.2:</u> Planning for possible future park bond and maintenance levy	Subject to Council direction, continue to explore strategic issues related to the planning and timing of a possible park bond and maintenance levy. Make recommendations to City Council as requested	Throughout 2010
<u>Objective 3.3:</u> Encourage appropriate use of park facilities for community events	Review and make recommendations on policy issues related to special events in parks	Throughout 2010
<b>Goal 4: Develop partnership opportunities with the Lake Washington School District.</b>		
<b>Objective</b>	<b>Description</b>	<b>Timing</b>
<u>Objective 4.1:</u> Implement new Joint Use Agreement with LWSD	Implement new agreement to ensure reciprocal use of public facilities in a manner which maximizes opportunities and equitably meets the broad needs of the community. Track and assess impacts of the new agreement	Throughout 2010
<b>Goal 5: Develop more indoor recreation space.</b>		
<b>Objective</b>	<b>Description</b>	<b>Timing</b>
<u>Objective 5.1:</u> Indoor Recreation Center	Actively seek potential community partners and conduct site analysis as sites are identified (CIP funded)	Throughout 2010

**Kirkland Park Board 2010 Work Plan**

<b>Goal 6: Acquire open spaces, unusual and unique sites, and neighborhood park land in areas of the City where recreation opportunities are deficient.</b>		
<b>Objective</b>	<b>Description</b>	<b>Timing</b>
<u>Objective 6.1:</u> Acquire suitable land for community park land and/or open space	Be responsive to acquisition opportunities as they arise (CIP funded)	Throughout 2010



**CITY OF KIRKLAND**  
Department of Parks & Community Services  
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

---

## MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Jennifer Schroder, CPRP  
Parks and Community Services Director

**Date:** February 9, 2010

**Subject:** Summary of the Park Board's work regarding an off-leash dog park

### Background

In the fall of 2002, a section of the lawn area at the Waverly Park site had become muddy and in poor condition. The park had become a popular gathering area for dog owners to exercise their pets. The combination of poor drainage and concentrated use by dogs turned the lawn area to mud. The area was fenced off and closed for turf restoration. Following the closure of a section of the park, a citizen advocacy group for off-leash areas sent several letters to the Council requesting that the City provide pet owners with an off-leash area. This group identified itself as K-Dog.

In response to requests for an off-leash dog area at the Waverly Park site, the City Council held a joint study session with the Park Board to discuss dogs and parks (April, 2003). The Council directed the Park Board to form a Dogs and Parks Committee. The Committee was formed in May, 2003 and included representatives from the Park Board, K-Dog, Lake Washington School District, Audubon Society, Juanita Bay Ranger Program, Kirkland American Little League, and citizens at-large. The Committee was charged with developing recommendations concerning leash-law enforcement priorities, park use policies relating to pets, and off-leash recreational opportunities.

The Committee looked at existing off-leash areas in Seattle and throughout King County to learn about size criteria, maintenance needs, infrastructure elements, and other concerns such as enforcement. Size of off-leash areas researched ranged from fenced dog runs, which limit the number of pets and pet-owners that can use the run at one time, to Marymoor Park which is a 40 acre off-leash area.

In February, 2004, the Committee presented to the City Council a list of site selection criteria for an off-leash area, identified several parks to consider for a pilot program, provided a list of parks to eliminate from consideration, proposed rules for pet owners to follow, and sought enforcement for those rules. Council asked the Park Board to concentrate their efforts on 10 parks and to revisit the site selection criteria for each proposed site.

Over the next six months, the Park Board reviewed the site selection criteria, costs to implement and maintain proposed off-leash areas, funding strategies, and the importance of enforcement.

On October 19, 2004 the Park Board presented for City Council approval the following findings and recommendations:

Findings:

- Off-leash opportunities are a legitimate park activity, but only under the right circumstances (e.g. size, location, compatible use and infrastructure)
- Off-leash opportunities should be considered as a program element in future park development and redevelopment
- Off-leash activities should be evaluated through the criteria created by the Dogs and Parks Committee and the needs of neighbors, park users, and other interested parties, as best as possible
- The "off-leash community" should share responsibility for both implementing, and maintaining an off-leash area
- The City needs to be committed to enforcement of the leash-law
- The City should both facilitate and encourage ways that responsible dog ownership can be promoted through educational outreach and through special events, as examples
- Existing parks that meet the site selection criteria for consideration of an off-leash area are: Crestwoods Park, Juanita Beach Park, North Kirkland Community Center, Snyder's Corner, and Terrace Park.

The Park Board recommendation was the following:

1. Include off-leash dog areas as a program element for public consideration as part of all future park master planning projects.
2. When a stewardship group steps forward to champion an off-leash area, the following criteria should be followed:
  - Conduct a Public Hearing on the five park sites identified by the Park Board as sites to consider for an off-leash area. (Crestwoods Park, Juanita Beach Park, North Kirkland Community Center, Snyder's Corner, and Terrace Park)
  - Involve Neighborhood Associations in the public process
  - Funding for start-up costs and ongoing maintenance should be offset by user fees, donations and volunteer stewardship.
3. Amend Chapter 11.80 Park Rules of the Kirkland Municipal Code to prohibit pets from entering the Cemetery, McAuliffe Park, Peter Kirk Pool, Tot Lot Park, and Ohde Pea Patch.

After a thorough discussion, the City Council moved to accept the Park Board's recommendation with changes. The changes included the removal of the public hearing limitation to the five named parks and the addition of language for pets to be allowed in the cemetery provided they are on a leash and under close control.

On November 16, 2004 Council adopted Resolution R-4478 approving the Park Board's recommendation regarding dogs and parks.

**Implementation of R-4478**

- *Include off-leash dog areas as a program element for public consideration as part of all future park master planning projects.*

Based on this policy, the following master plans included, during the public-input phase, an off-leash area element for public consideration: Juanita Beach Park, McAuliffe Park, Forbes Lake development plan, Rose Hill Meadows and Carillon Woods. Of the five plans, Juanita Beach Park was given the most consideration, however it was deemed there was not enough room between other uses in the plan to adequately site an off-leash area. Other than the Park Board's careful review and consideration for an off-leash area within each of these plans, there was no organized group supporting an off-leash area.

- *Amend Chapter 11.80 Park Rules of the Kirkland Municipal Code to prohibit pets from entering the Cemetery, McAuliffe Park, Peter Kirk Pool, Tot Lot Park, and Ohde Pea Patch.*

January 2005, the City Council approved Ordinance O-3998 relating to animal control and the regulation and prohibition of animals running at large. The ordinance amended the sections regarding regulations and enforcement, running at large, established leash law infractions as a civil penalty and authorized the Parks Director to adopt rules prohibiting dogs or other domesticated animals from entering parks or certain portions of parks after consultation with the City Council.

- *When a stewardship group steps forward to champion an off-leash area, the following criteria should be followed:*
  - *Conduct a Public Hearing*
  - *Involve Neighborhood Associations in the public process*
  - *Funding for start-up costs and ongoing maintenance should be offset by user fees, donations, and volunteer stewardship.*

To date, the Park Board has not held a public hearing on a proposed off-leash area or site. On March 17, 2009 the Park Board recommended that the City Council direct the Park Board to conduct a study to identify opportunities or alternatives for off-leash area(s) within the Kirkland park system and for the Park Board to chair a community stakeholder committee. Council communicated that they did not want the Park Board to convene a stakeholder committee and additionally, some council members voiced opposition to site off-leash areas in developed parks. The City Council's minutes reflect that Council agreed that the Park Board could continue to explore and identify opportunities or alternatives for off-leash areas and return with a recommendation at a future council meeting.

Since that time, a stewardship group has formed. In 2008, the Kirkland Dog Off-leash Group (KDOG) submitted their application to form a 501(c)3 non-profit organization and received approval from the state on March 26, 2009. To date 185 individuals have signed up to be involved in KDOG and they are willing to support an off-leash area. After all the research the Park Board has completed, and including research KDOG has conducted on "preferred criteria" for an off-leash park, the issue comes down to finding a site that is acceptable to the City Council so that a public hearing can be held. The Park Board and City Council will have the opportunity to discuss this in-depth at their joint meeting at the April 6, 2010 Study Session.

RESOLUTION R- 4478

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PARK BOARD RECOMMENDATION REGARDING DOGS AND PARKS.

WHEREAS, in response to several requests that the City of Kirkland provide pet owners with an off-leash recreational area, the City Council held a joint study session with the Park Board, in April 2003, to discuss dogs and parks; and

WHEREAS, the Council directed the Park Board to form a Dogs and Parks Committee, which committee was formed in May 2003, and included representatives from the Park Board, K-Dog, Lake Washington School District, Audubon Society, Juanita Bay Ranger Program, Kirkland American Little League, and citizens at-large; and

WHEREAS, the Committee was charged with developing recommendations concerning: leash law enforcement priorities; park use policy relating to pets; and off-leash recreational opportunities; and

WHEREAS, the Committee looked at existing off-leash areas in Seattle and throughout King County to learn about size criteria, maintenance needs, infrastructure elements, enforcement, and other concerns; and

WHEREAS, because the Committee determined that City designation of a single park for off-leash use would effectively create a destination dog park, the Committee recommended off-leash areas be provided in multiple park sites; and

WHEREAS, the Committee presented a list of selection criteria to the City Council in February 2004 and has continued to work to refine those criteria over the last six months; and

WHEREAS, the City Council reviewed the Park Board Recommendation at its meeting on October 19, 2004;

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

Section 1. The Kirkland City Council hereby approves the Kirkland Park Board Recommendations Regarding Dogs and Parks, as amended and set forth in Exhibit A attached hereto and by this reference incorporated herein.

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of November, 2004.

Signed in authentication thereof this 16th day of November, 2004.

*Mary Alice Burleigh*  
MAYOR

Attest:  
*[Signature]*  
City Clerk  
Reso\Dogsreso

## EXHIBIT A

### **Park Board Recommendation**

1. Include off-leash dog areas as a program element for public consideration as part of all future park master planning projects.
2. When a stewardship group steps forward to champion an off-leash area, the following criteria should be followed:
  - Conduct a Public Hearing.
  - Involve Neighborhood Associations in the public process
  - Funding for start-up costs and ongoing maintenance should be offset by user fees, donations, and volunteer stewardship.
3. Amend Kirkland Municipal Code Chapter 11.80, "Park Rules" to prohibit pets from entering, McAuliffe Park, Peter Kirk Pool, Tot Lot Park, Ohde Pea Patch and that pets are allowed in the cemetery provided they are on a leash, stay on roads and pathways and under close control.

Attachment 4

# Potential Off-Leash Area





**CITY OF KIRKLAND**  
City Manager's Office  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

---

**CITY MANAGER'S OFFICE  
MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager

**From:** Marie Stake, Communications Program Manager

**Date:** March 25, 2010

**Subject:** "Days of Remembrance" Proclamation

**RECOMMENDATION:**

It is recommended that Mayor Joan McBride proclaim the week of April 11 through April 18, 2010 as Days of Remembrance of the Victims of the Holocaust.

**BACKGROUND DISCUSSION:**

The United States Holocaust Memorial Museum has requested that the City of Kirkland proclaim the week of April 11 - 28, 2010 as the *Days of Remembrance for the Victims of the Holocaust*. The museum has designated "Stories of Freedom: What You Do Matters" as the theme for the 2010 Days of Remembrance in commemoration of the 65<sup>th</sup> anniversary of the liberation of Nazi concentration camps.

For more information about the Days of Remembrance, visit the U.S. Holocaust Memorial Museum website at [www.ushmm.org](http://www.ushmm.org).



## A PROCLAMATION OF THE CITY OF KIRKLAND

### Designating Sunday, April 11 through Sunday April 18, 2010 as "Days of Remembrance"

**WHEREAS**, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945 where Jews were the primary victims with six million were murdered; and

**WHEREAS**, Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons and millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

**WHEREAS**, in 1980, the United States Congress established the *Days of Remembrance of the Victims of the Holocaust* as the nation's annual commemoration of the Holocaust and created the United States Holocaust Memorial Museum as a permanent living memorial to the victims; and

**WHEREAS**, the United States Holocaust memorial Council designates the *Days of Remembrance* as Sunday, April 11 through Sunday, April 18, 2010, including the international Day of Remembrance known as *Yom Hashoah*, April 11; and

**WHEREAS**, in commemoration of the 65<sup>th</sup> anniversary of the liberation of Nazi concentration camps, the Museum has designated *Stories of Freedom: What You Do Matters* as the theme for the 2010 observance; and

**WHEREAS**, the Days of Remembrance has been set aside to remember the victims of the holocaust as well as to reflect on the need for respect of all people; and

**WHEREAS**, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

**WHEREAS**, the people of the City of Kirkland should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

**NOW THEREFORE**, Therefore, I, Joan McBride, Mayor of the City of Kirkland, Washington, do hereby proclaim Sunday, April 11 through Sunday, April 18, 2010 as *Days of Remembrance* in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Kirkland, should work to promote human dignity and confront hate whenever and where ever it occurs.

Signed this 6<sup>th</sup> day of April 2010

---

Joan McBride, Mayor

**KIRKLAND CITY COUNCIL SPECIAL MEETING****Minutes****March 11, 2010****1. CALL TO ORDER**

Mayor McBride called the Special Meeting of the Kirkland City Council to order at 6:00 p.m.

**2. ROLL CALL**

Members Present: Mayor Joan McBride, Deputy Mayor Penny Sweet, Councilmembers Dave Asher, Jessica Greenway, Bob Sternoff, and Amy Walen. Councilmember Doreen Marchione was absent and excused due to illness.

**3. PLANNING COMMISSION INTERVIEWS**

- a. Andrew Held
- b. Mirza Avdic
- c. John Condie
- d. Erik Gordon
- e. Kevin Hanefeld
- f. Mike Miller
- g. Glenn Peterson

**4. YOUTH POSITION INTERVIEWS – HUMAN SERVICES ADVISORY COMMITTEE AND PARKING ADVISORY BOARD**

- a. Nathan Brand

**5. CULTURAL COUNCIL INTERVIEWS**

- a. Erik Gordon
- b. Jeanne Yu (withdrew)

**6. DESIGN REVIEW BOARD INTERVIEWS**

- a. James Truhan
- b. Erik Gordon
- c. Andy Paroline
- d. Scott Reusser

**6. HUMAN SERVICES ADVISORY COMMITTEE INTERVIEWS**

- a. Santiago Ramos (telephone interview)
- b. Jeanne Yu

**7. LIBRARY BOARD INTERVIEWS**

- a. Megan Gustafson
- b. Ronald Steiger

**8. LODGING TAX ADVISORY COMMITTEE**

- a. Shirley Day
- b. Ryan Noel
- c. Les Utley
- d. Jac Cooper
- e. Daniel Mayer
- f. Luanne Erikson

**9. PARK BOARD INTERVIEWS**

- a. Adam White
- b. Shawn Fenn
- c. Erik Gordon
- d. Susan Harris Huether
- e. Jeanne Yu

**10. PARKING ADVISORY BOARD INTERVIEWS**

- a. Joe Castleberry
- b. Ken Dueker
- c. Robert Clark
- d. JonErik Johnson
- e. "A" Liengboonlertchai
- f. Andy Loos

**11. TRANSPORTATION COMMISSION INTERVIEW**

- a. Joel Pfundt
- b. Gordon Baldeschwiler
- c. John Condie
- d. Thomas Pendergrass (telephone interview)
- e. Michael Snow
- a. Carl Wilson

**12. SELECTION AND APPOINTMENT OF PLANNING COMMISSION, CULTURAL COUNCIL, HUMAN SERVICES ADVISORY COMMITTEE, LIBRARY BOARD, LODGING TAX ADVISORY COMMITTEE, PARK BOARD, PARKING ADVISORY BOARD, AND TRANSPORTATION COMMISSION MEMBERS**

Following discussion of the applicants' qualifications, Councilmember Asher moved to appoint Andy Held to a four year term ending 3/31/2014 on the Planning Commission. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Mike Miller to a four year term ending 3/31/2014 on the Planning Commission. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to select Glenn Peterson as an alternate appointee to the Planning Commission should an additional vacancy arise on the Commission within the next six months. Councilmember Sternoff seconded the motion, which passed unanimously

Councilmember Asher moved to appoint Nathan Brand to an unexpired term ending 3/31/2011 as a youth appointee to the Human Services Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Erik Gordon to an unexpired four year term ending 03/31/2013 in Position 3 on the Cultural Council. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint James Truhan to a four year term ending 3/31/2014 on the Design Review Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Scott Reusser to a four year term ending 3/31/2014 on the Design Review Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to select Andy Paroline as an alternate appointee to the Design review Board should an additional vacancy arise on the Board within the next six months. Councilmember Sternoff seconded the motion, which passed unanimously

Councilmember Asher moved to appoint Santiago Ramos to a four year term ending 3/31/2014 on the Human Services Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Jeanne Yu to a four year term ending 3/31/2014 on the Human Services Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Megan Gustafson to an unexpired four year term ending 3/31/2012 on the Library Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Ronald Stieger to an unexpired four year term ending 3/31/2012 on the Library Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to reappoint Shirley Day to a one year term on the Lodging Tax Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to reappoint Ryan Noel to a one year term on the Lodging Tax Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to reappoint Les Utley to a one year term on the Lodging Tax Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to reappoint Luanne Erikson to a one year term on the Lodging Tax Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Jac Cooper to a one year term on the Lodging Tax Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Daniel Mayer to a one year term on the Lodging Tax Advisory Committee. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Adam White to a four year term ending 3/31/2014 on the Park Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Shawn Fenn to a four year term ending 3/31/2014 on the Park Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to select Susan Harris Huether as an alternate appointee should an additional vacancy arise on the Park Board within the next six months. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Andy Loos to an unexpired four year term ending 3/31/2011 on the Parking Advisory Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to reappoint Joe Castleberry to a four year term ending 3/31/2014 on the Parking Advisory Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to reappoint Ken Dueker to a four year term ending 3/31/2014 on the Parking Advisory Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint "A" Liengboonlertchai to a four year term ending 3/31/2014 on the Parking Advisory Board. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to select JonErik Johnson as an alternate appointee should an additional vacancy arise on the Parking Advisory Board within the next six months. Councilmember Sternoff seconded the motion, which passed unanimously

Councilmember Asher moved to appoint Carl Wilson to an unexpired four year term ending 3/31/2012 on the Transportation Commission. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to reappoint Joel Pfundt to a four year term ending 3/31/2014 on the Transportation Commission. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Michael Snow to a four year term ending 3/31/2014 on the Transportation Commission. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to appoint Tom Pendergrass to an unexpired four year term ending 3/31/2013 on the Transportation Commission. Councilmember Sternoff seconded the motion, which passed unanimously.

Councilmember Asher moved to select John Condie as an alternate appointee should an additional vacancy arise on the Transportation Commission within the next six months. Councilmember Sternoff seconded the motion, which passed unanimously

## 11. ADJOURNMENT

The March 11, 2010 Special Meeting of the Kirkland City Council was adjourned at 10:05 p.m.

---

City Clerk

---

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
March 16, 2010

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. City Council Brainstorming

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Assistant City Manager Marilynne Beard, Neighborhood Services Coordinator Kari Page and Kirkland Alliance of Neighborhoods Coordinator Norm Storme.

4. EXECUTIVE SESSION

a. To Discuss Pending Litigation

5. HONORS AND PROCLAMATIONS

a. Councilmember Jessica Greenway's appointment as Regional Chair of the Metropolitan Solid Waste Management Advisory Committee

b. Proclamation Honoring Retiring City Manager Dave Ramsay

Council recessed for a short break.

6. COMMUNICATIONS

a. Announcements

Assistant City Manager Marilynne Beard announced an upcoming Cascade Land Conservancy Workshop on March 18, 2010 titled "Cascade Agenda Community Stewards Taking Action in Kirkland" and asked for citizen participation in a survey on the City website relating to the City's bid to be selected for Google's Fiber Communities Project.

b. Items from the Audience

Judith Ruitter  
Hilton Smith  
Jean Guth  
Diane Rich  
Tracy Doering  
Brooke Stabbert  
Rob Brown  
Donna Corithers

c. Petitions

None.

7. SPECIAL PRESENTATIONS

a. Certificate of Achievement for Excellence in Financial Reporting

City Manager Dave Ramsay acknowledged the work of Finance and Administration staff. Mayor Joan McBride and Councilmember (and Finance Committee Chair) Jessica Greenway presented Accounting Manager Teresa Levine with the Government Finance Officers Association award for the City's 2008 Comprehensive Annual Financial Report.

8. CONSENT CALENDAR

a. Approval of Minutes: March 2, 2010

b. Audit of Accounts:

Payroll \$ 1,990,008.83  
Bills \$ 1,707,110.97  
run # 898 check # 515536  
run # 899 checks # 515538 - 515702  
run # 900 checks # 515728 - 515882

c. General Correspondence

d. Claims

e. Award of Bids

(1) Park Lane Phase 1 Improvements, Pacific Northwest Earthworks, LLC,  
Fall City, Washington

This item was pulled from the Consent Calendar for discussion under New Business.

f. Acceptance of Public Improvements and Establishing Lien Period

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

(1) Resolution R-4808, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ENTERING INTO AN INTERLOCAL AGREEMENT WITH OTHER EASTSIDE CITIES FOR THE PURPOSE OF INSTALLING GRANT FUNDED BICYCLE WAYFINDING SIGNS AND PAVEMENT MARKINGS."

(2) Report on Procurement Activities

(3) Surplus Vehicles/Equipment for Sale

Fleet #	Year	Make	VIN/Serial Number	License #	Mileage
F303	1993	Ford Road Rescue Aid Car	1FDKE30M5PHB46920	15566D	71,950
TS-02	2000	Smithco Turf Sweeper	G1383	n/a	n/a
n/a	unk	Magnetek Air Compressor	Part 6-349415-03	n/a	n/a

Motion to Approve the Consent Calendar with the exception of item 8.e.(1)., which was pulled for discussion under New Business, item 11.b.

Moved by Councilmember Bob Sternoff, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

- a. Kirkland Tour Dock Proposals

Parks and Community Services Deputy Director Carrie Hite and Director of Parks and Community Services Jennifer Schroder provided a briefing on the details of the Kirkland Tour Dock Proposals and responded to Council questions.

Motion to instruct staff to enter into a contract with Waterways Holdings Corporation, as amended.

Moved by Councilmember Jessica Greenway, seconded by Councilmember Amy Walen

Vote: Motion carried 6-1

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Deputy Mayor Penny

Sweet, and Councilmember Amy Walen.  
No: Councilmember Bob Sternoff.

Motion to Amend the motion to include as part of the contract administration and operations review, a focus on addressing expressed concerns related to parking and possible impacts to the Mariner Condominuims.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 6-1

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Bob Sternoff.

b. Medical Transport Fee Study Contract Approval

Fire Chief Kevin Nalder provided background and responded to Council questions regarding the Medical Transport Fee Study.

Motion to authorize the City Manager to enter into a contract for the complete, thorough, and unbiased analysis of medical transport fee operations and, as an exception to policy, that we authorize \$12,400.00 from the Council Special Projects Reserve for the analysis.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

11. NEW BUSINESS

a. Kirkland's Investment Portfolio Annual Review

Finance and Administration Deputy Director Michael Olsen presented the 2009 Investment Portfolio Review.

b. Park Lane Phase I Improvements, Pacific Northwest Earthworks, LLC Fall City, Washington

This item, 8.e.(1)., was pulled from the Consent Calendar for consideration under New Business.

Motion to award the contract for Park Lane Phase I Improvements to Pacific Northwest Earthworks, LLC of Fall City, Washington in the amount of \$48,152.50 and to approve the transfer of funds from the annual sidewalk maintenance project to increase the overall budget of the project.

Moved by Councilmember Bob Sternoff, seconded by Councilmember Doreen

Marchione

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Councilmember Jessica Greenway, Mayor Joan McBride, Deputy Mayor Penny Sweet, Councilmember Dave Asher, and Councilmember Amy Walen.

## 12. REPORTS

### a. City Council

#### (1) Regional Issues

Councilmembers shared information regarding a recent Puget Sound Regional Council Growth Management Planning Board Meeting; Suburban Cities Association Public Issues Committee meeting; TimeBank USA presentation; Metropolitan Solid Waste Management Advisory Committee meeting; Cascade Water Alliance meeting; and a meeting with the King County Executive about annexation issues.

### b. City Manager

#### (1) 2010 Legislative Update 6

Intergovernmental Relations Manager Erin Leonhart updated the Council on the 2010 Legislative items.

#### (2) Calendar Update

## 13. ADJOURNMENT

The Kirkland City Council regular meeting of March 16, 2010 was adjourned at 9:44 p.m.

---

City Clerk

---

Mayor

**KIRKLAND CITY COUNCIL RETREAT**

**Minutes**

**March 19 & 20, 2010**

**Friday, March 19, 2010**

**Heritage Hall,  
203 Market Street  
Kirkland, Washington**

The meeting was called to order at 9:05 a.m. Councilmembers in attendance were Mayor Joan McBride, Deputy Mayor Penny Sweet, Dave Asher, Jessica Greenway, Doreen Marchione, Bob Sternoff and Amy Walen. On the agenda for discussion were: Agenda Overview, Community Survey Results (Stuart Elway), General Discussion and Brainstorming, Council Goals and Performance Measures, and a Financial Update.

Council took short breaks at 10 a.m. and 2 p.m. in addition to a noon lunch break. The meeting was adjourned at 4:10 p.m. until the following day.

**Saturday, March 20, 2010**

**Peter Kirk Room, City Hall  
123 5<sup>th</sup> Avenue  
Kirkland, Washington**

The meeting was called to order at 9:17 a.m. Councilmembers in attendance were Mayor Joan McBride, Deputy Mayor Penny Sweet, Dave Asher, Jessica Greenway, Doreen Marchione, Bob Sternoff and Amy Walen. On the agenda for discussion were: Budget Process Planning and General Discussion and Brainstorming. The meeting was adjourned at 11:55 a.m.

---

City Clerk

---

Mayor



**CITY OF KIRKLAND**  
Department of Finance and Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.ci.kirkland.wa.us

---

**MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** March 25, 2010  
**Subject:** CLAIM(S) FOR DAMAGES

**RECOMMENDATION**

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer 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) Waterford Court Homeowners Association  
c/o Vince Pacecca, Community Manager  
131 8<sup>th</sup> Lane  
Kirkland, WA 98033

**Amount:** \$4,336.78

**Nature of Claim:** Claimant states damage resulted from a main water line leak.

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

**MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager

**From:** Ray Steiger, P.E., Interim Public Works Director  
Aaron McDonald, P.E., Project Engineer

**Date:** March 23, 2010

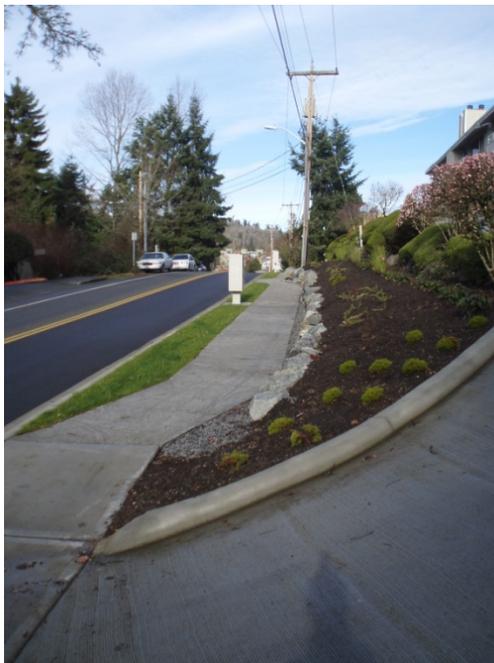
**Subject:** 100<sup>th</sup> Ave NE / 99<sup>th</sup> PI NE Sidewalk (CNM 0060) – ACCEPT WORK

**RECOMMENDATION:**

It is recommended that City Council accept the construction of the 99<sup>th</sup> PI NE/100<sup>th</sup> Ave NE Sidewalk Project, as constructed by Langsholt Construction of Monroe, WA., and establish the statutory 45 day lien period. It is also recommended that Council approve an increase of \$23,000 in City funds for Project close-out.

**BACKGROUND DISCUSSION:**

The 100<sup>th</sup> Ave NE / 99<sup>th</sup> PI NE Sidewalk Project, identified as a part of the City's continued focus on Safe School Walk Routes, resulted in the construction of 1,350 feet of new sidewalk, between NE 112<sup>th</sup> St and NE 116<sup>th</sup> St serving A.G. Bell School and Juanita Village (Attachment A). The Project included the installation of permeable concrete sidewalk, new concrete curb and gutter, a half-street asphalt overlay, new rockery retaining walls, storm drain system improvements, planter strips and a small rain garden.



Funding for the Project is a combination of City funds, Neighborhood Connections grant funds and an Urban Sidewalk Program Grant from the Washington State Transportation Improvement Board (TIB). The Neighborhood Connections Grant money was contributed by the South Juanita Neighborhood Association in the amount of \$25,000.

This Project is the second CIP constructed permeable concrete sidewalk for the City, as part of a Low Impact Development (LID) focus, where storm water is kept

on-site thus reducing the need for large and costly storm water detention facilities. LID techniques also help with water quality by allowing infiltration of storm water into the groundwater table. This aids in maintaining stream base flows, reducing in-stream water temperatures, and reduces stream erosion by moderating peak storm flows within existing streams and ultimately to Lake Washington.

The original budget for this project was \$714,000. The Engineer's Estimate for the construction phase of the project was \$292,000 and on March 24, 2009 we received a total of 9 bids with Langsholt Construction providing the low bid of \$172,364.50; at their regular meeting of April 7, 2009, Council awarded the contract. In September, during the revised 2009-2014 CIP process, the overall project budget was reduced by \$200,000 due to the lower engineer's estimate. In addition, the TIB notified us that, due to the low construction contract amount, the original grant amount of \$150,000 would be reduced by approximately \$72,000, resulting in a revised overall budget of \$442,000 (Attachment B).

During the construction, the condition of the existing roadway pavement required an increase in the original paving limits. As a result, pavement quantities increased by approximately \$44,000 (an 80% increase from the estimated quantity). Also, the steep grade and elevation differences between the new sidewalk and the adjacent properties resulted in increased material quantity costs as "field-fit" adjustments were made to achieve appropriately accessible driveway grades for properties along the new improvements. The total amount paid to the contractor was \$252,473.62, including four change orders. In addition, once construction was started, a geotechnical engineer was needed to verify the soil conditions.

The total project costs will be approximately \$465,000, and the City's share of those costs has increased as a result of the reduced TIB grant amount. City staff was in close contact with TIB staff throughout the construction process; however, we have been informed in writing that the original grants funds that were withheld at the time of the contract award were reallocated elsewhere, and there is no more TIB money available for this Project. Due to the reduction in the TIB grant and the unanticipated change orders, the amount of City funds needed to complete the Project is approximately \$23,000 (Attachment C) over the approved budget. A fiscal note (see attached) recommends that the additional funds be transferred from the Street Improvement Fund.

# Attachment A: 100th Avenue NE/99th Place NE Sidewalk Project



Vicinity Map



Map Legend

— Major Streets



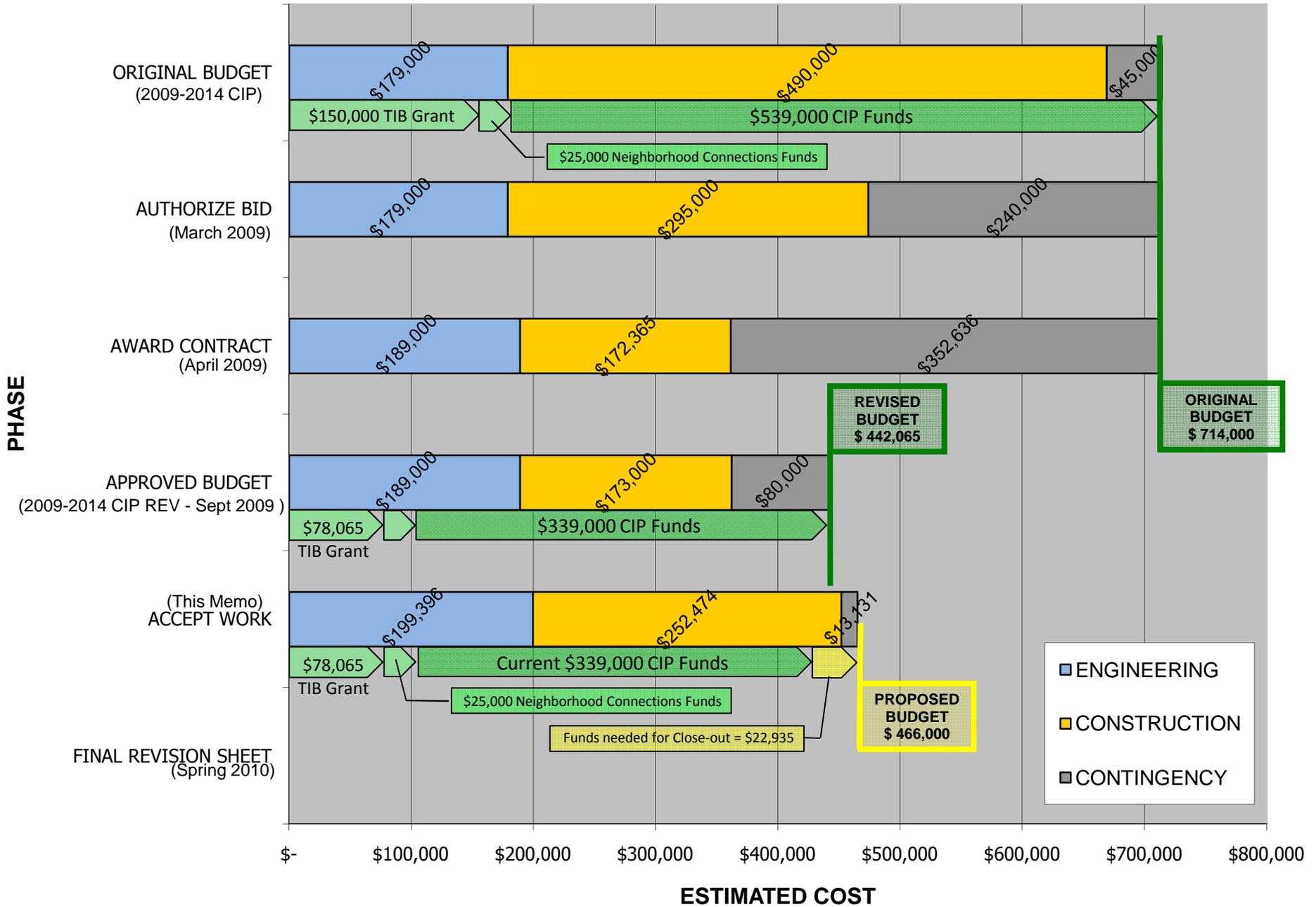
Project Corridor



Produced by the City of Kirkland.  
© 2009, the City of Kirkland, all rights reserved.  
No warranties of any sort, including but not limited to accuracy,  
fitness or merchantability, accompany this product.

Drawn by: Aaron McDonald  
Drawn On: 3/26/2009

### 100th Ave NE/99th Pl. NE Sidewalk (CNM - 0060) PROJECT BUDGET REPORT



**FISCAL NOTE**

CITY OF KIRKLAND

Source of Request							
Ray Steiger, Interim Public Works Director							
Description of Request							
Request for additional funding of \$23,000 from the Street Improvement Fund for the completion of the 100th Ave NE/99th PI NE Sidewalk Project.							
Legality/City Policy Basis							
Fiscal Impact							
<b>One-time use of \$23,000 of the Street Improvement Fund balance.</b> The fund is able to fully fund this request.							
Recommended Funding Source(s)							
<b>Reserve</b>	Description	2010 Est End Balance	Prior Auth. 2009-10 Uses	Prior Auth. 2009-10 Additions	Amount This Request	Revised 2010 End Balance	2010 Target
	Street Improvement Fund	994,576	0	0	23,000	971,576	994,576
<b>Revenue/Exp Savings</b>							
<b>Other Source</b>							
Other Information							

Prepared By	Sri Krishnan, Sr. Financial Analyst	Date	March 25, 2010
-------------	-------------------------------------	------	----------------



**CITY OF KIRKLAND**  
Department of Finance and Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.ci.kirkland.wa.us

---

## **MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** March 25, 2010  
**Subject:** Library Board Resignation

## **RECOMMENDATION**

That Council acknowledge the resignation from Library Board member, and Chair, Lucy Flynn Zuccotti.

## **BACKGROUND DISCUSSION**

Ms. Flynn Zuccotti has tendered her resignation as she is moving from Kirkland on short notice and is no longer eligible to serve on the Library Board. The resulting vacancy was filled at Council's special meeting on March 11, 2010.

**From:** Lucy Flynn Zuccotti [mailto:lucy@zuccotti.org]  
**Sent:** Wednesday, March 10, 2010 10:08 PM  
**To:** Victoria Davies; Kathi Anderson  
**Subject:** Re: Library Board Interview Packet

Hi Victoria and Kathi,

My apologies. When Caprice left us there was a period when secretarial duties were passed around. Harry Pattera is now serving in that office and will be sending along meeting minutes to you. I think he has already sent the missing ones from 2010. Please let em know if there are any others missing.

Blair Macintosh will be representing the board at the meeting Thursday night.

And now the sad part - I am sending this as my written resignation from the board. My spouse has been transferred to Canada starting April 1st (yes, this is very sudden) and we are going to be moving in a short time. I'm sorry about the timing. I hope the candidates tomorrow are excellent and will serve well.

Best,

Lucy Zuccotti

April 7, 2010

**D R A F T**

Ms. Lucy Flynn Zuccotti  
234 8<sup>th</sup> Avenue West  
Kirkland, Washington 98033

Dear Ms. Flynn Zuccotti:

We have regretfully received your letter of resignation from the Library Board.

The City Council appreciates your contribution to the Board, most recently as Chair, and we thank you for volunteering your time and talent to serve your community. We wish you the best in your new community!

Sincerely,  
Kirkland City Council

By Joan McBride, Mayor



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
 www.ci.kirkland.wa.us

---

**MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager  
**From:** Barry Scott, Purchasing Agent  
**Date:** March 25, 2010  
**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF APRIL 6, 2010

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 March 3, 2010, are as follows:

	Project	Process	Estimate/Price	Status
1.	Annexation Area GIS Data Development Services*	RFP	\$100,000-\$150,000	RFP to be released week of 3/28. Proposals due week of 4/11.
2.	Police Department Motorola Mobile Radios	Cooperative Purchasing	\$67,676.16	Purchased through WA State Purchasing Cooperative from Western States Contracting Alliance contract.

\*A reading file memo is included in the April 1 reading file that discusses the need for completing GIS work in advance of the effective date.

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

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

---

**To:** Marilynne Beard, Interim City Manager

**From:** Ray Steiger, Interim Public Works Director  
David Godfrey, P.E., Transportation Engineering Manager

**Date:** March 25, 2010

**Subject:** EASTSIDE RAIL CORRIDOR UPDATE

**RECOMMENDATION**

It is recommended that the Council:

- 1) authorize the Mayor to sign a letter to King County expressing Kirkland's interests in how a regional public process is developed and conducted
- 2) direct the Transportation Commission to begin a local process to prepare a statement describing Kirkland's interests in how the Eastside Rail Corridor should be developed in Kirkland.

**BACKGROUND**

The general background memo provided for the February 16, 2010 Council meeting is included as Attachment 1 to this memo for your information.

At the February 24 meeting of the Transportation Commission, King County Staff briefed the Commission on the County's role in the Eastside Rail Corridor. On March 24, the Commission heard presentations from the Eastside Trail Advocates and the Cascadia Center. At both meetings, audience members commented on corridor development. Video from the [February](#) and [March](#) meetings are available on the City website.

The Commission has identified two areas for action.

**The first area concerns a regional public process.** The County, Sound Transit and other parties are currently negotiating with the corridor owner, the Port of Seattle, to obtain real property interests and other considerations on the corridor. It is the County's intent to begin a public process, in cooperation with Sound Transit, to plan the use of the corridor at the conclusion of the negotiations. The schedule presented to the Commission by the County in February showed process development currently underway with the actual process beginning in June, 2010.

The Commission feels that the City of Kirkland should be a partner in the process and should help influence the nature of the process. The Commission has prepared an interest statement concerning the regional process and recommends that Council send it to King County and Sound Transit. The statement is shown on the next page and a draft letter is Attachment 2.

Draft City of Kirkland Interest Statement

A regional process for planning use of the Eastside Rail Corridor

April 6, 2010

**Partnership:** The City of Kirkland should be a partner in decision making, having responsibility and influence equal to that of the corridor owners. This is due to the number of Kirkland residents and businesses that abut the corridor, the access that city streets provide to the corridor and because the corridor physically bisects Kirkland. We recognize that because the City of Kirkland does not own the corridor, we may not share final decision making authority in some instances.

**Shared Goals:** Partners should identify shared goals and a set of attributes that characterize a solution supportive of those goals. This aligns with Kirkland's interest that process outcomes have broad support based on consensus.

**Transparency:** It is Kirkland's interest that all information about the corridor from various sources be regularly shared among partners. Kirkland has an interest that technical data is developed and presented in a way that allows easy and meaningful comparisons across a full range of transportation alternatives.

**Public process:** Development of the corridor is of great interest to many people who live and work in Kirkland. Therefore, the regional process must allow many opportunities and ways for the public to offer their opinions. Methods should be developed that allow a wide range of people the ability to influence the process through a variety of means.

**Early involvement:** City of Kirkland should be involved from the very beginning of corridor development. For example, if some early alternatives are proposed for public consideration, Kirkland would like to help develop those alternatives, rather than only responding to them.

**Timely resolution:** Thorough analysis and meaningful process can take time. However, it is Kirkland's interest that the minimum amount of time necessary be spent determining a plan for the corridor.

**The second recommendation from the Transportation Commission is to begin to further refine the City's interests on how the corridor should be developed in Kirkland, culminating in a statement summarizing those interests.** This statement would then be used by Kirkland's representatives at the regional process. Such a statement might describe, for example, the types of rail, trail or other improvements that would be acceptable and the desired relative timing of various elements. The precise scope of the statement will become clearer as a process to develop it unfolds. This is because the scope of the statement will depend on where citizen's interests lie. Those interests will be discovered through the process.

There are several reasons for beginning to develop such a statement now. First, there is a high level of interest in the community concerning plans for the Eastside Rail Corridor. Beginning a process of discussion and information sharing will help satisfy this interest. Tying the discussions to a tangible end product will give the discussions meaning. Second, having a meaningful public process as a part of developing a statement will take time. A regional planning effort is scheduled to begin this fall and in order to complete Kirkland's process in time to tie into the regional process we should start our local process soon. Third, positions are beginning to form in the community around various alternatives. At the same time, it appears as though there is room for agreement on many issues. Beginning to highlight common interests may help limit future conflicts.

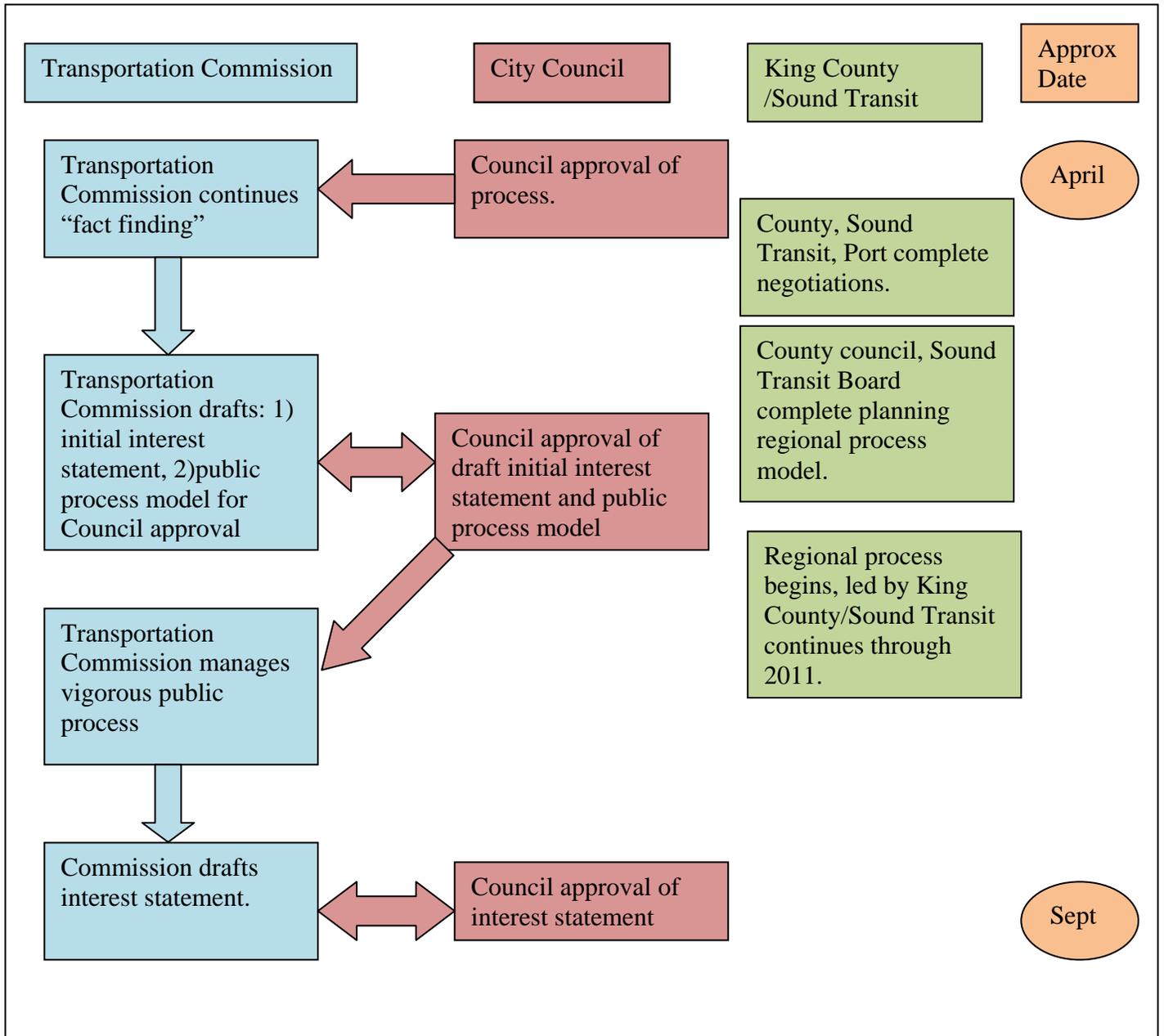
The Transportation Commission has developed a draft process outline, shown in Figure 1 on the next page. The Commission desires a key role in shaping how the corridor is used and is prepared to dedicate a significant portion of its meeting time to this effort.

The right public process is a vital part of developing a meaningful interest statement. The Commission will work with staff to propose initial methods and processes for conducting the outreach and bring those ideas back to Council for discussion. It would be very helpful if, at its April 6 meeting, Council could identify any specific direction the Commission should take in conducting a public process.

Attachment 3 is information prepared by the City Attorney's Office regarding a class action lawsuit filed against the US government concerning the corridor right-of-way. It should have little or no effect on the process being proposed.

This memo and its attachments have been reviewed and edited by the Transportation Commission.

Figure 1 Draft Process for developing a local interest statement on Corridor planning



**D R A F T**

April 7, 2010

County Executive Dow Constantine  
401 Fifth Ave., Suite 800  
Seattle, WA 98104

Dear Executive Constantine:

The Kirkland City Council has a great interest in the development of the Eastside Rail corridor. We are pleased that the Port was able to purchase the corridor and excited about the corridor's future prospects.

We understand that the County is currently in negotiations with the Port and other parties, including Sound Transit, to a purchase real property interest in the portion of the right-of-way running through Kirkland. We further understand that at the conclusion of these negotiations the County and Sound Transit will begin a regional planning process to determine how the corridor should be developed.

The City of Kirkland expects to have a seat at the table during the regional process and we'd like to shape the structure of the process as well. To that end, we have developed a set of interests that describe aspects of a regional process important to the City of Kirkland.

The City Council appreciates your consideration of our interests and we look forward to working with you to develop the unique resource that is the Eastside Rail corridor.

Sincerely,

Kirkland City Council

By Joan McBride, Mayor

cc: King County Council members  
Ms. Joni Earl, Sound Transit CEO  
Sound Transit Board members

## City of Kirkland Interest Statement

A regional process for planning use of the Eastside Rail Corridor  
April 6, 2010

**Partnership:** The City of Kirkland should be a partner in decision making, having responsibility and influence equal to that of the corridor owners. This is due to the number of Kirkland residents and businesses that abut the corridor, the access that city streets provide to the corridor and because the corridor physically bisects Kirkland. We recognize that because the City of Kirkland does not own the corridor, we may not share final decision making authority in some instances.

**Shared Goals:** Partners should identify shared goals and a set of attributes that characterize a solution supportive those goals. This aligns with Kirkland's interest that process outcomes have broad support based on consensus.

**Transparency:** It is Kirkland's interest that all information about the corridor from various sources be regularly shared among partners. Kirkland has an interest that technical data is developed and presented in a way that allows easy and meaningful comparisons across a full range of transportation alternatives.

**A voice for the public:** Development of the corridor is of great interest to many people who live and work in Kirkland. Therefore, the regional process must allow many opportunities and ways for the public to offer their opinions. Methods should be developed that allow a wide range of people the ability to influence the process through a variety of means.

**Early involvement:** City of Kirkland should be involved from the very beginning of corridor development. For example, if some early alternatives are proposed for public consideration, Kirkland would like to help develop those alternatives, rather than only responding to them.

**Timely resolution:** Thorough analysis and meaningful process can take time. However, it is Kirkland's interest that the minimum amount of time necessary be spent determining a plan for the corridor.



## **CITY OF KIRKLAND**

### **Department of Public Works**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**

**[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**

---

**To:** Dave Ramsay, City Manager

**From:** Ray Steiger, Interim Public Works Director  
David Godfrey, P.E., Transportation Engineering Manager

**Date:** February 4, 2010

**Subject:** EASTSIDE RAIL CORRIDOR UPDATE

#### RECOMMENDATION

It is recommended that the Council receive information on the Eastside Rail Corridor, and direct staff to take additional action as appropriate.

#### BACKGROUND

##### *Current status*

The Eastside Rail Corridor runs between the City of Snohomish and the City of Renton. It includes the Redmond spur which extends between Redmond and Woodinville (see Map 1 on Page 2).

For several years, the Port, King County and the Burlington Northern Santa Fe Railroad have attempted to complete an agreement that would put the Eastside Rail Corridor in public ownership and create a trail for walking and bicycling on the right-of-way. Continued or future rail was also a possible use. The parties were close to completing a deal when the recent financial crisis made selling bonds difficult for the Port, and therefore consummation of the agreement was postponed.

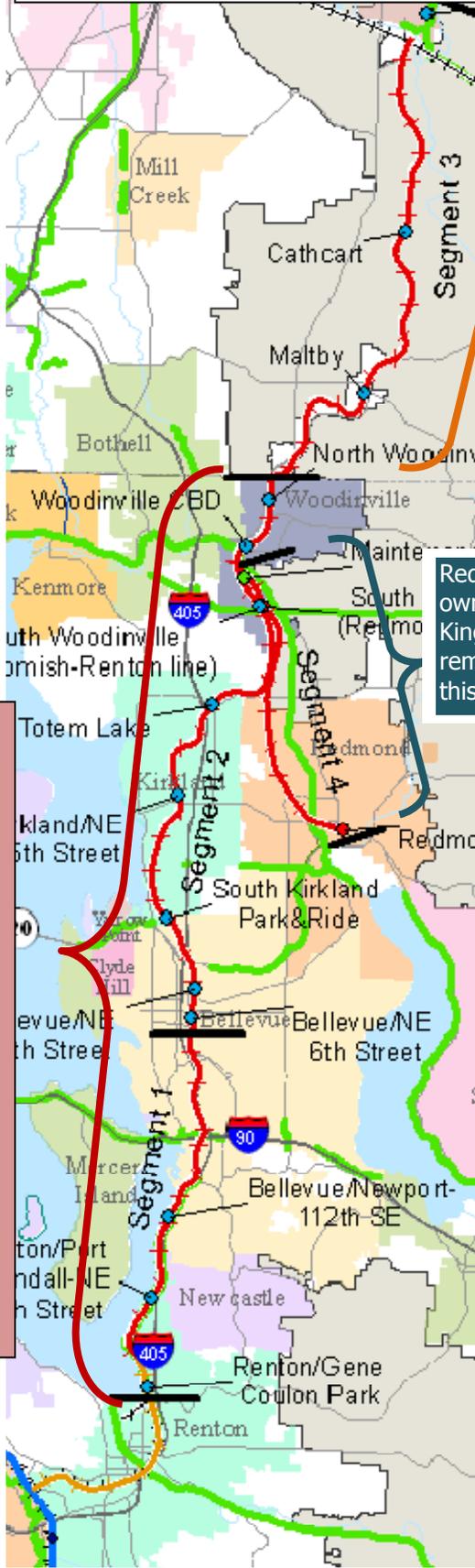
In December 2009, the Port of Seattle completed purchase of the Eastside Rail Corridor from the Burlington Northern Santa Fe Railroad for \$81 million. King County, Sound Transit, the City of Redmond, Puget Sound Energy, and the Cascade Water Alliance will each negotiate with the Port in order to obtain certain interests in the corridor in exchange for payments to the Port. The initial interests of the various parties were outlined in a November 2009 Memorandum of Understanding (MOU). The interests in the November MOU are summarized on Map 1 located on page 2, and Attachment 1 is the full MOU. Currently, the parties are working on refining the nature and value of their various interests which will determine their share of the corridor costs.

**Map 1 Eastside Rail Corridor**  
 Showing tentative interests of various parties and terms used in the  
 November 2009 MOU

The entire corridor is known as the Woodinville subdivision. The northern portion consists of the freight portion and the Redmond spur. The rest of subdivision is the southern portion.

Port of Seattle, King County, Sound Transit, Redmond, Puget Sound Energy and Cascade Water Alliance are parties to a non-binding 2009 Memorandum of Understanding. That MOU proposes that the Corridor is dual use; "Recreational trail" and high capacity transit or bus transportation.

The southern portion of the corridor contains the section through Kirkland. King County is interested in deed ownership of this portion for construction of a trail. King County currently owns a trail easement. Sound Transit is interested in deed ownership of a section of the line between downtown Bellevue and SR 520 for potential EastLink alignments. Sound Transit is also interested in an easement for future use along the entire southern portion. Cascade Water Alliance is interested in obtaining an easement in this area, and PSE is interested in preserving its rights to existing crossings.



Freight portion, to remain in ownership of the Port of Seattle. GNP railroad is the operator.

Redmond spur. Redmond to own portion in Redmond, King County to own remainder. Trail planned for this segment.

Freight service will be maintained between Snohomish and Woodinville through an agreement between the Port of Seattle and a third-party operator. A service similar to the former dinner train may also be operated in this segment. The rest of the corridor will be preserved for both rail and trail uses under the federal rail banking<sup>1</sup> program.

### *The party's interests*

The portion of the spur in the City of Redmond, essentially the portion south of NE 124th Street, will be owned by Redmond and a trail is planned. Redmond may also construct other non-transportation projects.

King County is interested in developing a trail on the northern portion of the Redmond spur, from approximately NE 124th north. King County also intends to secure a real property interest in the portion of the corridor that runs from Woodinville to Renton. The County previously purchased a trail easement along the corridor.

Sound Transit is interested in owning a portion of the corridor for the light rail line between Seattle and Overlake/Redmond and in having the ability to potentially operate elsewhere on corridor in the future.

The Cascade Water Alliance is seeking an utility easement over the corridor and Puget Sound Energy is interested in securing easements for their future and existing facilities.

### *A study of rail feasibility*

In 2008, the Legislature directed Sound Transit and PSRC to conduct a study of the feasibility of rail in the corridor. That study has two volumes; [the first is a review of previous plans, studies and other documents](#). The [second volume is a feasibility study for rail in the corridor](#). Supporting materials are available on the [PSRC website](#). Key findings as reported in the Executive Summary are as follows:

- The operation of commuter/passenger rail on the corridor is feasible through a variety of capital improvements to facilitate higher speeds than can be achieved today and to improve the safety of the track, structures, and roadway crossings in the corridor.
- The capital cost estimate for commuter/passenger rail is within the range for other lines that have been implemented across the country, although at the high end of that range. This is due to the neglected condition of the corridor and the lack of safety and communication systems along the line.
- The estimated capital costs for rail are \$1.0 to \$1.3 billion. Annual operating costs were estimated at \$24 to \$32 million . These costs were reported in 2008 dollars.
- The BNSF Eastside Corridor has the potential for significant transit ridership, connecting the regional growth centers of Renton, Bellevue, Kirkland/Totem Lake and Redmond, with trips as high as 6,070 per day.
- Downtown Bellevue is the key ridership destination along the corridor, due to its concentrations of population, employment and commercial activity.

---

<sup>1</sup> Railbanking is a way of using federal regulations to achieve two purposes. One is to preserve the integrity of the corridor; it doesn't allow property owners to suspend easements previously granted for rail operations and the other is to preserve the ability to operate rail on the corridor in the future.

- Implementation of service along the corridor requires a vehicle storage and maintenance facility, which appears to be located most readily north of downtown Bellevue where there are appropriately-zoned large parcels adjacent to the track.
- A pedestrian/bike trail could also fit within the existing right-of-way throughout much of the corridor. However, in some locations, property acquisition would be required to accommodate commuter/passenger rail and a trail.
- The estimated capital cost for a fully improved pedestrian/bike trail parallel to the rail line ranges from \$297 million to \$432 million depending on the width of the trail area.

### *Sound Transit funding*

Sound Transit II, a plan approved by the voters in November of 2008, includes a provision by which Sound Transit could invest in rail operation in the Eastside Rail Corridor, outside the East Link program. Wording from the Sound Transit II plan is as follows:

Any future passenger rail service along this corridor would be implemented and operated by other public and/or private parties, particularly along the portion of the corridor located in Snohomish County outside the Sound Transit District. The ST2 Plan does not include funds to operate such passenger rail service. Sound Transit's investment in this project is limited to a maximum contribution of \$50 million dollars, which may be used for engineering and design, and for the purchase of capital equipment and real estate that can either be sold or used on Sound Transit's existing transportation system. Sound Transit's investment is also contingent upon the satisfaction of the following conditions prior to December 31, 2011:

- a. Completion of the Sound Transit/PSRC feasibility study and determination that passenger rail on the Eastside BNSF corridor is feasible and would be a meaningful component of the region's future transportation system, as required by state law;
- b. The Sound Transit Board's determination that the ridership forecasts, financing plan, and capital and operating cost estimates and operating plan are reasonable and that the service will provide substantial benefits to the regional transportation system in the Sound Transit District; and
- c. Execution of an agreement with other public or private parties regarding the implementation of a passenger rail system.

If a partnership for passenger rail on the BNSF corridor in East King County is not executed by December 31, 2011, the \$50 million included in the ST2 Plan for a partnership will be reprogrammed to further the implementation of HOV BRT service in the I-405 corridor in East King County.

Note that condition a) has been met by completion of and determinations in the feasibility study described beginning on page 3.

### *Groups and positions*

Previously, the Kirkland City Council has taken a position of strongly supporting a trail and not wishing to preclude development of rail. At that time, Council had a number of questions around rail development including location of stations, parking, ridership etc.

In March of 2009, the Kirkland Council adopted an Active Transportation Plan with the following goal.

**Goal G1 Develop the Cross Kirkland Trail.**

For more than 15 years, the railroad right-of-way that passes through Kirkland has been seen as the preeminent site for developing an exceptionally useful off-road, shared use facility for active transportation.

Objective G1.1 By 2015, open a section of Cross-Kirkland Trail on the Eastside Rail Corridor.

*Strategy G1.1.1* Thoroughly understand the process which King County and Port of Seattle will use to develop the trail and proactively work to make Kirkland an area where the trail is developed first. *Timing: current through completion of plan for development of trail.*

The Transportation Commission feels strongly that Kirkland should be proactive in advocating its position, helping to influence how and when the corridor will be developed. As the Commission has discussed its Transportation Conversation document with groups throughout the community, many people have expressed an interest in learning more about the corridor and how it will be used. The Active Living Task Force has been following the negotiations between the Port and County and is supportive of trail development. Groups have formed to advance various interests in the corridor. [Eastside Trail Advocates](#), supports a trail and [Eastside Rail Now](#) supports rail. The Cascadia Institute has also been supportive of rail in the corridor. The GNP Railroad operates on the freight section of the corridor and has expressed interest in operating rail on other portions of the corridor.

*Policy options:*

If the City Council agrees that proactive engagement with the parties involved in current and future negotiations is important, it would be helpful for Council to reaffirm and/or expand its position on the corridor. As stated above, Council's most recent position is in strong support of a trail for active transportation while not precluding the development of rail in the future if certain important issues can be satisfactorily resolved. Based on staff conversations with King County officials, there are several issues that are of interest to the County as they continue discussions with the Port. These include timing, regional process, what level of trail should be constructed and the type of rail that might operate in the corridor. Therefore, Council may wish to add to or modify its most recent position by taking positions on questions such as:

## Timing:

- Should Kirkland support action to develop a trail soon or are we willing to wait for a period of 10 or more years to develop a trail.
- The same question applies to rail. Should Kirkland advocate for development of rail soon or should we be willing to wait for a period of 10 or more years before rail would operate.

## Process:

- What are the elements of a regional process that are important to Kirkland? For example should it include extensive outreach to those who live near the corridor?

## Type of trail and type of rail:

- How important is a paved trail? Would a gravel trail be adequate for a period of years?

- Does Kirkland feel strongly about heavy rail versus light rail. Would one be more desirable than another?

Other issues:

- Is it important that the existing rails remain in the corridor?
- Should a new trail be developed in such a way that rail operations could be developed without disturbing the trail? Or, should it be assumed that any trail will be rebuilt if rail is operated in the corridor?
- Would Kirkland potentially be a partner in funding trail or rail development?
- Is it a priority that a first segment of a trail be developed in Kirkland?
- Are there locations for rail stations in Kirkland that should be given high priority?

Clearly, the Council may need more information before answering such questions. In addition to city staff, other resources for gaining that information could include:

- The Community. City of Kirkland staff could organize events that would allow Council to understand the views and opinions of Kirkland's citizens on how the corridor should be used.
- The Transportation Commission. The Commission is interested in supporting the Council by recommending further policy clarification, helping to gauge public support for various options or in any other manner the Council would find helpful.
- Outside agency staff. Staff from King County, Sound Transit, Port of Seattle or other agencies could be available to present to Council. King County staff is scheduled to give an update to the Transportation Commission at the Commission's February 24 meeting.

**MEMORANDUM OF UNDERSTANDING**  
**Regarding Acquisition of the**  
**Woodinville Subdivision**

This MEMORANDUM OF UNDERSTANDING is made by and among the Port of Seattle, a Washington municipal corporation ("Port"), Sound Transit, a regional transit authority ("Sound Transit"), King County, a political subdivision of Washington ("King County"), the City of Redmond, a Washington municipal corporation ("Redmond"), the Cascade Water Alliance, a Washington non-profit corporation ("Cascade"), and Puget Sound Energy, Inc., a Washington corporation ("PSE") (collectively, the "Parties") as of the 5<sup>th</sup> day of November, 2009.

WHEREAS:

(A) BNSF desires to sell in part and donate in part the Woodinville Subdivision, which is a railroad corridor extending from the City of Renton northerly to the City of Snohomish, and including a spur corridor extending from the City of Woodinville to the City of Redmond; and

(B) The Port, King County and BNSF previously executed a purchase and sale agreement and donation agreement for the acquisition and partial railbanking of the Woodinville Subdivision; and

(C) Additional regional partners have been identified to share in the cost of acquiring the Woodinville Subdivision for public ownership; and

(D) The alignments under consideration for Sound Transit's Eastlink light rail project require property rights within the Woodinville Subdivision; and

(E) Sound Transit, Redmond, Cascade and PSE have each expressed an interest in participating in the acquisition and preservation of the Woodinville Subdivision in public ownership for recreational trail use, as well as for use as a public transportation and utility corridor.

(F) It is the express purpose of Sound Transit, King County, and Redmond, that the Woodinville Subdivision be developed and operated to ensure that it is available for the dual purposes of recreational trail and public transportation use; and

(G) Consistent with federal railbanking requirements, King County and Redmond have interests in developing a recreational trail within the Woodinville Subdivision; and

(H) The financial contributions to be made by the Port, King County, Sound Transit and Redmond towards this collective acquisition may not be in proportion to the fair market value of the rights in the Woodinville Subdivision that are expected to be received by these entities and, in all instances, the fair market value of the rights to be received by each governmental entity in the Woodinville Subdivision may materially exceed the amount of such entity's respective financial contribution.

NOW, THEREFORE, the Parties have reached the following understanding:

**SECTION 1. Purpose.**

The Port intends to close its acquisition of the Woodinville Subdivision in 2009. The Parties have envisioned and are working to complete a future transaction for their mutual benefit and for the benefit of the public. The Parties wish to set forth their understandings in this Memorandum of Understanding ("MOU") with respect to their respective interests in the transaction. This MOU is a non-binding document that creates no rights and imposes no obligations on any Party. While the Parties are committed to working cooperatively, expeditiously and efficiently to document the components of the transaction through binding agreements ("Agreements") using this MOU as a guide, the allocation of interests described in this MOU are tentative and subject to review and modification as the Parties move forward with their discussions.

**SECTION 2. Key Acquisition Elements.**

The key elements of the proposed transaction are as follows:

2.1 This transaction concerns the portion of the Woodinville Subdivision main line corridor between Renton and Snohomish (approximately mile posts 5.0 and 38.4), and a spur corridor between Woodinville and Redmond (between approximately mile posts 0.0 and 7.3) ("Redmond Spur"). Collectively, the main line corridor and the Redmond Spur constitute the "Woodinville Subdivision." The portion of the Woodinville Subdivision north of mile post 23.8 in Woodinville to milepost 38.4 in Snohomish County is referred to as the "Freight Portion." The portion of the Redmond Spur between approximately mileposts 0.0 and 3.1 is referred to as the "County Portion of the Redmond Spur." The portion of the Redmond Spur between approximately mileposts 3.1 and 7.3 is referred to as the "City Portion of the Redmond Spur." Together, the Freight Portion and the Redmond Spur are referred to as the "Northern Portion." The portion of the Woodinville Subdivision south of Woodinville, excluding the Redmond Spur, is referred to as the "Southern Portion." The specific line segments and designated portions will be further defined in the Agreements.

2.2 The Parties have expressed a desire for the future allocation of interests in the Woodinville Subdivision as follows:

2.2.1 The Port will retain, subject to a freight rail easement granted by BNSF to a freight rail operator, all of the title, interest and obligations in the real and personal property of the Freight Portion.

2.2.2 Sound Transit is interested in acquiring a real property interest in the Southern Portion and the Redmond Spur.

2.2.3 King County is interested in acquiring a real property interest in the Southern Portion and the County Portion of the Redmond Spur.

2.2.4 Redmond is interested in acquiring a real property interest in the City Portion of the Redmond Spur.

2.2.5 Cascade is interested in acquiring a utility easement over the Southern Portion and will have the right to negotiate with the County and Redmond for utility easements over the Redmond Spur.

2.2.6 PSE is interested in acquiring utility easements throughout the entirety of the Woodinville Subdivision, except for the City Portion of the Redmond Spur, for PSE's existing and future facilities and infrastructure. For the City Portion of the Redmond Spur, PSE and Redmond anticipate a value for value exchange of perpetual easements for existing PSE facilities and infrastructure within the Redmond right-of-way and Redmond trail facilities on PSE properties, based on the appraised value of the properties in question. Provided, that PSE's new facilities and infrastructure shall be subject to otherwise applicable public approval, construction and permitting processes.

2.3 The identification of which entities will grant and which entities will receive these interests and the order in which these interests will be acquired will be further defined in the Agreements.

### **SECTION 3. Proposed Key Future Use Elements.**

3.1 Freight rail service subject to the jurisdiction of the Surface Transportation Board ("STB") will continue on the Freight Portion.

3.2 Utility corridor uses by PSE and Cascade.

3.3 Interim trail use ("railbanking") will be established on the Southern Portion and the Redmond Spur under the National Trails Systems Act, 16 U.S.C. 1247(d) as of the closing of the Port's transaction with BNSF. The Parties recognize that for any portion subject to railbanking, future local, regional or national transportation needs may require reconstruction and reactivation of the right-of-way for freight rail service. King County will be the trail sponsor for the Southern Portion and the County Portion of the Redmond Spur. The Agreements will provide that in the event Redmond acquires an interest in the City Portion of the Redmond Spur, King County and Redmond will cooperate in seeking Surface Transportation Board authorization for Redmond to assume the role of trail sponsor for the City Portion of the Redmond Spur.

3.4 The Parties intend that the Agreements will provide that, consistent with railbanking, the Southern Portion and the Redmond Spur will, in addition to public trail use, be available for public transportation uses such as high capacity transit or bus transportation. The Freight Portion may be made available for public transportation purposes and recreational trail purposes to the extent consistent with ongoing freight rail operations. Should the Freight Portion ever be proposed for abandonment, the Parties with an interest in the Freight Portion shall cooperate to allow the Freight Portion to be railbanked.

3.5 Upon consummation of the Agreements, a process will be established for the entities with interests in the Southern Portion and the Redmond Spur to periodically meet in order to consult and coordinate activities related to the development, maintenance and use of those portions of the Woodinville Subdivision. Said entities agree to coordinate planning and development activities to the extent possible to ensure effective use of the Southern Portion and the Redmond Spur for the uses outlined in this MOU, based on the ownership interests acquired by

each, and consistent with the express goal of developing and operating a dual use corridor for recreational trail and transit purposes. The Agreements shall ensure that no party may frustrate dual use of the corridor for both public transportation and recreational trail purposes.

**3.6** If the Port ever determines to offer or to agree to transfer any or all of the Freight Portion, then Sound Transit, King County and any other public agency in the State authorized to provide transit, rail services or public trails shall have a right of first refusal to acquire such property.

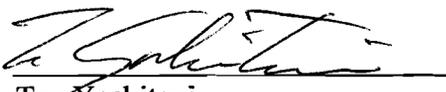
**3.7** If BNSF ever determines to offer or to agree to transfer any or all of that portion of the Woodinville Subdivision between approximately mileposts 0-5.0, King County will have the right of first refusal to acquire that portion of such property. If King County acquires this property, it will make it available to the other Parties on terms similar to their interests in the acquired portions of the Woodinville Subdivision.

**SECTION 4. Negotiation, Cooperation, and Timing.**

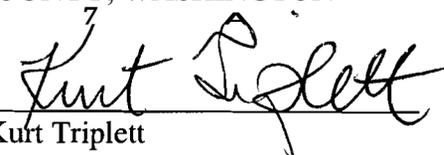
**4.1.** The Parties shall cooperate to (i) reach agreement on press releases and other public announcements related to the transactions described herein, and (ii) make any filings with the STB to the extent such filings are necessary to effectuate the transactions contemplated by this MOU.

**4.2** By no later than December 14,2009, the Parties shall seek any necessary authorizations from their respective boards or legislative bodies to negotiate the transactions contemplated in this MOU.

PORT OF SEATTLE

By:   
Tay Yoshitani  
Chief Executive Officer

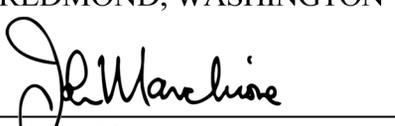
KING COUNTY, WASHINGTON

By:   
Kurt Triplett  
County Executive

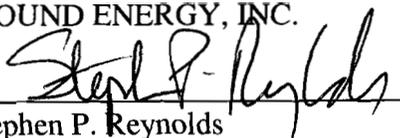
SOUND TRANSIT

By:   
Joni Earl  
Chief Executive Officer

CITY OF REDMOND, WASHINGTON

By:   
John Marchione  
Mayor

PUGET SOUND ENERGY, INC.

By:   
Stephen P. Reynolds  
President and Chief Executive Officer

CASCADE WATER ALLIANCE

By:   
Chuck Clarke  
Chief Executive Officer

Attachment 3  
Information from the City Attorney's office about a Class Action Lawsuit  
March 25, 2010

The City recently received notice of a class action lawsuit against the United States regarding the federal Surface Transportation Board authorizing BNSF and King County to enter into a railbanking agreement with respect to the BNSF right of way in Kirkland and other locations in King County. The class action lawsuit alleges that the authorization by the Surface Transportation Board constitutes a taking of the property rights of the property owners along the BNSF right of way. The City believes that the class action notices have been sent to all property owners whose property abuts the BNSF right of way.

The class action does not seek invalidation of the Notice that authorized the railbanking agreement. It simply seeks monetary compensation for the alleged taking. Whether a landowner is entitled to any compensation is an issue currently being decided by the federal courts. However, determination of the compensation issues won't have an impact on the validity of the federal Notice authorizing the railbanking agreement between King County and BNSF.

The City received the class action notice because it owns property along the BNSF right of way and because it is being offered the opportunity to join the class action as a plaintiff who may potentially receive just compensation. It is not being made a defendant to the class action and an adverse judgment against the United States will not result in liability to the City.

Property owners who want to be part of the class action must submit an "Entry of Appearance" by June 18, 2010. Submitting an Entry of Appearance would be appropriate if the City wanted to assert that the railbanking agreement between the BNSF and the King County is a taking of its property rights under the United States Constitution. Because the City Council has expressed its support for the Rails to Trails Program in the past, City staff recommends that the City not submit an Entry of Appearance, and therefore not participate in the class action as a member of the class. However, if the Council has any questions or wants additional information, the City Attorney's Office is prepared to respond.



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

---

## MEMORANDUM

**Date:** March 25, 2010

**To:** Marilynne Beard, Interim City Manager

**From:** Paul Stewart, Deputy Planning Director  
Eric Shields, Planning Director

**Subject:** Adoption of 2010 – 2012 Planning Work Program (File No. MIS09-00010)

### Recommendation

City Council approve attached resolution adopting the 2010-2012 Planning Work Program (Exhibit A) and provide direction on the CBD code amendment issues and delay of impact fees for single family builders (Task 3).

### Background

On February 2 2010, the City Council and Planning Commission met at their annual joint meeting to review the draft 2010-2012 Planning Work Program and discuss the priorities for 2010. At that meeting, the Council generally agreed with the proposed work program as recommended by the Planning Commission.

The Planning Work Program (Exhibit A) reflects the major tasks and schedule for the long range planning projects. These tasks were described in detail in the February 2 joint meeting packet at the following link:

[http://www.ci.kirkland.wa.us/Assets/City+Council/Council+Packets/020210/3a\\_StudySession.pdf](http://www.ci.kirkland.wa.us/Assets/City+Council/Council+Packets/020210/3a_StudySession.pdf)

The priority projects for 2010 are noted below and briefly discussed:

- Comprehensive Plan Update
- Neighborhood Plans
- Code Amendments
- Transit Oriented Development/Housing
- Shoreline Master Program
- Annexation

### Work Program Tasks

#### Comprehensive Plan Amendments (Task 1)

The 2010 City-initiated Comprehensive Plan amendments consist of generally minor updates as well as incorporating any revisions to the Capital Improvement Program into the Capital Facilities Element. In addition, as part of this update, staff and the Planning

Memo to Marilynne Beard  
March 25, 2010  
Page 2 of 4

Commission will be looking at the neighborhood boundaries for the annexation area. This process is underway with staff conducting initial meetings with the residents of the annexation area.

At the time of the joint meet, due to state funding shortfalls, the legislature was considering extending the deadlines for completion of the GMA required major update to the Comprehensive Plan from December 2011 to December 2014. The bill has been passed and has been signed by the Governor. This timing works best for the city since it gives additional time to comply and it occurs after the effective date of annexation. However, this will be a major effort in 2012-2014 and will require funding to complete this task.

#### Neighborhood Plans (Task 2)

The Lakeview and Central Houghton Neighborhood plan updates are in process with several meetings scheduled with the neighborhood advisory committees. This is targeted to be completed by the end of the year. Work on the Bridle Trails/South Rose Hill Neighborhood plan would begin following completion of Lakeview and Central Houghton.

#### Code Amendments (Task 3)

Work is underway on the revisions to the Municipal Code and Zoning Code to consolidate the various citywide code enforcement provisions into the Municipal Code. Planning staff has also begun framing the specific miscellaneous Zoning Code amendments to be considered by the Planning Commission, Houghton Community Council and City Council this year. Attachment 1 is this list of the 2010 bundle of code amendments.

Of note are two items that the Council has recently expressed an interest in:

1. The first item has two components: (a) fences within setbacks along arterials and (b) hedge heights. The fence item has been included in the list of potential Zoning Code Amendments (Attachment 1).

Regarding the hedge height item, the Council requested a report back on this. Staff is in the process of checking adjacent cities' codes and experiences and identifying potential issues or questions that would need to be considered. Staff will report on this at the April 20<sup>th</sup> Council meeting. At that time, the Council may provide additional direction on whether or how to proceed with this item.

2. The second item is the list of deferred CBD zoning amendment issues (see Attachment 2). The Planning Commission reviewed the list and recommended that items with low budget and time implications could proceed as part of the 2010 Code Amendments project (flexibility on retail use requirements for "end-of-block" retail spaces, parking modification authority, adjust residential parking requirements, DRB appeal process). Regarding sidewalk cafes, these requirements are found in the Municipal Code and the Planning Commission would not need to be involved in review of those requirements. The Commission

noted that there were no items on the deferred list that were important enough to displace other work program tasks.

The issue of ground floor uses in the CBD requires additional City Council direction. This topic emerges from the following sources:

- The Downtown Action Team review of the Hovee report and discussions about challenging, "end-of-block" retail locations.
- The City Council's list of deferred CBD zoning amendment issues (see Attachment 2) and Council's discussions over whether to further tighten or loosen allowances for ground floor uses.
- Recent e-mail correspondence from Joe Castleberry (see Attachment 3), a downtown property owner, to allow more uses on the ground floor to help address the issue of downtown vacancies.

Allowing minor flexibility for "end-of-block" retail locations could be a fairly simple amendment and would seem to be supported by previous study and community discussion. However, if there were a desire to consider wholesale changes to ground floor retail requirements, a Comprehensive Plan amendment would be the appropriate starting point to reconsider the vision and policies that establish the basis for the retail regulations.

Another issue for Council's consideration is amending the KMC to permit a delay in the payment of impact fees for single family homebuilders. The Council had previously discussed this and was interested in monitoring Redmond and Sammamish to see how their programs were working regarding additional staff time or resources and collection efforts. For single family, Redmond collects it at the time of framing and Sammamish at the time of closing. Staff has been gathering information from both cities, however, they are relatively new programs.

On March 22, the Council's Economic Development Committee met with Mike Miller (home builder with the Murray Franklyn development firm). Mr. Miller conveyed his interest in the City pursuing this and his experience with Sammamish's program. The Economic Development Committee recommended that this option be pursued. As part of the work program review, the Council should provide direction on this task. If this is of interest to the Council, Staff will need to discuss the timing with Finance, the City Attorney and the Public Works and Parks Departments.

#### Housing (Task 4)

The City continues to explore the potential of a transit-oriented development (TOD) at the South Kirkland Park and Ride with the concept of a Kirkland-only mixed income housing project. The Council's Housing Committee met with representatives from the Houghton Community Council, King County Transit and ARCH on March 23<sup>rd</sup> to receive an update on this project and identify issues to be addressed. Staff will be preparing a status report to be reviewed by the full Council at the May 18<sup>th</sup> Council meeting.

Memo to Marilynne Beard  
March 25, 2010  
Page 4 of 4

#### Shoreline Master Program (Task 5)

The Department of Ecology (DOE) has completed their public comment period and has forwarded comments to staff for a response. Upon receipt of the responses, Ecology will render a decision on compliance with the Shoreline Management Act and guidelines. Staff expects this to occur in May.

Following final action by Ecology, staff will begin working on the SMP for the annexation area (noted in Task 8). This will not be as extensive or time consuming as the City's previous process, but may require some funding for technical environmental professional services. Until we actually analyze the work currently being done by the County, we won't know the extent of this task.

#### Annexation (Task 8)

Several tasks related to annexation are already in process including amending certain maps and incorporating by reference the annexation area into the Comprehensive Plan. Steps to annex the Wild Glen property are underway and staff is addressing some legal and timing questions. Other tasks will occur following annexation. At the joint meeting the Council and Commission agreed that potential code amendments and neighborhood plans will occur following annexation. These can be considered during future work program discussions and are dependent on available resources and the effect on other work program priorities.

#### Attachments

- Attachment 1: Zoning Code Amendments
- Attachment 2: CBD Issues
- Attachment 3: E-mail correspondence from Joe Castleberry  
Resolution Adopting the Planning Work Program
- Exhibit A: 2010-2012 Planning Work Program

**POTENTIAL ZONING CODE AMENDMENTS - Updated 3/24/10**

Attachment 1

Section #            Description

**2010 PROJECTS:****1. CODE ENFORCEMENT**

Chapter 170	Consolidate enforcement procedures for all development services departments
170.40.5.d.1	Change to HE hearing notice period from 17 to 14 days to be consistent with all other notice periods in the code

**2. MISCELLANEOUS CODE AMENDMENTS****Multiple Zones**

	Use term "maximum horizontal façade" in all zones where standards appear.
	Amend special regulations for Mini-School/Mini-Daycare use to reference requirements of the State rather than DSHS.
	Clarify ground floor limits for non commercial uses (e.g. residential & assisted living) - allow lobbies, clarify how much nonresidential is OK on ground floor, etc.
	Add parking standard for multi-tenant developments (shopping centers?) in appropriate zones.

**Review Process Issues**

Chapter 90: various	Review and reduce approval processes - consistent with reasonable use level of decision.
90.140.8	Eliminate or revise so that lapse of approval is the same as required with underlying review process (Process I or IIA).
105.103.2.a	Remove DRB from modifications to required number of parking stalls. Should be Planning Official for DR projects.
117	Check review processes for co-location to assure 90 day review time per FCC ruling.
Chapter 155	Eliminate
	Consider simplification of certain appeal processes. See matrix prepared by Nancy.

**Chapters 15 & 17 - RS & RSX Zones**

RS & RSX zones	Make special regulation 5 applicable to lots east of Bridle Trails Park - not just north.
----------------	---

**Chapter 25 - PR zone**

**25.10.20	Eliminate special regulation 6 for detached, attached and stacked uses. It's not applicable anywhere - per Teresa.
------------	--

**Chapter 45 - BC Zone**

**45.05	Add a special regulation like special regulation 6 for detached, attached and stacked uses in the PR zone.
---------	--

**Chapter 48 - LIT Zone**

48.15.190	Delete Special Regulation 1 which requires special buffering for outdoor auto repair.
	Should dance & martial arts training be added as permitted use? Now allowed only if non-profit community facility.
	Add schools as permitted uses.
**48.5	Add a special regulation like special regulation 6 for detached, attached and stacked uses in the PR zone.

**Chapter 50 - CBD Zone**

	CBD 1A & B: Should we eliminate ground floor retail requirement for Parks or Public Utility... uses?
	Codify interpretation 09-1
50.10 +	Change CBD parking requirement for multi-family to one stall per bedroom.
	Loosen ground floor retail requirements - particularly in fringe areas.

**Chapter 53 - Rose Hill Business District Zone**

53.59	RH 5C: Eliminate references to 95.25 and 95.43. Revise to reflect original buffer standard (per J Regala),
53.84	RH 8 - Eliminate the special regulations that prohibit retail & restaurant uses above the first floor.

**Chapter 105 - Parking, etc.**

105.103.3	Change decision maker for driveway surface modifications to Public Works Director.
-----------	--

**Chapter 115 - Miscellaneous**

115.08	Move the last sentence to be the third sentence and add at the end "which may further limit its size." - David
115.07 and .08	Reference in 115.07 the ADU height restrictions found in 115.08 - Angela
115.20 Sp Reg 6	Make applicable to lots east of Bridle Trails Park - not just north
115.20	Numerous corrections and reformatting per Teresa Swan
115.40	Consider lower fence heights along collectors and arterials. Consider regulating hedges as fences.
115.95.1.b	Delete. Refers to WAC 173-70 for watercraft noise standards. WAC section doesn't exist. Municipal code already addresses this.
115.95	Consider eliminating the adoption of residential noise standards
	Add regulations for electronic vehicle infrastructure per new state law.

**Chapter 117 - Wireless**

117..65.7.c	Clarify that antennae may be placed on railings located at base of watertower roofs.
117.65.80	Revise to allow antennas at historic sites & clarify "design requirements." Perhaps add PIng. Official review. See Sean or Nancy

**Chapter 120 - Variances**

120.12	Ask HCC to allow administrative variances in Houghton. See Susan or Jeremy for examples.
--------	--

**Chapter 135 - Rezone Process**

135.15 & 25,160.15	Determine best approach for the public to request changes to the Zoning Code (PS)
--------------------	---

**Chapter 142 - Design Review**

142.35.3.c	Add NRHB (& other design districts?) as subject to design principals in Appendix C. Clarify whether Appendix C is only for stand alone MF or mixed use? (JLB)
------------	---

**Chapter 150 - Process IIA**

150.85	Change "verbal" to "written."
--------	-------------------------------

**Chapter 180 - Plates**

Plates 1- 4 & 8A	Clarify how posts in parking garages are calculated in width of stalls
------------------	--

**Municipal Code Title 27 - Impact Fees**

	Provide process for delayed collection of impact fees
	Establish single rate for uses in shopping centers. Treat all of downtown as a shopping center

**3. LOW IMPACT DEVELOPMENT**

115.90	Clarify when to give lot coverage credit for semi-pervious materials. Also, consider greater restrictions on use of brick pavers (8/2/06 e-mail
105.18	Exempt SF walkways from lot coverage requirements. Require pervious paving.
	Standards for green parking lots - per Seattle?
	Should pools/pool covers be exempt from lot coverage calculations. Should pool covers be included in FAR? (TS)
	Potential code amendments for solar and green roofs (and wind?).

**4. NEIGHBORHOOD PLAN ISSUES****Central Houghton**

Chapter 45	Rename BC zone to Houghton Business District Zone
Chapter 45	Consider deleting storage services and auto sales from BC zone - or require retail frontage?
60.10	PLA 1: Eliminate references to 95.25. Revise to reflect original buffer standard (per J Regala),

**Lakeview Neighborhood**

Chapter 35	Eliminate or revise FC III zone.
------------	----------------------------------

**POTENTIAL PROJECTS FOR 2011+  
MISCELLANEOUS CODE AMENDMENTS**

**Multiple Zones**

	Consider allowing transfer of development rights (City Council 1/2/08)
	Comprehensively examine parking standards
	Use consistent terminology to regulate gas stations and auto repair.
	Do we need minimum lot area for certain commercial uses? Eg: neighborhood retail in RM & PR (requires 3600 sf, but office has no requirement); restaurant in WDI; office use in PLA 6B; service station in BC (ES e-mail 9/9/96 and AR).
	Review standards for zero lot line.
	Reduce parking for Assisted Living Facilities from 1.7 stalls/independent unit. Could be chart buster.

**Chapter 25 - PR zone**

25.10.050 - .80	Make side yards for all these nonresidential uses consistent - 10'?
-----------------	---

**Chapter 48 - LIT Zone**

	Re-examine the requirement that uses be limited to 2 stories (PS, 8/20/04 e-mail)
	Delete automobile sales use in Norkirk neighborhood - unless this also requires a Comprehensive Plan amendment

**Chapter 105 - Parking, etc.**

105.103.3.b	Add modification option for 105.19 - Public Pedestrian Walkways. May not need this authority since requirement is based on judgment.
105.18.1.d	Clarify or limit the requirement to provide pedestrian connections to all adjacent properties, or provide a modification option.

**Chapter 115**

115.07	Consider allowing ADUs in SF houses not on individual lots: i.e. condominium lots
115.08	Accessory Structures – Consider eliminating 25' height restriction for detached ADU above a garage in RSX zone.
115.20	Consider allowing the keeping of chickens - based on citizen request.
115.23 & 5.150	Review common open space. Should it apply to detached & zero lot line attached units? Should there be maximum slope (see interpretation)
115.30	Allow more flexibility or modification option for horizontal façade general regulations in many zones.
115.45	Distinguish decks and porches from other enclosed (but open) areas that should be counted in FAR
115.85.2	Review/ revise Rose Hill Business District lighting standards and consider applying them city-wide.
115.95.2	Allow leaf blowers before 8:00 am if associated with public street sweeping.
115.115.5.b & d	Parking in front yards is different for different uses. Why should office and MF be different in same zone? (ES e-mail 08/02/06)
115.125	Change rounding of fractions of dwelling units from .66 to .50
	Prohibit living in RVs

**Chapter 142 - Design Regulations**

	Consider making design principles for MF housing in Appendix C applicable to MF zones (not just business districts.)
--	--

**Chapter 170 - Code Enforcement**

	Consider more formal approach to interpretations, with comment and appeal process.
--	--

**Municipal Code Title 19 - Street Vacations**

19.16.040	Make application requirements consistent with Zoning Code requirements
-----------	--

**Municipal Code Title 22 Subdivision Ordinance**

22.28.080.b	Should lots be able to be subdivided if they access from an easement across another lot & therefore make the servient lot nonconforming because the easement area would have to be deducted from the area of the servient lot? (8/11/04 SC e-mail).
22.28.040	When lot sizes averaged, prohibit over-sized lots from being later subdivided.
	Consider design standards to avoid awkward lots served from pipe stems. See e-mail from Houghton resident.

**Municipal Code Title 27 - Impact Fees**

	Consider reduced impact fees for smaller dwelling units (similar to ADUs and cottages).
--	---

**CHAPTERS 85 & 90: CRITICAL AREAS****Chapter 85 - Geologic Hazard Areas**

	Review to determine if standards are adequate
--	---

**Chapter 90 - Drainage Basins**

90.20.5	Clarify intended meaning of "normal or routine maintenance or repair."
90.55.4	Allow off-site mitigation in another drainage basin for essential public facilities
90.45.3	Allow stormwater outfalls to extend into wetlands
	Eliminate definitions that are common with with definitions applicable throughout entire code
90.140.5	Add criterion that limits disturbance of Type 1 wetlands (per Dave Asher)
90.140.6	Allow modification of garage width standards with reasonable use permit.
	Allow reduced setbacks with minimal process where necessary to reduce wetland/ stream impacts.
?	If improved environmental conditions are created that would result in greater buffer requirements on neighboring properties, could those greater requirements be reduced?

**Subdivision Ordinance**

22.08.200	References Class A, B & C wetlands rather than Type 1, 2 & 3. Need to define the types. Also, section references lake classification which we do not have.
22.08.190	definition in 2004.

**CHAPTER 100: SIGN REGULATIONS****Chapter 5 - Definitions**

5.10.550	Clarify "multi-use complex" for consistency with 100.4.3.b. Delete requirement for exterior entrance.
----------	---

**Chapter 100 - Signs**

	Eliminate different restrictions for real estate signs than for other commercial signs. Consider restricting location, number, hours.
	Create criteria to allow for deviations from sign code to be reviewed at a planner level.
100.115	Interp 95-4 - Temporary commercial sign - Add to definition of temporary sign?
	Interp 95-3R - Colors as signs, sign area - Add to definition of sign area?
	Allow electronic readerboards for schools and fire stations
5.115, 100.85	Interp 94-1 - Changing message center and similar signs. Additional criteria? Allow with Master Sign Plan.
100.115	Interp 92-4 - Fuel price signs
	Interp 86-17-100 and 115 - Temp. commercial signs when related to permitted temporary activities.
100.65	Interp 86-16 - Signs above rooflines
100.85(2)	Interp 86-13 - Sign regulations regarding holiday decorations
100.30, 100.75	Interp 86-11 - Window signs. Need to reexamine.
	Interp 85-8 - 5 and 100 - Status of neon lighting and lighted awnings as signs. Add to definition?
5.108, 100.15	Interp 85-6R - Sign regulations
	Real estate signs (on- and off-site) - review regulations to reduce number of signs (ES)
100.115	Interp 88-19 - Off-site real estate signs. Rethink rules on temporary off site signs. Private advertising signs - restrict size. Temporary commercial signs - limit to 30 days plus size limitation. Real estate signs - redraft to allow (2) 32 sf advertisement signs and (1) 6 sf per lot (not now clear); and revise to conform with Supreme Court Decision on Redmond signs.
	Address political signs duration and size (DG) - review temp sign chart with Rod Kaseguma.
	Under marquee signs - allow to be larger (AR). Allow 6 sq. ft.
	Reduce height of monument signs. Liberalize dimensions for sign base.
	Special signage for auto dealers? Probably no, but may want to increase signage for large sites.

	Add cabinet signs in CBD and JBD - tie to "major nonconforming"
	Prohibit cabinet signs in Rose Hill and other business districts (citizen suggestion)
	Major nonconforming signs & amortization (e.g. billboards). Need to address constitutional issues
100.115	Allow under marquee signs for sign category A (and probably B). (8/11/04 ES e-mail)
100.55	Allow signs for commercial uses in mixed-use buildings to be calculated separately (8/11/04 ES e-mail)
100.5	Change "NE 106th St" to "Forbes Creek Drive" (SUdegrave 04/12/05)
	Temporary advertising signs for public events (Csalzman 12/16/04)
	Allow reduced setback for ground mounted signs, subject to criteria.
100.52	Section needs to include NRHBD for consistency with design guidelines.

### Chapter 125 - PUDs

	Comprehensively review and revise regulations.
	Consider way to establish quantifiable way to value of public benefits.

### NONCONFORMANCE REGULATIONS - Chaper 162

	Interp 83-11 - (may also affect 115.80) - Nonconforming lots held in common ownership.
162.30, 162.35.7	Damaged improvements - What happens if damage exceeds 50% (P. 430)? Conflict with 162.35.7. Can damage be reconstructed under repair and maintenance clause?
162.35.2.a	Look at definition of "use" (e.g. office use). See JMCM.
162.35.2.b.1)	Be less restrictive on structural alterations for non-conforming uses. See "master list" for more info.
162.35.2.b.2)	Clarify time to cease use. Provide reasonable time for owner to seek new tenant per case law. See interpretation 85-4.
162.35.2.b.3)	Develop criteria for allowing change of nonconforming use. Alternatively, consider not allowing change of nonconforming use. (8/10/04 PS e-mail). Group with 162.9 and 10.
162.35.3	Clarify criteria for structure expansion: measured by all structures on property per interpretation 90-4
162.35.5.b	Minor Nonconforming Signs - Is a new sign a "structural alteration"? Is a new, less non-conforming sign permitted (p. 433)? Delete "minor" in first paragraph in b.3 (see P. 433 in file with DC comments). Incorporate interpretation 90-3
162.35.5.d	Delete 10 years time period and replace with Director discretion with criteria (p. 434)
162.35.7	Do not limit all structural alterations as we do now. When can windows and doors be installed without a variance (see Angela's e-mail) (P. 435). (maintenance & repair, etc)
162.35.8.a	Clarify improvement that 50% replacement threshold applies: the improvement to which alteration is being done per int. 85-4
162.60,90,135	Clarify continued provisions per 9/20/05 e-mail from Dawn Nelson.
	Classify cabinet signs in zones where cabinet signs not allowed as <b>major</b> nonconformance.
	Should City owned property be exempt from nonconformance rules? (Desiree)

### NEIGHBORHOOD PLAN ISSUES

#### Moss Bay Neighborhood

50.32	Change buffering (reduce) in consideration of reduced setback - See e-mail from Lauri Anderson.
60.29-60.52	Consider including all or portions of PLA 5 in CBD (TSwan 04/11/05).
	Evaluate appropriate ground floor uses. Don't require retail S. of 2nd on Lake St.
	Consider so-called "parking lot list" from CC in early 2009.

#### South Rose Hill/ Bridle Trails Neighborhood

Chapter 47	Consider deleting storage services from BCX zone - or require retail frontage?
Chapter 47	Rename BCX zone to Bridle Trails Business District Zone
60.180	PLA 16: Eliminate General Reg. 3 which requires instalation of a trail, since a trail already exists nearby. See Teresa.

ISSUE	AFFECTED CODE	BOARD/COMMISSION	BUDGET <sup>1</sup>	TIME <sup>2</sup>	COUNCIL PRIORITY
<b>Retail Requirements</b>	KZC	Planning Commission, City Council	0	⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Address retail requirements (depth, allowed uses, etc) following Hovee/DAC report<sup>3</sup></li> <li>Tighten/loosen allowances for retail service and office uses on ground floor</li> </ul>					
<b>Review CBD parking requirements – examples:</b>					
<ul style="list-style-type: none"> <li>Waive retail parking requirements to encourage redevelopment potential</li> </ul>	KZC	Parking Advisory Board, Planning Commission, City Council	\$\$\$	⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Parking modifications authority<sup>4</sup></li> </ul>	KZC	Planning Commission, City Council	0	⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Adjust residential parking standards per PAB suggestions<sup>5</sup></li> </ul>	KZC	Parking Advisory Board, Planning Commission, City Council	0	⊕	1...2...3...4...5
<b>Incentives:<sup>6</sup></b>					
<ul style="list-style-type: none"> <li>Parking waivers for lower buildings</li> </ul>	KZC	Parking Advisory Board, Planning Commission, City Council	\$\$\$	⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Green building incentives</li> </ul>	KZC	Planning Commission, City Council	\$\$	⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Incentivize pedestrian crossings, pedestrian connections, and public plazas</li> </ul>	KZC	Design Review Board, Transportation Commission, Planning Commission, City Council	\$\$	⊕⊕	1...2...3...4...5
<b>Resolve CBD 2 issues:</b>					
<ul style="list-style-type: none"> <li>Reality check on whether redevelopment is even feasible</li> </ul>	NA	Consultant, City Council	\$\$\$	⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>CBD 2 public/private master plan</li> </ul>		Task Force	\$\$\$\$\$	⊕⊕⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Parking waiver</li> </ul>	KZC	Parking Advisory Board, Planning Commission, City Council	\$\$	⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Height trade-offs for pedestrian access and view corridors</li> </ul>	KZC	Planning Commission, City Council	\$\$\$	⊕⊕⊕⊕	1...2...3...4...5
<b>Review Sidewalk cafes</b>	KMC	City Council	0	⊕	1...2...3...4...5
<ul style="list-style-type: none"> <li>Review current allowances</li> <li>Are they a good thing?</li> <li>Minimum sidewalk width</li> <li>Analyze relationship with public realm</li> </ul>					
<b>Review economics of redevelopment (reality check) – what can we expect under regulations (CBD 1 and 2)</b>	NA	Consultant	\$\$\$\$	⊕⊕	1...2...3...4...5
<b>Design guideline for intersection of Third Street and Central Way</b>	KMC	Design Review Board, Planning Commission, City Council	0	⊕	1...2...3...4...5
<b>Review DRB appeal process (Council or Hearing Examiner)<sup>7</sup></b>	KZC	Planning Commission, City Council	0	⊕⊕	1...2...3...4...5
<b>Discuss façade preservation through new development</b>	KZC?	Design Review Board, Cultural Council, Planning Commission, City Council	\$	⊕⊕	1...2...3...4...5

<sup>1</sup> Relative estimated cost with more \$ signs indicating higher cost

<sup>2</sup> Relative time commitment, with more ⊕ signs indicating more time

<sup>3</sup> Hovee report to Council on 4/7/2009

<sup>4</sup> Previously administrative decision, inadvertently assigned to DRB during prior code amendment

<sup>5</sup> PAB has collected data on parking utilization and recommended a change to the code to avoid parking modifications on a project by project basis

<sup>6</sup> Council should identify potential incentives. Assume some economic analysis for any scenario to determine if the policy/regulation will actually incentive desire outcome.

<sup>7</sup> Council deferred until after Bank of America process debrief, scheduled for 4/7/2009

Dear Kirkland City Council Members

In Ernie Veltons email below, he gives another perspective on Kirkland's retail zoning requirements, in addition to the email I recently sent you from Andy Loos. Ernie is a senior partner in JSH Properties and his company manages over 12 million sf of commercial space in Washington, 3 million of that is retail. JSH Properties manages a wide variety of commercial and residential buildings in downtown Kirkland.

The message here again is the need to consider loosening up the retail zoning requirements in the Kirkland's CBD. As I mentioned before, there are not many things the City can do to improve the vitality of the downtown area, but taking a hard look at our retail zoning requirements and making some minor changes would certainly help.

Thank you again for your time.

Joe Castleberry  
Commercial Property Owner

---

Subject: Downtown Kirkland retail uses  
Date: Thu, 25 Feb 2010 10:29:12 -0800  
From: [ErnieV@jshproperties.com](mailto:ErnieV@jshproperties.com)  
To: [bob@sternoffinc.com](mailto:bob@sternoffinc.com)  
CC: [joe.d.castleberry@hotmail.com](mailto:joe.d.castleberry@hotmail.com)

Bob,

Joe and I, and many others, have been discussing what ground floor uses are allowed in the Kirkland CBD. JSH manages and leases several properties in downtown Kirkland including the Homeport building, the Kirkwood building (Banner Bank), the Westwater apartments and related retail (Sur La Tab), Kirkland Square and others. Most of the associated retail spaces are relatively small and most are leased to Banks, food uses or mom & pop businesses.

We manage over 12 MM sf of commercial property in Washington State and are the leasing representatives for approximately 3 MM sf of retail space in Washington. I mention all this so you understand our perspective.

In short, retail owners state wide are hurting a bit. Occupancies are down in most markets and rents are down 10-30% depending upon the market. Kirkland retail and office rents are off 20%-30 from earlier highs. Kirkland is especially impacted by the weakness of many mom & pop tenants. As the retail world has changed, there are fewer traditional small, retail businesses. National businesses and the internet have reduced the types of businesses that can be successful small operators. Other than food uses, most small retail categories have contracted.

As you know, Kirkland has parking and traffic limitations that have often been discussed. These issues make it hard to draw national tenants that would help the City build critical retail mass.

As we've marketed retail space in Kirkland over the last several years, we have often had to turn away medical uses and quasi office uses. Vacant spaces don't help anyone; not the City, the Community, the other tenants nor the Landlords. From a Landlord's perspective many of the uses that the City forbids from ground floor space are often stable businesses that are good tenants.

The City could make Kirkland a more active, vibrant community by changing its zoning to allow more of these uses. While these businesses aren't the uses many Cities think of when they envision their downtown, they tend to be stable and their employees support the neighboring tenants. And, they are much better than vacant space. Also, many of these businesses are better suited as ground floor tenants in mixed use developments. A dentist, for instance, can live with parking behind or under his space much better than many other traditional retail uses.

Thanks for all your efforts on behalf of our Kirkland Community.

Best regards, Ernie



Ernie Velton  
JSH Properties, Inc.  
10655 NE 4th Street, Suite 300  
Bellevue, WA 98004

e-mail: [erniev@jshproperties.com](mailto:erniev@jshproperties.com)

Office	(425) 455-0500
Office direct	(425) 283-5471
Cell	(425) 985-7573
Fax	(425) 455-3100

RESOLUTION R-4809

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO THE 2010–2012 PLANNING WORK PROGRAM.

WHEREAS, the Kirkland City Council and the Kirkland Planning Commission met at a joint meeting on February 2, 2010 to discuss the proposed planning work program tasks and to set priorities; and

WHEREAS, the Kirkland City Council reviewed a revised work program at the April 6, 2010 regular meeting;

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

Section 1. The adopted Planning Work Program for the City of Kirkland shall be established as shown on Exhibit A to this resolution.

Section 2. This adopted Planning Work Program shall be generally used by the City staff and Planning Commission in scheduling work tasks and meeting and hearing calendars.

Section 3. A copy of this resolution shall be distributed to the Planning Commission, Parks Board, Transportation Commission, Design Review Board, Neighborhood Associations, the Chamber of Commerce and Houghton Community Council.

PASSED by majority vote of the Kirkland City Council in open meeting this 6th day of April, 2010.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of April, 2010.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.ci.kirkland.wa.us

---

**MEMORANDUM**

**To:** Kirkland City Council

**From:** Marilynne Beard, Interim City Manager  
Robin S. Jenkinson, City Attorney

**Date:** March 26, 2010

**Subject:** CODE OF ETHICS

**RECOMMENDATION:**

City Council identifies areas that it believes important to be addressed in a Code of Ethics or Code of Conduct and considers appointments to a citizen task force.

**BACKGROUND DISCUSSION:**Code of Ethics Content

The City Council has started the process of developing a Councilmember Code of Ethics with the establishment of a Council subcommittee and a citizen task force. To provide the citizen task force with the Council members' perspective, the City Council is being asked to identify topics that it would like to see included in the Code of Ethics. The following are examples of topics covered in the ethics codes of other jurisdictions:

- Conflicts of interest
- Acceptance of gifts and favors
- Disclosure of confidential information
- Employment after public service
- Use of public office or property for personal gain
- Limitations on campaign activities
- Representation of private interests
- Council conduct with other public agencies
- Incompatible employment or activity
- Nepotism
- Individual Council members meeting with individuals or outside agencies

To assist the citizen task force, are there any areas above or other areas that the City Council would like to have addressed in a Code of Ethics?

Code of Conduct Content

While the City Council has largely left it to the citizen task force to determine if a Code of Conduct will be developed, the citizen task force might also be assisted by understanding what areas are of interest to the Council in that regard. The following are examples of topics covered in the codes of conduct of other jurisdictions:

- Serve as a model of leadership and civility to the community
- Demonstrate honesty and integrity
- Practice professionalism and decorum in discussions and debate
- Avoid personal comments that could offend others
- Be punctual and keep comments relevant to topics discussed
- Treat all staff as professionals
- Be respectful of diverse opinions
- Listen attentively

To assist the citizen task force, are there any areas above or other areas that the City Council would like to have addressed in a Code of Conduct?

Citizen Task Force

At the March 2 Council meeting, the City Council agreed to a recruitment and appointment process for a citizen task force. An announcement was made on the City's website and a press release was issued calling for letters of interest (see attached announcement). City Council members were also asked to solicit letters of interest from individuals they felt would fit the criteria for the task force. Letters of interest were originally due March 25, but the date was extended to March 29. A total of ten letters were received which were forwarded to the Council subcommittee for review. The Council subcommittee met on March 30 to develop a recommendation regarding appointments. The subcommittee recommends the following members for the Ethics Task Force:

Mary-Alyce Burleigh;  
Kathy Gilles;  
Carolyn Hayek;  
Toby Nixon; and  
Sharon Sherrard.

## **KIRKLAND CITY COUNCIL ETHICS COMMITTEE**

### **Letters of Interest due March 25, 2010**

The Kirkland City Council seeks volunteers to assist the Council in developing a code of ethics. Individuals will serve on an ad hoc committee of five to seven members for a period of approximately six months. The role of the committee is to develop a recommended code of ethics that will apply to the City Council and City boards and commissions.

The City Council is interested in appointing individuals who have experience and/or expertise in the fields of law, government, ethics, management or other relevant fields. The City Council will select committee members to achieve a diversity of perspectives and experience. The committee will receive staff support from the City Attorney's Office and the City Manager's Office as well as from outside experts as needed.

Individuals interested in serving should be able to meet up to twice monthly at a time and schedule to be determined based on the committee members' needs and preferences.

#### **IF YOU ARE INTERESTED IN SERVING ON THE ETHICS COMMITTEE, PLEASE PROVIDE A LETTER OF INTEREST THAT INCLUDES THE FOLLOWING INFORMATION:**

1. Name and Contact Information: Include home or business address, email address, telephone number (and alternate if available).
2. Describe why you are interested in serving on the Ethics Committee.
3. Describe any relevant experience, training or expertise that you have relative to the development and/or administration of a code of ethics and your familiarity with public sector organizations or non-profit entities and any other experience, affiliations or expertise relative to this committee's work.
4. Please indicate your availability for meetings and your preference for daytime, evenings and day of the week schedules.

Letters should be **submitted by 4:00 pm Friday, March 25 to:**

Kirkland City Council  
123 5<sup>th</sup> Avenue, Kirkland, Washington, 98033  
or send letters electronically to [KirklandCouncil@ci.kirkland.wa.us](mailto:KirklandCouncil@ci.kirkland.wa.us).  
Questions can be directed to Marilynne Beard, Assistant City Manager,  
[mbeard@ci.kirkland.wa.us](mailto:mbeard@ci.kirkland.wa.us) or (425) 587-3008.

**From:** Carolyn Hayek  
**Posted At:** Friday, March 19, 2010 4:03 PM  
**Posted To:** Kirkland Council  
**Conversation:** Letter of Interest RE Ethics Committee  
**Subject:** Letter of Interest RE Ethics Committee

Dear Council Members:

I am very pleased to know that you are taking steps toward adopting a Code of Ethics for city council members and those who serve on city boards and commissions. I would like to be considered for appointment to the committee that will develop the proposed code.

I have experience dealing with codes of ethics as an attorney and as a judge. I have also been involved with these issues with AAUW, my church, and a summer camp for which I was a board member and president. I recently helped to update the rules of the Kirkland Planning Commission, attempting to address some issues that had been raised by the public and other members.

My personal background is as follows:

Graduate of Mercer Island High School, Carleton College, and the University of Chicago Law School.

Nine years experience as a private practice attorney.

Thirteen years of experience as a full-time district court Judge in Federal Way.

Eight years and 3 months as a member of the Kirkland Planning Commission.

Resident of downtown Kirkland for 13 years.

Served 3 years on the board of Plaza on State Condominium, including two years as board president.

Self-employed part-time as a wedding officiant with an office in the Brooks Building on Market St. I've been at that office location since 2003.

I have served on many boards, committees and commissions over the years, especially for AAUW and church-related activities. I have often been tasked with bylaws responsibilities in these organizations and currently serve as the national Governance Committee Chair for AAUW. In that capacity I review the bylaws of 50 states and supervise the work of local volunteers who implement policy through over a thousand branches across the country. We are having ongoing discussion now about Codes of Conduct for our members and officers and how to deal with violations of adopted rules.

My husband is retired and my two kids are on their own – my son working for Citadel Investments in Chicago and my daughter working on a PhD in Biophysics at UC Berkeley. My time is flexible and I can be available for daytime or evening meetings, although week-ends are often busy with weddings and other commitments.

Carolyn Hayek

**From:** Kathy Gilles  
**Posted At:** Tuesday, March 23, 2010 1:06 PM  
**Posted To:** Kirkland Council  
**Conversation:** Ethics Committee & Code of Ethics  
**Subject:** Ethics Committee & Code of Ethics

I would like to apply to serve on the ad hoc committee you're establishing to develop a code of ethics for the City. I am a long term resident of Kirkland and have worked at Evergreen Hospital for the past 30 years. For the past ten years, I have served as Evergreen's Corporate Compliance and Privacy Officer and was responsible for developing our initial Code of Conduct, as well as a recent revision. As a management employee of a Public Hospital District, I am familiar with the unique requirements and regulations for non-profit and public entities. I am also extremely familiar with policy development and the need to research federal and state requirements to ensure compliance.

In addition to my role as Evergreen's Compliance Officer:

- I sit on Evergreen's Ethics Committee (which primarily deals with medical ethics issues).
- I developed and implemented our current processes for identifying and managing conflicts of interest.
- I was Evergreen's liaison for the State Performance Audit of Public Hospital Districts. This audit was performed over the course of a nearly two year period and examined administrative operations (especially productivity); communication with staff and the community; procurement; and construction practices in the state's three largest public hospital districts (Valley, Evergreen, and Stevens). Much of the audit focused on compliance with regulations, as well as hospital best practices.
- I am a former volunteer with the Kirkland Police Department on the Domestic Abuse Response Team (DART).

If chosen to serve on this committee, my availability is fairly flexible. I am available in the evening and can generally be available for daytime meetings with some advance notice. As Kirkland's largest employer, Evergreen is committed to working closely with the City and I know that my participation on this committee would be supported by my manager.

Thank you for your consideration of my application. Please feel free to contact me if you have any questions or would like additional information.

Kathy

Mary-Alyce Burleigh

Please consider my letter of interest to serve on the Kirkland City Council Ethics Committee. I am interested in serving because over the past 8 years that I served on the Kirkland City Council, it became apparent that in this more complex, contentious world, the city would be well served by writing and adopting a code of ethics that were clear and well understood by all involved in the affairs of the city. A code of ethics would provide the ground rules that would help result in a goal all of us share - civil discourse.

My service on the Kirkland City Council 2002-2009 has given me first-hand experience of the problems created by a lack of a code of ethics. Because of this, I bring a unique perspective and understanding of the issues, and thoughts on what such a code might include. I am known as a person who is collaborative, willing to listen to all sides, and works well in groups situations. Helping to create a code of ethics for our city would be yet another way that I could help enhance the quality of life in our city.

I am available during the day and most evenings except Wednesdays (Sept-May) and 1st and 2nd Tuesdays of the month.

Thank you for considering my letter of interest.

Regards,

Mary-Alyce Burleigh

March 23, 2010

Dear Kirkland City Council,

I would like to apply to serve on the Kirkland City Council Ethics Committee. I believe that it is important for the Council to have a code of ethics, so that our citizens can have confidence that their council is working only in the best interest of their constituents, without undue influence from special interest groups or other relationships, and without any benefit to the council members other than the intrinsic rewards of serving the city. Although I do not have any specific experience relative to the development or administration of a code of ethics, I am a "quick study". In addition, I am an active member of the leadership at Lake Washington United Methodist Church and the current chairperson for the Kirkland Interfaith Network, so I would bring the perspective of the faith community in Kirkland to the table.

I am a retired educator as well, so I will have some time and energy to devote to learning about this issue, and meeting with others who are similarly concerned. I am often available during the day, unless I am volunteering at a school, and many evenings, unless I have a meeting at church. I am unavailable for face-to-face meetings from mid-June through August, as I vacation in Idaho, but I do use email while I am away, and can be easily reached by phone for a conference call if needed. If I am selected for this committee, I will be happy to furnish you with a more complete schedule of my regular commitments which I would need to schedule around.

Thank you for your consideration,

Sharon Sherrard

**From:** Toby Nixon

**Posted At:** Thursday, March 25, 2010 12:58 AM

**Posted To:** Kirkland Council

**Conversation:** Interest in Code of Ethics ad hoc committee -- Toby Nixon

**Subject:** Interest in Code of Ethics ad hoc committee -- Toby Nixon

Dear Mayor McBride and members of the Kirkland City Council:

I am interested in serving on the ad hoc committee that will assist the Council in developing a code of ethics.

I firmly believe that every government employee must adhere to the highest ethical standards, including obeying the law, avoiding even the appearance of conflict of interest or corruption, always giving a full day's work for a day's pay, maintaining the public trust through honesty, transparency and accountability, never discriminating among citizens or dispensing special favors or privileges, refusing to seek or accept any gifts or favors for public service, respecting privacy and confidential information and never misusing information for illicit gain, and exposing any unethical behavior of others. The City of Kirkland should have a comprehensive ethics policy that is a model for municipalities throughout the state and nation, and an unshakeable commitment to it.

I served as ranking member of the State Government Operations and Accountability committee in the Washington State House of Representatives in 2005-2006. This committee had responsibility for oversight of many areas of law, including Washington's Public Disclosure Act (RCW 42.17), Public Records Act (RCW 42.56), Open Public Meetings Act (RCW 42.30), and Ethics in Public Service Act (RCW 42.52), in addition to laws controlling local and state purchasing and contracting. I studied these laws carefully, considered many proposed improvements and amendments, and became very familiar with them during this period of service.

I serve as president of Washington Coalition for Open Government, a statewide non-profit organization dedicated to promotion of government transparency and accountability. During my term as president, WCOG developed an ethics policy for our board of directors. I serve and have served on the boards of directors of more than a dozen other non-profit community and industry organizations and can provide details if needed (many are included in my online biography on [www.tobynixon.com](http://www.tobynixon.com)).

I work as senior standards program manager in the Windows Planning and Partner Engagement Group at Microsoft, where I have been employed over 17 years. I have responsibility for advising managers throughout the Windows organization on strategy related to participation in development of technical standards, and manage the processes by which the Windows group makes standards-related decisions. I have personally been active in the collaborative development of technical standards for over 25 years, including serving as committee chair or as a board member or officer in several national and international standards development organizations. I have extensive experience working with people from around the world with diverse backgrounds and interests to achieve common goals.

The nature of my work at Microsoft does provide schedule flexibility; given enough notice, I can adapt to almost any schedule the code of ethics committee might adopt. I do travel on company business about one week out of every two months. My mornings tend to be fairly busy with conference calls for committees that have members in Europe and Asia. Evenings are mostly available, although I do like to attend as many city council meetings as possible, and I have occasional meetings of various boards and organizations (e.g. 4th Mondays and 4th Thursdays have recurring meetings).

My wife Irene, our five children (ages 17 through 25) and I have lived in the Kingsgate area of Kirkland since 1993.

Thank you very much for your consideration.

Best regards,

Toby Nixon

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.ci.kirkland.wa.us

---

**MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager

**From:** Robin S. Jenkinson, City Attorney

**Date:** March 25, 2010

**Subject:** Council Rules of Procedure

**RECOMMENDATION:**

It is recommended that Council consider the attached resolution amending the Rules of Procedure for the Conduct of Kirkland City Council Meetings. The resolution would make several changes to the current Rules.

**BACKGROUND DISCUSSION:**

Councilmembers have recently discussed certain housekeeping changes to the City Council Rules of Procedure. Several are included in the attached resolution and shown in edited format. The attached resolution includes the following proposed changes:

Section 5, Subsection 2, Page 3. Under Items from the Audience, limits each speaker to a three minute presentation.

Section 6, Page 3. Allows additional items to be placed on the agenda, at the Council Meeting, if the requesting Councilmember or the City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

Section 7, Subsection 1, Page 3. Clarifies that correspondence of a purely informational nature will be provided to the Councilmembers in the normal course of business rather than in a packet.

Section 9, Subsections 3, 4, and 6, Pages 4-5. While business is brought before the Council by motions, the practice has been that presentation of the staff report and some discussion may precede the motion proposing action. This change incorporates the practice and adds that the Mayor should restate the motion.

Section 20, Page 6. Consistent with current practice, allows the Mayor to participate in Council discussions without asking another Councilmember to assume the role of Chair.

After reviewing the resolution, the Council may identify other areas for changes. The topic of Council correspondence is being addressed separately and will be discussed at an upcoming City Council Meeting.

RESOLUTION R-4810

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.

Whereas, a predetermined order of business and the adoption  
of rules of procedure for City Council meetings will be the most  
expedient means of conducting Council meetings; and

Whereas, such order of business and rules of procedure will  
avoid confusion and aid in the expeditious handling of business; now,  
therefore,

Be it resolved by the City Council of the City of Kirkland as  
follows:

Section 1. The order of procedure herein contained shall  
govern deliberations and meetings of the Council of the City of  
Kirkland, Washington.

Section 2. Regular meetings of the Council shall be held as  
provided for by ordinance.

Section 3. At all meetings of the Council, a majority of the  
Councilmembers shall constitute a quorum for the transaction of  
business, but a less number may adjourn from time to time to secure  
the attendance of absent members.

Section 4. The order of business shall be as follows:

1. Call to order
2. Roll call
3. Study session
4. Executive session
5. Honors and Proclamations
6. Communications
  - a. Announcements
  - b. Items from the audience (3 minute  
limitation. See Section 5)
  - c. Petitions
7. Special presentations
8. Consent calendar
  - a. Approval of minutes
  - b. Audit of accounts and payment of bills  
and payroll
  - c. General Correspondence

- i. Routine
- ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.
- d. Claims
- e. Award of bids
- f. Acceptance of public improvements and establishing lien periods
- g. Approval of agreements
- h. Other items of business

Any matter, which because of its routine nature, would qualify for placement on the Consent calendar pursuant to this section, may be included on the Consent Calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a Resolution or Ordinance.

Any item may be removed from the consent calendar upon the request of any Councilmember. All items remaining on the consent calendar shall be approved by a single motion. Whenever an Ordinance is included on the Consent Calendar, approval of the calendar shall be by roll call vote.

- 9. Public hearings
- 10. Unfinished business
- 11. New business
- 12. Reports
  - a. Council Reports
  - b. City Manager Reports
- 13. Adjournment

Section 5. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council:

- 1. During the time for "Items from the audience", speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the audience".

2. During the time for "Items from the audience", each speakers will be limited to 3 minutes apiece. No more than 3 speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to 3 proponents and up to 3 opponents of the matter may address the Council.

Section 6. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Emergency Additional items arising after the regular agenda has been prepared ~~shall be referred to the City Manager for inclusion, as an Addendum to~~ may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

Section 7. Written Correspondence: Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council Meeting Agenda by the City Clerk, but rather transmitted to the Council members in ~~their weekly informational packet~~ the normal course of daily business.
2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be

placed by the Clerk on the agenda under the Written Correspondence - Routine Section of the consent calendar. A brief staff memorandum should accompany each letter explaining the request and recommending a course of action.

3. Significant Correspondence - Written correspondence which obviously requires some Council discussion, is of a policy nature or for which a non-routine official action or response is required, shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the consent agenda under the item Written Correspondence Relating to Quasi-Judicial Matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

Section 8. ROBERTS RULES OF ORDER, NEWLY REVISED, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this resolution.

Section 9. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. ~~State each motion and to require a second to that motion before permitting discussion.~~ Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.

45. Handle discussion in an orderly way:
- a. Give every Councilmember who wishes an opportunity to speak.
  - b. Permit audience participation at appropriate times.
  - c. Keep all speakers to the rules and to the question.
  - d. Give pro and con speakers equal opportunity to speak.
56. ~~Put~~ Repeat motions, put motions to a vote and announce the outcome.
67. Suggest but not make motions for adjournment.
78. Appoint committees when authorized to do so.

Section 10. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 11. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.

Section 12. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.

Section 13. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

Section 14. Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a councilmember has a financial interest in the question or, in quasi-judicial matters, where a councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

- To adjourn, to table or continue a matter,
- To go into or out of executive session,
- To schedule a special meeting of the City Council,
- To add or remove items on a future Council meeting agenda,

To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,

To establish the date for a public hearing, unless such hearing is required to be set by Ordinance or Resolution,

To authorize call for bids or requests for proposals, and

To approve a consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on said consent calendar, has first been removed ~~therefrom~~.

Section 15. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

Section 16. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

Section 17. Except as provided in Sections 15 and 16, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

Section 18. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

Section 19. A motion for adjournment shall always be in order.

Section 20. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the Chair, to allow the presiding officer to ~~address the Council, make a motion, or~~ but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

Section 21. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; PROVIDED that at least four (4) affirmative votes be cast.

Section 22. The chairman of each respective committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 23. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the city of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

Section 24. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance shall be recorded in the minutes. At the request of any member, the ayes and nays shall be taken on any other question and entered in the minutes. Copies of the minutes shall be sent to the members of the Council prior to their next regular meeting.

Section 25. The City Council shall consider a Process IIA appeal under KZC Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC150.125.

Section 26. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

---

MAYOR

Attest:

---

City Clerk

**CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000  
www.ci.kirkland.wa.us

---

**MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager  
**From:** Ellen Miller-Wolfe, Economic Developer Manager  
**Date:** March 25, 2010  
**Subject:** Economic Development Program Update

Recommendation

City Council receive a report on the Economic Develop Program work plan for 2010.

Background

At its 2010 Retreat, the City Council determined that economic development is both an important and urgent issue for Kirkland. In response, staff provided a report to the Economic Development Committee (EDC) on March 22, 2010 detailing the accomplishments of the program over the last four years and setting out the current Work Plan. Moreover, responding to concerns expressed by Council at the Retreat for action above and beyond current practices, staff developed a Strategic Action Plan for 2010 to address Kirkland's comparative economic competitiveness in the region. The EDC supported the Work Plan and Strategic Action Plan and is recommending consideration and adoption by City Council.

The Economic Development Program has been in operation for four years under the current Economic Development Manager. Prior to that time the program was administered by consultants, and before that was under the aegis of the Planning Department. In 2009, the Economic Development Program, which had heretofore concentrated on the retention, recruitment of business and promotion of Kirkland as a business location, was expanded to include management of the Tourism Program and the Cultural Council. The thinking then and now is that the three programs reflect Kirkland's attraction to businesses, visitors and residents alike. Kirkland's appeal is in large part due to its waterfront location and overall amenity-rich environment, the diversity and architectural quality of its commercial and housing stock, the creativity and high educational attainment of its residents and the employees of its businesses, and the art vibe that continues to enrich Kirkland culture. Thus, the coordination of these programs helps to promote what is most compelling about Kirkland.

Between 2006 and 2009, staff worked to develop relationships with the larger companies in Kirkland together with major educational institutions, and real estate and finance interests. Symbolic of improved relations with those stakeholders is the Kirkland Business Roundtable, a

group of CEO-level executives who meet quarterly to be more informed about City policy and to advise on matters that impact their institutions and businesses.

The Business Retention Program, a partnership with the Greater Kirkland Chamber of Commerce and now a subset of the City Economic Development Program, was enhanced with the redeployment of the Retention Consultant's work to provide technical assistance to individual businesses while taking on issues such as parking utilization studies, temporary sign analyses, marketing of the KirklandFirst.org (buy local program) etc. that can impact many businesses. Also, during this period, the program developed promotional materials such as the video, "This is Kirkland," aimed at prospective businesses and development interests, a folder with key information about Kirkland, "*Kirkland: Growing Cooler and Cooler*," and collaborated with NPR and other media on features about Kirkland as a business destination.

Large projects, notably the Parkplace redevelopment and the Google campus, were recruited to Kirkland and efforts continue to connect Kirkland assets with developers and businesses in the region. Of course, the largest project and likely the most impactful project as regards Kirkland's economy, Totem Lake Mall, has continued to deteriorate, despite staff efforts to 'seed new ideas for redevelopment' through several Totem Lake 'summits', procure funding for infrastructure upgrades (\$3 million in State funding), and to connect Coventry, the current majority owners, with developers and big box retailers who want to be in Totem Lake.

#### 2010 Work Plan and Strategic Action Plan

The 2010 Economic Development Work Plan and Strategic Work Plan is attached for your further information. The Economic Development Plan continues many of the themes and programs from the past with additional surveys to focus on Kirkland's competitiveness as a business location including a business satisfaction survey, an updated comparison of Kirkland taxes versus those of adjacent communities, and a comparison of Kirkland economic development programs with those of neighboring communities. The Tourism work plan, recently adopted by the Lodging Tax Advisory Committee (LTAC), and the Cultural Council work plan are also attached.

Regarding the Strategic Action Plan, staff is recommending that the before-mentioned surveys be undertaken, that zoning studies (Industrial Lands, Downtown Uses, etc.) be updated as appropriate and that these studies be distilled for short and long range strategies and tools for improving Kirkland's competitiveness. These recommendations should be reviewed by business stakeholder organizations as well as the EDC and the City Council followed by implementation. A concern is that although action is urgently recommended, many of the implementation measures may require further vetting by other bodies such as the Transportation Commission and the Planning Commissions which will necessitate delay unless the Council is implicit in seeking to expedite them.

## **Summary**

The 2010 Economic Development Strategic Action Plan and work program will consist of a series of activities focused on studying and enhancing Kirkland's competitiveness as a place to do business:

<b>Analysis</b>	Competitiveness Studies – Tax Burden, Permit Fees, Zoning, Comparable ED Programs
<b>Findings</b>	List of short and long range implementation tools and strategies
<b>Review</b>	EDC, City Council, Roundtable, Chamber and other business groups
<b>Ignition</b>	What can Council do to implement changes more quickly? - Reliance on other processes (Planning and Transportation Commission processes) can impact schedule
<b>Implementation</b>	May require: --Potential changes to Transportation and Planning Policies --Potential comprehensive plan and code amendments --Additional resources – staff and consultants --Revised priorities

The Mayor has stated to several business audiences that "Kirkland is open for business." Staff will do what is required to support this commitment and other recommendations of Council.

## **Economic Development Strategic Action Plan (Economic Development, Tourism and Cultural Council)**

Recruitment . Retention . Marketing and Promotion . Survey and Analysis.

### **Staffing**

Staffing is provided to the Economic Development Program (including Tourism and the Cultural Council) by a total of 1.45 FTE and contracted staff summarized as follows:

- 1.00 Economic Development Manager (.85 Economic Development and .15 Tourism)
- .25 Special Projects Coordinator (Tourism)
- .20 Administrative Assistant (Tourism web work)
- Part-time Consultant (Economic Development)
- On-Call Administrative Support (KirklandFirst.org)

### **Economic Development Program 2010 Activities**

- Coordination of Kirkland Business Roundtable – Quarterly meeting of 40 top businesses
- Management of KirklandFirst.org – Buy local website and program
- Coordination and Delivery of Business Retention Programs
  - Technical assistance consultant
  - Land Use and economic studies
  - Orientation for new businesses
  - Marketing assistance
  - *Weathering the Storm* series and other business seminars
  - Business Ombudsman
  - Business Advisory Committee
- Development of *Kirkland: Growing Cooler and Cooler* and other recruitment and promotional work
  - Updating of Kirkland materials
  - Commercial Broker meetings
  - KUOW sponsorship of economic development/tourism spots
  - Trade shows and speaking opportunities
  - Ongoing meetings and work-ups for businesses and developers interested in Kirkland
  - Totem Lake meeting
- Participation in local and regional activities
  - Board member, Kirkland Downtown Association
  - Chair, eGov subcommittee on NWProperty.net, real estate search site
  - Chair, Economic Development Managers of King County (bi-monthly meeting)
  - Prosperity Partnership (PSRC)
  - enterpriseSeattle
  - Department of Commerce – Continued input on needed economic development tools

- Research and Preparation of Grants
  - CERB grant – Received \$2 million toward Parkplace infrastructure
  - EDA grant – Developed proposal that ranked #1 in 4-county region; follow-up with EDA
- Coordination and Delivery of Survey and Related Analysis
  - Competitiveness Survey (Tax Burden, Comparison to other Economic Development Programs, Permit Cost Comparison)
  - Business Satisfaction Survey
  - Past surveys of economic climate, temporary sign code, adequacy of big box zoning, adequacy of Juanita Village parking, downtown retail, start-ups
  - Quarterly tracking of real estate and job trends

### **Cultural Council 2010 Activities**

- Foundation development
- “Artilizing” downtown
- Collaboration
- Electronic artist brochure (Department of Commerce grant)

### **Tourism 2010 Activities**

- LTAC staffing review
- Development and distribution of tourism print and electronic collateral (ExploreKirkland.com, event guide, ad buys, maps)
- Grant program administration
- Special attention to Uncorked, Concours and other major events
- Advertising

### **Special Focus Areas for 2010**

- Report to EDC and City Council regarding Economic Development Program
- Competitive Edge Initiative (tax/permit fees comparison, satisfaction survey, ED Strategies)
- Continued work on major projects (Parkplace, Totem Lake etc. )
- Assistance to commercial brokers to market Kirkland space
- Collaboration with Public Works and Planning departments on concurrency and impact fee policies
- Monitoring and assistance as needed to KDA/Chamber discussions on downtown event oversight and visitor center staffing
- Development of Tourism Budget , oversight of ExploreKirkland overhaul, coordination of regional promotion (Kirkland/Woodinville collaboration)
- Identification of funding for the Cultural Council and its projects
- Work with Neighborhood Business Districts

## 2010 Tourism Work Plan

Recurring Items:	Proposed Due Date
Event Guide Topic and Distribution	Ongoing
Networking/Sales Meetings	Monthly
Explore Kirkland Updates	Ongoing
Advertising	Ongoing
Where Guides, SCVB publications, Sunset,	
Washington State Visitor Guide, KPC program	
Training for Staff and Stakeholders	Ongoing
Budget	August 1, 2010
Adopt LTAC Budget for 2011/12	
Reviewing Outside Agency LTAC Funding	May 1, 2010
Revise Submittal Packet and Criteria	
Press/Fam Tours	July and September 2010
Travel Writers visit two events	
Uncorked and Concours	
Focus Items:	Proposed Due Date
Adopt New Brand	February, 2010
Interview and Select Tourism Marketing Consultant	February, 2010
New Map/Visitor Guide Combo	June, 2010
New Website/Logo	August, 2010

## **Vision 2020 for the Arts, Culture and Heritage in Kirkland: Work Plan for 2010**

*"The City of Kirkland strongly values the integration of diverse art, culture and heritage to enrich the quality of daily life and enrich a dynamic community. Between 2010 and 2020, Kirkland will greatly strengthen the culture of our lakeside community by becoming a notable arts destination."*

### **Community Collaboration (Amy, Leah, Gwen, Cathy, Bhaj)**

#### **DISCUSSION:**

*In an era when cultural institutions must operate on razor-thin margins, creative and dedicated trustees and staff can mean the difference between success and failure for the arts. The City and the Cultural Council can play a crucial role in fostering leadership among cultural institutions and individuals, offering recognition for business leadership, philanthropic generosity, volunteer dedication, and artistic excellence.*

#### **RECOMMENDATION:**

The Cultural Council should increase networking, technical assistance, and leadership opportunities for artists and arts, culture and heritage organizations, including creating an annual awards event that recognizes leadership in the arts, culture and heritage. (Recommendation 23).

### **Create a Foundation (GG, Kathy, Bob, Jeff, Leah, Sheila)**

#### **DISCUSSION:**

*Local arts agencies must be persistent promoters of the arts, advocating that the private sector and the public sector alike maintain or increase arts support.*

#### **RECOMMENDATION:**

The Cultural Council should create a Foundation to support the arts, arts education, culture, and heritage in Kirkland. (Recommendation 26)

### **Artilizing Kirkland (Kathy, Jeff, GG, Leah, Margit, Rebecca)**

#### **DISCUSSION:**

*The Cultural Council should explore with private owners, utilization of unoccupied spaces in underused commercial locations, such as downtown, Totem Lake, Park Place and Juanita Village.*

#### **RECOMMENDATION:**

The Cultural Council should explore, with the owners of underutilized commercial properties, use of empty spaces by artists and arts, culture and heritage organizations. (Recommendation 15)

The City should explore the potential of developing an artist studio and live-work project in the downtown, working with a private or non-profit developer. (Recommendation 9)

The City should enhance the cultural infrastructure by exploring development of a black box theatre, a downtown electronic event kiosk and a municipal art gallery. (Recommendations 13, 14 & 20 combined)

### **Public/Private Art (GG, Kathy, Bob, Margit, Cathy, Boris, Melissa)**

The City passed a 1% for the arts program for all City projects over \$500,000 in 2008. The goal of this program is to expand the current collection beyond the downtown area into the neighborhoods, and to diversify the selection to include integrated and non-representational pieces. The Council has also worked with several private developers, and assisted in the selection of artwork to be installed on the Bank of America Plaza, the Merrill Gardens driveway, and the Parkplace redevelopment.

#### **RECOMMENDATION:**

The Cultural Council should continue its advocacy and curating of art in public and private places.



**CITY OF KIRKLAND**  
Department of Public Works  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

---

## MEMORANDUM

**To:** Marilynne Beard, Interim City Manager

**From:** Ray Steiger, P.E., Interim Public Works Director  
Denise Pirolo, P.E., Project Engineer

**Date:** April 6, 2010

**Subject:** NE 68<sup>TH</sup> STREET/108<sup>TH</sup> AVENUE NE INTERSECTION IMPROVEMENTS  
AUTHORIZE CONDEMNATION

### RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance authorizing staff to proceed with acquisition of right of way through Eminent Domain (aka Condemnation) for parcels associated with the NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE St Intersection Improvement Project.

### BACKGROUND DISCUSSION:

The NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE St Intersection Improvement Project (the Project) is approved in the 2009-2014 CIP as CTR-0085 and began in January, 2009. In addition to City funding for the Project, it is also partially funded as part of Sound Transit's improvements in conjunction with the new Downtown Transit Center currently under construction.

The City's component of the Project includes construction of a westbound to northbound right turn lane to maintain an intersection level of service less than the required 1.4 volume to capacity ratio. All four corners of the intersection will be modified to improve pedestrian safety with widened sidewalk while also accommodating improved turning movements (Attachment A). Sound Transit's component of the Project addresses the sidewalk radius at the southwest corner of the intersection where the Starbucks is currently located. The sidewalk and curb radius at this corner do not allow an eastbound articulated bus to safely turn southbound onto 108<sup>th</sup> Ave NE without driving up and over the sidewalk; consequently it creates a pedestrian safety hazard.

The Project requires the acquisition of right of way and/or temporary construction easements affecting five parcels and five property owners (Attachment B). The table summarizes the property and temporary construction easement requirements, the current offers made by the City, and the negotiation status for each parcel. Prior to the start of construction of the Project, the City must either settle the property transactions or obtain "possession and use" agreements for the properties while settlements are reached.

After completing the preliminary design, the property appraisals were done in the summer of 2009, and the City's right of way consultant began negotiations with the affected property owners in September of

Memorandum to Marilynne Beard  
April 6, 2010

2009. Temporary construction agreements have been reached with two of the five property owners, and it is likely that compensation settlements will be reached with two of the remaining four (7-11 and Starbucks), although at the time of this memo, the City does not yet have signed agreements, therefore they have been included as part of this recommended action.

Settlement with the fifth and final property is becoming somewhat challenging and may impact the ability to proceed with the Project under the current bidding climate. The City and its representative Aybeta and Associates have taken diligent steps to negotiate the Sabegh property acquisition, similar to the other properties, since last fall. These negotiations have been concurrent with ongoing development action that is underway by Mr. Sabegh on the property. The negotiation steps are many and are included at the end of this memo under "negotiation chronology". We will continue to work with Mr. Sabegh in order to reach a settlement, although staff is recommending that Council allow the condemnation process to begin while we further negotiate with Mr. Sabegh, in order to insure we meet the scheduled start of construction in mid 2010.

The City must begin the condemnation process soon as the judicial process can take several months or longer; Staff will continue to work with the property owners to address their concerns and to offer a fair market value for the property, however the mechanics of the ordinance will provide an opportunity to begin the necessary legal documents while working through negotiations.

RCW 8.12 authorizes and empowers Cities to condemn land and property for improvements such as those proposed for this project. Condemnation authority is not granted to public entities as a coercive measure as much as it is to allow for the progress of improvements deemed being in the public's interest. In any action, it would be imperative that the public agency prove the necessity of the improvement. The statutes were written to prevent unreasonable demands being placed on public entities and to afford property owners a fair market value for their properties. Passing of the Ordinance by City Council at this time does not preclude agreements being reached with all property owners prior to the actual condemnation proceedings taking place, but it will enable the City to move toward construction in the event an impasse is reached with any of the property owners. A best case scenario would be to resolve the right of way transaction without undertaking the condemnation option.

Public Works staff has worked closely with the City Attorney's Office in preparing the attached ordinance to comply with the requirements of this eminent domain process. The project budget report is attached as Attachment C.

### **Sabegh negotiation chronology**

#### Background

- Prior to the Sabegh purchase of this property, there was a class action lawsuit filed in the late 1970's involving the property. The Superior Court of the State of Washington for King County ruled that properties affected by *newly implemented comprehensive plans* (the Sabegh property was one such affected) be allowed to develop under the BC zoning designation. As a result of the Court ruling, the City adopted a resolution (on July 16, 1979) which would allow the future development of the Sabegh site under either the existing zoning at the time of application or the BC zoning; it was up to the applicant.

August 2006

Memorandum to Marilynne Beard  
March 29, 2010

- Mr. Sabegh began working with Planning, Public Works, and other pertinent departments on developing his vacant Parcel #082505-9081 (map Ref #3); The Sabegh application for development was submitted under the City's Community Business (BC) zoning; currently the Sabegh parcel is zoned to multi-family (RM-3.6).
- The property abuts NE 68th Street on the north side, and the Kirkland Zoning Code requires half-street improvements of the right-of-way abutting the subject property. In the case of this development, half-street improvements (curb, gutter, and sidewalk) currently existed adjacent to the property, however during the application process, the following conditions were outlined for the Applicant. From the Kirkland Zoning Code Sections 110.30-110.50, consistent with the City's overall transportation needs, NE 68<sup>th</sup> Street was to be improved beyond its existing conditions as such:
  - *The City of Kirkland will be installing a dedicated right-hand turn lane and bikes lanes in the westbound direction on NE 68<sup>th</sup> Street across the property continuing west towards 108<sup>th</sup> Ave NE. This new turn lane and improvements will require a right-of-way dedication from the subject property that will be 12' wide from the western property line to the east side of the (development's) proposed driveway; from the east side of the proposed driveway, the 12' wide dedication shall taper to 5' wide at the east property line.*
  - *Since the City is scheduled to build these (turn lane) improvements, the (Sabegh) development will not be required to construct street improvements along the NE 68<sup>th</sup> Street property frontage.*
  - *The development will receive a traffic impact fee credit for the dedicated right-of-way; the value of the credit will be based on the value of the dedicated right-of-way. If the values of the traffic impact fees exceed the value of the right-of-way dedication, the development project shall pay the difference.*

#### March 2009

- Abeyta and Associates was hired to perform the right-of-way acquisition on behalf of the City for the 68<sup>th</sup>/108<sup>th</sup> Intersection Improvement Project; the Company is a sub-consultant to the design engineering firm INCA/Tetra-Tech.

#### September 2009

- The Appraisal for the Sabegh property was submitted to the City based on utilizing the current RM-3.6 zoning (recall the applicant submitted under BC zoning); the Appraiser maintains that the RM-3.6 is the highest and best use of the property.

#### October 2009

- The City's required second party Review Appraisal (of the original appraisal) was submitted to the City and concurred with the methodology employed in the original appraisal.

#### October 2009

- Initial acquisition offer to Mr. Sabegh; no formal response.

#### December 2009

- Second request sent to Mr. Sabegh; no formal response.

#### January 2010

Memorandum to Marilynne Beard  
April 6, 2010

- Third request sent to Mr. Sabegh; no formal response, however Mr. Sabegh expressed his disagreement with the price per sq ft offer presented, which is based on the appraiser's opinion of the best use of the property.
- Mr. Sabegh has requested the City pay for his own independent appraisal by Lamb Hanson & Lamb; the complete appraisal was estimated to be \$4,000 to \$4,500, however this level of compensation was not acceptable, and Staff's recommendation was to proceed with the eminent domain process as allowed in our right of way procedures.

#### February 2010

- Mr. Sabegh agreed to accept \$700 towards a second review appraisal of the City's original appraisal. The City (via Abeyta and Associates) has entered into a contract with Lamb, Hanson, & Lamb to perform a second independent review of the appraisal, and the results are expected by the end of April.

#### March 2010

- Mr. Sabegh concurs with moving ahead with the administrative (City Council) actions that are required to proceed with eminent domain. It is likely that negotiations will reach a compensation settlement on the Sabegh property, however if and when impasse is reached, the opportunity to utilize the Jury or Judge process outlined in the State Statutes will allow resolution such that the City may proceed with the Project.

Attachments



Vicinity Map

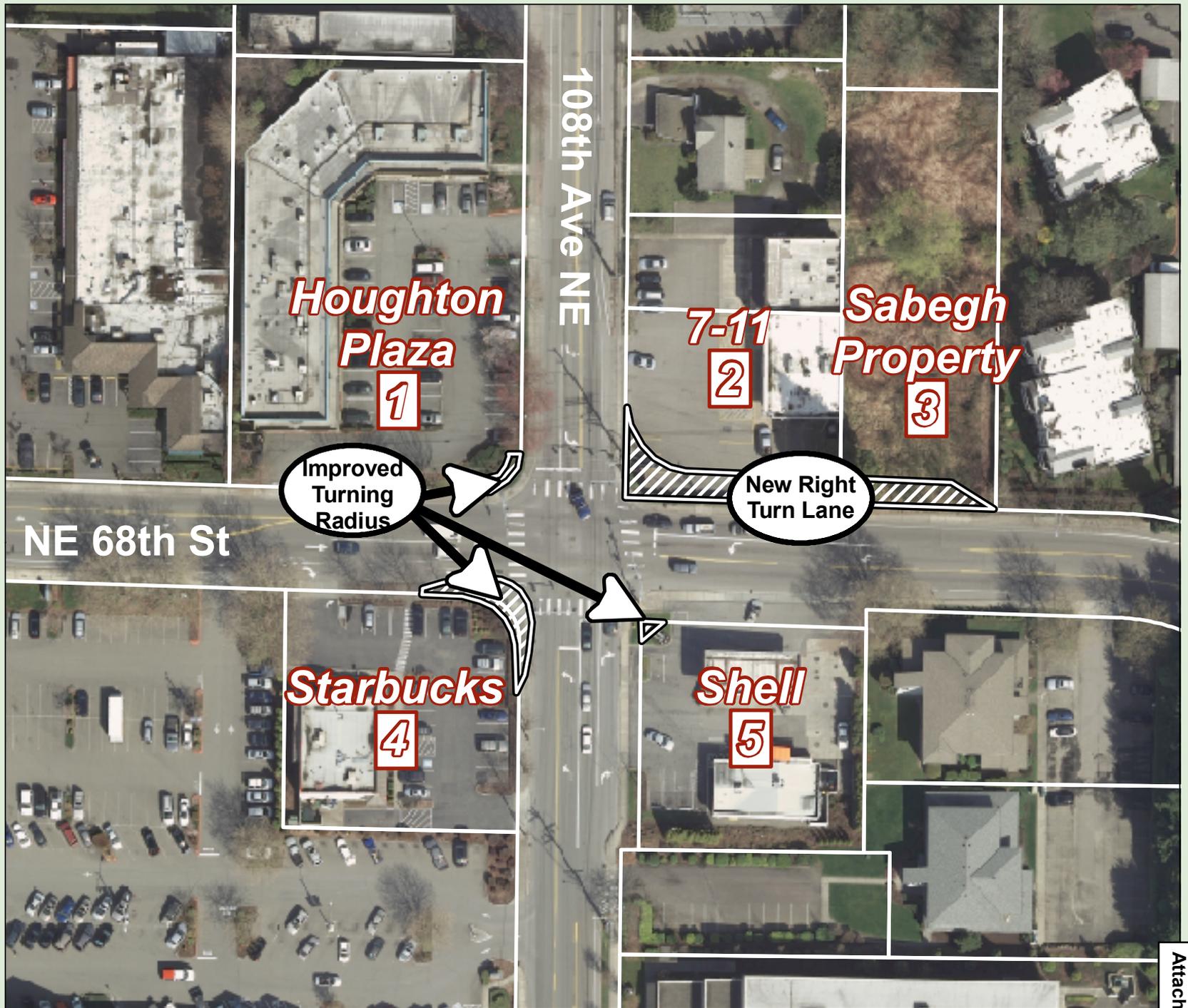


Legend

# Map Reference Number



Produced by the City of Kirkland.  
© 2009, the City of Kirkland, all rights reserved.  
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

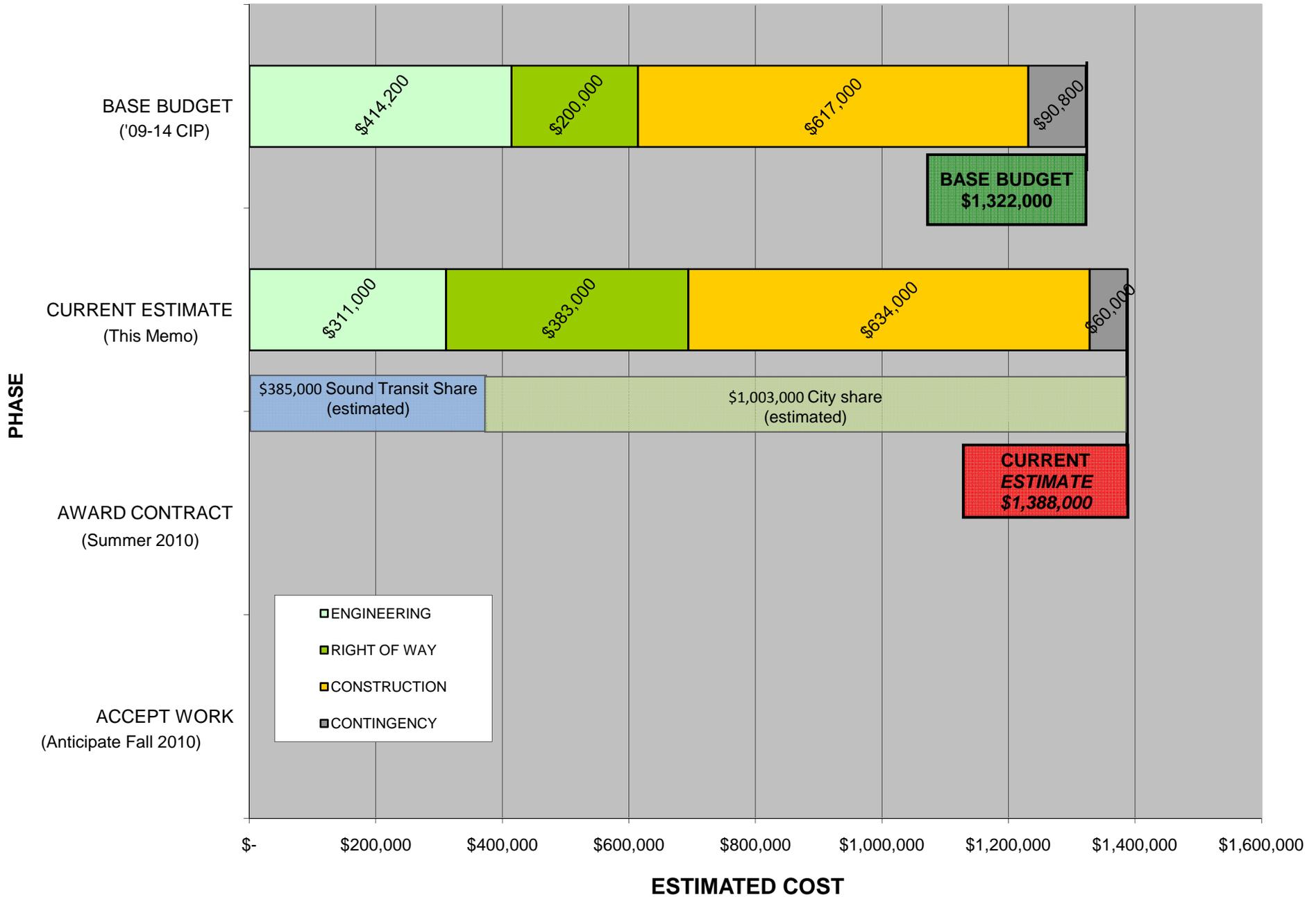


**NE 68th St / 108th Ave NE Intersection Improvement Project**

Attachment A

Ref #	Business	Tax Payer name/address	ROW Price (SF)	ROW Cost	Temp Construction Easement	Permanent Utility Easement (SF)	Perm Util	Improvements Taken	Estimated Damages	Admin Settlement	Total Offer	Status
1	Houghton Plaza	Houghton Plaza Limited Liability, 720 Fourth Ave, Suite 120, Kirkland, WA 98033			\$ 1,715						\$ 1,715	Administrative offer of Settlement (AOS) Complete/Easement recorded/payment executed
2	7-11	DS Edison LLC, Attn: Tax Dept #18146, PO Box 711, Dallas, TX 75221	\$ 75	\$ 174,200	\$ 9,200	\$75/sf @ 15%	\$ 400	\$ 26,200	\$ 30,700		\$ 241,000	In negotiations, waiting for response back from client, who is working with renter on the sign relocation compensation.
3	Vacant (Sabegh Property)	Mariam Sabegh, c/o Chianglin Law Firm, PLLC, 12501 Bel-Red Road, Suite 209, Bellevue, WA 98005	\$ 52	\$ 63,100	\$ 2,200						\$ 65,300	Offer has been presented, at the request of Mr. Sabegh the City has agreed to pay \$750 towards an independent review of the original review appraisal with Lamb Hanson & Lamb.
4	Starbucks	Houghton Group, LLC c/o Kennedy Wilson PO Box 52850 Bellevue, WA 98015	\$ 75	\$ 2,925	\$ 3,300	\$75/sf @ 15% & \$11.25/sf	\$47587 + \$1677	\$ 6,700	\$ 1,200	\$5,830	\$ 69,219	Negotiations complete, City Attorney's Office working with clients attorney on finalized acquisition/easement documentation.
5	Shell	Pac West Energy, LLC, 3450 Commercial Court, Meridian, ID 83643		\$500 (minimum offer)							\$ 500	AOS Complete/Easement recorded/payment executed

## NE 68th ST / 108th Avenue NE Intersection Improvements PROJECT BUDGET REPORT



ORDINANCE NO. 4236

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF THE NE 68TH STREET/108TH AVENUE NE INTERSECTION IMPROVEMENTS PROJECT WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW.

WHEREAS, the NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE Intersection Improvements Project is an approved and funded project in the 2009-2014 Capital Improvement Program ("CIP"), listed as Project No. TR 0085 ("Project"); and

WHEREAS, the 2009-2014 CIP was approved by the Kirkland City Council on December 16, 2008 by Resolution R-4753; and

WHEREAS, the Project improvements are necessary to provide needed lane configurations, pedestrian facilities, and utility systems and installation of traffic signal controllers and components; and

WHEREAS, the City Council finds that the public health, safety, necessity, and convenience require construction of the Project and acquisition of the property described in this Ordinance; and

WHEREAS, the City has provided notice to affected property owners of this final action authorizing condemnation pursuant to RCW 8.25.290.

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

Section 1. The lands and property rights within the City of Kirkland, King County, Washington, described in Exhibit A attached to this Ordinance and which descriptions are hereby incorporated by reference, necessary for public road purposes, are hereby condemned, appropriated and taken for such public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 2. The Project is fully-funded and the expense of acquiring said property rights shall be paid for from the appropriate funding source within the city's portion of general current revenue for each CIP project.

Section 3. The City Attorney is authorized and directed to begin and prosecute legal proceedings in the manner provided by the law to purchase, condemn, take, appropriate, and otherwise acquire

the lands and other property rights and privileges necessary to carry out the purposes of this Ordinance.

Section 4. 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 regular, open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

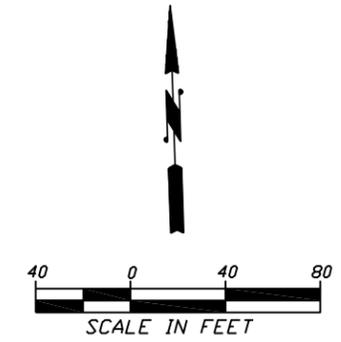
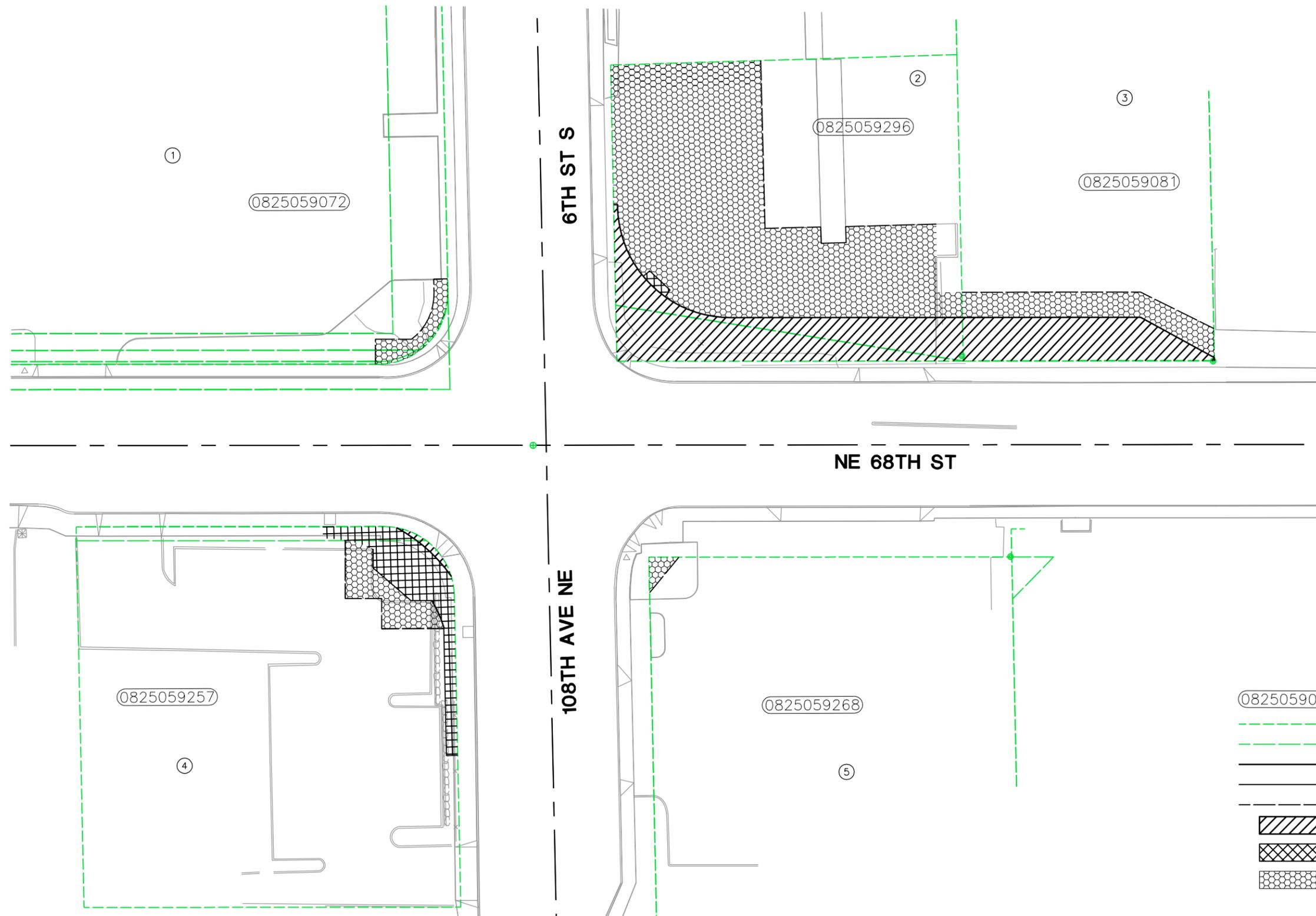
Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

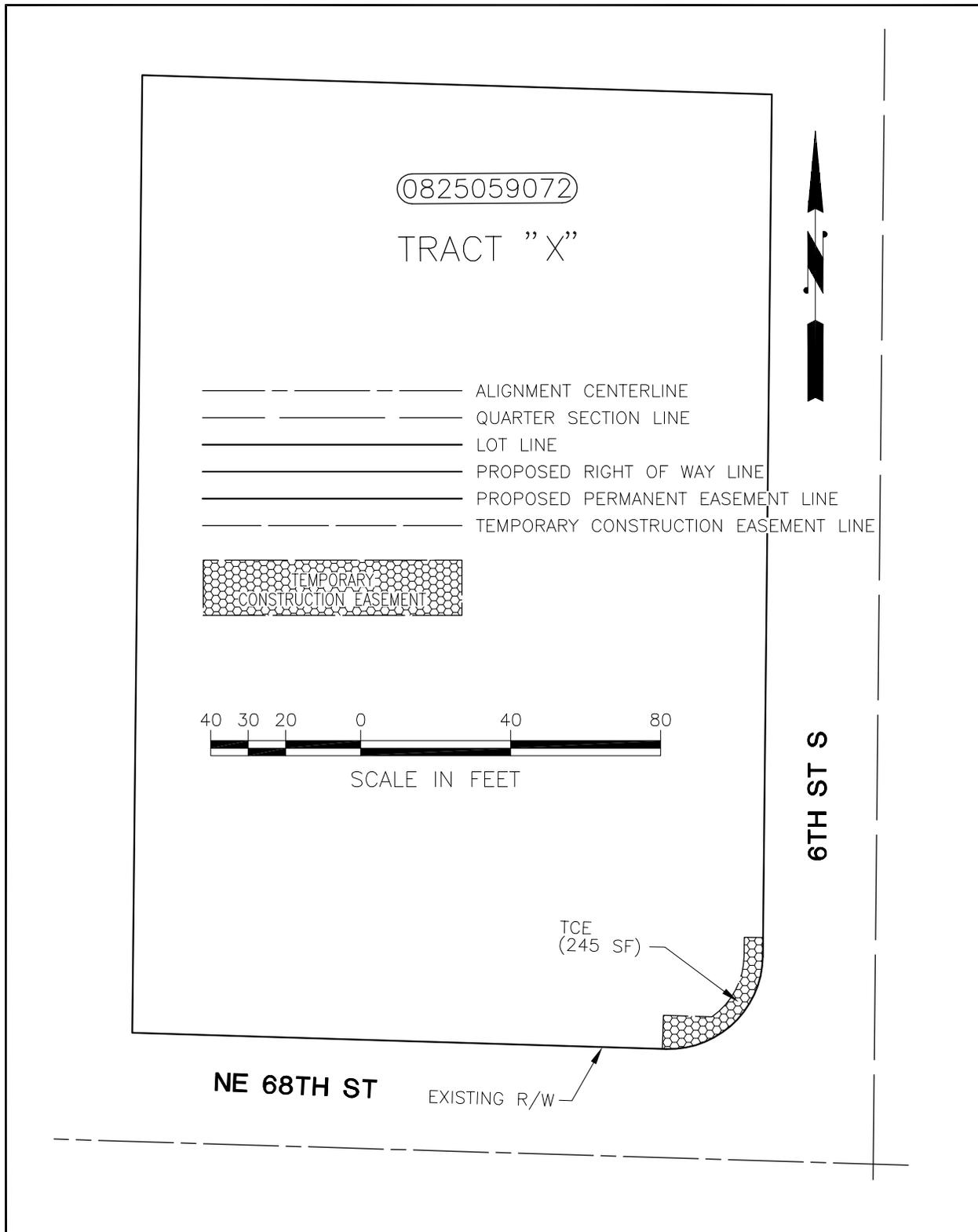
SEC. 8 NE., T. 25 N., R. 5E



**LEGEND**

0825059072	PROPERTY NUMBER
- - - - -	EXISTING RIGHT OF WAY
- - - - -	EXISTING EASEMENT
—————	PROPOSED RIGHT OF WAY
—————	PROPOSED PERMANENT EASEMENT
- - - - -	TEMPORARY CONSTRUCTION EASEMENT
[Cross-hatch pattern]	RIGHT OF WAY
[Cross-hatch pattern]	PERMANENT EASEMENT
[Dotted pattern]	TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT A



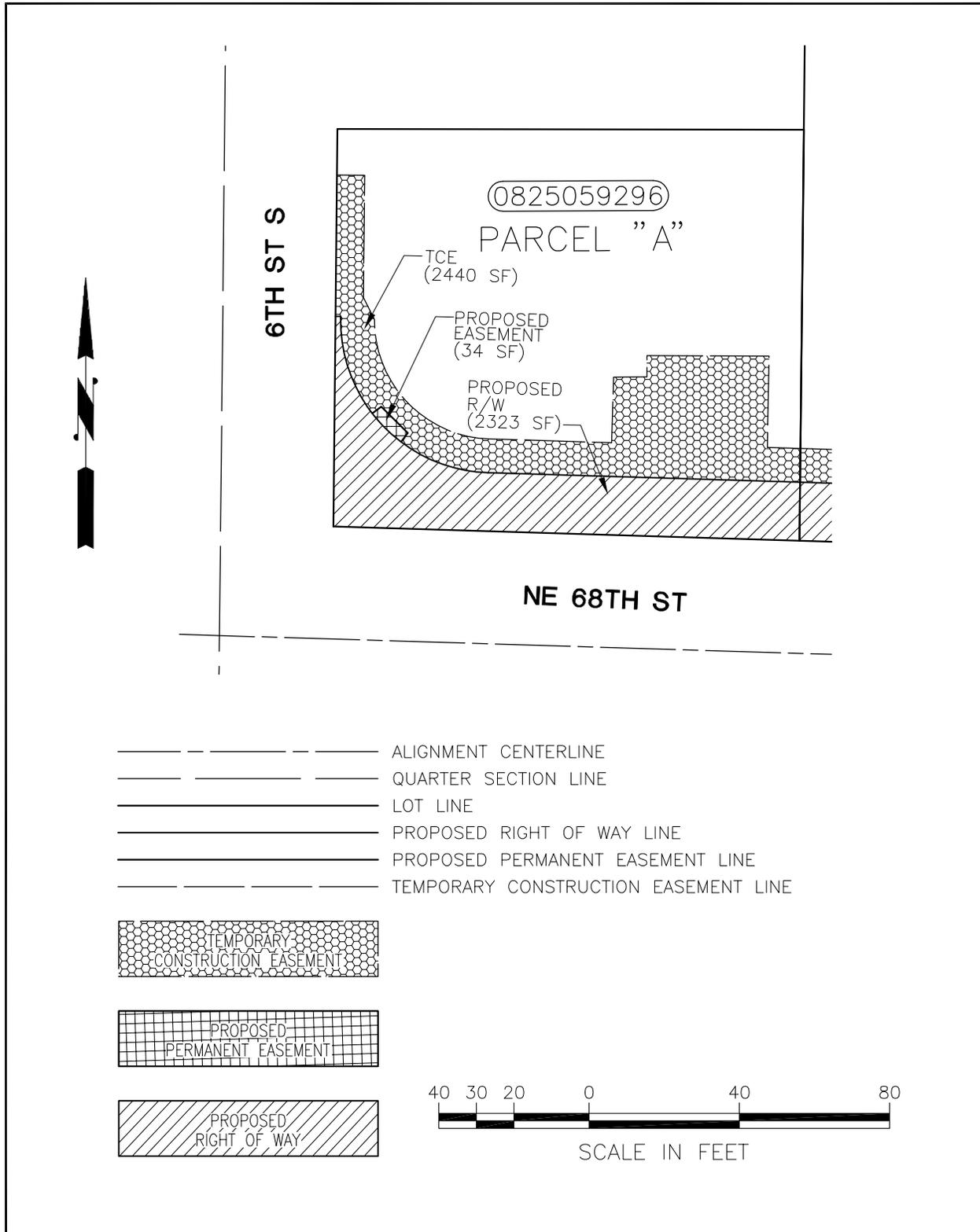
**TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:**

A TEMPORARY CONSTRUCTION EASEMENT BEING ALL THAT LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE S 88°14'41" E ALONG THE SOUTH LINE OF SAID TRACT "X" A DISTANCE OF 141.43 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 88°14'41" E 1.00 FEET; THENCE ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 91°09'43" A DISTANCE OF 39.78 FEET; THENCE N 0°35'36" E ALONG THE EAST LINE OF SAID TRACT "X" A DISTANCE OF 5.00 FEET; THENCE N 89°24'24" W 5.00 FEET; THENCE S 0°35'36" W PARALLEL WITH SAID EAST LINE 5.00 FEET; THENCE ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 54°34'18" A DISTANCE OF 19.05 FEET; THENCE N 88°14'41" W PARALLEL WITH SAID SOUTH LINE OF TRACT "X" 12.92 FEET; THENCE S 1°45'19" W 8.94 FEET TO THE POINT OF BEGINNING.

TRACT "X" IS THAT PORTION OF TRACT "B", SOUTH KIRKLAND ACREAGE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 259.11 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTH ALONG THE WEST LINE OF 108TH AVENUE NE A DISTANCE OF 264.49 FEET TO THE NORTH LINE OF COUNTY ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF SAID COUNTY ROAD 167.94 FEET; THENCE NORTH 264.49 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE TRACT CONVEYED TO CARL NILSON BY DEED RECORDED UNDER RECORDING NO. 1234234; THENCE S 88°38'00" E 167.94 FEET TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 9 FEET THEREOF; EXCEPT THAT PORTION THEREOF LYING SOUTHEASTERLY OF AN ARC WHICH HAS A RADIUS OF 25.00 FEET AND WHOSE RADIUS POINT IS 54.00 FEET NORTHERLY WHEN MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF NE 68TH STREET AND LYING ON A LINE 55.00 FEET WESTERLY OF AND PARALLEL TO THE CENTERLINE OF 108TH AVENUE NE, SAID ARC BEGINNING ON A LINE 29.00 FEET NORTHERLY WHEN MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF NORTHEAST 68TH STREET AND TERMINATING AT A POINT ON THE WESTERLY RIGHT OF WAY MARGIN OF 108TH AVENUE NE, KING COUNTY, WASHINGTON.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 245 SQUARE FEET





RIGHT OF WAY AREA DESCRIPTION:

A PROPOSED RIGHT OF WAY BEING A PORTION OF PARCEL "A" OF CITY OF KIRKLAND SHORT PLAT NO. 75-9-11, AS RECORDED OCTOBER 29, 1975 UNDER RECORDING NO.7510290579, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID PARCEL "A" 55.96 FEET; THENCE S 89°24'24" E 1.39 FEET; THENCE S 0°35'36" W 0.51 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS N 89°04'18" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°11'24" A DISTANCE OF 63.04 FEET; THENCE S 88°15'05" E 83.03 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A"; THENCE S 0°35'36" W 15.57 FEET ALONG SAID EAST LINE TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A"; THENCE N 88°14'41" W ALONG SAID SOUTH LINE 124.11 FEET TO THE POINT OF BEGINNING.

TOTAL RIGHT OF WAY AREA = 2323 SQUARE FEET



PERMANENT EASEMENT AREA DESCRIPTION:

A PROPOSED PERMANENT EASEMENT BEING A PORTION OF PARCEL "A" OF CITY OF KIRKLAND SHORT PLAT NO. 75-9-11, AS RECORDED OCTOBER 29, 1975 UNDER RECORDING NO. 7510290579, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. SAID EASEMENT BEING MORE PARTICULARLY BE DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID PARCEL "A" 55.96 FEET; THENCE S 89°24'24" E 1.39 FEET; THENCE S 0°35'36" W 0.51 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS N 89°04'18" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°32'56" A DISTANCE OF 27.25 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°16'44" A DISTANCE OF 10.80 FEET; THENCE ALONG A RADIAL LINE OF SAID CURVE N 37°06'02" E 3.00 FEET; THENCE N 45°15'36" W 9.97 FEET TO A POINT ON A RADIAL LINE OF SAID CURVE; THENCE S 52°22'46" W 3.00 FEET ALONG SAID RADIAL LINE TO THE POINT OF BEGINNING.

TOTAL PERMANENT EASEMENT AREA = 34 SQUARE FEET



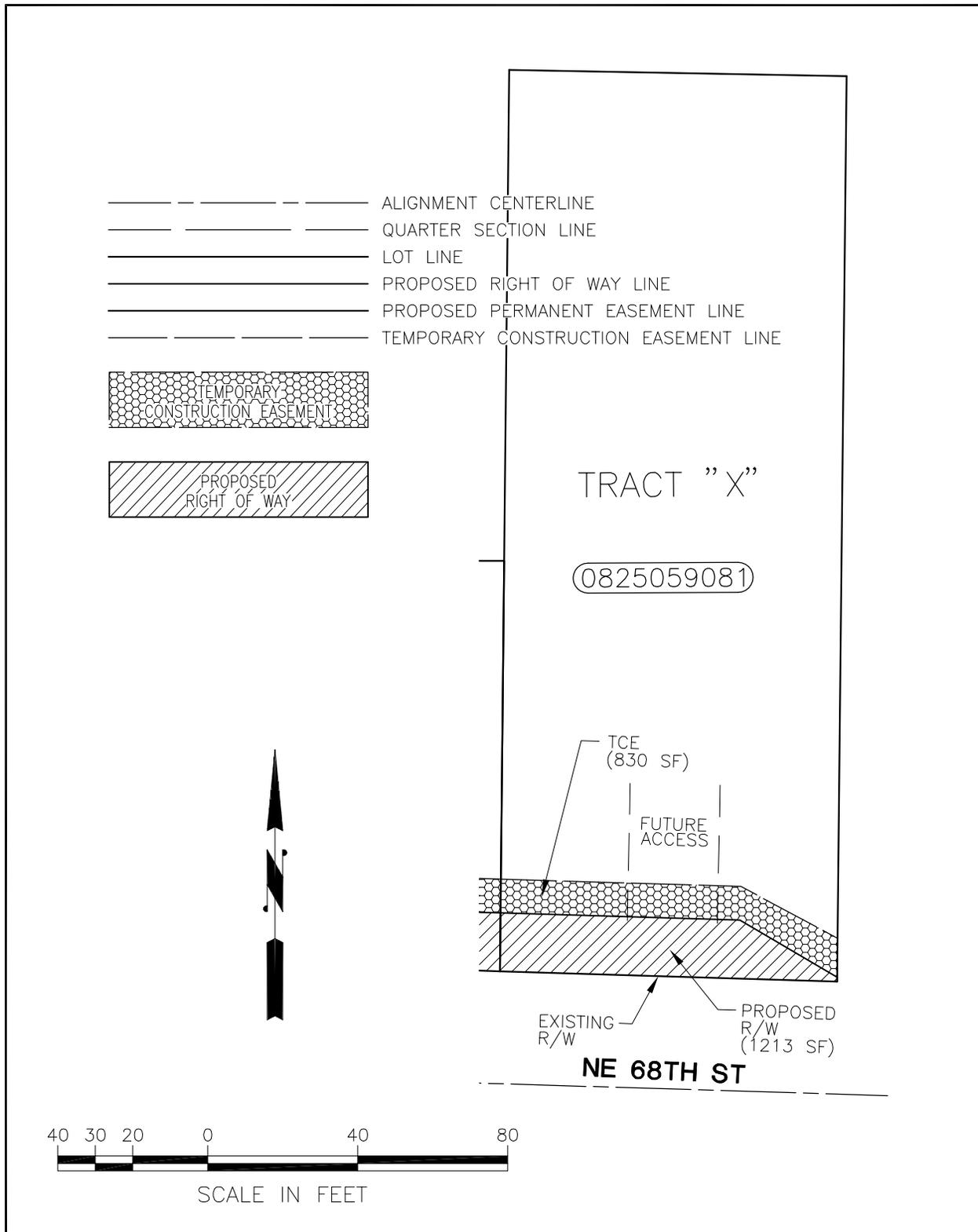
TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT BEING A PORTION OF PARCEL "A" OF CITY OF KIRKLAND SHORT PLAT NO. 75-9-11, AS RECORDED OCTOBER 29, 1975 UNDER RECORDING NO. 7510290579, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID PARCEL "A" 55.96 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 89°24'24" E 1.39 FEET; THENCE S 0°35'36" W 0.51 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS N 89°04'18" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°32'56" A DISTANCE OF 27.25 FEET; THENCE ALONG A RADIAL LINE OF SAID CURVE N 52°22'46" E 3.00 FEET; THENCE S 45°15'36" E 9.97 FEET; THENCE S 37°06'02" W 3.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.50 FEET TO WHICH A RADIAL LINE BEARS S 37°06'02" W; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°21'43" A DISTANCE OF 25.00 FEET; THENCE S 88°15'05" E 83.03 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A"; THENCE N 0°35'36" E ALONG SAID EAST LINE 9.00 FEET; THENCE N 88°15'05" W 8.83 FEET; THENCE N 1°03'41" E 24.35 FEET; THENCE N 89°47'34" W 32.48 FEET; THENCE S 0°10'56" W 5.70 FEET; THENCE S 89°45'21" W 8.86 FEET; THENCE S 1°44'55" W 17.47 FEET; THENCE N 88°15'05" W 32.56 FEET; THENCE ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 31.50 FEET THROUGH A CENTRAL ANGLE OF 88°50'17" A DISTANCE OF 48.84 FEET; THENCE N 26°43'30" W 6.54 FEET; THENCE N 0°35'12" E 32.55 FEET; THENCE N 89°24'48" W 7.38 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL "A"; THENCE S 0°35'36" W ALONG THE WEST LINE OF SAID PARCEL "A" 37.61 FEET TO THE POINT OF BEGINNING.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 2440 SQUARE FEET





RIGHT OF WAY AREA DESCRIPTION:

A PROPOSED RIGHT OF WAY BEING ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHEAST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE N 0°35'36" E 1.16 FEET ALONG THE EAST LINE OF SAID TRACT "X"; THENCE N 59°36'28" W 30.09 FEET; THENCE N 88°15'05" W 63.87 FEET TO A POINT ON THE WEST LINE OF SAID TRACT "X"; THENCE S 0°35'36" W 15.57 FEET ALONG THE WEST LINE OF SAID TRACT "X"; THENCE S 88°14'41" E 89.98 FEET ALONG THE NORTH LINE OF STATE AID ROAD NO. 4 (AND THE SOUTH LINE OF SAID TRACT "X") TO THE POINT OF BEGINNING.

TRACT "X" IS THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED TRACT: BEGINNING 154.08 FEET EAST AND 30.00 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; THENCE N 89°39'02" E 89.95 FEET; THENCE S 0°15'29" E 485.43 FEET, MORE OR LESS, TO STATE AID ROAD NO. 4 (NE 68TH STREET); THENCE WESTERLY ALONG THE NORTH LINE OF SAID ROAD, 89.98 FEET; THENCE N 0°15'29" W 483.10 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOTAL RIGHT OF WAY AREA = 1213 SQUARE FEET



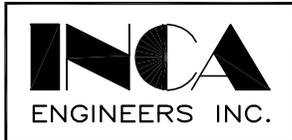
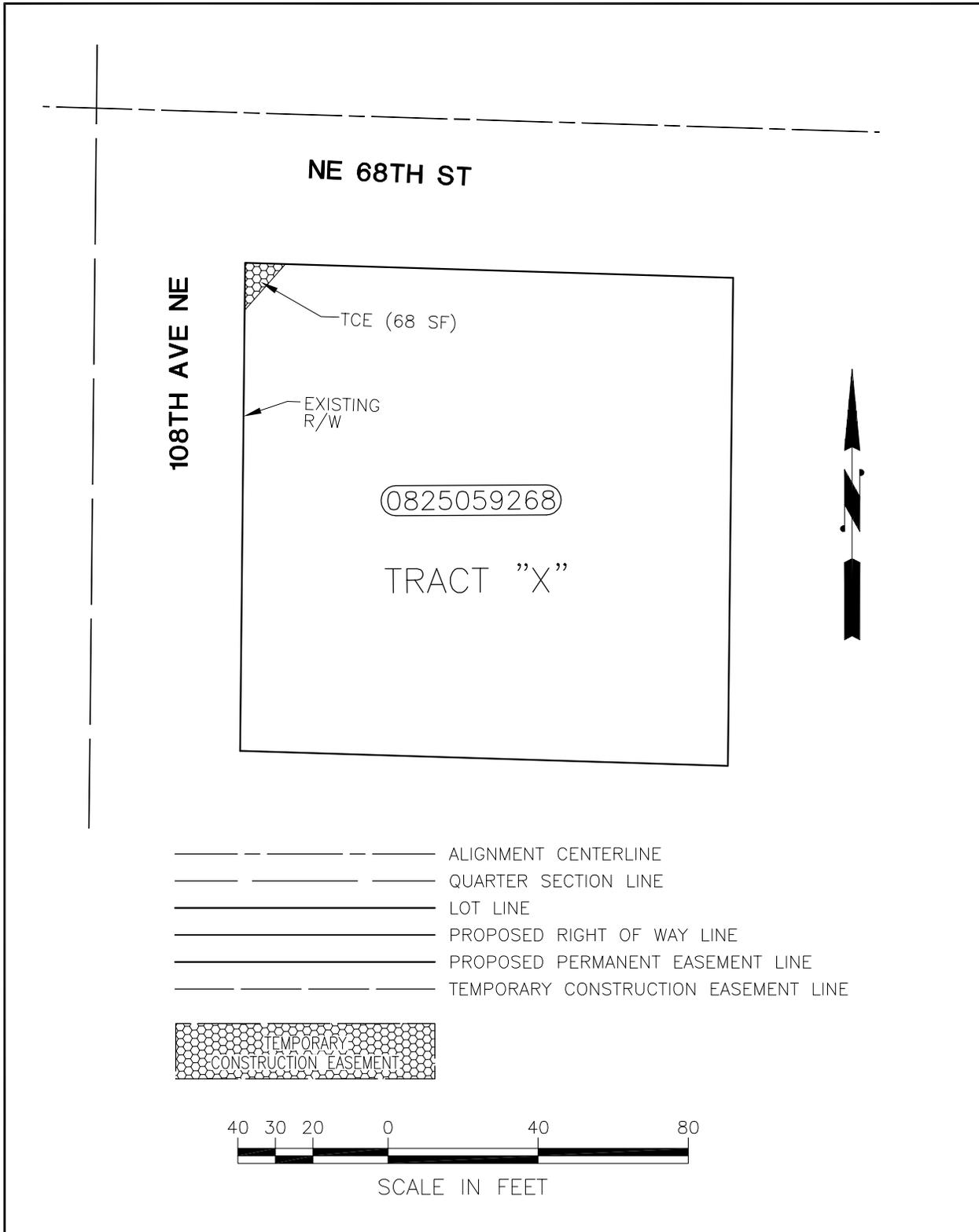
TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT BEING ALL THAT PORTION OF LAND LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF TRACT "X" AS DESCRIBED BELOW; THENCE N 0°35'36" E 1.16 FEET ALONG THE EAST LINE OF SAID TRACT "X" TO THE TRUE POINT OF BEGINNING; THENCE N 0°35'36" E 10.40 FEET ALONG THE EAST LINE OF SAID TRACT "X"; THENCE N 61°48'23" W 29.25 FEET; THENCE N 88°15'05" W 64.05 FEET TO A POINT ON THE WEST LINE OF SAID TRACT "X"; THENCE S 0°35'36" W 9.00 FEET ALONG THE WEST LINE OF SAID TRACT "X"; THENCE S 88°15'05" E 63.87 FEET; THENCE S 59°36'28" E 30.09 FEET TO THE POINT OF BEGINNING.

TRACT "X" IS THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED TRACT: BEGINNING 154.08 FEET EAST AND 30.00 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; THENCE N 89°39'02" E 89.95 FEET; THENCE S 0°15'29" E 485.43 FEET, MORE OR LESS, TO STATE AID ROAD NO. 4 (NE 68TH STREET); THENCE WESTERLY ALONG THE NORTH LINE OF SAID ROAD, 89.98 FEET; THENCE N 0°15'29" W 483.10 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 830 SQUARE FEET





CITY OF KIRKLAND – INTERSECTION IMPROVEMENT  
**KING COUNTY ASSESSOR'S #**  
**0825059268**

PAGE **1**  
 OF **2**

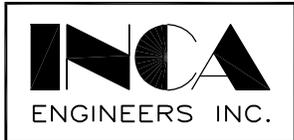
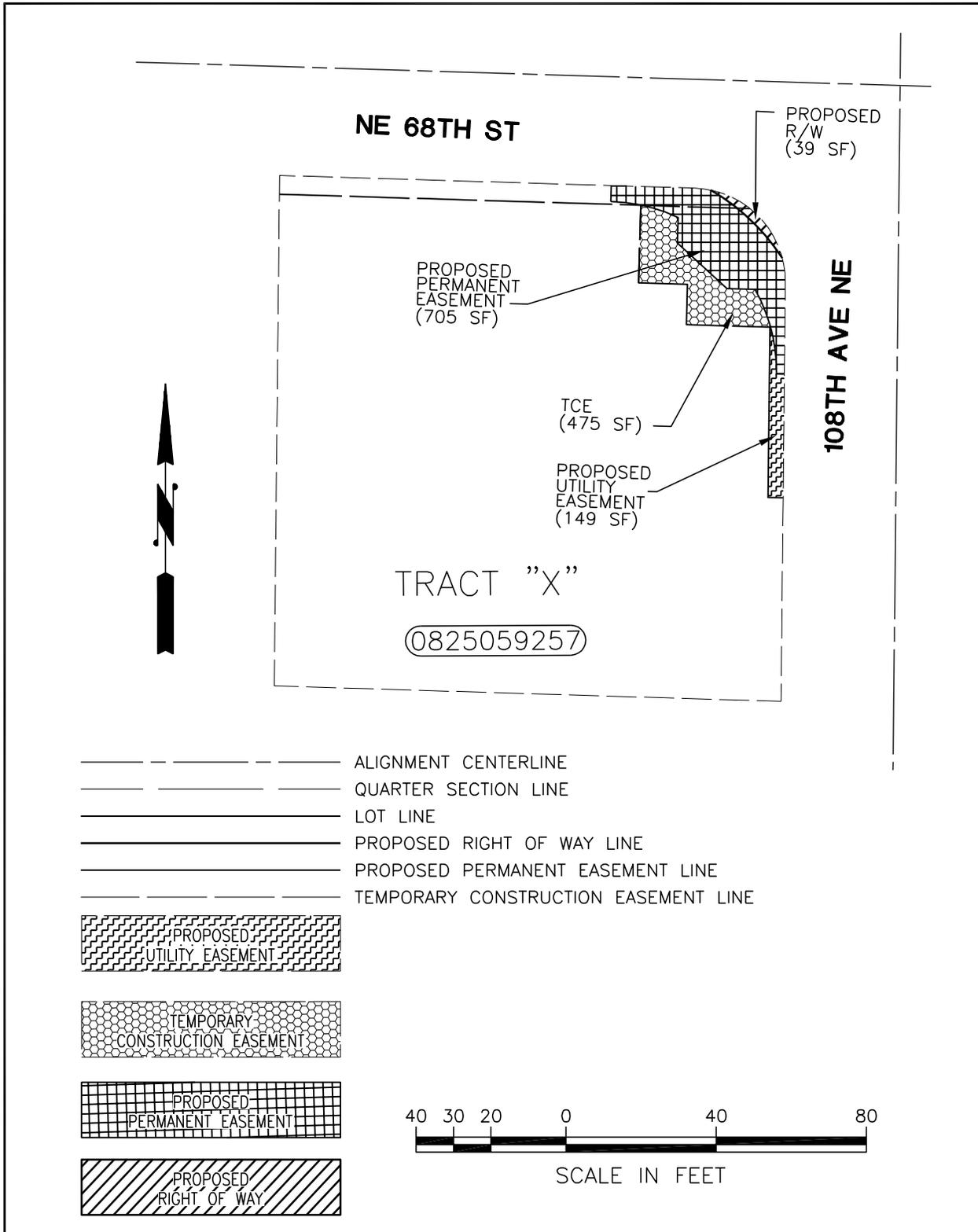
TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS THE INTERSECTION OF THE SOUTH RIGHT OF WAY MARGIN OF NE 68TH STREET AND THE EAST RIGHT OF WAY MARGIN OF 108TH AVENUE NE AND RUNNING THENCE SOUTH ALONG SAID EAST MARGIN OF 108TH AVENUE NE A DISTANCE OF 140 FEET; THENCE RUNNING EAST PARALLEL TO THE SOUTH MARGIN OF NE 68TH STREET A DISTANCE OF 140 FEET; THENCE RUNNING NORTH PARALLEL TO THE EAST MARGIN OF 108TH AVENUE NE A DISTANCE OF 140 FEET; THENCE WESTERLY ALONG THE SOUTH MARGIN OF NE 68TH STREET A DISTANCE OF 140 FEET TO THE POINT OF BEGINNING; EXCEPT THE NORTH AND WEST 10 FEET AS CONVEYED FOR STREET BY DEED RECORDED MARCH 6, 1967 UNDER RECORDING NO. 6146279. HEREAFTER KNOWN AS TRACT "X"

ALL THAT PORTION OF TRACT "X" LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT ; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT 10.75 FEET; THENCE S 41°26'37" W 16.44 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE N 0°35'36" E ALONG THE WEST LINE OF SAID TRACT 12.65 FEET TO THE POINT OF BEGINNING AND THE TERMINUS OF THIS LINE.

TOTAL TEMPORARY CONSTRUCTION EASEMENT = 68 SQUARE FEET





CITY OF KIRKLAND – INTERSECTION IMPROVEMENT  
**KING COUNTY ASSESSOR'S #**  
**0825059257**

PAGE **1**  
 OF **5**

RIGHT OF WAY AREA DESCRIPTION:

A PROPOSED RIGHT OF WAY BEING ALL THAT PORTION OF THE HEREINAFTER DESCRIBED TRACT "X" LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "X"; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT "X" 110.51 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, SAID CURVE BEING A CONTINUATION OF THE NORTH LINE OF TRACT "X"; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°02'01" A DISTANCE OF 4.38 FEET TO THE TRUE POINT OF BEGINNING; THENCE DEPARTING FROM SAID NORTH LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST THE RADIUS POINT OF WHICH BEARS S 29°56'06" W, 56.00 FEET DISTANT, THROUGH A CENTRAL ANGLE OF 27°09'06" A DISTANCE OF 26.54 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID TRACT "X", AND THE TERMINUS OF THIS LINE.

TRACT "X" IS THAT PORTION OF AN UNPLATTED TRACT OF LAND SHOWN ON THE PLAT OF SOUTH KIRKLAND ACREAGE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 27 IN SAID PLAT WITH THE WEST LINE OF COUNTY ROAD; THENCE WEST ALONG SAID EASTERLY PROLONGATION, 135 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE OF COUNTY ROAD, 145 FEET; THENCE EAST, PARALLEL WITH SAID EASTERLY PROLONGATION, 135 FEET; THENCE NORTHERLY ALONG SAID WEST LINE OF COUNTY ROAD, 145 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN NE 68TH STREET.

TOTAL PROPOSED RIGHT OF WAY AREA = 39 SQUARE FEET



PERMANENT EASEMENT AREA DESCRIPTION:

A PROPOSED PERMANENT EASEMENT BEING ALL THAT PORTION OF THE HEREINAFTER DESCRIBED TRACT "X" LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "X"; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT "X" 88.41 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S 88°14'41" E, A DISTANCE OF 22.10 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, SAID CURVE BEING A CONTINUATION OF THE NORTH LINE OF TRACT "X"; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°02'01" A DISTANCE OF 4.38 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST THE RADIUS POINT OF WHICH BEARS S 29°56'06" W, A DISTANCE OF 56.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°09'06" A DISTANCE OF 26.54 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "X" AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST THE RADIUS POINT OF WHICH BEARS S 75°13'58" W, A DISTANCE OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°21'39" A DISTANCE OF 6.70 FEET; THENCE S 0°35'36" W ALONG SAID EAST LINE A DISTANCE OF 24.29 FEET; THENCE N 89°24'48" W, A DISTANCE OF 2.09 FEET, ALONG THE RADIAL LINE OF A CURVE TO A POINT THAT IS THE BEGINNING OF SAID CURVE, WHICH IS CONCAVE TO THE SOUTHWEST AND HAS A RADIUS OF 45.50 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°38'51" A DISTANCE OF 23.54 FEET; THENCE N 88°31'41" W, A DISTANCE OF 7.46 FEET; THENCE N 47°33'45" W, A DISTANCE OF 17.94 FEET; THENCE N 1°44'51" E, A DISTANCE 6.82 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH THE RADIUS POINT OF WHICH BEARS S 25°04'37" W, A DISTANCE OF 45.50 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°19'42" A DISTANCE OF 18.53 FEET; THENCE N 1°44'55" E, A DISTANCE OF 4.24 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THIS LINE.

TRACT "X" IS THAT PORTION OF AN UNPLATTED TRACT OF LAND SHOWN ON THE PLAT OF SOUTH KIRKLAND ACREAGE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 27 IN SAID PLAT WITH THE WEST LINE OF COUNTY ROAD; THENCE WEST ALONG SAID EASTERLY PROLONGATION, 135 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE OF COUNTY ROAD, 145 FEET; THENCE EAST, PARALLEL WITH SAID EASTERLY PROLONGATION, 135 FEET; THENCE NORTHERLY ALONG SAID WEST LINE OF COUNTY ROAD, 145 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN NE 68TH STREET.

TOTAL PROPOSED PERMANENT EASEMENT AREA = 705 SQUARE FEET



	<p>CITY OF KIRKLAND – INTERSECTION IMPROVEMENT                  KING COUNTY ASSESSOR'S #                  0825059257</p>	<p>PAGE 3                  OF 5</p>
--	--	---

UTILITY EASEMENT AREA DESCRIPTION:

A PROPOSED UTILITY EASEMENT BEING ALL THAT PORTION OF THE HEREINAFTER DESCRIBED TRACT "X" LYING NORTH, EAST, SOUTHWEST AND SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT "X"; THENCE N 0°35'36" E ALONG THE EAST LINE OF SAID TRACT "X" 54.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 89°24'24" W, A DISTANCE OF 4.00 FEET; THENCE N 0°35'36" E, A DISTANCE OF 45.99 FEET; THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE WEST THE RADIUS POINT OF WHICH BEARS S 73°55'11" W, 45.50 FEET DISTANT, THROUGH A CENTRAL ANGLE OF 16°40'00" A DISTANCE OF 13.24 FEET; THENCE S 89°24'48" E, A DISTANCE OF 2.09 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID TRACT "X", AND THE TERMINUS OF THIS LINE.

TRACT "X" IS THAT PORTION OF AN UNPLATTED TRACT OF LAND SHOWN ON THE PLAT OF SOUTH KIRKLAND ACREAGE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 27 IN SAID PLAT WITH THE WEST LINE OF COUNTY ROAD; THENCE WEST ALONG SAID EASTERLY PROLONGATION, 135 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE OF COUNTY ROAD, 145 FEET; THENCE EAST, PARALLEL WITH SAID EASTERLY PROLONGATION, 135 FEET; THENCE NORTHERLY ALONG SAID WEST LINE OF COUNTY ROAD, 145 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN NE 68TH STREET.

TOTAL PROPOSED UTILITY EASEMENT AREA = 149 SQUARE FEET



TEMPORARY CONSTRUCTION EASEMENT AREA DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT BEING ALL THAT PORTION OF THE HEREINAFTER DESCRIBED TRACT "X" LYING WITHIN THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "X"; THENCE S 88°14'41" E ALONG THE NORTH LINE OF SAID TRACT "X" 88.41 FEET; THENCE S 1°44'55" W, A DISTANCE OF 4.24 FEET, ALONG THE RADIAL LINE OF A CURVE TO THE POINT OF BEGINNING OF SAID CURVE, WHICH IS CONCAVE TO THE SOUTH AND HAS A RADIUS OF 45.50 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°08'59" A DISTANCE OF 8.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°10'44" A DISTANCE OF 10.47 FEET; THENCE S 1°44'51" W, A DISTANCE OF 6.82 FEET; THENCE S 47°33'45" E, A DISTANCE OF 17.94 FEET; THENCE S 88°31'41" E, A DISTANCE OF 7.46 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST THE RADIUS POINT OF WHICH BEARS S 60°56'21" W, 45.50 FEET DISTANT; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°58'50" A DISTANCE OF 10.31 FEET; THENCE S 0°35'36" W, A DISTANCE OF 0.61 FEET; THENCE N 88°17'42" W, A DISTANCE OF 22.24 FEET; THENCE N 1°28'19" E, A DISTANCE OF 10.78 FEET; THENCE N 88°15'09" W, A DISTANCE OF 13.02 FEET; THENCE N 1°44'51" E, A DISTANCE OF 20.70 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING, AND THE TERMINUS OF THIS LINE.

TRACT "X" IS THAT PORTION OF AN UNPLATTED TRACT OF LAND SHOWN ON THE PLAT OF SOUTH KIRKLAND ACREAGE, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 94, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 27 IN SAID PLAT WITH THE WEST LINE OF COUNTY ROAD; THENCE WEST ALONG SAID EASTERLY PROLONGATION, 135 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE OF COUNTY ROAD, 145 FEET; THENCE EAST, PARALLEL WITH SAID EASTERLY PROLONGATION, 135 FEET; THENCE NORTHERLY ALONG SAID WEST LINE OF COUNTY ROAD, 145 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN NE 68TH STREET.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA = 475 SQUARE FEET



PUBLICATION SUMMARY  
OF ORDINANCE NO. 4236

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF THE NE 68TH STREET/108TH AVENUE NE INTERSECTION IMPROVEMENTS PROJECT WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW.

SECTION 1. Authorizes condemnation of property necessary for the NE 68<sup>th</sup> Street/108<sup>th</sup> Avenue NE Intersection Improvements Project.

SECTION 2. Provides that the Project is fully funded and that the expense of acquiring the property shall be paid for from the appropriate funding source within the city's portion of general current revenue for each CIP project.

SECTION 3. Authorizes the City Attorney to initiate condemnation proceedings to acquire the property necessary for the Project.

SECTION 4. 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 \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
City Clerk

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.ci.kirkland.wa.us**MEMORANDUM**

**To:** Marilynne Beard, Interim City Manager

**From:** Erin Leonhart, Intergovernmental Relations Manager

**Date:** March 23, 2010

**Subject:** 2010 LEGISLATIVE UPDATE 7

As of the April 6<sup>th</sup> Council meeting, the 2010 State Special Legislative session is scheduled to be over. Governor Gregoire's Proclamation called for a seven-day special session to begin at noon March 15<sup>th</sup> to finalize the State's 2010 budget/revenue as well as a job creation and economic development package. As of this memorandum, the Legislature is still in session and the House and Senate have yet to agree on a budget/revenue package.

This is an update on the City's interests as of March 23<sup>rd</sup>. The final status report from Gordon Thomas Honeywell related to the regular session is attached to this memo (Attachment A). The final report about the budget and a final scorecard comparison against the adopted legislative agenda will be emailed to Council in advance of the meeting on April 6<sup>th</sup>.

2010 Supplemental State Budget Proposals – The Senate and House of Representatives released 2010 Supplemental Budget proposals. Documents for these two proposals as well as Governor Gregoire's are available on the web: <http://fiscal.wa.gov/budgets.aspx>. These budgets are still in process as of this memorandum. One change since the last Legislative Update is the Senate Capital Budget was released ([ESSB6364](#)) and the version that passed the Senate included \$100 million for the Housing Trust Fund, consistent with the House Capital Budget ([ESHB2836](#)).

Fiscal Flexibility ([ESHB3179](#) and [ESSB6424](#)) – The House version passed both houses and was signed by Governor Gregoire on March 19<sup>th</sup>. The final bill included:

- Allow cities to impose, with voter approval, the public safety sales and use tax at a rate of 0.1% if county voters do not impose by January 1, 2011. This is within the existing 0.3%, not an addition;
- Eliminate the non-supplant language in the public safety sales and use tax;
- Allow the largest cities in Pierce County to impose the mental health/chemical dependency sales and use tax if Pierce County has not imposed it by January 1, 2011;
- Eliminate the non-supplant language in the criminal justice sales and use tax;
- Maintain the existing equal tax treatment of natural gas purchases regardless if the purchase is made from your local utility or via a brokered arrangement; and
- Expand the use of gambling revenues for general public safety programs.

Storm Water/Clean Water Act Funding (HB3181 and SB6851) – An amended version of the House bill continues to be debated as part of budget discussions in the special session. The most recent iteration proposed by Representative Springer includes:

- Model Toxics Control Account tax increase of 0.85%;
- Deposits the entire tax increase into a clean water legacy fund, \$75,000 to each NPDES city & county each year; and
- Credit for petroleum products exported from the state of Washington.

Wrongful Death Statute Revisions (2ESSB6508) – This bill would have substantially expanded the scope of liability in wrongful injury or death causes of action by expanding the number of people who may file a cause of action in a wrongful death case and the damages for which they could seek redress. This bill did not meet the last cutoff before the end of the regular session.



## **END OF SESSION LEGISLATIVE REPORT**

To: City of Kirkland  
From: Briahna Taylor  
Date: March 17, 2010

Dear City of Kirkland,

It has been a sincere joy working with the City throughout the 2010 Legislative Session. We look forward to discussing future opportunities with the City.

Included in this end-of-session report is a summary of legislation impacting local governments. Because the Legislature will be meeting for a Special Session starting Monday, March 15<sup>th</sup> at noon, this report does not include final information on the Capital and Operating Budgets. Furthermore, most bills that passed the Legislature are still waiting to be signed for the Governor before being enrolled into law.

As we look forward to the 2011 Legislative Session and continuing to work with the City of Kirkland.

Sincerely,

The GTH-GA Team

---

### **Contents:**

1. Bills that Passed
2. Bills that Died
3. Bills that are Necessary to Implement the Budget (NTIB)

### **1. BILLS THAT PASSED**

**Fiscal Flexibility** – At the beginning of the legislative session, the Governor’s Office indicated to local governments that the Governor is committed to providing local governments with greater fiscal flexibility. There were multiple pieces of legislation introduced at the beginning of the legislative session that provided multiple components, including county utility tax authority in unincorporated areas, harmonization of first and second quarter real estate excise tax revenues, water and sewer district tax, and other components. [House Bill 3179](#) became the vehicle for the flexibility package and was amended multiple times throughout the legislative process. GTH-

1201 Pacific Ave, Suite 2100  
Tacoma, WA 98401  
Phone: (253) 620-6500  
Fax: (253) 620-6565

[www.gth-gov.com](http://www.gth-gov.com)

203 Maryland Ave., NE  
Washington, DC 20002  
Phone: (202) 544-2681  
Fax: (202) 544-5763

GA worked with the Association of Washington Cities and the Washington State Association of Counties to advocate for the passage of House Bill 3179. The final version of the legislation includes the following components:

- If a county does not impose, allows cities to impose the public safety sales and use tax at a rate not to exceed 0.1 % effective January 1, 2011, with voter approval. Eliminates the non-supplant language.
- Allows a city with a population over 200,000 and located in a county with a population over 800,000 to impose the mental health/chemical dependency sales and use tax (0.1%) if the county has not imposed it by January 1, 2011.
- Allows a city with a population over 200,000 and located in a county with a population over 800,000 to impose the mental health/chemical dependency sales and use tax (0.1%) if the county has not imposed it by January 1, 2011.
- Eliminates the non-supplant language in the criminal justice sales and use tax.
- Addresses the recent court of appeals decision that impacts approximately 50 cities that impose the tax, which represents approximately \$14 million in revenue in 2008. Clarifies the definition and use by imposing the brokered natural gas use tax at the location where the gas is consumed or stored by the customer.
- Allows local gambling revenue to be used for general public safety programs.

#### **GMA Comprehensive Plan Deadline Extensions**

Pursuant to the passage of [Senate Bill 6611](#), the deadline for cities and counties to complete GMA Comprehensive Plan Updates has been extended until 2014. The update cycle is still every seven years, rather than moving the update cycle to every 10 years – this concession had to be made in order to keep the bill alive. The passage of the bill was a group effort, with the help of many cities and counties. The bill has now been delivered to the Governor and is waiting signature.

#### **Restructuring Three Growth Management Hearings Boards into one Board**

[Senate Bill 6214](#) consolidates the three growth management hearings boards into one board and reduces the number on the board from nine to seven. The bill has passed the Legislature and has been delivered to the Governor. This was Governor-request legislation, brought forward as part of the Governor's government reform package.

#### **High-density Urban Development**

[House Bill 2538](#) is a watered down version of HB 1490, which was introduced and failed to pass the Legislature last year. The bill makes the components of last year's legislation optional for local governments – the legislation encourages and incentivizes local governments to engage in high-density urban develop. Because it is optional, the associations of cities and counties did not opposed to the bill. The bill passed the Legislature and is waiting to be signed by the Governor.

#### **Transportation Benefit Districts**

[House Bill 1591](#) makes corrections to the Transportation Benefit District statute, including the following changes:

- Provides that a transportation improvement project may be contained in the transportation plan of a city, county, or other eligible jurisdiction.

- Allows impact fees to be imposed for transportation improvements constructed by any entity, and removes the requirement that improvements be constructed by the transportation benefit district itself.
- Authorizes the imposition of voter-approved sales and use taxes beyond the 10-year limitation if the sales tax is initially imposed after July 1, 2010, and the revenues are dedicated to the repayment of general obligation bonds.

The bill passed the Legislature and is waiting to be signed by the Governor.

### **Public Records Request Legislation (Include all Public Records Legislation)**

[Senate Bill 6367](#) allows cities and counties to fulfill a public records request by providing the requestor to a link to the website. This is one step closer to making public records requests easier to respond to. The bill has passed the Legislature and has been delivered to the Governor. There were multiple pieces of legislation introduced this past session regarding public records. The House Majority Leader has indicated a commitment to working to address public records issues.

### **Washington Main Street Program**

As part of re-defining the Department of Commerce (formerly the Department of Community Trade and Economic Development) [House Bill 2704](#), moved the administration of the Washington Main Street Program from the Department of Commerce to the Department of Archeology and Historic Preservation. This was the equivalent of one FTE. The bill passed the legislature and was signed by the Governor last week.

### **City Council Campaign Contribution Limits**

Under [Senate Bill 6344](#), the list of public offices requiring campaign contribution limits is expanded to include the office of city council. Contributions from an individual, a union, or business may not in the aggregate exceed \$800 per election to a candidate for city council. Local districts with contribution limits currently established for city council campaigns may continue to apply such standards so long as the contribution limit does not exceed \$800. The Public Disclosure Commission adjusts this limit for inflation every even-numbered calendar year. The bill passed the Legislature and has been delivered to the Governor.

### **Planning Legislation**

[House Bill 1653](#) clarifies the relationship between the Shoreline Management Act (SMA) and the Growth Management Act (GMA) for critical areas. It clarifies what uses are considered conforming or vested uses; clarifies what actions can be taken under the GMA or the SMA without having to update entire plans or programs; clarifies what activities can occur within the critical areas and it has a retroactive clause in order to cure several previous legal challenges. (Representative Angel introduced a similar bill, [House Bill 2924](#), but clarified the relationship in a different manner.

[House Bill 2740](#) cures a previous adverse Court of Appeals decision that affects the Land Use Petition Act. It clarifies that a land use decision occurs on the date a decision is entered on the motion for reconsideration and not the date of the original decision. This bill was prime sponsored by Representative Seaquist, and was co-sponsored by Representative Angel.

### **Addressing Bail for Felony Offenses**

[House Bill 2625](#) is a response to the Clemmons case. It requires an individualized judicial determination of bail for the release of a person arrested and detained for a felony until August 2011, essentially eliminating the use of a felony bail schedule for a year. This will require a significant change of policy and possible drive additional jail or court cost in the seven counties who currently allow felony offenders to be released prior to a hearing through the use of a bail schedule. The seven counties are: Chelan, Clark, Douglas, Garfield, Pierce, Snohomish, and Thurston.

Additionally, the Governor, as well as the leadership from the House and the Senate were not going to leave Olympia without a proposed amendment to the state Constitution to limit bail for certain types of offenders. [House Joint Resolution 4220](#) gives judges discretion to deny bail to a person charged with an offense punishable by life in prison if the judge finds by clear and convincing evidence that the person has a propensity for violence that creates a substantial likelihood of danger to the community or other persons.

HJR 4220 also states that the discretion to deny bail is subject to such limitations as shall be determined by the legislature, which means they needed a trailer bill to apply those conditions. HB 2625 became the vehicle for the Senate to clarify the conditions needed.

## **2. BILLS THAT DIED**

### **IMPACT FEE LEGISLATION**

**Impact Fee Schedules** – The Master Builders Association of Snohomish and King County brought forth [House Bill 3067](#). House Bill 3067 would require local governments to provide an option to developers that instead of paying impact fees upon plat approval, the developer can put a covenant on the title and the impact fees can be paid upon transfer of the title. This would significantly limit the ability of local governments to collect impact fees in a timely manner and provide infrastructure improvements to suppose new developments. The bill was amended multiple times throughout the legislative process before it finally died in the Senate Rules Committee. These amendments included limiting the legislation to Snohomish and Pierce counties, requiring that impact fees be paid within 180 days, limiting the option to only residential dwellings, and other small changes. GTH-GA successfully worked with other local governments to oppose the legislation.

### **Impact Fee Credits for Public Facilities**

Senator Mary Margaret Haugen introduced [Senate Bill 5548](#) during the 2009 legislative session. Over the interim the Master Builders Association approached multiple local governments to find agreement on language. Under the agreed-upon language, public facilities eligible to receive impact fee credits are expanded to include transit, bicycle, and pedestrian facilities. Accordingly, if the transit, bicycle, and pedestrian facilities are included in a local jurisdiction's capital facilities plan, a credit must be provided against impact fees for improvements made towards those facilities when provided by the developer. This legislation did not pass this legislative session. Local governments have agreed to work with the Master Builders Association this next interim to address multiple issues related to impact fees.

### **Hearing Examiner Legislation**

[Senate Bill 5621](#) limits hearing examiner fees to \$200, negatively impacting the City's general fund. This legislation passed the Senate, but did not pass out of the House Local Government Committee. However, even with the amendment, multiple jurisdictions had lingering concerns. As such, the bill did not pass out of the Local Government committee.

### **Notice to Property Owners**

Representative Angel introduced [House Bill 2408](#), which in its original form required local governments to notify property owners if zoning changes are made to their property. The bill was amended in the House Local Government Committee to give cities and counties a great deal of discretion in providing notice for zoning changes. This addressed many of the concerns, but when the bill moved to the Senate there were still some concerns by other jurisdictions and planning organizations and the bill did not pass out of the Senate Government Operations Committee.

### **Street Utility Fee Legislation**

[House Bill 2618](#) establishes a local option street utility fee did not pass out of the House Transportation Committee. Members expressed concerns that they do not want to take additional revenue-generating votes this year. The proposal may be viewed more favorably in future legislative sessions when fewer tax and fee increases will take place.

### **Wrongful Death**

[Senate Bill 6508](#) expanded local government liability for wrongful death. The proposal was brought forward by the trial lawyers and received a great deal of support from the Legislature. The bill expands the class of persons who can bring suits for wrongful death, increasing the cities' liability and potentially costing the city a significant amount of money. The bill did not pass the Legislature, but will likely be brought forth during future legislative sessions.

### **TIB/ CRAB/ WSDOT Consolidation**

As part of the effort to reform government agencies, the Governor's office proposed consolidating TIB and CRAB into the Washington State Department of Transportation. However, after receiving significant opposition from the House and Senate Transportation Committee Chairs, the Governor's Office agreed to not move forward with the TIB/CRAB/WSDOT consolidation and to instead work over the interim to see whether/how the transportation organizations can be streamlined. GTH-GA expects that this consolidation will be closely examined during the interim.

## **3. BILLS THAT ARE NECESSARY TO IMPLEMENT THE BUDGET**

**Stormwater (Clean Water Act)** – Local governments and the environmental community collaborated to bring forth multiple proposals to generate funding to meet NPDES requirements. At the beginning of the legislative session, there was a proposal to generate revenue for local governments and retrofit projects by place a per barrel tax on oil. After that proposal received significant opposition, another proposal was brought forth in [House Bill 3181](#). After multiple amendments and discussion, House Bill 3181 in its current form provides for the following: the Hazardous Substance Tax is increased an additional .1% annually for four years until the rate has increased a total of .4%. None of the increased revenue will go to the general fund, but would be

distributed to local governments. This bill is necessary to implement the budget and not subject to cutoff dates, it has not been voted on in the House. The Senate companion bill [Senate Bill 6851](#), was never moved out of committee. This bill will be addressed in the special session.

### **911 Funding**

Two companion bills were brought forth that to provide funding for [House Bill 2351](#) and [Senate Bill 6846](#). The major provisions of the legislation include:

- Counties may impose an E-911 excise tax for each switched access lines, radio access lines, and interconnected voice over internet protocol service line, in the amount not exceeding 70 cents per month.
- Counties imposing a county E-911 excise tax must provide an annual update to the E-911 coordinator detailing the proportion of their county E-911 excise tax that is being spent on: efforts to modernize their existing 911 system; and basic and E-911 operational costs.
- Counties imposing an E-911 excise tax must contract with the Department of Revenue (Department) for the administration and collection of the tax.

Language was included in the Senate Budget and the bill was determined to be necessary to implement the budget. This issue will be discussed during the special session as the Legislature completes the budget.



**CITY OF KIRKLAND**  
City Manager's Office  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.ci.kirkland.wa.us

---

## MEMORANDUM

**To:** Kirkland City Council  
**From:** Marilynne Beard, Assistant City Manager  
**Date:** March 30, 2010  
**Subject:** CITY COUNCIL RETREAT FOLLOW-UP

### RECOMMENDATION:

City Council review notes and follow-up items from the City Council retreat and confirm staff's understanding of Council direction.

### BACKGROUND:

Attached are notes and follow-up items from the City Council retreat held on March 19 and 20, 2010 including the results of the brainstorming prioritization process. Some of these items have already taken place or are in progress.

## **2010 CITY COUNCIL RETREAT Follow-up**

### **Community Survey**

1. The City will conduct focus groups or use other outreach techniques to clarify some survey results (e.g. neighborhood meetings, facebook, town halls, etc.).
2. The next survey should include a question regarding whether the respondent is in the newly annexed area to allow for cross-tabulation.
3. Staff will create a quadrant analysis that has a side-by-side comparison of 2008 to 2010 using a comparable scale.

### **Goals and Performance Measures**

1. Fire Chief will follow-up with the rationale for the goal on containing fires to the room of origin (i.e. why does it seem low?).
2. Staff should create benchmarks whenever possible for performance indicators.
3. Review and refinement of performance measures were referred to various boards and committees:
  - a. Human Services – to Human Services Advisory Committee
  - b. Balanced Transportation – to Transportation Commission
  - c. Parks, Open Spaces and Recreational Services – to Parks Board
  - d. Diverse Housing – to Housing Subcommittee (address work force housing and housing diversity)
  - e. Financial Stability – to Finance Committee (need more indicators)
  - f. Environment – to Green Team (need benchmarks)
  - g. Economic Development – to Economic Development Committee (need more measures tied to goals of program such as job growth and tax base)
4. Neighborhoods performance measures to be refined.

### **Financial Update and Budget Process**

1. Staff will provide a summary of FTE reductions to date (completed).
2. Staff will provide 20 year history of sales tax revenue (in April 1 Reading File).
3. Staff will provide the revenue trend table contained in the City Manager's Financial Memo in dollars as well as percentages (in April 1 Reading File).
4. An early public hearing will be scheduled on the 2011-2012 Budget.
5. Staff will use one mailed issue of City Update to communicate to the public about the City budget and long term financial outlook.

**Brainstorming and General Discussion**

1. The results of the prioritization exercise are shown below:

**2010 City of Kirkland Council Retreat**

**Council Prioritization Matrix**

	<b>Urgent</b>	<b>Not Urgent</b>
<b>Important</b>	<ul style="list-style-type: none"> <li>• Economic Development Program Review</li> <li>• BNSF Process/Communication</li> <li>• SR 520 Northup bike improvements – status report to Council</li> <li>• Council Meetings and Procedures (April 2010):                             <ul style="list-style-type: none"> <li>○ Items from the audience</li> <li>○ Council meeting housekeeping items</li> <li>○ Council correspondence</li> <li>○ Study session frequency &amp; joint meetings with Boards/Commissions</li> </ul> </li> <li>• Planning Department work plan:                             <ul style="list-style-type: none"> <li>○ Fence heights and setbacks (include hedges)</li> <li>○ Quasi-judicial process &amp; DRB appeal process</li> </ul> </li> <li>• Annexation Implementation</li> <li>• Budget process                             <ul style="list-style-type: none"> <li>○ Fees for transport</li> <li>○ Core services exercise ("lite")</li> <li>○ Transportation benefit district (TBD)</li> <li>○ Budget public outreach</li> <li>○ Regionalization of services – think piece</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Traffic Mitigation Fees</li> <li>• Downtown Parking</li> <li>• Downtown Planning Vision/Lakeshore Plaza</li> <li>• Board &amp; commission interview process</li> <li>• Tracking/follow-up community survey</li> <li>• Performance Measure follow-up</li> <li>• Budget advisory group</li> <li>• Regional involvement in transport planning</li> </ul>
<b>Less Important</b>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Permit Process Customer Survey</li> <li>• Sustainability Advisory Council</li> <li>• Plastic Grocery Bags</li> <li>• BNSF Purchase ROW</li> <li>• Property adjacent to underground streams</li> <li>• Steep slopes setback requirements</li> <li>• Sign ordinance</li> <li>• Televising board &amp; commission meetings</li> <li>• Governance presentation</li> </ul>

## **Other Brainstorm Items**

### Refer to CIP Process

- Increase sidewalk construction
- Increase use of SEA streets
- 10-year capital needs
- Infrastructure development in growth areas
- Technology infrastructure assessment
- City Hall site in Totem Lake

### Address during Council Retreat Discussion on Finance

- Use of Budget "Excess" for Capital
- Use of volatile revenues for one-time expenditures

### Address during Budget Process

- Use Head Tax for economic development
- Structure of head tax to encourage larger businesses
- Use of Surface Water Revenue for sustainability projects and open space purchase

### Refer to Ethics Code Process

- Individual Council member meetings with outside agencies or individuals

### Already in Progress

- Format for Neighborhood Meetings
- Council subcommittee reports
- Council Meeting Announcements
- Placement of utility boxes
- How to prioritize projects
- First floor retail

### Prepare report on existing or current efforts

- Multifamily recycling rate
- COK energy use reduction 15%/year
- LED light bulbs
- GIS for Annexation Area (defer?)