
CITY OF KIRKLAND

CITY COUNCIL



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

Vision Statement

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

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

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chamber
Tuesday, April 15, 2014
6:00 p.m. – Study Session
7:30 p.m. – Regular Meeting

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. Transportation Master Plan Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Green Kirkland Partnership Update
 - b. Kirkland 2035 Update #12

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

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

QUASI-JUDICIAL MATTERS

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

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

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

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

8. CONSENT CALENDAR

a. Approval of Minutes: April 1, 2014

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

c. General Correspondence

d. Claims

e. Award of Bids

(1) 2014 Street Preservation Program, Phase I Curb Ramp and Concrete Repairs Project, Trinity Contractors Inc., Marysville, WA

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Cross Kirkland Corridor (CKC) Rail Removal Project, A&K Railroad Materials Inc., Salt Lake City, UT

(2) Peter Kirk Park Restroom Renovation Project, Moon Construction, Shoreline, WA

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-5046, Related to Establishing a Formal Design Program to Guide Creation of the Edith Moulton Park Master Plan.

(2) Resolution R-5047, Authorizing Application(s) for Funding Assistance for Aquatic Lands Enhancement Account Projects to the Recreation and Conservation Office as Provided in Revised Code of Washington 79.105.150, Washington Administrative Code 286-42, and Subsequent Legislative Action.

(3) Report on Procurement Activities

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

a. Public Records Legislation Implementation Status Report

b. 2014 Legislative Agenda Update #5

c. Cross Kirkland Corridor Master Plan Update

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. King County Waste Water Disposal Agreement*

12. REPORTS

a. City Council Reports

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

b. City Manager Reports

- (1) Calendar Update

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

ITEMS FROM THE AUDIENCE

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



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: April 3, 2014

Subject: Transportation Master Plan Update

RECOMMENDATION:

It is recommended that City Council receives a briefing and gives direction on the Transportation Master Plan (TMP). Specifically, staff is seeking comment on draft project lists and project selection methodology. Staff is also seeking input on whether to include certain "larger projects" that may take years to implement and/or require outside funding and outside partners to complete such as I-405 interchange projects and Metro Transit speed and reliability projects.

BACKGROUND DISCUSSION:

Introduction

Kirkland's TMP will serve two major purposes (Figure 1). Its goals and policies will provide the basis of the Transportation Element to be included in the revised Comprehensive Plan. Action items, priorities and other information will also be provided to complete the TMP and form a fuller picture of how the goals and policies are to be implemented than would be covered in a Transportation Element by itself. Development of the plan is being guided by the Transportation Commission with extensive public input through the City's overall Comprehensive Plan public involvement process.

Goals and Policies are the basis for the Transportation Element. At the January 7 Council meeting we discussed draft goals and policies and received a large amount of valuable feedback. Revisions to the Goals and Policies based on those comments will be fully developed in the future.

A 20 year project list is a required element of the Transportation Element and of the Capital Facilities element of the Comprehensive Plan. The major focus of this memo is a discussion of the 20 year project list.

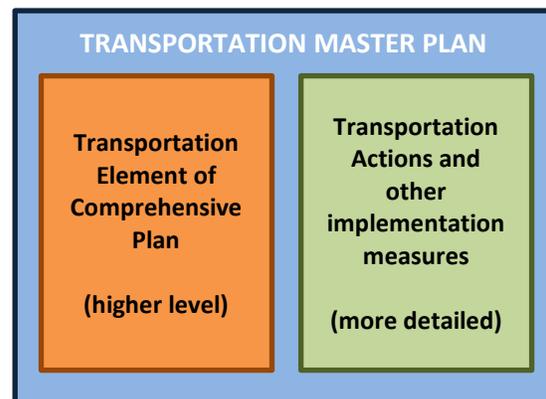


Figure 1 The Transportation Master Plan has two major components.

Public involvement

Since the January Study session with Council, staff has given presentations about the Plan to the Finn Hill, Juanita and Market neighborhoods. The Planning Commission and the Houghton Community Council have also been briefed. A meeting with representatives from the Cascade Bicycle Club and Kirkland Greenways to review the draft bicycle network is scheduled for April 10.

A major effort is planned for the April 26 Community Planning Day. Citizens will have a chance to not only review the network plans, but through an interactive exercise, indicate a level of funding and relative priorities they'd like to see for various project types. More details on the plan for April 26 will be presented at the April 15 Study Session.

The Transportation Commission has provided guidance for the Plan development at each of their meetings.

Efforts will continue to partner with outreach for other Kirkland 2035 projects, specifically the Comprehensive Plan update.

Schedule

Figure 2 shows a schematic schedule for the project. To stay in synch with the rest of the Plan update, a draft of the Transportation Element needs to be completed by late summer. One factor that may affect project schedule is availability of land use options provided by the Planning Department.



Figure 2 Schematic Project Schedule

Projects

As described above it is necessary to develop a list of projects to complete the Transportation Element of the Comprehensive Plan. The project lists are formed around four modes that come from the Plan Goals; walking, bicycling, transit and auto along with maintenance.

Transportation Master Plan Goals

- ❖ Get people where they need to go
 - Walking
 - Biking
 - Public Transportation
 - Motor Vehicles
- ❖ Link to Land Use
- ❖ Be Sustainable
- ❖ Be an Active Partner
- ❖ Transportation Measurement

A similar framework was used to develop projects in each area. Sources of projects were considered, then project types were identified and based on those types, project groups were specified. Individual projects come together to make up groups. Prioritization factors are used to help screen project groups and to rank projects. The draft Goals and Policies were checked across the process to confirm that they were addressed. An example of this framework is described below and shown in Figure 3.

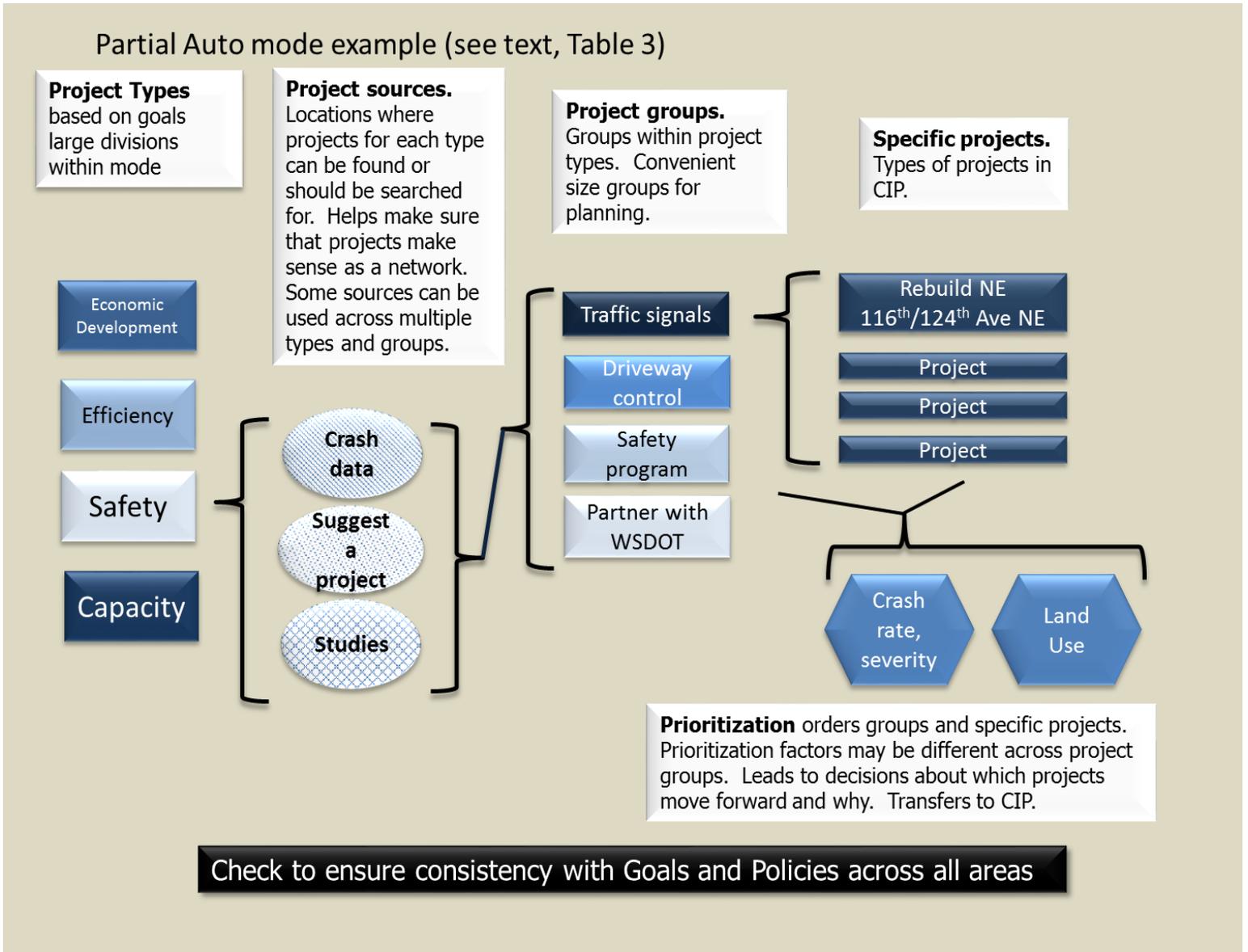


Figure 3 Project selection framework

As illustrated in Figure 3 (see also Table 3), for the auto mode, there are four types of projects that are being recommended for inclusion in the plan: safety, efficiency, economic development-supporting, and capacity-focused. For projects related to safety, a source for project ideas is crash history. Reviewing crash data leads to a conclusion that there should be a group of projects associated with traffic signals. Modernizing the signal at NE 116th Street and 124th Avenue NE in order to better handle left turns is a specific project that would be in the group. A priority for selection of safety projects should be the rate and severity of crashes at a site, among other factors. It will also be necessary to make sure that the plan is more than simply a collection of high ranking projects; it needs to build toward a set of coordinated networks as illustrated in Figure 4. This means that each set of selected projects (see tables 1 through 5 below) should stand on its own as a network. Note that the figure shows separate auto and truck layers but they are combined in the Kirkland Plan.

Ultimately, a set of projects from each area will be proposed for the 20 year project list. This will be accompanied by a phasing plan that suggests an ordering of how the projects would be completed over time. The Capital Improvement Process will decide which projects are funded in a particular 6 year time frame.

Tables on the following pages show more specifics for each project area. These tables are intended to be illustrative rather than definitive and they will be developed further in the weeks ahead. It would be helpful to understand Council's reaction to the framework in Figure 3 (on page 3) and to any specifics to which they would like to react.

Maps and more information about project costs will be available at the April 15 study session.

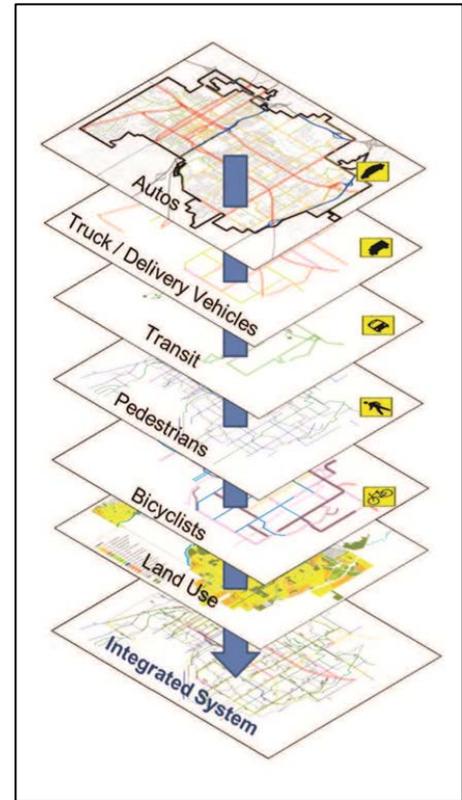


Figure 4 Layered network concept

Notes on Prioritization

Linking to Land Use is a goal for the Transportation Master Plan. Therefore, as indicated in Tables 1 through 5, land use is a prioritization factor for most project types. In order to prioritize projects with respect to land use, staff from Public Works and Planning is working with the GIS division of Information Technology to develop maps of "20 minute" neighborhoods. A 20 minute neighborhood is one where common services (grocery stores, other commercial services, parks, transit, schools) are within a short walk of residences. Other measures of connectivity are also used to score the neighborhood. The more connectivity elements within a short walk, the higher the value appears on the scale. This information can be used for a number of purposes, such as helping to identify where sidewalks are needed to expand the number of people who can walk to services or understanding where transit improvements would be helpful.

There are several prioritization factors that are not shown in Tables 1 through 5, but will be included for all the different project types. These are:

- Improvement over existing conditions – For example, a concrete sidewalk provides more benefit to an area where no walkway exists than where an asphalt path is in place.
- Benefits to costs – This is often difficult to fully quantify but it is critical to evaluate a measure of project value.
- Life cycle costs – This factor takes maintenance and replacement costs into account.
- Opportunities for outside funding – Some projects are more suitable to grant or other sources of outside funding than others.

Table 1 Bicycle Projects

Types	Sources	Groups	Example projects	Prioritization methods
On street facilities	Crash data Missing pieces on network Suggest a project Juanita Drive/100th Ave plans. CKC Master Plan	Changes at traffic signals	Change left turn treatments 113th Ave/NE 124th Street	Land use, CKC connections Crash severity, rate, number Risk exposure Fills gaps on network
		Marking and signing improvements	Green pavement marking in bike lanes on Lake Wa. Blvd in advance of driveways	
		Restriping to improve or add or enhance facilities	84th Avenue NE, remove curb, buffer walkway with bike lane	
		Remove parking or driving lanes to add or enhance new facilities through restriping	Totem Lake Blvd. between 120th Avenue and NE 128th Street	
			Study to find candidate locations	
Construct new facilities	Widen 116th Avenue between south city limits and NE 60th Street for bike facilities.			
Greenways/trails	Missing pieces on network Suggest a project Kirkland Greenways Map	Marking and signing	Combine to create individual greenways. (see network map)	
		Crossing improvements		
		Trail development		
		Traffic calming		
		Bridges over I-405		
Environment and support	Best practices Items in Active Transportation Plan	Bike sharing	Phase I of bike sharing in downtown Create Wayfinding Plan	
		Wayfinding		
		Bike parking		
		Count program		

Table 2 Walk Projects

Types	Sources	Groups	Example projects	Prioritization methods
Crosswalks, sidewalks, lighting	Crash data Lighting review Missing sidewalk locations Suggest a project Improve crosswalk treatments. Juanita, 100th Avenue studies	Changes at traffic signals	Improve left turn phasing at NE 124th Street/113th Ave NE	Land use, CKC connections Crash severity, rate, number Risk exposure (number of vehicle lanes, speed, volume) Fills missing gaps
		Add sidewalks/pedestrian connections	100th Avenue NE south of NE 145th Street.	
		Improve treatments at crosswalks	1st Street at Central Way	
		Add illumination at crosswalks	NE 132nd Street	
		Replace in-pavement lights with RRFB	Kirkland Transit Center	
School Walk Routes	Missing elements on adopted school walk routes -	Add sidewalks, pedestrian connections	Missing sidewalks on major streets	
Environment and support	Best practices Items in Active Transportation Plan	Maps	Update "feet first" city map Establish and implement policy to keep walkways clear.	
		Wayfinding		
		Remove barriers		
		Events		
		Update Active Transportation Plan		
Count program				
Accessibility	Inventory of existing conditions ADA requirements Suggest a project Traditionally underserved populations	Traffic signals	Improve push buttons	Land Use, Usage Legal requirements Presence of alternate routes
		Parking	Add accessible stalls	
		Sidewalk	Improve inadequate ramps	

Table 3 Auto Projects

Types	Sources	Groups	Example Projects	Prioritization methods
Safety	Crash data Suggest a project Best practices Juanita Drive Study 100th Avenue Study	Left turn treatments at traffic signals	NE 116th Street/124th Avenue NE	Land use, Crash severity, rate, number NTCP measures
		Access control (driveway management)	NE 68th Street/108th Ave NE and vicinity	
		Add traffic signals	NE 85th Street/126th Ave NE	
		Target zero/system based safety program	n/a	
		Partner with WSDOT to improve safety at WSDOT signals	Totem Lake Blvd/NE 128th St	
		Neighborhood traffic control (NTCP)	Slater Ave NE	
Economic Development	Existing CIP Existing neighborhood plans	New traffic signals	To support redevelopment	Ability to support economic development
		New roads/Decreased block spacing in Totem Lake	Streets in Totem Square area	
		Projects at neighborhood business centers	Access control near Houghton	
		Parking improvements/parking expansion	Downtown parking supply increases	
Efficiency	ITS plan Best practices	Complete current ITS projects	Phases I and II	Reduction in delay, stops
		Connect signals	State Street/NE 68th Street	
		Traveler information	n/a	
		Parking technology	Ability for drivers to access parking information	
		Advance control methods	Regular signal timing updates. Adaptive control methods	
Capacity	Existing delay and congestion Best practices Land Use Plan	Intersection expansion	NE 132nd Street intersections	Compatibility with Land Use plan
		Roadway widening	100th Avenue NE	

Table 4 Transit				
Types	Sources	Groups	Example Projects	Prioritization methods
Service, Transportation Demand Management	Service provided by Metro/Sound Transit Best practices, new services	Add standard service	City investment in service	Coordinate with Land Use
		Improve incentives to use non-auto modes	Totem Lake Green Trip expansion	
		Innovative service options	Car sharing/ride services	
			Agreements with transit providers to guarantee service in exchange for commitments to land use	
Improve transit speed and reliability	Metro travel time data	Intersection improvements	Transit priority at traffic signals	Standard methods
		Roadway improvement	Develop transit way on CKC	
Improve passenger environment	Transit boarding data	Basic improvements	Lighting, shelters, benches, sidewalk connections	
		Advanced improvements	Next bus screens, ticketing kiosks	

Table 5 Maintenance

Types	Sources	Groups	Example projects	Prioritization methods
Pavement maintenance	Inventories, inspections, public comment	Asphalt overlay	n/a	Maintenance software PCI goals Funding
		Slurry seal		
		Other		
Pavement marking		Paint	n/a	Visibility, reflectivity
		Thermoplastic		
		Other		
Traffic signal		Shorter lifetime items	Replace existing controllers	Product obsolesce, options for improved functionality Age, condition
		Other equipment	Replace traffic signal cabinets	
		Poles, signal heads	Rebuild traffic signal at Juanita-Woodinville Rd/NE 145th Street.	
Street Lights		Street lighting	Upgrade lighting elements	Standard methods
	Pedestrian scale			
Other systems	School zone Flashers, Flashers at crosswalks, radar signs, RRFB at crosswalks	Replace school zone flashers	Product obsolesce, options for improved functionality Age, condition, battery life	
Signs	Critical signs	Replace un-reflective stop signs	Age, condition, reflectivity, changing standards	
	Other signs	Replace street signs with non-conforming size		
Sidewalks	Asphalt walkway	Remove and replace	Condition, location, surrounding land use	
	Concrete sidewalks	Offset grinding		

For the bicycle projects, a bicycle network map (Figure 5) has been developed based upon Council's interest in greenways and building on the network from the Active Transportation Plan. Because the Plan was developed in 2009, the map did not include the new neighborhoods.

Suggest a project is listed as a source for many project types. Suggest a project is an online application where citizens can map their ideas for projects. Over the past few months hundreds of projects of all types have been mapped and are available for review.

Larger projects

Because this is a 20 year plan, staff recommends that it include projects that are:

- large in scope,
- particularly tied to the vision and goals
- may take a long period to complete

There are five projects that fit this description that are being proposed and on which Council's opinions and thoughts would be helpful. We will further pursue any of these projects for which there is interest.

Rebuild I-405 interchanges at NE 70th, NE 85th and NE 124th Streets

These interchanges were designed and constructed to suit purposes that are not in keeping with Kirkland's goals and vision. They are formidable barriers to bicycle and pedestrian movement, do not work well with transit, and do not support the surrounding land use. The mismatch with land use is particularly strong in Totem Lake where the NE 124th Street interchange has been recognized as a major impediment to the activation of Totem Lake. Today, Kirkland has only one robust access point to transit service on I-405 and that is located at NE 128th Street. If Sound Transit were to operate Bus Rapid Transit on I-405 it becomes even more important to gain access to it and NE 85th Street is a likely place for this to happen. Getting interchanges reconstructed would likely require Kirkland funding early stages of project study and development and then the pursuit of funding from outside sources and prioritization with WSDOT.

Cross Kirkland Corridor development

With the completion of the interim trail and the Master Plan, we are poised to begin implementation of projects that have the ability to substantially change the face of transportation in Kirkland. Council and the community have been supportive of implementing the corridor vision.

Transit Speed and Reliability

The project team is looking for ways to improve the speed and reliability of transit. This is necessary if transit is to play an important role in Kirkland's transportation system. Common approaches to this problem fall along a spectrum from minor improvements like stop consolidation, to spot intersection improvements that allow buses and traffic signals to communicate with each other so the bus can get more green time, to more major solutions involving separate lanes for buses at intersections or over longer distances. The Cross Kirkland Corridor is certainly envisioned as playing a role in this regard, but should other more major projects be pursued? Gaining more direct access to the large amounts of transit that is on SR 520 is another important concept to pursue.



City of Kirkland
Preliminary Draft Bicycle Facilities

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Figure 3 Draft Bicycle Network

Shoreline Walkway

Several years ago the Transportation Commission developed the concept of a major shared use facility along the lake front. The vision included removing parking (from one or both sides) and consolidating it with space currently dedicated to bicycle travel. This area, up to 20 or more feet in width would be used with the existing sidewalk on the west side of Lake Washington Boulevard to create a signature facility for walking and biking along the lakefront. With a vision similar to that of the Cross Kirkland Corridor, it would be designed as a place in its own right.

Juanita Drive

The Juanita Drive Master Plan has identified a set of projects that meet the following goals:

- Address safety needs for all travel modes.
- Maintain corridor unique identity and natural landscape.
- Engage community in shared vision for future improvements.
- Protect the extraordinary natural environment.
- Provide financially feasible, strategic and realistic priorities for the corridor.

Project elements include bicycle facilities, a pedestrian walkway, new crosswalks and improvements and intersection treatments. Funding the entire set of proposed projects would require an investment of on the order of \$20 million and because of that it is included as one of the possible large projects. The project elements could also be combined in various ways and implemented in various smaller stages. A representation of a sample cross section for Juanita Drive is shown in Figure 6. A presentation on the Juanita Drive Study is scheduled for the May 6 Council meeting.

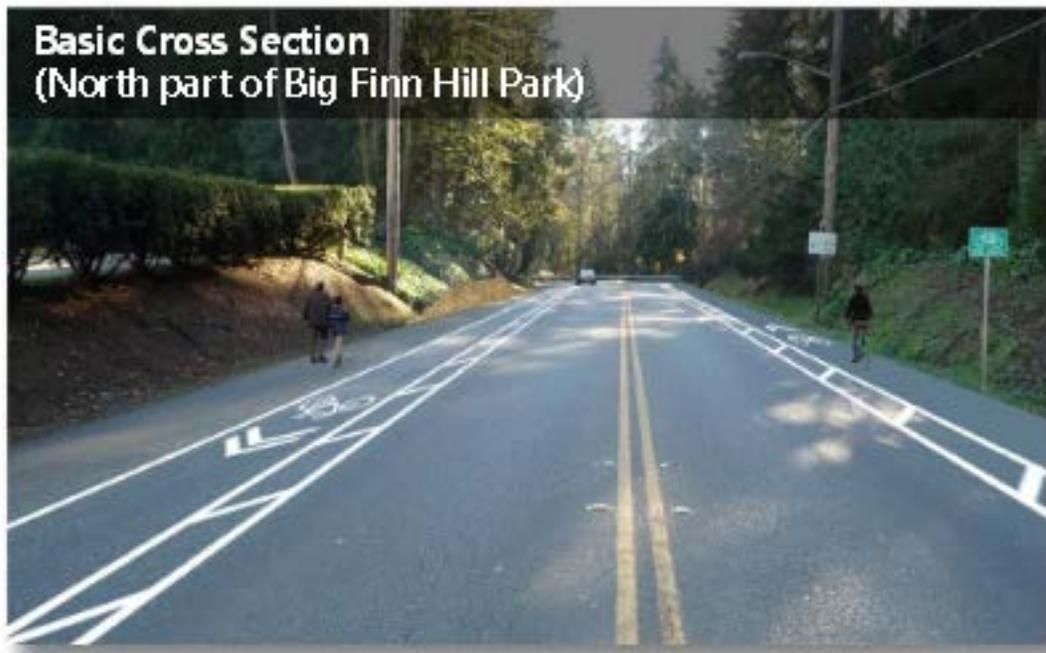


Figure 6 Representation of proposed Juanita Drive Cross section

Financing

One of the plan goals is Sustainability and this includes being financially sustainable. The Consultant team has been working with staff from the Finance Department to understand the amount of funding that is likely to be available and potential additional sources that could be used. More information on this subject will be available at the Study Session on April 15.

Land Use Modeling

The Consultant has modeled the number of trips that would be generated by the base land use alternative as prepared by the Planning Department. Consistent with the City's growth targets provided by King County, this land use vision assumes that 8,361 new households and 22,435 employees are added to the City between today and 2035. Under this base land use alternative, development follows existing zoning rules and development patterns. Overall, the travel model estimated that the number of trips associated with city land uses (that is, trips that start or end in the city, excluding through trips) would increase by 39 percent between today and 2035. Overall traffic volumes on city streets, including through trips, are expected to increase by 37 percent during the evening commute hour.

At the January Study Session, Council directed staff to explore the cost and size of an auto network that would be adequate to significantly reduce congestion. A study is also being performed to evaluate the number and distribution of trips that would be generated in and through Kirkland if no growth were to occur in Kirkland over the next 20 years. More information on both of these items will be available at the Study Session on the April 15.

Concurrency

Concurrency is in place to help balance the rate at which land use is developed and transportation facilities are constructed. Our current system measures only performance at signalized intersections to determine this balance. The proposed system would consider the complete 20 year set of projects across modes and relate progress on development of this system to the number of new trips that are permitted.

Because a 20 year project list is necessary to complete the framework for the new system, this will likely come toward the end of the TMP development.

Questions Council may wish to consider

- Is the project selection method satisfactory?
- Are the larger projects appropriate?
- Are there concerns or observations on the general approach to the TMP?

**CITY OF KIRKLAND**

Department of Parks & Community Services

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www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jennifer Schroder, Parks & Community Services Director
Sharon Rodman, Green Kirkland Partnership Supervisor

Date: April 3, 2014

Subject: Green Kirkland Partnership Update

RECOMMENDATION

That the City Council receives a presentation on the Green Kirkland Partnership program's accomplishments for 2013 and the work program for 2014.

BACKGROUND

In 2013 the Green Kirkland Partnership became its own recognized Division within Parks and Community Service. The main purpose of the Green Kirkland Partnership Division is to **provide the outreach and public engagement components of natural parkland restoration activities.**

From 2007 through 2012, the Green Kirkland Partnership was challenged by limited staff resources. There was one temporary, mostly grant funded Environmental Education and Outreach Specialist position. In addition, a part-time office assistant was hired for 2011 and 2012. Recognizing the need for a dedicated and sustainable program, the City Council included the Green Kirkland Partnership as a key piece of the November 2012 [Park Levy](#) (see link to Park Levy information sheet). The passing of the Park Levy resulted in the hiring of three full-time Green Kirkland employees in 2013: Supervisor, Program Assistant, and Senior Groundsperson. In addition, an intern position was funded. The program is now of firmer footing with a base of sustainable funding to maintain current levels of effort.

Both the 2012 Park Levy and the 2012 Street Levy require an annual accountability report to be made to the Council and the public. The levy accountability reports for 2013 will be coming to the Council in May of this year. The Green Kirkland partnership is a key investment of the 2012 Park Levy and a brief summary of the results will be included in the accountability report. However staff felt that the 2013-2014 accomplishments of Green Kirkland required a more detailed update to the Council than will be included in the report. That update follows.

The mission of the Green Kirkland Partnership is **"To conserve and sustain natural areas for the benefit and enjoyment of current and future generations."**

There are three main goals that summarize the program:

- Restore Kirkland’s natural areas by the removal of invasive plants and planting native species for the sustainability of the urban forests, wetlands, and their associated habitats.
- Build the community’s capacity for long-term stewardship of the natural areas through increased public awareness of and engagement in protecting, restoring, and helping to maintain healthy urban forests and wetlands.
- Establish resources to sustain the forest restoration program for the long-term.

To achieve these goals, the Green Kirkland Partnership program includes the following strategies:

1. Develop and implement a 20-year restoration plan for the City’s open space and natural areas.
2. Implement an environmental education and outreach program to educate and engage the community in stewardship projects to remove invasive plants and to replant with native species, seek support from businesses in both funding and stewardship, and seek grants to support stewardship activities.
3. Create a sustainable volunteer stewardship program for ongoing restoration maintenance and care of our urban forests and other natural areas.
4. Acquire land that has ecological and habitat benefits.

The following sections describe implementation strategies of the 20-Year Forest Restoration Plan.

Strategy 1: 20-Year Forest Restoration Plan

The 20-Year Forest Restoration plan was approved by Council resolution on February 19, 2008. The plan outlines the steps and resources necessary to create a sustainable restoration program for 372 acres of Kirkland’s publicly owned natural areas, focusing on the forested areas.

The 20-Year Plan is a tool that:

- Educates the community on the threat invasive plants have on urban forests.
- Quantifies the problem and resources necessary to reverse the decline of the natural areas and how to sustain healthy forests.
- Identifies and recommends best management practices to carry out a strategic work plan over the next years.
- Identifies revenue sources to consider in funding the restoration work.
- Identifies a volunteer stewardship program to sustain a volunteer work force
- Establishes an oversight role for the Park Board.



New Neighborhoods. There is a need to expand Green Kirkland Partnership work into the neighborhoods that were annexed on June 1, 2011 (North Juanita, Finn Hill, and Kingsgate neighborhoods). The ownership of 5 parks and 11 open space tracts were transferred from King County to the City of Kirkland. This transfer represents an increase to the Kirkland park system of 72.43 acres, of which approximately 50 acres are undeveloped open space.

The City has received a King Conservation District grant for \$50,000 in 2014/15 to update the 20-Year Restoration Plan. The updated plan will identify public open space acquired in new neighborhoods, establish baseline conditions in those natural areas, and reassess parkland that has undergone natural area restoration since 2006 when previous assessments were conducted. The updated plan will include public input and an evaluation of stewardship and recruitment methods.

Strategy 2: Environmental Education and Outreach

The purpose of education and outreach is to develop and implement long-term environmental stewardship and education strategies to support the Green Kirkland Program. This support is accomplished by engaging volunteer participation and partnerships, as well as increasing the public's education and awareness of the threat invasive plants have on Kirkland's natural areas.

Volunteers and partners make a significant difference in restoring healthy ecosystem services and providing social benefits, which translates into cost savings for the City. Restoration provides many green infrastructure improvements, including: soil conservation, enhanced water quality and stormwater management, healthier habitats for beneficial native species, improved carbon removal through increased tree canopy and biomass, and increased well-being for citizens.

Exhibit A summarizes the program's 2013 accomplishments in education, outreach, and community engagement, including: presentations and in-person outreach; promotion and publicity; partnerships, sponsors, donors, and grantors; and volunteer groups that supported the program.

Strategy 3: Create and Sustain a Volunteer Stewardship Program

Volunteer Green Kirkland Stewards are important to conduct ongoing restoration and care for the City's urban forests.

Twenty-two Volunteer Stewards are currently active in **nine parks**: Carillon Woods, Cotton Hill Park, Crestwoods Park, Juanita Bay Park, Juanita Beach Park, Juanita Heights Park, Kiwanis Park, McAuliffe Park, and Watershed Park. Stewards host volunteer work parties, typically weekly or monthly.

In June 2012, in partnership with Forterra (formerly known as Cascade Land Conservancy), a volunteer steward orientation and training program was conducted. It included training both in the classroom and in the field, and a field guide manual is currently in the process of being finalized. Training new Stewards is vital to ensure the sustainability of restoration efforts in our parks.

In November 2013, Stewards were trained in how to develop annual goals and action plans for the restoration sites in which they work.

Recognize our Volunteers

At its annual volunteer appreciation event in 2013, the City recognized Tia Scarce (Watershed Park Steward), regular volunteers Dave Kreul and Nicholas Strand, and teacher Tobias Tillemans and his Eastside Preparatory School students—all for their excellent restoration

efforts. Other Stewards and regular and/ongoing volunteers were invited to the City's appreciation event, and they received end-of-the-year thank-you cards.

Throughout the year, volunteers who participated in large monthly events received thank-you email messages. Green Kirkland Stewards acknowledged their ongoing volunteers, and thanked businesses or groups that donate snacks and/or beverages.

Strategy 4: Acquisition

The public acquisition of land that meets the criteria of open space is an action that protects critical habitat, improves air and water quality, provides recreation benefits, and prevents these lands from being lost to development. Once natural areas are lost to development, they are almost impossible to restore to their original condition. Between 2008 and 2011 the City acquired seven acres of additional natural areas. With annexation in 2011, five parks were transferred from King County to the City of Kirkland, thereby increasing the total amount of natural areas by approximately 31 acres. Currently there are approximately 413 acres of natural areas within the City of Kirkland's park system.

20-Year Plan Benchmarks

Acres in restoration include areas being cleared of invasive plants, and previously cleared and planted areas that require planting and ongoing maintenance such as weeding and watering. The 20-year Forest Restoration Plan suggests a benchmark of 54 acres enrolled into the process of restoration by the end of 2012. Actual **acreage in restoration at the end of 2013 was 48.5**, which is under target; however, the benchmarks identified assume more categories of staff and resources than currently assigned, such as a dedicated natural areas crew.

The suggested 2012 benchmark for volunteer hours is 12,000 (no separate benchmarks for 2013 were included in the plan). Actual **volunteer hours recorded in 2013 were 8,980**, which again is below the original planned target. The benchmark for Green Kirkland Stewards is to have ten steward leaders trained and actively working on restoration by the end of 2012. This benchmark was exceeded because by the end of both 2012 and 2013, **a total of twenty-two Green Kirkland Stewards were trained and actively working** in parks.

Public participation and interest in the Green Kirkland restoration program remains high, and the City has become reliant on volunteer Green Kirkland Stewards to lead and manage volunteer restoration events **and** to conduct administrative tasks, such as data entry. However, while volunteers may come and go, core administration tasks, such as data reporting and complying with City volunteer management policies, and providing field support for Stewards are needed. These core responsibilities require staff. Also, areas not suitable for volunteers to work in, such as steep slopes and wetlands, require professional staff and/or contractors to restore.

The following chart shows that the program grew significantly from 2005 through 2013

Green Kirkland Partnership Summary of Achievements

Year	Number of Volunteers *	Volunteer Hours	Volunteer Work Parties**	Acres in restoration ***	Active Volunteer Stewards	Native Plants Planted, incl. Trees	Invasive Trees Removed	\$ Value of Volunteer Hours
2005	334	1,066	7	2.0	0	0	0	\$19,230.64
2006	237	651	11	3.3	0	0	0	\$12,219.27
2007	1,101	3,227	38	10.6	0	729	168	\$59,474.62
2008	1,439	3,406	55	17.1	0	1,611	62	\$66,519.18
2009	1,973	5,821	45	25.4	9	2,898	94	\$121,367.85
2010	2,228	10,220	123	30.0	17	3,326	457	\$214,722.20
2011	1,786	8,408	150	38.0	16	7,346	764	\$176,652.08
2012	2,164	9,401	168	41.0	22	5,566	336	\$197,515.01
2013	2,124	8,980	189	48.5	22	4,649	1,007	\$203,767.09
Total to end 2013	13,386	51,180	786	48.5	22	26,125	2,888	\$1,071,467.94

* Number of Volunteers = number of event participations + the number of ongoing volunteers

** Total of public, private, and ongoing events and group activities scheduled

*** Cumulative total

Based on the Corporation for National and Community Service, the 2013 hourly labor rate for volunteers was \$22.69. Applying this rate to the 8,980 volunteer hours recorded in 2013 gives a value of \$203,767.09. Adding in volunteer values for previous years gives a program total labor value equal to **\$1,071,467.94**.

The increase in volunteer hours between 2007 and 2012 correlates with the hiring of the Environmental Education & Outreach Specialist, a position that ended December 31, 2012. Restoration work continued and grew in 2013, mainly as a result of the three Green Kirkland Partnership employees funded by the 2012 Park Levy. The three employees leveraged, managed, and supported restoration efforts by volunteers and partners.

Accomplishment of Green Kirkland Partnership Goals in 2013

1. Maintained 41 acres in restoration and enrolled 7.5 additional acres.
2. Conducted education and outreach to retain and increase volunteers, and to attract donors and sponsors.
3. Recruited 2,124 event and ongoing volunteers who contributed a total of 8,980 hours.
4. Supported 22 volunteer Green Kirkland Stewards, including recruiting and training a new Steward at Juanita Beach Park.
5. Implemented and managed a King Conservation District grant and a Melody S. Robidoux Foundation grant to fund EarthCorps contractor help in 2013.

6. Obtained a King Conservation District grant to fund updating the City's 20-Year Restoration Plan in 2014/15.
7. Coordinate grant work by Washington Conservation Corp's crew from WA Department of Natural Resources at Carillon Woods.
8. Coordinated and/or managed restoration work parties with public and private partners—primarily at Carillon Woods, Crestwoods, Cotton Hill, Everest, Kiwanis, Juanita Bay, Juanita Beach, Juanita Heights, North Juanita Open Space, and Watershed park restoration sites.
9. Provided oversight/training/coordination:
 - Implemented a Supervisor position.
 - Hired, trained, and implemented a Program Assistant position.
 - Implemented a Senior Groundsperson position.
 - Managed two EarthCorps contracts.
 - Managed and/or supported ongoing or regular volunteer activities for: Green Kirkland Stewards; Native Plant Stewards; administrative volunteers; database volunteers; University of Washington Restoration Ecology Network (UW-REN) capstone students; and Eastside Preparatory School restoration and research activities.
 - Worked with the Kirkland Community Wildlife Habitat Team to maintain the butterfly life-cycle garden at Carillon Woods.
10. Partnered with Forterra to implement its federal grant:
 - Facilitated a Training Program for Green Kirkland Stewards
 - Facilitated a Best Management Practices Training Program for City staff involved in restoration volunteer work parties.
 - Facilitated development of stewardship plans for five pilot parks: Carillon Woods, Cotton Hill, Crestwoods, Kiwanis, and Watershed.
 - Coordinated drafting of outreach materials.
 - Participated in establishing monitoring plots.
11. Partnered with Forterra using Pearl Jam funding to facilitate contractor work at Crestwoods Park to restore eight forested acres.
12. Encouraged and supported "Friends Of" groups at targeted parks.
13. Responded to staff and citizen requests for technical review and information regarding restoration.

Green Kirkland Partnership Work Program for 2014

1. Maintain 48.5 acres in restoration and enroll 1.5 new acres.
2. Continue education and outreach to retain and increase volunteers, and to attract donors and sponsors.
3. Recruit new event and ongoing volunteers for a total of 9,500 volunteer hours.
4. Support 22 Green Kirkland Stewards working in the following parks: Carillon Woods, Crestwoods Park, Cotton Hill Park, Kiwanis Park, Juanita Bay Park, Juanita Beach Park, Juanita Heights Park, McAuliffe Park, and Watershed Park.
5. Train new Stewards at Everest Park and North Juanita Open Space.
6. Coordinate restoration efforts with public and private partners. Engage and support field work with: Washington Native Plant Society's Native Plant Stewards; other community and business volunteers; Forterra; EarthCorps; UW Restoration Ecology Network students; Kirkland Community Wildlife Habitat Team; Eastside Preparatory School and other school groups; Park Maintenance; Public Works.
7. Coordinate grant work by Washington Conservation Corp's crew from WA Department of Natural Resources at Juanita Beach, Brookhaven, and Watershed parks.

8. Implement a King Conservation District grant to fund updating the City's 20-Year Restoration Plan in 2014/15.
9. Implement a Melody S. Robidoux Foundation grant to fund EarthCorps contractor help in 2014.
10. Seek new grants to leverage levy funds to advance restoration goals.
11. Partner with Forterra to implement its federal grant:
 - Finalize education and outreach brochures.
 - Finalize GKP Steward Field Guide.
 - Finalize Stewardship Plans for five pilot parks: Kiwanis, Carillon Woods, Cotton Hill, Crestwoods, and Watershed parks.
 - Finalize online Steward Annual Work Plan Templates.
 - Hold a Steward training that includes the Stewardship Plan process.
 - Establish monitoring plots.
12. Partner with Forterra using Pearl Jam band funding to complete contractor work at Crestwoods Park.
13. Encourage and support "Friends Of" groups at targeted parks.
14. Respond to staff and citizen requests for technical review and information regarding restoration.
15. Participate in the City's planning and interdepartmental programs associated with environmental stewardship, such as the Volunteer Service Team, Green Team, Tree Team, and GIS User Group.

EXHIBIT A

GREEN KIRKLAND PARTNERSHIP OUTREACH AND ENGAGEMENT IN 2013

PRESENTATIONS AND IN-PERSON OUTREACH

Presentations *made by Green Kirkland staff, unless stated otherwise:*

- Kiwanis Sunrisers Club, April 4. Update on Green Kirkland Program and Kiwanis Park
- Viva Volunteers! Fair presentation, April 6th. Kirkland Peter Kirk Community Center
- Kiwanis Sunrisers Club, April 18. Introduction of Green Kirkland Program Assistant
- Sustainable College, July 29th. Presentation about Green Kirkland Partnership and restoration opportunities for youth

Green Kirkland Partnership display booth. Set up and staffed (includes volunteer help)

- Viva Volunteers! Fair, April 6th. Peter Kirk Community Center
- Evergreen Health Care Earth Day Fair, April 19nd. Evergreen Hospital
- UW- Bothell Earth Day Fair, April 22nd. UW- Bothell
- City of Kirkland Planning Day, June 8th. Kirkland City Hall
- Bellevue College Peer to Peer Fair, May 15th. Bellevue College
- Juanita Beach Market, August 9th and August 23rd.
- Bellevue College Peer to Peer Fall Fair, October 9th. Bellevue College
- UW- Bothell Non Profit, Volunteer, and Graduate School Fair, October 9th

Announcements made at:

- Kirkland City Council, November 6th. Arbor Day announcement and proclamation (by Urban Forester and Mayor)

PROMOTION AND PUBLICITY

Green Kirkland monthly events were featured in webpage links, brochures and flyers, park signage, e-mails, blogs, newspaper articles, and television broadcasts. Examples include:

Brochures and Publications

- Kirkland Parks & Community Services *Recreation Classes & Programs* booklet: 40,000 copies printed twice yearly are mailed to all Kirkland residential addresses; additional copies online and at locations citywide.
- Kirkland Reporter—print and online: Events promoted in community calendar advertised every one or two weeks.
- GKP produced flyers. Approximately 1,000 Featured Event flyers are distributed annually at Kirkland parks and public buildings, and at other public places.
- GKP produced flyers are posted electronically in community bulletin boards in all LWSD schools.
- GKP H-stakes were designed and printed in 2013 to inform the public of our restoration work and to encourage them to volunteer.

Television

Event promotion on:

- K-LIFE TV
- K-GOV TV

Green Kirkland Website

The Green Kirkland Website (www.greenkirkland.org) was redesigned in 2013 to allow for easier navigation, event registration, program progress updates, and homepage articles. The website has an average monthly visit count of 290.

Social Media

Green Kirkland Facebook page: www.facebook.com/GreenKirkPartnership Forterra's Green Kirkland Facebook Page is updated up to three times each week with urban forestry information, photos from events, and upcoming event information.

Monthly Recruitment Emails

Green Kirkland Partnership monthly emails are sent to approximately 2,000 active addresses including volunteers, media, schools, community groups, businesses, service clubs, and environmental organizations. These emails target recruitment for one large upcoming volunteer event, or during winter serve as an annual thank-you message to the GKP volunteer base.

Online

Volunteer events are advertised through a variety of online sources that serve to increase the number of community members viewing volunteer opportunities.

GKP volunteer event online promotion sites include:

- Kirkland Green E-updates
- Kirkland Neighborhood email lists
- Kirkland Volunteer Opportunities website
- Kirknet Events
- KirklandViews.com calendar and articles
- Kirkland Patch calendar and articles
- Forterra
- Washington Native Plant Society
- EarthCorps
- United Way
- Washington DNR events list
- Idealist.com
- VolunteerMatch.org

PARTNERS, SPONSORS, DONORS, AND GRANTORS

Green Kirkland Partners have a working relationship with us and they have compatible values, goals, and mutual benefits.

A partnership can be defined as a working relationship with another organization that has compatible values and goals and which results in mutual benefits. It may sometimes be subject to a formal written agreement. The partnership may be formed around a single activity or event, or it may be long term.

Partners in 2013 include:

- City of Kirkland
- Central Houghton Neighborhood Association
- EarthCorps
- Eastside Preparatory School
- Eastside Audubon

- Forterra (formerly Cascade Land Conservancy)
- Friends of Kiwanis Park
- Highlands Neighborhood Association
- Houghton Parks Volunteers
- Juanita Bay Native Plant Stewards
- Juanita Bay Park Rangers
- Juanita Bay Rollers
- King Conservation District
- Kirkland Community Wildlife Habitat Team
- Market Neighborhood Association
- McAuliffe Park Native Plant Nursery volunteer group
- National Wildlife Federation
- United Way of King County
- University of Washington Restoration Ecology Network (UW-REN) Program
- University of Washington- Bothell
- Washington Native Plant Society
- YMCA Earth Service Corps

Green Kirkland Sponsors, Donors, and Grantors provide financial, in-kind, or other type of support. A sponsorship is a relationship in which the sponsor provides financial, in-kind, or other type of support for a Green Kirkland event or activity in exchange for marketing exposure. A donation is a gift of tangible or intangible materials. A grant is a monetary award as a result of a successful application process.

Sponsors, donors, and grantors in 2013 include:

- Amin Shali: event photography
- Costco: snacks for Earth Day event and more
- Distant Lands Coffee: donation of burlaps sacks as needed
- Finn Hill Shell Station: donation of drinks for Juanita Heights Park
- Forterra (formerly Cascade Land Conservancy): Pearl Jam funded forest restoration project; USDA Forest Service, Urban and Community Forestry Program grant; event publicity
- Friends of Kiwanis Park: refreshments and donuts for volunteers
- King Conservation District: grant to fund EarthCorps partnership events
- Kiwanis Sunrisers: snacks and coffee at Kiwanis Park
- Kris Rooke: event photography
- McClendon's Hardware: discount on tool purchased
- Marilee Henry: seeds and plants
- Mick Thompson: photobooks of Juanita Bay Park wildlife; photos to use in publicity
- Plaza Garcia: snacks for volunteers at Juanita Heights Park
- QFC: Food donation for Juanita Heights Park
- Royal Bank of Canada: donation
- Starbucks: coffee at Juanita Bay Park for Native Plant Stewards and other Juanita Bay Park Volunteers
- Tadpole Haven Nursery: native plants
- The Melody S. Robidoux Foundation: grant funding at Juanita Bay Park
- The Watershed Company: pizzas for Arbor Day event, Watershed Park
- Washington Department of Natural Resources: Washington Conservation Corps crew work at Carillon Woods, including hosting MLK Day of Service January 21

VOLUNTEER GROUPS

2013 Green Kirkland Volunteers came from a variety of schools, businesses, and local organizations.

AKYSB American -Israeli AT&T Bellevue College Bishop Blanchet High School Blucora Boeing Boy Scouts Cascadia College City Church Intern Cub Scouts Pack 554 Cub Scouts Pack 559 Cub Scouts Pack 615 Eagle Scout Troop 550 EarthCorps Environmental & Adventure School Eastside Meetup Eastside Park Ranger Eastside Preparatory School Finn Hill Middle School Ford of Kirkland Forterra Friends of Kiwanis Park Fun Guiz Garden Gate HOA Girl Scouts Gower Habitat for Humanity Holy Names Academy i-CERV IMAN Inglemoor High School International Community School Juanita High School Key Club and Honors Society Juanita Middle School Kamiakin Middle School KDOG Kings School	Kirkland Community Wildlife Habitat Team Kirkland Junior High Honors Society Kirkland Kiwanis Noon Club Kirkland Middle School Kiwanis Mercer Island Club Kirkland Kiwanis Sunrisers Kirkland Youth Council Landis + Gyr Church of Latter Day Saints Liberty Mutual Lake Washington High School Honors Society and Key Club Lake Washington Institute of Technology Maltby Christian Church Microsoft North Star Middle School Northshore Junior High School Northwest University Old Dominion University Omega Financial Otters Team Pine Lake Middle School Pleasant Bay Church Congregation Puget Sound Energy RBCC Youth Rose Hill Middle School Honors Society Royal Bank of Canada Sacred Heart School Starbucks Symetra Target Up with People University of Washington University Washington- Bothell UW- Restoration Ecology Network Verizon Wireless Whole Foods Washington Native Plant Society YMCA Earth Service Corps
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CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Marilynne Beard, Deputy City Manager
Date: April 4, 2014
Subject: KIRKLAND 2035 PUBLIC INVOLVEMENT UPDATE #12

RECOMMENDATION:

City Council receives an update on public involvement activities and progress on plan updates related to the Kirkland 2035 initiative.

BACKGROUND DISCUSSION:

This is the twelfth in a series of updates to the City Council about Kirkland 2035 initiatives.

Neighborhood Plan Updates

With the completion of the neighborhood plan meetings in February, Planning staff began the process of sorting through the meeting participants' comments. A copy of the transcribed meeting notes were provided in the previous K2035 update packet and are posted to the K2035 web page. The Planning staff has completed its review and has developed a recommendation for when and how to address the neighborhood comments. Its recommendation was reviewed by the Planning Commission at their April 10 meeting. A sample matrix from the Highlands neighborhood is included as Attachment A.

The second round of neighborhood plan meetings are scheduled for May and June (see table below). One of the primary topics for the meeting will be the neighborhood business district comments. Staff will work with participants to better understand and reconcile comments received about them during the first round of meetings. Participants will then break into their individual neighborhood groups where the recommended disposition and/or response to their comments will be presented and discussed.

Date	Neighborhoods	Location
Tuesday, May 13, 6:00 pm	Houghton, Everest, Lakeview	City Hall
Wednesday, June 4, 6:00 pm	N. Rose Hill, S. Rose Hill, Bridle Trails, Totem Lake	Lake Washington High School Commons Room
Thursday, June 5, 6:00 pm	Highlands, Norkirk, Market, Moss Bay	City Hall
Tuesday, June 10, 6:00 pm	Finn Hill, Juanita, Kingsgate/Evergreen Hill	LDS Kirkland Stake Center 7910 NE 132 nd Ave. Kirkland

Another topic discussed by the Planning Commission on April 10 is the process and timeline for considering citizen requests for specific land use changes. The Comprehensive Plan update process typically involves consideration of zoning changes that are consistent with the updated vision and guiding principles. If citizen-initiated land use changes are not made as part of the Comprehensive Plan update, they would need to be considered through the Private Amendment Request process which is available every other year. **Staff is proposing a deadline for individual land use requests of June 20, 2014** so that they can be addressed in the Environmental Impact Statement (EIS). The EIS scoping notice will be issued in mid-April and will include a full discussion of the process and deadlines. The general process for consideration of land use change requests is shown below along with **opportunities for public comment** noted in bold print.

Event/Deadline	Time Frame	Description/Opportunities for Public Comment
Neighborhood Plan Meetings Session #2	May/June 2014	Land use change requests received as of the meeting dates will be provided to participants. Staff will discuss the process and timeline for consideration. Participants will be able to see submitted requests at the meeting.
Deadline for citizen requests for land use changes	June 20, 2014	This deadline is recommended in order for requests to be reviewed and included in the scope of the EIS.
Planning Commission determination of which land use requests will be considered	July 2014	The Planning Commission will make a determination whether all or some of the land use change requests are consistent with the vision and guiding principles and whether they should be considered and incorporated in the EIS and in subsequent Planning Commission review. The public can comment on proposed land use change requests during the public comment period of the Planning Commission meeting or submit written comments.
Planning Commission study of citizen land use change requests	Sept-Dec 2014	The Planning Commission will study land use change requests and determine whether they should recommend their adoption as part of the Comprehensive Plan. The public can comment on proposed land use change requests during Planning Commission meetings or at the Draft Comprehensive Plan Hearing to be held in 2015
Preparation of Draft Environmental Impact Statement	Aug 2014-May 2015	Parallel to the Planning Commission' review, the City's EIS consultants will evaluate the impacts of the proposed land use change requests. Once a Draft EIS is issued, a comment period will ensue which will include a public hearing on the Draft EIS.

In addition to reviewing the neighborhood plan comments, the Planning Commission will be commenting on a draft outline for future neighborhood plans. The Planning Commission packet can be viewed at http://www.kirklandwa.gov/depart/planning/Planning_Commission.htm.

Economic Development Input from the Kirkland Chamber of Commerce

The Kirkland Chamber of Commerce presented a compilation of comments that they would like to be considered in the Comprehensive Plan Update, primarily in the Economic Development Element. The letter combines input from the Chamber business community, the Chamber's Public Policy Committee, Chamber Board Members and the Economic Development Committee. The comments include a few overarching principles with more specific recommendations regarding Kirkland's waterfront, Kirkland's downtown, other neighborhoods, the Cross Kirkland Corridor, and comments from the Chamber Young Professionals group. A copy of the letter is included as Attachment B.

Kirkland Business Roundtable

The Kirkland Business Roundtable was joined by Kirkland young professionals at its April 9 meeting in order to solicit the younger demographics' perspectives on the attractiveness of the current and future downtown for live, work and play. This was in part a response to the feedback from the Chamber of Commerce and it also follows up on survey work to refresh tourism branding, answer the question "Why visit Kirkland?" as well as to conduct public outreach to update the Economic Development Element of the Comprehensive Plan.

Community Future Day

Community Future Day will be held on Saturday, April 26 from 10 am to 2 pm at Kirkland City Hall. The general open house format will be used and participants can drop in any time during the four-hour period. The one exception is the Neighborhood University ("Neighborhood U") session that will be held from 10:30 am to 12:00 pm in the City Council Chamber. Activities are described below:

Neighborhood U – Transportation Planning and Growth – 10:30 am to 12:00 pm, Kirkland City Council Chamber

One of the most frequently-heard comments in the K2035 public process relates to concerns about traffic and growth. If traffic is a problem now, will growth make that worse and how can we prevent worsening traffic? To address this question, an informative session will be held:

- Mark Hallenbeck, Director of the Washington State Transportation Center at the University of Washington will explain how the Growth Management Act governs transportation systems and explain the use of concurrency to measure performance.
- David Godfrey, Kirkland's Traffic Engineering Manager will describe how the City is approaching the update of the Transportation Master Plan (TMP) and how it meets GMA objectives.
- Don Samdahl, principal in the firm of Fehr and Peers, the City's consultant for the TMP update and the Comprehensive Plan EIS, will be joined by Mark Hallenbeck and David Godfrey to answer audience questions about transportation challenges. Penny Mabie of EnviroIssues will facilitate the Q and A session.

Informational Displays – 10:00 am to 2:00 pm Upper and Lower Levels of City Hall

Participants will be able to visit a variety of displays and talk with staff about the topic areas. In some cases, they may be asked to comment and/or indicate preferences about projects and plans. Displays will be available for:

- Comprehensive Plan Update – See the updated draft of the Vision Statement and Guiding Principles reflecting the input from the K2035 vision process. Learn more about the City’s growth targets and why we have targets. Learn about the purpose of an Environmental Impact Statement and the process for its development -- see how and when it will take place and how participants can comment on proposed land use changes.
- Cross Kirkland Corridor Master Plan – The draft plan is almost complete and preliminary costs for various segments will be available. Citizens will be asked to rank priorities for implementation. Participants can also learn about the interim trail project, when it will be completed and what it will include.
- Transportation Master Plan (TMP) – Hear about the draft goals of the TMP and comment on the various types of projects that are being considered for the Plan.
- Parks, Recreation and Open Space Plan – Learn about the recommendations in the PROS plan update and the goals and projects that are included. Learn about the City’s progress on planning for a possible new community recreation and aquatics center and how you can be involved in helping to make decisions on facility location and programming.
- Surface Water Master Plan – See how the Surface Water Master Plan will meet important objectives around flood prevention, water quality, habitat restoration and maintenance of the City’s extensive surface water infrastructure.
- Juanita Drive Corridor Study – Learn about the options and recommendations in the draft Juanita Corridor Study and range of capital improvements that focus on improving auto, bike and pedestrian safety along the corridor.
- Capital Improvement Program (CIP) – Learn about and experiment with the CIP interactive map. See the projects that have been suggested by map users or add project suggestions. Learn and comment about changes proposed for t Park Lane. Get an update on the NE 85th Street improvements and see how the corridor will change over the next two years.

Interactive Exercise – Build a Better Kirkland, 10:00 am to 1:30 pm, lower level of City Hall

- Build a Better Kirkland – Help the City Council build the Kirkland of 2035. After visiting the plan informational displays, participants can go the K2035 Bank to receive Kirkland Bucks to allocate among the many projects planned for Kirkland’s future. This exercise will simulate the allocation of limited and restricted funds to

the many capital needs of the City. Participants will be able to indicate their preferred level of investment in major plans currently in development.

Status of Plan Updates

A number of plan updates have been provided to the City Council in the past three months and further updates and plan adoptions are scheduled for the next three months.

April 15	Transportation Master Plan Update Edith Moulton Park Design Guidelines Adoption Cross Kirkland Corridor (CKC) Master Plan Update
May 6	2012 Park and Street Levy Accountability Reports Juanita Corridor Study Update
May 20	Cross Kirkland Corridor Master Plan Update Transfer of Development Rights Study
June 3	Parks, Recreation and Open Space Plan Update
June 17	Cross Kirkland Corridor Master Plan Update Parks, Recreation and Open Space Plan Adoption
July 1	Surface Water Master Plan Update

One of the challenges presented by updating major functional plans with the Comprehensive Plan is executing a schedule that allows for the different studies to sync up. As mentioned earlier, the plan update process is iterative. For instance, the land use plan feeds into the Transportation Master Plan and vice versa. In order to develop a Capital Facilities Element (projects that represent new capacity to accommodate growth) projects emerging from the functional plans must be reviewed and adopted. Ideally, a Capital Improvement Program update has taken place that considers funding for the Capital Facilities Element projects as well as maintenance projects. These many interrelationships require ongoing interdepartmental coordination. Staff from all departments are meeting as a large group every two weeks and more often in smaller groups to continue coordination on plans and to strategize on the public involvement plan.

City of Kirkland
 Comprehensive Plan
 Update: Neighborhood
 Planning Workshops
 Comment Analysis -

Highlands (January 30, 2014)								
Element	Public Comment	In existing Plan, Development Code, CIP, City Policy	Potential amendment with Comprehensive Plan update including TMP, PROS and CKC	Potential amendment for future Planning work program	Potential consideration for CIP or other City programs	Questions or Comments	Not feasible; Not desirable; City Has No Authority	
Transportation	Concerned about I-405 noise					Comment noted	No City has no means to reduce noise. DOT sound wall project was to mitigate noise.	
	*Figure H-8 Highlands Pedestrian System This map needs to be updated to reflect current trails and walkways. Who can update it?		Could be updated in neighborhood plan					
	*Policy H-10.1: Enhance and maintain pedestrian and bicycle infrastructure within the Highlands neighborhood, especially on routes to schools and activity nodes. Who pays for this and decides priorities? The pedestrian walkway on 112th Ave NE at NE 87th St. was built with neighborhood grant money some years ago. It is not being maintained (many of the reflectors that separate pedestrians from cars are missing). We believe this walkway is an essential route to downtown (an "activity node"). It's also a primary connector to the CKC. How can we get funding to replace the reflectors?	Approved school route improvements get completed through the City's CIP school route program.					Staff will check with Public Works	
	Need more local transit options to connect to the regional transit system						King County Metro and Sound Transit determine transit service.	
Housing	*Policy H-6.2: Allow innovative residential development styles when specific public benefits are demonstrated. What does this specifically mean? (Cottage housing? Other?)	Policy describes innovative housing styles.						
	*Goal H-6: Promote and retain the residential character of the neighborhood and encourage a variety of housing styles and types to serve a diverse population. This one is not currently happening - the development that is currently occurring is all overly large house with no yards (postage stamp yard) for only the very rich - like they are all priced in the close to million dollar range - we are very rapidly losing our ramblers worth about \$400,000 - to these mega homes - two put in the place of one, all trees wiped out to do so. and the city says this is ok..... why????	Development must meet building setback, height and lot coverage regulations that have been in place since 1983 and more recent FAR standards.					C11-City will be relooking at the Floor Area Ratio (FAR) regulations on a future work program. -Price of land values in Kirkland have risen so the expectation is to be able to build larger homes than small ramblers. -Housing market choices have changed overtime for larger homes and desire for smaller yard to maintain.	
	*Policy H-6.3: Encourage medium-density multifamily development as a transition between low-density residential areas in Highlands and more intensive land use development to the west and south of the neighborhood. This does not appear to be reflected in the zoning for the west side of our neighborhood. Does this make sense along the CKC?		Could consider changing policy to delete word "west". Only area to the southwest is designated for multifamily.					
	*Policy H-16 Establish buildig and site design standards that apply to all new, expanded, or remodeled multifamily buildings consistent with City-wide policies. How can we get input into these standards? The new homes at 11417 NE 87th ST are massive. So are the new single family homes at 9412 112th Aven NE. Why is this policy for multi family only? Should it apply to all home construction?							
Economic Development	*Goal H-6: Promote and retain the residential character of the neighborhood and encourage a variety of housing styles and types to serve a diverse population. We are concerned about the decreasing availability of affordable housing, as older homes are replaced by large, expensive ones. How can the city and the neighborhood encourage affordable housing?	Affordabilty is addressed in the Housing Element. Multifamily housing in certina locations is required in Chapter 112 KZC. The City provides funding to ARCH who provides affordable housing for those that qualify. Provisions for small lots in the Subdivision Ordinance, accessory dwelling units in Chapter 115 KZC, Cottage Housing in Chapter 113 KZC and residential suites in the CBD are ways that the City is trying to provide for affordable housing.		Coould consider providing incentives for affordable single family housing by allowing additional density in subdivision process for required affordable lot and house		Kirkland land values are high which increases the cost of housing.		
Land Use								
Capital Facilities/Utilities/Public Services	Need more dog parks		PROS Plan					
	*Policy H-12.1: Provide enhanced emergency service (fire and police) through possible access across the railroad right-of-way at 111th Avenue NE to improve response time. Is this still on the table? Why must there be two teams on site?	WAC requires two teams for safety of response crew.				Waiting for Fire response		

City of Kirkland
 Comprehensive Plan
 Update: Neighborhood
 Planning Workshops
 Comment Analysis -

Highlands (January 30, 2014)								
Element	Public Comment	In existing Plan, Development Code, CIP, City Policy	Potential amendment with Comprehensive Plan update including TMP, PROS and CKC	Potential amendment for future Planning work program	Potential consideration for CIP or other City programs	Questions or Comments	Not feasible; Not desirable; City Has No Authority	
Environment	*Policy H-3.1: Enhance and protect the tree canopy. We're familiar with numerous instances where tree companies have removed trees without asking whether the property owner has a permit. Has the city considered requiring tree companies to verify that the property owner has a permit, and to fine the tree company if they don't comply? It's easier to train a few tree companies than it is to ensure that all Kirkland residents know about the tree rules. Ivy is killing many neighborhood trees. Holly is also a problem. The neighborhood wants to encourage people to remove holly and ivy. Our requests would carry more weight if they came from the city, either via a letter on city letterhead, or a city policy. Who can we work with to discuss such an initiative?	Chapter 95 Kirkland Zoning Code - may remove two trees per year without permit if no exceptions apply. Fines for tree removal if permit is required and not obtained.				Ask Deb about ivy		
	*Policy H-4.1: Encourage clustered development on slopes with high or moderate landslide or erosion hazards. Is this city policy? Is it embedded in zoning codes? Is the neighborhood responsible for keeping an eye on this?	No regulation on clustering in Highlands. Would be addressed with SEPA.					Neighborhood not responsible for implementing city policy or regulations.	
	*Policy H-3.2: Encourage the preservation and proper management of trees adjoining I-405 and the railroad. Change "railroad" to Cross Kirkland Corridor. How can we influence trees on the 405 corridor? Is this a city role or a neighborhood role?	Addressed under SEPA		Could consider neighborhood plan change (minor edit)				City can encourage DOT to save trees in I-405 right of way but not require. However, as I-405 improvements continue to widen, it becomes more difficult to save trees.
	*Policy H-2.2: Develop viewpoints and interpretive information where appropriate on property around streams and wetlands if protection of the natural features can be reasonably ensured. When appropriate, the placement of interpretive information and viewpoints will be determined at time of development on private property or through public efforts on City-owned land. How can we learn about developments in sensitive areas? Is this item on the city permit checklist for new developments? Concerned about habitat lose	Could be required under SEPA.			Could consider requiring viewpoints and interpretive information under Chapter 90 with buffer reductions		See neighborhood hotsheet on City's website for new developments. Item is not on City permit checklist because not a regulations comment noted	
Open Space Parks	*Policy H-2.1: Undertake measures to protect stream buffers and the ecological functions of streams, lakes, wetlands, and wildlife corridors and promote fish passage. How should the neighborhood proceed in doing this? What exactly should we do? The feasibility of relocating the stream out of the railroad ditches upstream of Peter Kirk Elementary school and moving it farther away from the railroad into a more natural channel with native vegetation and reintroduction of cutthroat trout into the stream are opportunities worth investigating. Can this be incorporated into the CKC master plan?	Chapter 90 requires improvements with developments in buffers.	CKC Master Plan		CIP projects	Relocation of streams and revegetation not always successful and permitting process can be extensive		
	*Policy H-11.1: Explore the possibility of a neighborhood gathering place. What is the status of the Spinney Park master plan? Is there a picnic shelter in the plan?							
Human Services	Keep parks	Park Element						
Urban Design	*Emailed comments							
	*Policy H-1.1: Provide markers and interpretive information at historic sites. Who pays for this? Where can we find the Kirkland Heritage Society inventory that was done in 1999?	Can be required under SEPA. In Community Character Element (CC-2.1)				See Kirkland Heritage Society for their inventory.		
Vision	IdeasForum Survey Comments							
Vision still valid	Peaceful Clean Green Friendly Walkable Diverse (style, culture not homogenized) Connected & accessible Affordable	City vision						
Change in Plan	Trees Wetlands Walking Bicycling	City vision						
Neighborhood District	Consider allowing small business to mix for better neighborhood access - like small retail at south end or near the Kirkland corridor, or walkable service businesses like haircutting	Chapter 20 KZC (RM in Zoning Code permits small shops and services						

City of Kirkland
 Comprehensive Plan
 Update: Neighborhood
 Planning Workshops
 Comment Analysis -

Highlands (January 30, 2014)		Response					
Element	Public Comment	In existing Plan, Development Code, CIP, City Policy	Potential amendment with Comprehensive Plan update including TMP, PROS and CKC	Potential amendment for future Planning work program	Potential consideration for CIP or other City programs	Questions or Comments	Not feasible; Not desirable; City Has No Authority
Hope for future	Having one - or at least a few scattered options, would be nice if kept residential scale (no parking lots or downtown business-sized buildings)	Chapter 20 (RM iZoning Code permits small shops and services. Limited to 25-30' in height.					No parking lot requirement is not feasible for successful business and City requires some parking for all uses.
Vision	Better walkability to everyday needs businesses like food stores. Better access to public transport Keep up the emphasis on trees, sidewalks and parks Given this plan, it makes no sense the city permitted decreased wetland buffer on the north end of 111th Ave.	Transportation and Park Elements. Chapter 90 KZC does permit reduction in buffer if mitigation provided.					
Still retain in vision	Low traffic, diverse housing mix, connected feeling to trail system and neighborhood parks, maintain and enhance westerly views (underground utilities)	Existing City vision. Undergrounding of utilities occurs with redevelopment under Chapter 110 KZC.					
Change in Plan	I like the vision for the neighborhood in general, some of the implementation will come down to prioritizing of the enhancement and amenities.					comment noted	
Business Distrcit	This is just my own preference, but I would really feel the neighborhood's view corridors would be greatly enhanced by undergrounding overhead utilities. Probably very costly, but it only needs to be done once! I would support a private/public approach to this, but that become very complicated and messy.	Undergrounding occurs with redevelopment under Chapter 110 KZC.					Very costly and PSE must agree
Vision	there are no businesses within the Highlands and that seems like a reasonable vision for the future as well.	RM in Zoning Code permits small shops and services.					
Still valid in vision	denser connections trees views pedestrians bicyclists	City vision.					
Vision	No changes are needed to plan					comment noted	
Business Distrcit	We like our neighborhood. Close in, but limited traffic. We look forward to completion of paved bike trail, and future light rail.					comment noted	
Hopes	We need a lot more shopping for regular people in Kirkland, such as a bigger hardware store, Target-type store, Old Navy, Gap, Pier 1, Macy's etc. Totem Lake should be redeveloped to bring in these businesses.					comment noted	
Vision	Pave Cross-Kirkland corridor! Would be great to have some related small businesses near trail.		CKC Master Plan				
Still valid in vision	Well maintained Nice views Nice combination of homes from old and new Good size lots Parks Nature preserves					comment noted	
Change in Plan	Protecting the view corridor (remove the cotton trees along the train corridor between 92nd and 96th and replant other shorter native trees). Maintain and improve the sidewalks and parks (including the boardwalks in the nature preserves) No connector roads to Totem Lake or North Rose Hill.	Private views not protected. Chapter 95 KZC limits tree trimming as it can destroy a tree.				comment noted	
Hopes for neighborhood	Encourage private property owners in the view corridor along 112th to limit tree height.	Private views not protected. Chapter 95 KZC limits tree trimming as it can destroy a tree.					
	Just want to re emphasize our hopes that; the neighborhood does not get "connected" to Totem Lake or North Rose Hill by new roads and that the view corridor is preserved.	Private views not protected.				comment noted	

TO: Kurt Triplett
 FR: Bruce Wynn and Kathy Feek
 RE: 2035 Economic Development Policy recommendations

The Kirkland Chamber of Commerce is the voice of business. On a daily basis we help businesses connect with each other. These are comments from within the Chamber business community, the Chamber's Public Policy Committee, Chamber Board Members and the Economic Development Committee. Our goal is to provide expertise to the city in partnership based on our large network of communication throughout greater Kirkland.

The following recommendations have been compiled into specific categories:

- In regard to fostering a strong and diverse economy consistent with community values, goals and policies, we emphasize that in addition to retention and recruitment the city focus on expansion.
- To promote a positive business climate, we recognize that businesses contribute to Kirkland's community by providing employment, self-sufficiency, personal achievement, along with public revenue to provide services, facilities and community amenities.
- In addition to providing a tax and regulatory environment that is responsive and timely. We also encourage a tax environment that is fair and competitive.

Recommendations on changes to Kirkland's Waterfront

- As Kirkland's front door, the Marina parking area can be utilized more effectively by being more actively and lively all year round.
- Consider a staircase development down to the park with shops, restaurants and stores on three levels above the existing parking as you approach the water.
- In limited parking environments, cars can be stacked mechanically and called up or down from different levels.
- Consider a spiral parking area in a corner of the parking zone to free up the remainder of the parking area for business.
- Rezone parking by adding 6 feet and stack the parking in a corner of the park.
- Parking should be convenient but hidden to free up land.
- There is no money in the Lake – needs to be a regional destination. Parking is paramount. Public – private partnership possibly.
-

Recommendations on changes to downtown

- Restaurants have to have turnover with customers. We are at capacity for the first load and the second cannot find parking.
- With another hotel downtown, Kenmore Air could deliver passengers. We can support more restaurants.
- Work with Google to provide the fastest wired community. Become premiere "wired community."

-
- Baseball field and swimming pool are empty for a large part of the year. When Parkplace is torn down, move baseball field/swimming pool back and move future Parkplace development closer to downtown. Build parking underneath.
- Build an ice skating rink in Lee Johnson field during winter months. Have it designed for hokey and curling during the winter.
- The baseball field is the most under-utilized park in the system and most expensive to maintain.
- More places to go – wifi, wine bar, and sales taxes continue to decline.
- Crush Shoes wants to be here and figure out ways to help them be successful. Businesses are trying to work together to make it happen.
- More new places that are experiential (Flatstick, Canvas, Remote).
- Possibly a covered walkway for winter weather.
- We don't want to compete with Bellevue.
- We could have smaller wine shops.
- Bring back some galleries.
- More of an entertainment and experiential destination. Art, acting, music, recitals, etc.
- Seek out a developer to build a destination nightclub, restaurant and music venue such as Triple Door.
- Free up bottleneck of traffic on Lake by building tunnel from Market to south of Anthony's restaurant.
- Many advocate for a park all the way from the water to 6th street with high density on both sides.
- Need to look at the zoning for the antique mall to increase the height.
- Build up parking lot at corner of Lake and Central. Should go up a few stories with retail at ground level.
- Parking is paramount. Public – private partnership possibly
- Seek out innovative parking standards or technologies that help increase parking capacity.

Other Neighborhoods

- Totem Lake in the future will not be car lots. Go to European type office and order your car and it will be delivered. Mixed use like in Juanita. Juanita style at Totem Lake.
- Totem Lake is more than retail. It's a vibrant urban center.
- A lot of building purchasers bought at cap rates too low and so the rents are not affordable. You will need to permit higher buildings to help reduce the rents.
- Is Totem Lake an affordable retail center? If retail's face is changing, and more people go to the internet to buy, then what would Totem Lake look like?
- Hire Jim Hebert to find out what the market would be. As we see at Redmond Town Center, two-story retail does not work.
- Finn Hill now doing its first neighborhood planning. Explore processes to separate business from neighborhood. Everest revolted against it. Bridle Trails is the one we should focus on because they want it.
- Need to think progressively on how to offset property taxes in the future. Too many citizens think all is fine if we do not grow. We have had a debate in this City over Potala Village. Let's talk about the policies to see where we can agree. Then follow the policies that we all have agreed upon.
- Put a huge parking lot at Parmac. 405 Plan calls for 4,000 parking spaces for park and ride.

- Look at the transit mitigation fees for transit? Sales tax, excise tax, b&o tax, property tax need to be taking into consideration before impact fees are considered by the City.
- Two or four plex zoning for corner lots in residential area. Craig Krueger at Mithun Architects does a presentation called – Honey I shrunk the lot

Comments on Kirkland Corridor:

- Should be in partnership with car companies.
- Advocate for businesses to be allowed to function along the trail
- If businesses are not built next to trail then explore light rail cars that loop from the trail to downtown. Think San Francisco Cable Cars. Fun ways to get to green zone of corridor.
- Driverless car platform
- Invite UberX, Sidecar, etc. to service the trail
- Emphasize green zone appeal – walk, pedal, ride via alternative transportation modes
- Options of services along the corridor must be driven by market demand
- Infrastructure to allow innovative investors
- Feeder services from trail to Kirkland destinations should be priority

Comments from Chamber Young Professionals:

- Better use of the marina & get rid of the marina parking lot
- Appeal to more young professionals with more flagship restaurants and nightlife (i.e. Ethan Stowell eateries)
- Free underground parking in downtown
- An underground tunnel that connects Lake Washington Blvd. with Market St. to eliminate the traffic bottleneck
- Move Park Place closer to downtown and replace the park
- Completely tear down Totem Lake and develop a mixed-use retail/residential neighborhood like San Jose's Santana Row (<http://www.swagroup.com/project/santana-row.html>)
- Might not be in favor of a promenade around the residential areas of Lake Washington Blvd. - it is too "residential"
- Park Lane should be consolidated (ownership wise), and connected all the way up to the future Park Place project, and remove all street parking for a more "promenade" feel
- Kirkland corridor project should be an extensive bike and walk lane
- Consolidate all outdoor parking lots into mixed-retail buildings with free and easily accessible underground parking
- Create budget for "Kirkland-brand ambassadors" to reach out to Seattle and Portland restauranteurs to create flagship Eastside locations in downtown Kirkland and the future Totem Lake project
- Create budget for more outreach to young entrepreneurs and Northwest startup companies to live and work here
- Music festivals, involving boats, that appeal to more younger professionals (dance music, etc.)

- Modernize and unify all signage in the downtown area,
- Offer tax incentives for high end restaurants to come to Kirkland
- Offer tax incentives for building owners to not lease space for nail salons and smoke shops
- Kirkland could be the host for a "NXNW" type concert week, modeled after SXSW in Austin. Basically restaurants and stores with the space hold a small intimate concert, usually followed with a keg-type or wine party in the back of the restaurant or at a nearby parking lot. It lasts for like 7 days, and folks can buy a week-long wristband or buy single tickets.



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
April 01, 2014

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Aquatics Center Update

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Parks and Community Services Director Jennifer Schroder, EMC Research Analyst Dominick Martin, and Sports Management Group President Lauren Livingston.

b. Emergency Preparedness/Oso landslide update

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Emergency Manager Pattijean Hooper and Deputy Fire Chief of Operations Helen Ahrens-Byington.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Members of Brownie Troop 40541
Karen Braitmayer
Justin Fleming
Jamie Rector

Susan Baird-Joshi
Johanna Palmer
Kayla Wheeler
Michelle Plesko
Nanda Chemancheri
Amy Lanum
Jan Burdue

c. Petitions

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) February 21, 2014 Special Meeting

(2) March 18, 2014

(3) March 24, 2014 Special Meeting

b. Audit of Accounts:

Payroll \$2,684,184.37

Bills \$5,233,581.64

run #1302 checks #551283 - 551330

run #1303 checks #551355 - 551356

run #1304 checks #551357 - 551490

run #1305 checks #551491 - 551504

run #1306 check #551505

run #1307 checks #551506 - 551639

c. General Correspondence

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Kirkland Intelligent Transportation Systems (ITS) Implementation Phase
IA - Traffic Management Center (TMC), Bayley Construction, Mercer Island,
WA

g. Approval of Agreements

(1) Resolution R-5044, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE SEATTLE DEPARTMENT OF PARKS AND RECREATION, THE UNIVERSITY OF WASHINGTON, THE PORT OF SEATTLE, TACOMA METROPARKS, THE CITIES OF BELLEVUE, KENT, MOUNTLAKE TERRACE, RENTON, SEATAC, TUKWILA, WOODINVILLE AND KIRKLAND TO MANAGE WATERFOWL."

h. Other Items of Business

(1) Resolution R-5043, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO THE ADOPTION OF THE 2014 - 2016 PLANNING WORK PROGRAM."

(2) School Impact Fee Report

(3) Report on Procurement Activities

Motion to Approve the Consent Calendar with the exception of item 8.h.(1). which was pulled for consideration under New Business as item 11.c.

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

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

- a. Resolution R-5045, Supporting King County Transportation District Proposition No. 1 Which, If Approved, Would Authorize a Sales and Use Tax and Vehicle Fee For Transportation Improvements.

KING COUNTY TRANSPORTATION DISTRICT
PROPOSITION NO. 1

Sales and Use Tax and Vehicle Fee for Transportation Improvements.

The Board of the King County Transportation District passed Resolution No. TD2014-03 concerning funding for Metro transit, roads and other transportation improvements. If approved, this proposition would fund, among other things, bus service, road safety and maintenance and other transportation improvements in King County cities and the unincorporated area. It would authorize the district to impose, for a period of ten years, a sales and use tax of 0.1% under RCW 82.14.0455 and an annual vehicle fee of sixty dollars (\$60) per registered vehicle under RCW 82.80.140 with a twenty dollar (\$20) rebate for low-income individuals. Should this sales and use tax and vehicle fee be approved?

Yes

No

City Manager Triplett shared some initial background on the issue and introduced Transportation Engineering Manager David Godfrey. Mayor Walen then declared the public hearing open. Mr. Godfrey reviewed the different packages of projects that could be funded by the revenue directed to Kirkland from the King County Transportation Benefit District. Testimony was then presented by David Griffin, Suzanne Grogan, Celestine West, Dick Paylor, Steven Swedenburg, and Glen Buhlmann. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-5045, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SUPPORTING KING COUNTY TRANSPORTATION DISTRICT PROPOSITION NO. 1 WHICH, IF APPROVED, WOULD AUTHORIZE A SALES AND USE TAX AND VEHICLE FEE FOR TRANSPORTATION IMPROVEMENTS."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Penny Sweet
Vote: Motion carried 6-1

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

No: Councilmember Toby Nixon.

Council recessed for a short break.

10. UNFINISHED BUSINESS

- a. Ordinance O-4440 and its Summary, Relating to Gambling and Amending Kirkland Municipal Code 7.48.020 to Eliminate the Requirement That the Written Consent of the Landlord be Secured Before Gambling Activities May Commence or Continue and Amending 7.48.030 to Change the Frequency of Gambling Tax Collection From Semi-Annually to Quarterly.

Finance and Administration Director Tracey Dunlap provided a presentation on the proposed changes to the gambling tax collection process.

Motion to Approve Ordinance O-4440 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO GAMBLING AND AMENDING KIRKLAND MUNICIPAL CODE 7.48.020 TO ELIMINATE THE REQUIREMENT THAT THE WRITTEN CONSENT OF THE LANDLORD BE SECURED BEFORE GAMBLING ACTIVITIES MAY COMMENCE OR CONTINUE AND AMENDING 7.48.030 TO CHANGE THE FREQUENCY OF GAMBLING TAX COLLECTION FROM SEMI-ANNUALLY TO QUARTERLY."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

b. Public Safety Building Project Update

Capital Projects Manager Dave Snider and OAC Services Project Manager Nicole Brown reviewed the project to date and the formal naming of the building.

Motion to name the new police and court facility the "Kirkland Justice Center."
Moved by Deputy Mayor Penny Sweet, seconded by Councilmember Dave Asher
Vote: Motion carried 7-0

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

11. NEW BUSINESS

a. Surface Water Master Plan Update

Surface Water Engineering Supervisor Jenny Gaus reviewed the Surface Water Master Plan update, which will be released this month for public comment. Ms. Gaus also provided a brief overview of landslide hazard identification and regulation in Kirkland in light of the recent event in Oso.

b. Proposed Design Program for Edith Moulton Park Master Plan

Parks and Community Services Deputy Director Michael Cogle reviewed the proposed design program for the Edith Moulton Park Master Plan as recommended by the Park Board and received Council feedback.

c. Resolution R-5043, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO THE ADOPTION OF THE 2014 - 2016 PLANNING WORK PROGRAM."

This item was pulled from the Consent Calendar, item 8.h.(1). for consideration under New Business. Planning and Community Development Director Eric Shields responded to Council questions and comment.

Motion to approve Resolution R-5043, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO THE ADOPTION OF THE 2014 - 2016 PLANNING WORK PROGRAM."

Moved by Councilmember Toby Nixon, seconded by Councilmember Jay Arnold
Vote: Motion carried 6-1

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

No: Councilmember Dave Asher.

12. REPORTS

a. City Council Reports

(1) Finance and Administration Committee

Chair Marchione reported on the Development Services fee model, change to the Gambling code, City rental properties, year-end Financial Management Report, January/February "Dashboard" Report, February Investment Report, and January/February Sale Tax Report.

(2) Planning and Economic Development Committee

Have not met.

(3) Public Safety Committee

Chair Sweet reported on the committee's recommendation to name the Public Safety Building the Kirkland Justice Center, an update on the North East King County Regional Public Safety Communication Agency (NORCOM) and the Eastside Public Safety Communications Agency (EPSCA), and the Animal Control Services contract.

(4) Public Works, Parks and Human Services Committee

Have not met.

(5) Tourism Development Committee

Have not met.

(6) Regional Issues

Councilmembers shared information regarding a recent Sound Cities Association networking dinner and RISE! presentation about Kirkland maps; Washington Cities Insurance Authority training on legal risk; Sibling House auction event; King County Regional Law, Safety and Justice Committee meeting; Juanita Bay Bridge sign dedication event; upcoming Sound Cities Association Public Issues Committee meeting; upcoming King County Domestic Violence Initiative Safety Summit; Eastside Human Services Forum Mayors' breakfast; Eastside Human Services Forum Board meeting; Kirkland Parks Foundation meeting; Brownie Troop Litter Collection event; Feet First Bellevue Walk; 2014 All-City Youth Summit; ribbon-cutting ceremony for the City of Redmond's latest public artwork, "Signals;" Kirkland Nourishing Networks food drive; Futurewise luncheon; Cultural Arts Commission and Mayor's CACHET Awards; tour of the Together Center in Redmond; Water Resource Inventory Area (WRIA) 8 meeting; tour of the Snohomish Aquatic Center; Cascade Water Alliance Board Retreat; Puget Sound Regional Council Executive Board meeting; Emergency Management Advisory Committee

meeting; King County Regional Water Quality Committee meeting; Mayor's thanks to Councilmembers Asher and Nixon for their leadership on Nourishing Networks; Mayor's recognition of City Manager Kurt Triplett for his leadership role in the Winter shelter conversations within the Eastside Mayors' Group on Human Services; July 4th Fundraising Auction; informal Eastside Mayors' group about technology; and the Community Development Roundtable meeting.

b. City Manager Reports

(1) Calendar Update

City Manager Kurt Triplett reported on a quarterly City Managers' meeting of Redmond, Bellevue, and Kirkland; Deputy City Manager Marilynne Beard is going to be providing a presentation on the public records legislation and program at the Washington City/County Management Association Conference. The City Manager also questioned the Council about cancelling the August 19th Council meetings and rescheduling the August 5th meeting to allow the Council to participate in National Night Out activities. Councilmember Nixon asked the Council and the Council Finance and Administration Committee to reconsider the level of detail provided in minutes from Council Retreats and Study Sessions.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of April 1, 2014 was adjourned at 11:02 p.m.

City Clerk

Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: April 3, 2014
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

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

POLICY IMPLICATIONS

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

BACKGROUND DISCUSSION

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

- (1) Wei Chin (Nikki) Sham
14219 SE 37th St.
Bellevue, WA 98006

Amount: Unspecified Amount

Nature of Claim: Claimant states medical expenses are related to prior claim of vehicle being struck by a City vehicle.

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



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

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: April 3, 2014

Subject: 2014 Street Preservation Program
Phase I Curb Ramp & Concrete Repairs – Award Contract

RECOMMENDATION:

It is recommended that City Council awards the contract for construction of the 2014 Street Preservation Program, Phase I Curb Ramp & Concrete Repairs Project, to Trinity Contractors Inc. of Marysville, WA, in the amount of \$383,567.00.

BACKGROUND DISCUSSION:

The Curb Ramp & Concrete Repairs Project is Phase I of the Annual Street Preservation Program for the maintenance and rehabilitation of the City's street network. The Curb Ramp & Concrete Repairs Project includes the repair and replacement of existing damaged cement concrete curb, gutter and sidewalks along streets that will be resurfaced in summer 2014, as part of the annual Street Overlay Project (Phase II). In addition, accessible curb ramps will be installed in locations to meet the requirements of the Americans with Disabilities Act. The Phase I Project will repair damaged concrete and install new curb ramps along seven streets in six neighborhoods (Attachment A).

The Street Overlay Project (Phase II) will resurface the streets where concrete repairs are made under (this memo) Phase I, and will be advertised in April with an anticipated award recommendation in May. Phase III of the Annual Street Preservation Program is the Annual Slurry Seal Project, which is scheduled for construction during the drier months of mid to late summer, 2014.

With an engineer's estimate of \$406,431.25, the Project was first advertised on March 12 and bids were opened on March 26, 2014. A total of 5 bids were received with Trinity Contractors Inc. being the lowest responsive bidder, as shown below:

Contractor	Amount
Trinity Contractors Inc.	\$383,567.00
Lakeside Industries	\$398,432.20
<i>Engineer's Estimate</i>	<i>\$406,431.25</i>
Global Contractors LLC	\$429,945.00
Kamins Construction	\$476,214.48
Award Construction, Inc.	\$526,877.50

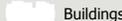
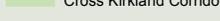
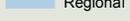
For 2014 the Annual Street Preservation Project has a base CIP budget of \$1,750,000. An additional \$2,574,000 was added to the Street Preservation Project budget for 2014 from revenue generated by the passage of Proposition 1. With the contribution from Proposition 1, the total Project budget for 2014 is \$4,324,000 (Attachment B).

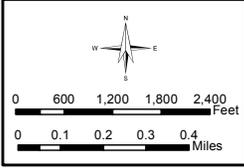
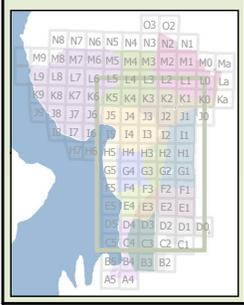
With a City Council award of the construction contract at the April 15 meeting, staff will begin pre-construction public outreach process by notifying adjacent property owners with door hangers describing the upcoming work. Project information, along with a regularly updated construction schedule, will also be posted on the City's web site. Since the Project includes a significant amount of sidewalk and ramp reconstruction, staff did include specific contract language related to sidewalk closures and the requirement to provide clearly delineated detour routes for pedestrians. The construction management and inspection team will ensure the contractor maintains safe travel routes for pedestrians at all times.

Attachment A – Vicinity Map

Attachment B – PBR

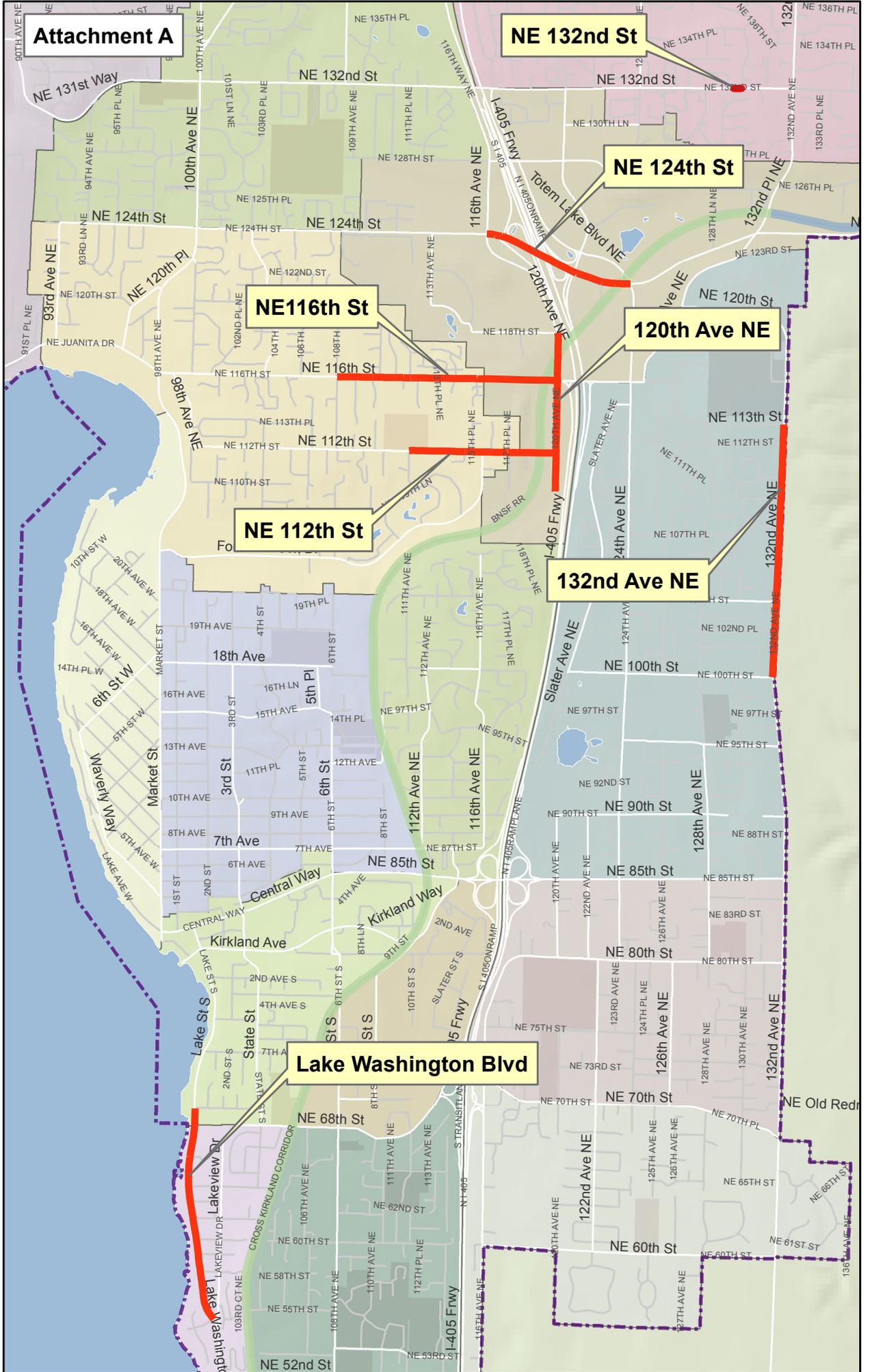
E-pa-2014
**Curb Ramp &
 Concrete Repair
 Project
 CST1406**

-  Project Locations
-  Buildings
-  Road
-  Overpass
-  Parks
-  Schools
-  Parcels
-  Major Streets
-  Streets
-  Cross Kirkland Corridor
-  Regional Rail Corridor
-  City Limits
-  COK Grid
-  QQ Grid
-  Lakes



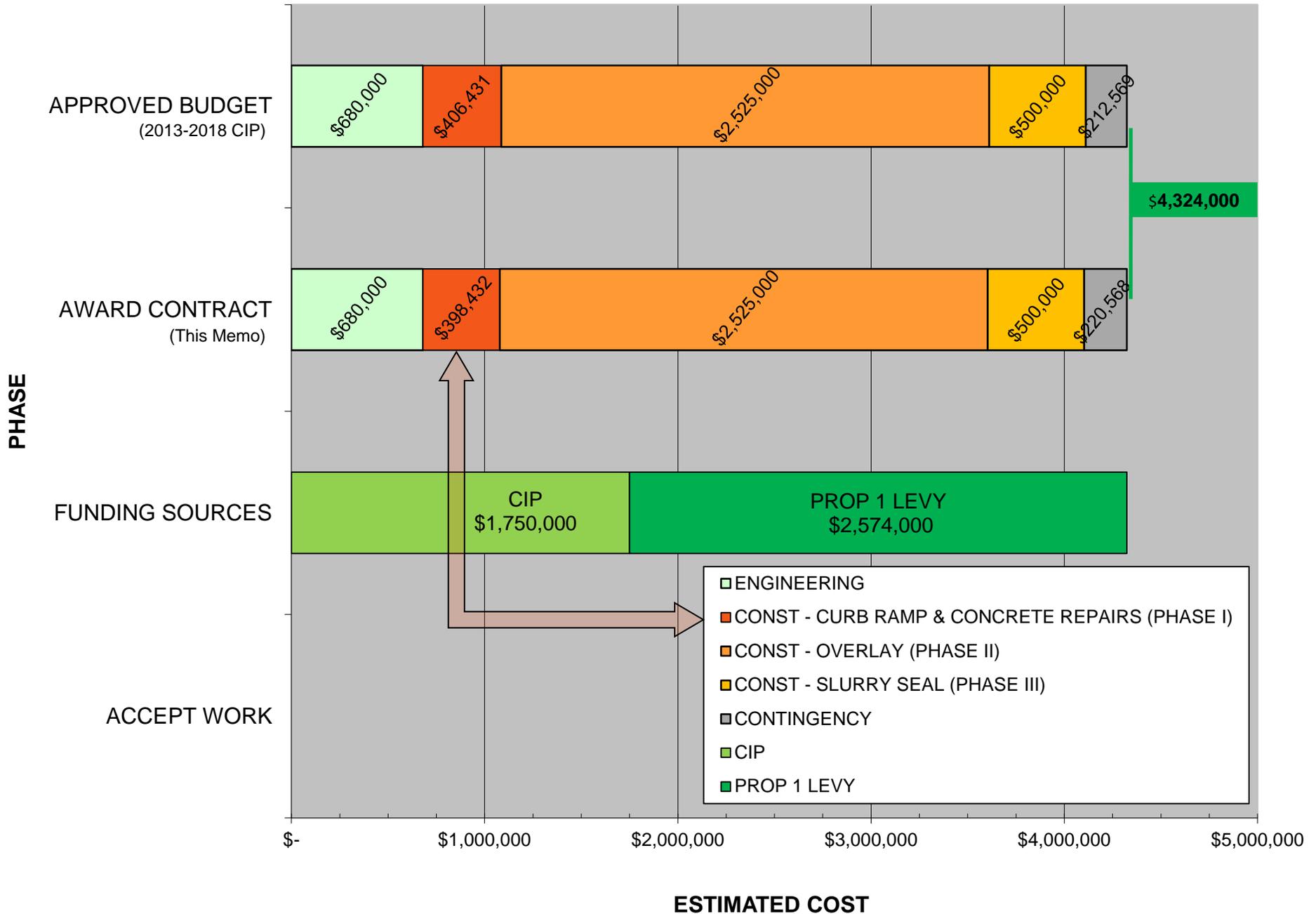
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Author:
 Name: 2014 Concrete Final
 Date Saved: 3/28/2014 9:12:31 AM



Project Budget Report 2014 Curb Ramp & Concrete Repairs (ST-1406)

Attachment B



**CITY OF KIRKLAND****Department of Public Works**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: April 3, 2014

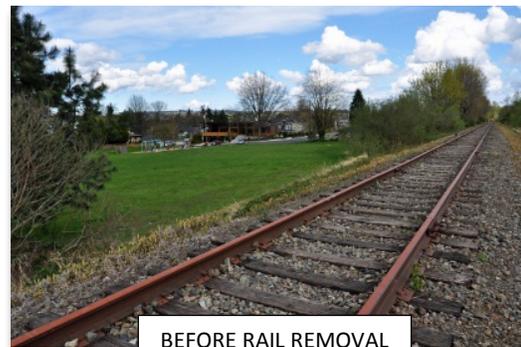
Subject: Cross Kirkland Corridor Rail Removal -- Accept Work

RECOMMENDATION:

It is recommended that City Council accepts the work on the Cross Kirkland Corridor (CKC) Rail Removal Project, as performed by A&K Railroad Materials Inc. (A&K), Salt Lake City, UT, and establishes the statutory lien period.

BACKGROUND DISCUSSION:

At their August 7, 2012 meeting, the City Council authorized the removal of the rail along the CKC. The Project included the removal of all rail spikes, plates, steel rails, and wood cross-ties along the Corridor. The rail removal contract also provided for the final grading of the former rail-bed ballast (i.e., rock) material in order to make the Corridor a usable trail ahead of the installation of a more universally accessible interim trail consisting of a smaller gravel material more commonly used for trail construction for users of all abilities. The rail removal work did not include any excavation or earth moving and, as a result, the rail removal contractor did no rail removal or repaving work on the nine existing street crossing locations along the Corridor. The removal of rails and other rail material, together with concrete and pavement work at the existing road crossings, will be performed as a part of the Interim Trail Project, as the contractor selected to perform that work will be better equipped to accomplish those types of activities.



The work required for the removal of the steel rail, the miscellaneous materials and railroad cross-ties was originally estimated to cost less than the current market value for the salvaged material. As a result, and in order to begin rail removal in as timely a manner as possible, City Council pre-authorized the City Manager to sign a public work construction contract for the removal of the existing rails at their regular meeting of March 5, 2013, with the following provisions:

- The City received bids from more than one contractor deemed responsive and responsible for performing the specified work, and
- The total cost to the City from the lowest responsive and responsible bid was less than \$50,000, or if the City was to receive a net credit for the work.

The Rail Removal project was first advertised on February 25 with five bids received on March 15, 2013. With a responsive bid that resulted in a net credit to the City, the City Manager signed a construction contract with A&K on April 26, 2013, in the amount of \$473,419 with a listed salvage value of \$579,979 at that time. The resultant estimated net credit to the City was \$106,560. Subsequently, due to third-party legal challenges, the construction contract was suspended with an agreement reached between the City and A&K dated May 2, 2013, that the contract would be reinstated when those legal challenges were resolved.

On August 1, 2013, the City received a favorable ruling from the Surface Transportation Board indicating that the removal of the CKC rails and other infrastructure was allowable. Staff immediately notified A&K that the contract suspension was lifted; A&K was directed to initiate work as soon as practical. The City issued a renewed Notice-to-Proceed on August 9 and the contractor began work August 22, 2013.

The contractor completed the work within the updated (post-challenge) schedule and was very responsive to requests by staff to accelerate work in order to accommodate a previously scheduled October 27 Community Walk along the Corridor. All contract work was completed at a cost of \$451,463 with a total construction cost savings of nearly \$22,000, with those funds being retained within the Project to support on-going work efforts related to the overall Corridor and the Interim Trail.



While much of the existing railroad signal equipment was re-purposed to other rail operators in Washington, through coordination with the Washington Utilities and Transportation Commission, the rails, ties, and other rail metal materials were able to be successfully marketed by the contractor resulting in a final gross credit to the city of \$541,366. This credit is reduced from the amount originally estimated due to price changes in the surplus steel market that occurred while the original contract was suspended, as was negotiated through a change order with the contractor during the time of the work suspension. The final surplus/salvage credit offsets the total cost of the removal (\$451,463), resulting in a net credit to the City of \$89,903(Attachment A).

Staff recommends including the addition of this credit amount within the overall CKC Project budget through the on-going 2014 – 2018 Capital Improvement Program Update in order to support ongoing design and future construction activities along the Corridor.

Attachment A: Payment Accounting Summary/Agreement

PAYMENT ACCOUNTING
 CNM-0024
 CROSS-KIRKLAND CORRIDOR RAIL SALVAGE
 JOB #: 20-12-PW

#	Item	Amount	NOTE:
1	<i>Original Contract Bid</i>	<i>\$473,419.00</i>	
2	Total Amount Earned (Work)	\$446,463.38	Work Performed
3	Change order #1 (Work Adj.)	\$5,000.00	Adj. for Delay – Legal Challenge
4	<i>Total Amount Earned (Work)</i>	<i>\$451,463.38</i>	<i>#2 plus #3</i>
7	Original Rail Salvage Value	\$579,979.00	At Bid opening
8	Change order #1 (Salvage)	(\$38,613.00)	Adj. for Delay – Legal Challenge
9	<i>Total Adj. Rail Salvage Value (Salvage Adj.)</i>	<i>\$541,366.00</i>	<i>#7 minus #8</i>
	Net Credit to the City (from A&K)	\$89,902.62	# 9 minus #4



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

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: April 3, 2014

Subject: Peter Kirk Park Restroom Renovation – Accept Work

RECOMMENDATION:

It is recommended that City Council accepts the work on the Peter Kirk Park Restroom Renovation Project, as completed by Moon Construction, Shoreline, WA, and establishes the statutory lien period.

BACKGROUND DISCUSSION:

The Kirkland Transit Center Project included a Sound Transit budget allowance for transit operator lay-over and for driver comfort and convenience, including exterior and interior improvements for the existing Peter Kirk Restroom building (Attachment A). The subject Renovation Project was for the interior areas of the restroom, including the demolition of all interior fixtures and the sandblasting and resurfacing of all interior floors, walls and ceilings. The finished Project includes Americans with Disabilities (ADA) improvements, new plumbing fixtures and an updated look with new lighting, toilet partitions, wall paint, ceramic wall tile color accents and new flooring material.

At their regular meeting of June 18, 2013, City Council awarded the construction contract for the Project to Moon Construction in the amount of \$90,994.50 and construction began on July 1, 2013. The Project started off well during the warm dry months of summer; however, progress was slowed by delays in the delivery of specified plumbing fixtures. The interior of the building was completely prepped and ready to receive the specified new finishes and fixtures when the rains of late summer and fall began. With those rains came a new unexpected problem of excess moisture on the interior concrete wall faces and floor. As a result, Parks staff and the City's roofing contractor, who had done previous roof work on the building, began an extensive examination of the structure to establish the source of quite a few points of moisture penetration.

The roofing contractor performed a series of warranty work efforts plus some minor additional work and the intrusion of water from the roof was stopped; however, the excess moisture found on the walls near the floor of the building were determined to be unrelated to the roofing work. Through a series investigations and subsequent wall repairs, the moisture problem was abated and the interior finishes were completed.

At the time of award the established Project budget was \$126,700 and included \$96,700 in Sound Transit funds with additional City funds assigned from easement proceeds received for the granting of a private easement at Kiwanis Park, as approved by City Council at their April 2, 2013 meeting. With the increased scope and expenses caused by the water intrusion

complications, the use of \$5,300 in REET 2 Reserves was approved by City Council at their December 10, 2013 meeting. An additional \$8,000 was also programmed into the Project through the 2013-2018 CIP Update resulting in a revised total Project budget of \$140,000, in order to maintain a reasonable amount of contingency for completing the remaining work and to honor all valid requests for additional compensation.

With the work now complete, the total amount paid to the contractor was \$99,744, including three change orders that added up to \$8,749 for the additional moisture abatement efforts and for correcting other latent building deficiencies including plumbing and electrical code required upgrades. The total of all costs for the completed Project equals \$134,795 and, after a final accounting of all Sound Transit reimbursements, the Project is fully funded using the original \$30,000 in easement proceeds plus a revised total of \$104,795 in Sound Transit funds. As a result, the previously approved use of REET 2 Reserves and other funds are no longer needed and will be returned to the appropriate sources (Attachment B).





Vicinity Map



Map Legend

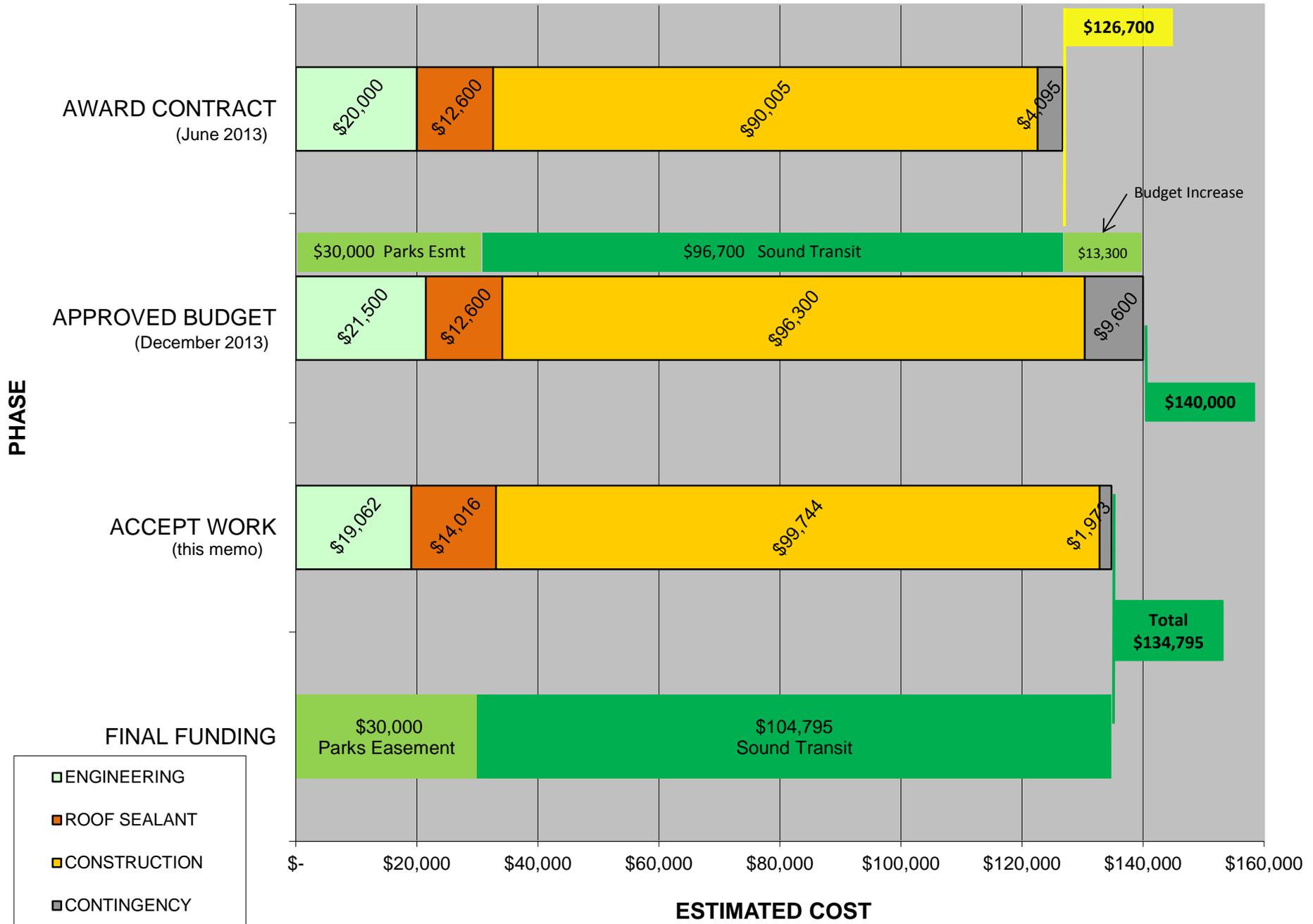
- Building Footprint
- Streets



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Peter Kirk Restroom Renovation

**Peter Kirk Restroom Renovation
CTR0004-002
Project Budget Report**





CITY OF KIRKLAND

Department of Parks & Community Services

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

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jennifer Schroder, Director
Michael Cogle, Deputy Director

Date: April 3, 2014

Subject: Edith Moulton Park Master Plan Design Program

RECOMMENDATION:

That the City Council approves the attached Resolution setting forth the Design Program for the Edith Moulton Park Master Plan.

BACKGROUND DISCUSSION:

At their April 1, 2014 meeting the City Council received an update on development of an Edith Moulton Park Master Plan. Based on site considerations and public input the Park Board has proposed a Design Program which will guide formation of a schematic design for the park. At the meeting the City Council expressed overall support for the proposed Design Program.

The attached Resolution sets forth the Edith Moulton Park Master Plan Design Program, summarized below.

Proposed Design Program

1. Focus on serving both the surrounding neighborhood and the residents of Kirkland.
2. Preserve and manage the forested areas to be enjoyed as natural areas in perpetuity.
3. Restore disturbed natural areas where appropriate and plan for natural succession.
4. Provide for wetland and stream habitat enhancements.
5. Maintain a balance between developed and natural areas for active and passive park use. Consider a children's play structure.
6. Make the park sustainable by balancing long-term resource requirements with community benefits.
7. Connect visitors to the life of an early pioneer family. Consider a community orchard and pea patch.
8. Enhance the great lawn area for community events and gatherings. Consider an open-air lodge for gatherings with restroom facilities and adequate parking.
9. Find a way for dogs and their owners to enjoy the park without negatively affecting other users or wildlife and stream habitat. Consider an off-leash dog area.

10. Improve trail accessibility for all users where feasible. Provide new trail connections where appropriate and remove duplicate trails.
11. Provide for environmental education opportunities.

Pending Council approval of the Design Program, the Park Board, staff, and consultant team will begin working on schematic design alternatives for public consideration later this spring. A final proposed Master Plan will be presented to the Council for consideration later in 2014.

Attachment

RESOLUTION R-5046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING A FORMAL DESIGN PROGRAM TO GUIDE CREATION OF THE EDITH MOULTON PARK MASTER PLAN.

WHEREAS, in 2011 the City of Kirkland assumed ownership from King County of the 26-acre public property known as Edith Moulton Park; and

WHEREAS, in 2012 citizens of Kirkland voted to approve a Kirkland Parks Levy to provide ongoing funding for park maintenance and improvements; and

WHEREAS, a portion of Kirkland Parks Levy funds have been appropriated to develop and implement a Master Plan for Edith Moulton Park; and

WHEREAS, staff and the Park Board have been directed to work with interested citizens in developing the Master Plan; and

WHEREAS, a Design Program should be established to guide schematic design and creation of the Master Plan.

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

Section 1. The Edith Moulton Park Master Plan shall incorporate the following elements referred to as the Design Program:

1. Focus on serving both the surrounding neighborhood and the residents of Kirkland.
2. Preserve and manage the forested areas to be enjoyed as natural areas in perpetuity.
3. Restore disturbed natural areas where appropriate and plan for natural succession.
4. Provide for wetland and stream habitat enhancements.
5. Maintain a balance between developed and natural areas for active and passive park use. Consider a children's play structure.
6. Make the park sustainable by balancing long-term resource requirements with community benefits.

- 7. Connect visitors to the life of an early pioneer family. Consider a community orchard and pea patch.
- 8. Enhance the great lawn area for community events and gatherings. Consider an open-air lodge for gatherings with restroom facilities and adequate parking.
- 9. Find a way for dogs and their owners to enjoy the park without negatively affecting other users or wildlife and stream habitat. Consider an off-leash dog area.
- 10. Improve trail accessibility for all users where feasible. Provide new trail connections where appropriate and remove duplicate trails.
- 11. Provide for environmental education opportunities.

Passed by majority vote of the Kirkland City Council in open meeting on the _____ day of _____, 20__.

Signed in authentication thereof this _____ day of _____, 20__.

Mayor

Attest:

City Clerk



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jennifer Schroder, Director of Parks and Community Services
Michael Cogle, Deputy Director

Date: April 3, 2014

Subject: Resolution Authorizing Application to the State of Washington Requesting Matching Grant Funding for Waverly Beach Park Renovation Phase 1

RECOMMENDATION:

That the City Council approves the attached Resolution authorizing staff to submit a grant application to the State of Washington's Recreation and Conservation Office for matching funding for construction of park improvements at Waverly Beach Park. The application is due May 1, 2014.

BACKGROUND DISCUSSION:

Staff is requesting that the City Council authorizes staff to apply for a State Aquatic Lands Enhancement Account (ALEA) grant to help fund renovation activities at Waverly Beach Park. Like the Green Kirkland Partnership, Waverly Beach Park renovation was one of the highlighted projects in the November 2012 [Park Levy](#) (see link to Park Levy information sheet). The State Recreation and Conservation Office (RCO) grant application process requires the applicant to provide a Resolution (attached) authorizing the application. The RCO has established the template for such resolutions and this application follows that template. RCO offers grants to local communities on a biennial basis. We anticipate application for up to \$500,000 of matching funds for the project, which is the maximum allowed. We currently have \$739,000 of City funds allocated in the CIP for this project (CPK0087100), of which \$500,000 is derived from the 2012 Parks Levy.

Phase 1 renovation priorities (Attachment A) for Waverly Beach include shoreline/beach renovation consistent with the City's Shoreline Master Program; improved trails, stairways, and park access; stormwater, drainage and irrigation improvements; and replacement of the park playground.

Section 8 of the Resolution calls for appropriate public comment on the project. Waverly Beach Park renovation priorities were developed by staff and Park Board as a result of a public involvement effort which included public workshops in 2013 as well as outreach to both the Market and Norkirk neighborhood associations. The Park Board reviewed a final renovation plan at their meeting of November 13, 2013. Background and relevant documents are available on the [project webpage](#) (see link).

Grant and project timeline:

May 1, 2014 Grant application due
Fall 2014 Ranked list of projects announced by RCO
January 2015 Budget authorizing bills developed by State Legislature
April 2015 Governor signs budget bill authorizing release of funding
Summer 2015 Grant contracts are completed and projects can commence
Fall 2015 Construction
Spring 2016 Anticipated construction completion

Attachments:

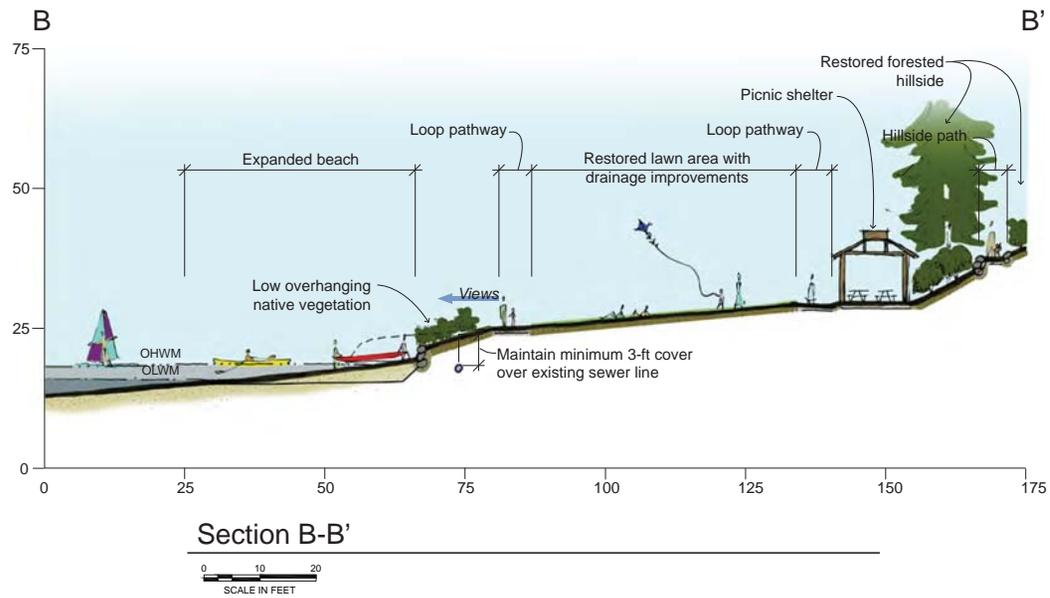
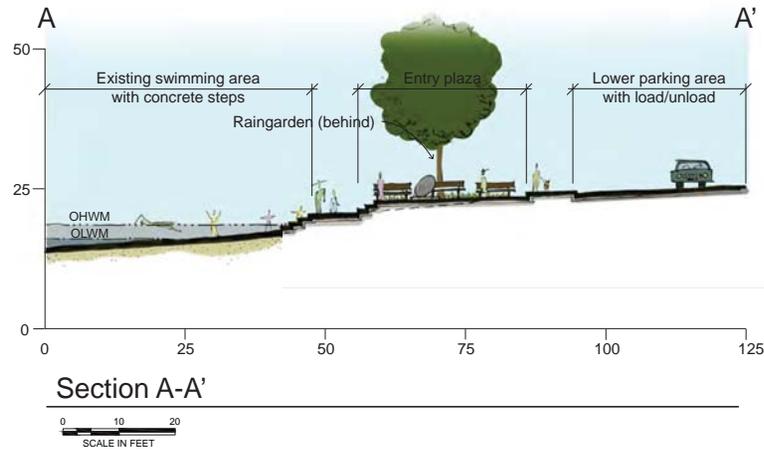
Park Renovation Plan
Resolution

ATTACHMENT A



Waverly Beach Park
Preliminary Renovation Plan

ATTACHMENT A



RESOLUTION R-5047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING APPLICATION(S) FOR FUNDING ASSISTANCE FOR AQUATIC LANDS ENHANCEMENT ACCOUNT PROJECTS TO THE RECREATION AND CONSERVATION OFFICE AS PROVIDED IN REVISED CODE OF WASHINGTON SECTION 79.105.150, WASHINGTON ADMINISTRATIVE CODE CHAPTER 286-42, AND SUBSEQUENT LEGISLATIVE ACTION.

WHEREAS, under the provisions of the Aquatic Lands Enhancement Account (ALEA), state grant assistance is requested to aid in financing the cost of development of Waverly Beach Park in Kirkland, Washington; and

WHEREAS, the City considers it in the best public interest to complete the project described in the application.

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

Section 1. The Director of Parks and Community Services is authorized to make formal application to the Recreation and Conservation Office for grant assistance.

Section 2. Any grant assistance received will be used for direct costs associated with implementation of the project referenced above.

Section 3. The City hereby certifies that its matching share of project funding will be derived from both Kirkland Park Levy Funds and Current Revenues and that the City is responsible for supporting all non-cash commitments to this project should they not materialize.

Section 4. The City acknowledges that the grant assistance, if approved, will be paid on a reimbursement basis, meaning the City will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to the City's vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.

Section 5. The City acknowledges that any facility developed and/or property restored through grant assistance from the Recreation and Conservation Funding Board must be reasonably maintained and made available to the general public unless other restrictions have been agreed to by the Recreation and Conservation Office Director or the Recreation and Conservation Funding Board.

Section 6. The City acknowledges that any facility developed and/or property restored with grant assistance from the Recreation and Conservation Funding Board must be dedicated for public purposes and be retained and maintained for perpetuity otherwise provided and agreed to by our organization and the Recreation and Conservation Funding Board.

Section 7. This resolution becomes part of a formal application to the Recreation and Conservation Office for grant assistance.

Section 8. The City provided appropriate opportunity for public comment on this application.

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

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

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: April 3, 2014

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF APRIL 15, 2014

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

The City's major procurement activities initiated since the last report, dated March 20, 2014, are as follows:

	Project	Process	Estimate/Price	Status
1.	Engineering Consulting Services for Juanita Creek 129th Place Rockery Rehabilitation	A&E Roster Process	\$58,561.00	Otak, Inc. of Kirkland was selected based on qualifications in accordance with RCW 39.80.
2.	Engineering Consulting Services for Cochran Springs/Lake Washington Boulevard Crossing Enhancement	A&E Roster Process	\$165,909.00	Otak, Inc. of Kirkland was selected based on qualifications in accordance with RCW 39.80.
3.	Consulting Services for Review of Surface Water Rate Policies	Competitive Process Waived*	\$24,940.00	Contract awarded to Financial Consulting Solutions Group.

4.	Consulting Services for Water Cost-of-Service Analysis	Competitive Process Waived*	\$21,470.00	Contract awarded to Financial Consulting Solutions Group.
5.	Ford Police Interceptor and Four Sport Utility Vehicles for Fire Dept.	Cooperative Purchase	\$124,843.92	Ordered from Columbia Ford of Longview, WA using WA State contract.
6.	Annual Computer Replacements and Computers for new Public Safety Building	Cooperative Purchase	\$245,182.55	Ordered from CDW-Government, Inc. of Vernon Hills, IL using Western States Contracting Alliance contract.

*While these contracts are each for less than \$50,000, they are reported here because they are being issued to one firm at the same time and total \$50,960. For further explanation, please see the accompanying Request for Waiver of Competitive Bidding memo that was approved by the City Manager (Attachment A).

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.kirklandwa.gov

To: Kurt Triplett, City Manager

From: Julie Elsom, Sr. Operations & Finance Analyst
Pam Bissonnette, Interim Public Works Director

Date: March 27, 2014

Subject: REQUEST FOR WAIVER OF COMPETITIVE BIDDING – Consulting Services for Surface Water Policy Review, Surface Water Revenue Requirement and Water Cost of Service Analysis

RECOMMENDATION:

Recommend waiver of a competitive process for the procurement of consulting services to perform a review of surface water policies as part of the surface water master plan Update process, review revenue requirements based on the updated surface water plan and perform a water cost-of-service analysis. Public Works requests to contract with Financial Consulting Solutions Group (FCS) to perform these services.

BACKGROUND DISCUSSION:

Public Works requests entering into two separate contracts with FCS (1) review surface water policies and revenue requirements as part of the Surface Water Master Plan Update, this task is estimated to cost \$29,490 and (2) perform a water cost of service analysis, estimated cost of \$21,470; a total of \$50,960. While each contract will be less than \$50,000 and the competitive process could be waived by the Director of Public Works, we are requesting that you waive the competitive process in the interest of avoiding the appearance of "bid splitting."

The Surface water Master Plan Update began in 2013 and is well underway. An all-City Open House is scheduled for April 26, 2014, followed by a presentation at the July 1, 2014 Council Study Session. This schedule will allow incorporation of the plan into the City's surface water budget during the upcoming 2015-2016 budget process; which is expected to begin June 2014.

Recently, as part of the Master Plan Update it was determined that a review of the city's surface water financial and rate policies would be prudent. This will include identifying any changes in policies that have occurred over time, the policy rationale and legal authorization for the original policy and for the change to the current policy (if different). In addition, the surface water revenue requirements must be updated based on operating and capital needs identified as part of the master plan update and including any identified policy changes. FCS group has been instrumental in previous years in helping to define City Utility Policies. In addition, the current surface water rate model used by the City was designed by FCS. Given FCS's familiarity with the rate model and current policies, the intertwining of the policies and rate analysis and the short time frame in which these tasks need to be completed staff is requesting a waiver of competitive bidding.

March 27, 2014

Page 2

The City is also in the process of updating the Water Comprehensive Plan (WCP), a draft is expected to be sent to Department of Health for their review in May. With the draft substantially complete, a review of the rate structure in the context of the capital needs identified in the WCP and a review of the allocation of water system costs among customer classes is practical. Ideally, the cost of service analysis would be completed in conjunction with development of the 2015-2016 Water Rates. This needs to be substantially completed prior to the budget process (beginning in June). This will allow for any changes to be incorporated into the 2015-2016 budget. The current water cost of service rate model that the City uses was designed by FCS. City staff is familiar with this design and understands the mechanics of the model. Given staff's and FCS's familiarity with the rate model, the desire for consistency and standardization among rate studies and the short time frame in which these tasks need to be completed staff is requesting a waiver of competitive bidding.

Staff recommends waiver of a competitive process for both contracts specified above. This request is consistent with KMC 3.85.210 which allows for the competitive process to be waived by the City Manager for the purchase of professional services over fifty thousand dollars. The basis for this request is due to the time constraints and the desire for consistency among rate studies.

I approve I disapprove



Kurt Triplett, City Manager



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director, and Finance & Administration
Kathi Anderson, City Clerk/Public Records Officer
Caleb Stewart, Public Disclosure Analyst

Date: April 2, 2014

Subject: STATUS UPDATE: PUBLIC DISCLOSURE LEGISLATION IMPLEMENTATION

RECOMMENDATION:

City Council receives a status update on the implementation of Council's 2013 legislation related to public records disclosure.

BACKGROUND DISCUSSION:

At the February 8, 2013 City Council retreat, Council reviewed a draft Public Disclosure Ordinance to further define the City's process to help ensure compliance with the Public Records Act in an age of ever-expanding technology and to prevent excessive interference with other essential functions of the City.

With the Ordinance, the City sought to establish a standard for determining levels for the application of "reasonable" public records resources, to define public records categories and broad response time guidelines, designate staff committees to oversee and execute the implementation and to set expectations both internally and with the public. On July 16, 2013, the Council adopted the Public Disclosure [Ordinance](#) following discussion at the June 17, 2013 Council Retreat. A [Resolution](#) updating the [City's Public Records Rules](#) to be consistent with the Ordinance was approved at the same meeting. Ordinance 4414 created two staff teams. The first was the Public Disclosure Steering Team consisting of the City Manager, Director of Administration and Finance, City Attorney and City Clerk, responsible for reviewing written objections to denials, proposed amendments to the Rules, manage the queues under certain circumstances, and recommending any changes to KMC Chapter 3.15. The second was the Public Disclosure Coordinating Team made up of representatives from each City department, responsible for managing the records request queues based on the Rules criteria.

Since the adoption of the Resolution and Ordinance, the City has purchased WebQA's software to assist with implementing the structure required for compliance with the legislation. On January 2, 2014, the City began tracking public records requests and responses by department and category through this new software application. Staff will provide a brief demonstration of the software at the April 15 Council meeting.

Current Status

The soft launch of the program has gone well. While staff are still on a learning curve, departments have provided vital input toward configuration adjustments to improve our business processes. Key components under review include drafting written protocols and practices in how we manage certain types of requests using the software and coordination of

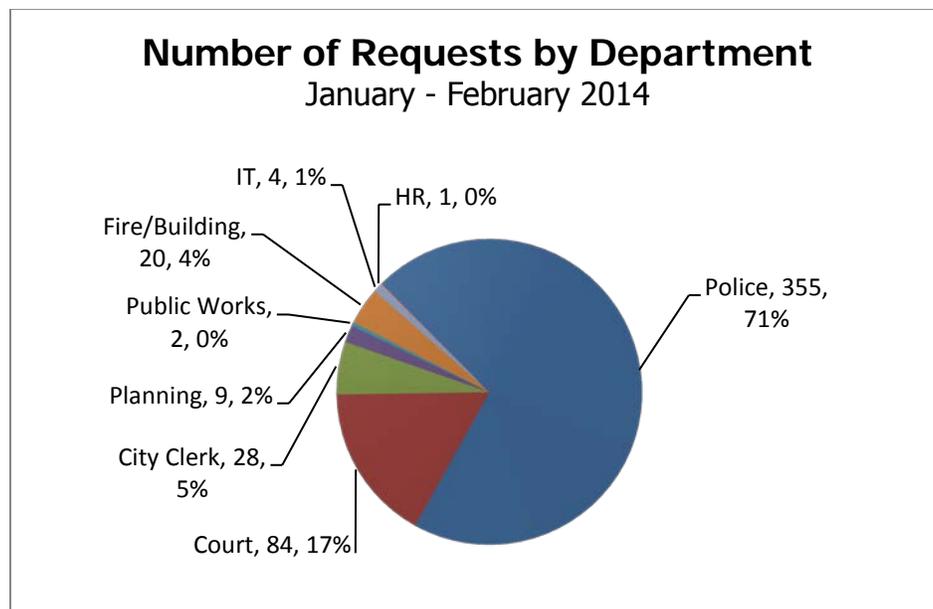
requests that involve multiple departments. Statistics generated by the system are used to identify process refinements and training needs. As discussed below, the key statistics for these purposes are: number of requests by department, closed requests by category, and average days to close each request by category.

Number of Requests by Department

One of the most basic statistics is the number of requests processed by the City. For these purposes, the requests that are tracked by department are: City Clerk/Finance and Administration, Fire and Building, Human Resources, Information Technology (IT), Parks, Police, Planning, Public Works, and the Municipal Court. Note that, though the Municipal Court's records requests are not governed by the Public Records Act, the City tracks the requests processed by the Court for budget and workload evaluation purposes.

In the first two months of tracking, 504 requests have been processed, which would annualize to over 3,024 requests for the year. These numbers are far below the initial estimate of 7,000 requests provided to Council at the [February 8, 2013](#) meeting, partly because the City did not have organization-wide logs in place to track requests and provide hard numbers, and partly due to clarification of what constitutes a public records request, resulting in a re-classification of some of the workload. A more detailed explanation of that clarification decision follows later in the memo. As a result of that clarification/policy change, a new baseline will be established in this first year of the software implementation.

The highest number of requests are processed by the Police department. Over the first two months of tracking, Police have processed 355 requests. The next highest number of requests are managed by the Municipal Court, which has processed 84 requests over the same two month period. In general, complex requests involving a large volume of records and/or multiple departments are managed by the City Clerk's Office (28 requests in the first two months).



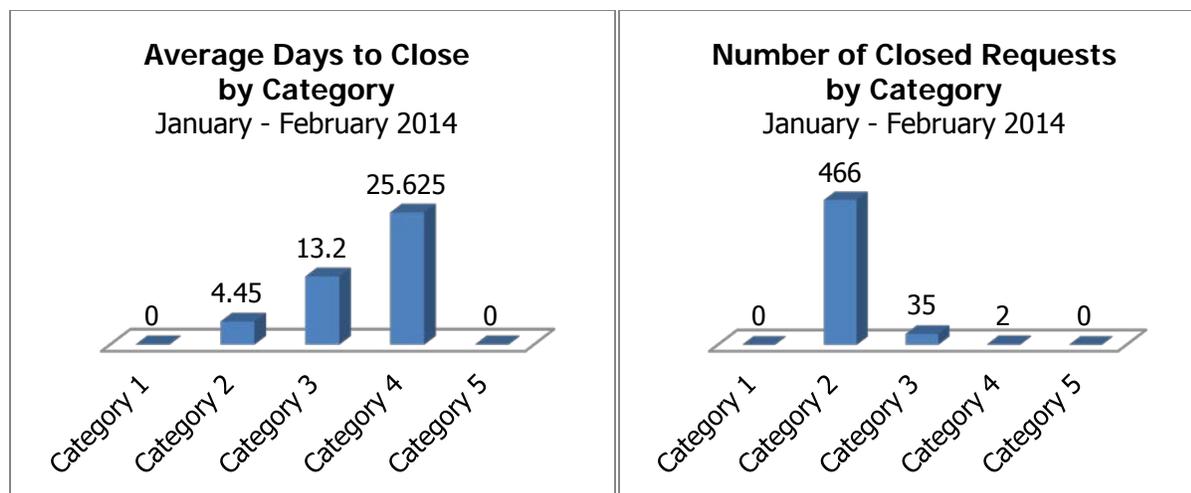
Closed requests can be viewed in the system "logs" and, in many cases, the records can be obtained online as well. Active requests by category can be viewed in the system "queues."

Closed Requests by Category

Also important in understanding the City's public records processes are the number of requests closed based on category. The categories are defined below.

- a) **Category 1** requests require immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests.
- b) **Category 2** requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.
- c) **Category 3** requests are routine requests that involve:
 - i. a large number of records, and/or
 - ii. records not easily identified, located and accessible, and
 - iii. records that require coordination across a number of departments.
- d) **Category 4** requests are complex requests which may be especially broad or vague which involve:
 - i) a large number of records that are not easily identified, located or accessible,
 - ii) requiring significant coordination between multiple departments, and
 - iii) research by City staff who are not primarily responsible for public disclosure and/or
 - iv) review by public disclosure staff to determine whether any of the records are exempt from production.
- e) **Category 5** requests are complex requests that may be especially broad or vague which involve:
 - i) a large number of records that are not easily identified, located or accessible,
 - ii) requiring coordination between multiple departments, and
 - iii) research by City staff who are not primarily responsible for public disclosure and/or
 - iv) Legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

The statistics below show the differences in Categories, and how our process times shift based on the complexity of the requests. The difference, for instance, between a Category 2 and a Category 4, on average, is close to 20 days from open to close. The ranges are close to what we had anticipated and the statistics demonstrate that the vast majority of the requests we process, classified as Category 2, are closed within five days.



Category 1 Reclassification as Interagency Requests

Initial 2013 staff estimates projected that Category 1 requests would comprise a large percentage of the requests processed by the Police department. However, as implementation planning progressed, staff recognized that pre-implementation requests characterized as Category 1 were largely made up of "interagency requests" such as between police departments or between the police and the court systems which fall outside the scope of the Public Records Act. At their **September 10, 2013** meeting, the **Public Disclosure Steering Team** made the decision to exclude those interagency requests prior to implementation of the tracking software, as they would otherwise require an extensive queue system and level of effort that did not serve any purpose under the ordinance. However, the City will still process any public record request for this information as appropriate under state law and the Kirkland ordinance if it comes from a non-agency source. The resulting effects of the Steering Team's decision are that the overall number of requests is below 2013 projections and that there have been no Category 1 requests submitted to date. Going forward, Category 1 requests will remain a placeholder for public safety issues that require immediate attention in the event that one occurs, but it does not appear that these will interfere with the processing of the remaining categories.

A substantial number of Kirkland's records requests fall into Category 2. The data reflects that the average response time (meaning a complete response to the inquiry and closure) is within five days. Given that a majority of these requests are filled the same day, the median response time is 1 day. A few requests that took longer than 5 days are resulting in an average time much higher than the median. Note that the numbers in this category exclude interagency requests (of similar number) that are not formal public records requests.

More complex requests, such as Category 3, have averaged just under two weeks response time, and for Category 4, just under one month, due to the amount of time required to identify the responsive records, assemble a coordinated response across departments, transport from offsite archives and review by staff for exemptions.

All categories are expected to move toward our targeted range of process times. Within the next few months, process times should continue to shrink as staff increases their familiarity with the program and become more adept at responding to various types of requests under the guidelines and through the system.

Next Steps

The City's Public Records approach continues to be leading edge in the efficient production of public records. The process continues to evolve in an effort to fully assist City staff with management of the high volume demands of Public Records in this age of burgeoning technology and to provide the best service possible for our citizens in a transparent, cost effective fashion.

The addition of a Public Disclosure Analyst in the City Clerk's office has provided a fully utilized resource, providing capacity for the City Clerk's office in support of continued development and implementation of the provisions of the ordinance. Among the initial assignments are assisting with the development of written protocols to help manage the requests for each department in an effort to standardize the City's responses and insulate the City from liability. The protocols will help department staff better understand the range of requests and response requirements. Monthly meetings and ongoing training have been established and utilized to gather feedback on the WebQA software the City has implemented. This position also directly responds to public records requests.

Going forward, the implementation of these practices will help a wider range of affected staff understand how different types of requests, and the various methods the public uses to submit requests to the City (i.e. Web Portal, email, phone, in-person, etc.) should be handled. From both customer service and liability standpoint, that better understanding will reinforce staff and the public's certainty that they are providing, and receiving, complete and accurate records in a reasonable timeframe.

The City Council, as part of the 2015-2016 biennial budget process later this year, will determine and establish the on-going level of effort to be devoted to public records responses and the amount of resources to be allocated. KMC Chapter 3.15.130 (b) specifies that "Starting with the 2015-2016 biennial budget process...the City Council will devote at least a portion of a public work session or Council meeting specifically to public records response resource allocation before adopting the final budget." The Public Records mid-year review in July (in accordance with Ordinance 4414) will provide consistent data for the first six months of 2014 to assist with Council's deliberations.

Attachments:

- (1) Ordinance 4414
- (2) Resolution 4987

ORDINANCE O-4414

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.15 IN THE KIRKLAND MUNICIPAL CODE, ACCESS TO PUBLIC RECORDS.

WHEREAS, open government leads to a better informed electorate, greater public participation, better government, and more effective use of public resources; and

WHEREAS, the Public Records Act expressly provides that, "mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society" (RCW 42.17A.001(11)); and

WHEREAS, under the Public Records Act, agencies are "to provide full access to public records". . ."the fullest assistance to inquirers and the most timely possible action on requests for information"(RCW 42.56.100); and

WHEREAS, it is the policy of the City of Kirkland that all persons are entitled to the greatest possible information regarding the affairs of City government and the official acts of those officers and employees who serve them; and

WHEREAS, providing persons with such information is a core principle of the City and an integral responsibility of every City employee; and

WHEREAS, RCW 42.56.100 obligates the City to prevent public disclosure demands from causing excessive interference with other essential City functions; and

WHEREAS, other essential City functions are determined by state law and by the City Council and include, but are not limited to, providing public safety, financial stability, balanced transportation, dependable infrastructure, environmental protection, housing, human services, neighborhood services, economic development, parks, recreation and open space and the administrative systems necessary to provide effective government services; and

WHEREAS, to prevent excessive interference with the other essential functions of the City, it is necessary to determine a reasonable level of effort to devote to responding to requests for public records commensurate with the available resources and staffing.

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

Section 1. Access to Public Records is established as Chapter 3.15 of the Kirkland Municipal Code to read as follows:

3.15.010 Findings.

(a) Responding to public records requests is one of the city's unique and core essential functions and is also the responsibility of every city employee.

(b) Similar to the city's other essential functions, the staffing and resources that the city can devote to responding to public records requests are necessarily limited.

(c) In order to avoid excessive interference with other essential functions of the city, the city needs to establish the appropriate level of effort to be devoted to responding to public records requests and the level of resource to be allocated.

(d) The level of resource allocated to public records requests must be reasonable and needs to be established during the biennial budget process when the city council evaluates the available resources to perform all of the city's essential functions and establishes levels of service.

(e) As part of its audit report, the Washington State Auditor's Office provides a benchmark in terms of the audit cost as a percentage of the jurisdiction's total expenses.

(f) The Washington State Auditor's Office cost analysis for the City's 2011 financial audit determined that the audit cost as a percentage of the City's total expenses was 0.049 percent.

(g) The city's current level of effort in responding to public records requests was adopted as part of the 2013-2014 budget and represents nearly five times the amount spent on audits.

(h) Starting with the 2015-2016 biennial budget process, the city council will establish the level of effort to be devoted to responding to records requests and the amount of resource to be allocated.

(i) Using the audit cost analysis by the Washington State Auditor's Office for the audit of the city and the city's current level of public records response effort as the baseline resource allocation rationale, the city council will determine the future levels of effort to be devoted to responding to public records requests and the level of resources to be allocated during the biennial budget process.

(j) A semi-annual report on public records requests and the status of requests will be made to the city council and the public.

(k) The city clerk has been designated as the Public Records Officer for the entire city, as required by RCW 42.56.580, and is responsible for overseeing the city's compliance with the public records disclosure requirements.

3.15.020 Procedural information.

As required by the Public Records Act, chapter 42.56 RCW, the city has separately established Public Records Act Rules ("Rules") governing the process for requesting public records and responding to requests for public records. These Rules are posted on the city's website at kirklandwa.gov. Consistent with the findings of this chapter, the public disclosure steering team, as established in Section 3.15.030, shall promulgate rules to implement this chapter.

3.15.030 Public Disclosure Steering Team.

(a) There is established a public disclosure steering team composed of the city manager or his or her designee, the director of finance and administration, the city clerk and the city attorney. The

public disclosure steering team shall provide guidance to the public disclosure coordinating team, as needed.

(b) The public disclosure steering team is the body designated by the city to conduct reviews when any person objects in writing (including email) to the initial denial or partial denial of their records request.

(c) The public disclosure steering team may also manage the records request queues if necessary based on criteria set forth in the Rules or extraordinary circumstances.

(d) The public disclosure steering team will review the City Manager's proposed amendments to the Public Record Act Rules.

(e) The public disclosure steering team, in addition to other duties, may recommend changes to this chapter to the city council.

(f) The public disclosure steering team may add members, as needed.

3.15.040 Public Disclosure Coordinating Team.

(a) There is established a public disclosure coordinating team. The city clerk and deputy city clerk are designated as the lead staff for the team.

(b) Each city department shall designate a staff member or members to facilitate the disclosure of public records. The designated staff members will serve on the public disclosure coordinating team and assist the city clerk and deputy city clerk in implementing this chapter.

(c) The public disclosure coordinating team shall be responsible for managing the records request queues based on criteria set forth in the Rules.

3.15.050 Categories of requests.

(a) When a public records request is received, the department receiving the request will categorize the request according to the nature, volume, and availability of the requested records as set forth in the Rules. The categories of public records requests will be established based on criteria such as:

- (1) The immediacy of the required response in the interest of public safety (imminent danger).
- (2) The complexity of the records request in terms of the breadth, ease of identification, and accessibility.
- (3) The amount of coordination required between departments.
- (4) The number of records requested.
- (5) The extent of research required by city staff that is not primarily responsible for public disclosure.
- (6) The need for legal review and/or additional assistance from third-parties in identification and assembly.
- (7) Other criteria the Public Disclosure Steering Team deems appropriate.

(b) The city shall ensure that all categories of records requests receive an allocation of resources for response throughout the year.

3.15.060 Standard time periods for response.

The city must make public records available promptly when requested under the Public Records Act. If records cannot be made available within five business days, the Act requires a written response

to the requestor. The city may acknowledge receipt and provide a reasonable estimate of the time necessary to make the record available. The Rules shall establish goals for standard response periods for all categories of records requests.

3.15.070 Records requests log.

(a) Each department shall maintain an electronic log of all records requests received by that department and shall provide access to the log to the city clerk who shall maintain a citywide records requests log.

(b) In consultation with the public disclosure steering team, the city clerk shall establish policies for what information shall be included in the logs and how the logs shall be made publicly available.

(c) The city recognizes that in limited circumstances, processing a request for records may result in more expense to the city than merely copying and providing the records to the requestor. Each city department may designate, within its own department, certain routine records available to the public for immediate inspection without the requirement of a formal records request. However, each of the records requests must be maintained in an electronic log.

3.15.080 Records requests queues.

(a) Records requests shall be maintained and tracked in records requests queues, as set forth in the Rules. The queues shall identify the status of the records requests as "pending," "active," or "completed."

(b) Records requests will initially be entered in the respective queues in the chronological order in which they are received by the city. Responding to a records request is not always a sequential process. The clerk will manage the active queues by moving between requests in accordance with the Rules.

(c) Records requests will be subsequently managed in the queue based on the criteria set forth in the Rules.

3.15.090 Communications with requestors.

(a) The city will use its best efforts to provide requestors with accurate and reasonable estimates of how long it will take to provide records responsive to a request.

(b) If the city learns additional time is needed to respond to the records request, the city will promptly communicate the need for additional time to the requestor, inform the requestor of the reason additional time is required and provide an estimated new timeframe for records delivery.

3.15.100 City website.

(a) The city posts commonly requested records on its website.

(b) The city's response to a records request may be to provide the requestor a link to records posted on its website, unless the requestor notifies the city that he or she cannot access the records through the internet.

(c) By November 2013, the city will maintain a separate page on its website that shall include the queues and records requests logs. The city clerk shall ensure that the website is updated to provide current information, including the date the records request was made,

its order in the queue, and the estimated time of responding to the request.

(d) The city website will also provide guidance and information to the public for making records requests on its website.

(e) The city website will allow requestors the option of using on-line request forms for requesting records and submitting those requests electronically.

3.15.110 City employee responsibilities.

(a) All city employees are responsible for assisting in identifying responsive records and facilitating thorough collection of records.

(b) The city will provide training to city employees on their obligations under the Public Records Act, including the responsibility of all employees to retain records according to the relevant retention schedule.

(c) For most city employees, producing records in response to records requests is a responsibility assigned in addition to their primary assigned duties and functions.

(d) For those city employees for whom responding to records requests is not among their primary assigned duties, the need to devote more than ten hours in a month to records production may result in delay of the response to a records request.

3.15.120 Public records performance report.

No later than July 31 and January 31 of each year, the city clerk will submit to the city council a report on the city's performance in responding to public records requests during the preceding six months. The report shall include, at a minimum:

- (1) open records requests (queue) at beginning of period;
 - (2) number of records requests received in the period by category;
 - (3) number of records requests closed in the period by category;
- and
- (4) open records requests (queue) at end of period.

3.15.130 Resources devoted to public records disclosure.

(a) The resources currently allocated to public disclosure response in the 2013-2014 budget are established as the initial level of effort necessary to ensure that public disclosure response is not creating excessive interference with essential city government functions.

(b) Starting with the 2015-2016 biennial budget process, the city council shall biennially determine and establish the level of effort to be devoted to public records disclosure and the amount of resources to be allocated. During the budget process, the city council will devote at least a portion of a public work session or council meeting specifically to public records response resource allocation before adopting the final budget.

(c) The city council may reevaluate its determination as part of the mid-year budget adjustment and modify the resource allocation.

(d) The city does not intend every employee to expend ten hours per month responding to records requests. The limitation in Section 3.15.110(d) of up to ten hours per month for those city employees for whom responding to records requests is not among their primary assigned duties is not an allocation of resources available for other public records responses.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of July, 2013.

Signed in authentication thereof this 16th day of July, 2013.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4414

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.15 IN THE KIRKLAND MUNICIPAL CODE, ACCESS TO PUBLIC RECORDS.

SECTION 1. Establishes a new Kirkland Municipal Code Chapter 3.15 relating to access to public records.

SECTION 2. Provides a severability clause for the ordinance.

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

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of July, 2013.

I certify that the foregoing is a summary of Ordinance O-4414 approved by the Kirkland City Council for summary publication.



City Clerk

RESOLUTION R-4987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO COMPLIANCE WITH THE PUBLIC RECORDS ACT, SPECIFICALLY, ADOPTING PUBLIC RECORDS ACT RULES, ISSUING A FORMAL ORDER THAT MAINTAINING AN INDEX WOULD BE UNDULY BURDENSOME, ORDERING PUBLICATION OF THIS RESOLUTION AND THE PUBLIC RECORDS ACT RULES AND APPOINTING THE CITY CLERK AS THE PUBLIC RECORDS OFFICER

WHEREAS, RCW Sections 42.56.040, 42.56.070 and 42.56.100 of the Public Records Act ("the Act") collectively require that state and local agencies provide, publish and prominently display certain information, exemptions and rules governing disclosure of public records; and

WHEREAS, the City of Kirkland ("the City") is a local agency as defined in the Act and must therefore comply with its provisions; and

WHEREAS, the attached Public Records Act Rules ("the Rules") fulfill one of these requirements and were developed using the Attorney General's Office advisory Model Rules for disclosure of public records; and

WHEREAS, RCW 42.56.070(3) requires an agency to maintain an index of records therein described unless the local agency determines that it would be unduly burdensome to do so and in that event it must issue and publish a formal order specifying why it would be unduly burdensome; and

WHEREAS, RCW 42.56.580 requires that each agency appoint and publicly identify a Public Records Officer and provide contact information for that Officer,

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

Section 1. The attached Rules are adopted as the rules the City will follow in handling public records requests and the City Manager, in consultation with the Public Disclosure Steering Team, is hereby authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Rules as facts may require. All amendments to the Rules shall be reported to the City Council.

Section 2. The City is comprised of ten departments, with divisions and subdivisions serving over 80,000 citizens. The different departments maintain separate databases and/or record keeping systems for the indexing of records and information. Because these records are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome to maintain a central index of these records. Therefore, the Council finds that maintaining the index required by RCW 42.56.070(3) would be unduly burdensome and formally orders that such an index does not have to be maintained as allowed under RCW 42.56.070(4) so long as all other City indexes are available for public inspection and copying in conformity with applicable law.

Section 3. The City Clerk is appointed as the City's Public Records Officer and City Clerk's contact information is provided in the attached Rules.

Section 4. The Clerk is directed to publish this Resolution and the availability of the Rules in the Kirkland Reporter, post and maintain the Rules on the City's website and make the Rules available for inspection and copying at City Hall.

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of July, 2013.

Signed in authentication thereof this 16th day of July, 2013.


MAYOR

Attest:


City Clerk

PUBLIC RECORDS ACT RULES

PRA Rule 010. Authority and purpose.

(1) **Authority.** RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt public records in accordance with published rules. The Public Records Act ("the Act") defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the production of public records held by that agency.

(2) **Purpose of Rules.** The purpose of these Rules is to establish the procedures the City of Kirkland ("the City") will follow in order to provide full access to public records, fullest assistance to inquirers and the most timely possible action as required by RCW 42.56.100, mindful of the further requirement that the Rules must also protect the records from damage or disorganization and prevent excessive interference with other essential functions of the City. These Rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to best assist members of the public in obtaining such access.

(3) **Purpose of Act.** The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these Rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

(4) **Act not applicable.** Court files and judges' files are not subject to the Act. Access to these records is governed by court rules and the common law.

(5) **Amendment of the Rules.** By authorization of the City Council in the Resolution approving these Rules, the City Manager is authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Rules as facts may require. Amendments to the Rules must be reviewed by the Public Disclosure Steering Team prior to City Manager action. All amendments to the Rules will be reported to the City Council.

PRA Rule 020. Agency description--Contact information--Public records officer.

(1) Agency description. The City provides the services of a non-charter code city, including but not limited to, building and plans inspection, court, parks and recreation, planning and community development, public safety and public works services, which are supported and

supplemented by financial, administrative and legal services. The City's central office is located at 123 Fifth Avenue, Kirkland, WA 98033.

The general course and method by which the City's operations are channeled and determined is through laws adopted and direction given by the City Council and other competent authority in conformity with all applicable city, state and federal law, which are implemented by the City Manager, Department Directors and their designees in conformity with the requirements of those same laws. The City's rules of procedure are set forth in those same laws or in rules adopted pursuant to authority granted to others as provided in those laws. The City's substantive rules of general applicability that were adopted as authorized by law, as well as the statements of general policy or interpretations of general applicability formulated and adopted by the City are contained in the Kirkland Municipal Code, or in rules, regulations and interpretations authorized to be adopted or issued in those laws or under federal or state law.

The City has field offices at the following addresses:

Municipal Court	11515 NE 118th Street, Kirkland, WA 98034
Fire Stations	
Station 21	9816 Forbes Creek Drive, Kirkland, WA 98033
Station 22	6602 108th Avenue NE, Kirkland WA 98033
Station 24	8411 NE 141st Street, Kirkland 98034
Station 25	12033 76th Place NE, Kirkland, WA 98034
Station 26	9930 124th Avenue NE, Kirkland, WA 98033
Station 27	11210 NE 132nd Street, Kirkland, WA 98034
HR and Parks & Comm. Svcs.	505 Market Street, Kirkland, WA 98033
North Kirkland Comm. Ctr.	12421 103rd Avenue NE, Kirkland, WA 98034
Peter Kirk Community Center	352 Kirkland Avenue, Kirkland, WA 98033
Peter Kirk Pool	340 Kirkland Avenue, Kirkland, WA 98033
Public Works CIP Annex	310 1st Street, Kirkland, WA 98033
Prosecuting Attorney	12040 98th Avenue NE, Suite 101, Kirkland, WA 98034
Public Defender	9757 NE Juanita Drive, Suite 120, Kirkland, WA 98034
Fleet Management	904 8th Street, Kirkland, WA 98033
Maintenance Center	915 8th Street, Kirkland, WA 98033
Parks Maintenance Center	1129 8th Street, Kirkland, WA 98033

(2) **Contact Information-Public Records Officer.** Any person wishing to request access to public records of the City, or seeking assistance in making such a request, should follow the procedures set forth in these Rules and contact the following Public Records Officer (the "PRO") of the City to submit such a request or to obtain assistance in making such a request:

Kathi Anderson, City Clerk
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033
Phone (425) 587-3190 Fax (425) 587-3198
PublicRecords@kirklandwa.gov

Information is also available at the City's web site at www.kirklandwa.gov.

PRA Rule 030. Availability of public records.

(1) **Availability.** Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Inspection of records shall occur at the central offices of the City unless another location is approved by the PRO or designee.

(2) **Records index.** By the Resolution approving these Rules, the Kirkland City Council issued a formal order finding that the maintenance of an index was unduly burdensome. This finding was based on the fact that the City is comprised of ten departments, with divisions and subdivisions, serving over 80,000 citizens. The different departments maintain separate databases and/or record keeping systems for the indexing of records and information. Because these records are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome to maintain a central index of records.

(3) **Organization of records.** The City will maintain its records in a reasonably organized manner. While committed to fully comply with the Act and these Rules, the City must also take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential functions of the City. A requestor shall not take City records from City offices. A variety of records are available on the City's web site at www.kirklandwa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's request form, or by letter, fax, or email addressed to the PRO and including the following information:

Name of requestor; address of requestor;
other contact information, including telephone number and any e-mail address;
identification of the public records adequate for the PRO to locate the records; and the date and time of day of the request.

(b) If the requestor wishes to have copies or scans of the records made instead of simply inspecting them, he or she should so indicate and make arrangements with the PRO to pay for copies or scans of the records as provided in PRA Rule 150 below.

(c) A form is available for use by requestors at the office of the PRO and on-line at www.kirklandwa.gov.

(d) Public records requests are public records and subject to inspection or copying.

(e) The PRO may accept requests for public records that contain the above information by telephone or in person. If the PRO accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

(f) Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence.

PRA Rule 040. Definitions.

(1) **"Public Disclosure Steering Team"** means a team composed of the City Manager or his or her designee, the Director of Finance and Administration, the City Clerk and the City Attorney as established in Kirkland Municipal Code 3.15.030.

(2) **"Public Disclosure Coordinating Team"** means a team composed of the City Clerk, Deputy City Clerk and staff members designated by each City department as established in Kirkland Municipal Code 3.15.040.

(3) **"Records request queue"** means a list of all the pending and active Category 3, 4 and 5 public records requests.

(4) **"Standard time period"** means the estimated time, established as goals, to make requested public records available by category of records request.

PRA Rule 050. Processing of public records requests.

(1) **Providing "fullest assistance."** Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the PRO will process requests in the order allowing the most requests to be processed in the most efficient manner. In an effort to better understand the request and provide all responsive records, the PRO can inquire about the purpose for the request but the requestor is not required to answer except to establish whether inspection and copying would violate RCW 42.56.070(9) (see PRA Rule 100 below) or other statute which exempts or prohibits production of specific information or records to certain persons.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, not including the day the request was received as provided by RCW 1.12.040, the PRO will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment or payment of a deposit is made as provided in PRA Rule 150 below, or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of any additional time needed to respond to the request and a date by which the records will be produced in whole or in part depending on whether the records are being provided in installments. The factors used to estimate the additional time needed must be based upon criteria that can be articulated and may be presented in the response estimating the additional time needed. However, additional time is only allowed under the following circumstances:

(i) to request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the PRO will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope;

(ii) to locate and assemble the information requested;

(iii) to notify third persons or agencies in the event the requested records contain information that may affect rights of others and may be exempt from production. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request or a statement of the request if no written request was received; or

(iv) to determine whether any of the information requested is exempt from production and that a denial should be made as to all or part of the request; or

(d) deny the request, specifying the reasons for denial.

(3) **Consequences of failure to respond.** If the PRO does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the PRO to determine the reason for the failure to respond.

(4) **Injunction.** Pursuant to RCW 42.56.565, the City may seek to enjoin the inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities.

PRA Rule 060. Managing the queues.

The Public Disclosure Coordinating Team is primarily responsible for managing the records requests queues based on the following criteria:

- (1) the number of records responsive to a given request;
- (2) the number and size of other records requests in the queue;
- (3) the amount of processing required for the subject request or requests and other requests in the queue;
- (4) the status of a particular request that is waiting for third party review or requestor action; and
- (5) the current volume of other City work, as it affects the amount of staff time that can be devoted to the subject request or requests.

PRA Rule 070. Categories of requests.

(1) When a public records request is received, the PRO and/or the designated department representative receiving the records request will categorize the request according to the nature, volume, and availability of the requested records as follows:

(a) **Category 1** records requests are requests requiring immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests.

(b) **Category 2** records requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.

(c) **Category 3** records requests are routine requests that involve:

- (i) a large number of records, and/or
- (ii) records not easily identified, located and accessible, and
- (iii) records that require some coordination between departments.

(d) **Category 4** records requests are complex requests which may be especially broad or vague which involve:

- (i) a large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments, and
- (ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) review by public disclosure staff to determine whether any of the records are exempt from production.

(e) **Category 5** records requests are complex requests that may be especially broad or vague which involve:

(i) a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and

(ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

(2) After initial categorization, records requests may be re-categorized in response to unanticipated circumstances or additional information.

PRA Rule 080. Standard time periods for response.

(1) The following time standard periods for response to all categories of records requests are established as goals. The City may not be able to comply with the goals, but will notify the requestor if the goal will not be met.

(a) **Category 1 records requests.** Generally, the City will respond to Category 1 records requests immediately or the next business day after the request is received.

(b) **Category 2 records requests.** Generally, the City will respond to Category 2 records requests within five business days. If records cannot be made available within five business days, the City may extend the time to respond as described above.

(c) **Category 3 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 records requests usually require between 5 and 30 business days.

(d) **Category 4 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 records requests may require several weeks to several months.

(e) **Category 5 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to

make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 5 records requests may require several weeks to several months.

PRA Rule 090. Records requests queues.

(1) All Category 3, 4, and 5 records requests shall be maintained and tracked in records requests queues with a separate queue for each category. The queues shall identify the status of the records as "pending," "active," or "completed."

(2) Records requests will initially be entered in the respective queues in the chronological order in which they are received by the City. Responding to a records request is not always a sequential process. The PRO will manage the active queues by moving between requests based on circumstances that may include, but are not limited to the following:

- (a) a request is waiting for records to be retrieved from storage;
- (b) a request is waiting for records to be retrieved from persons or entities that hold them on behalf of the City (e.g. employees, consultants);
- (c) a request is waiting for the requestor to respond to a request for clarification;
- (d) a request is waiting for a response after notifying a third party named in a record;
- (e) a request is waiting for the expiration of the time allowed a third party to obtain an order from a court enjoining release of records;
- (f) a request is waiting for resolution of a legal action filed by a third party to enjoin release of records;
- (g) a request is waiting for legal review of records to determine if they meet the definition of a public record or the applicability of exemptions and production of an exemption log;
- (h) a request is waiting for consideration of a petition to review denial of access;
- (i) a request is waiting for the requestor to pay for copies of the records or pay a deposit for copies;
- (j) a request is waiting for external vendor reproduction of records; or
- (k) a request is waiting for the requestor to claim an installment or physically inspect records.

PRA Rule 100. Redactions and exemptions.

(1) **Records exempt from production.** Some records are exempt from production, in whole or in part. If a record is exempt from production and should be withheld, the PRO will state the

specific exemption and provide a brief explanation of how the exemption applies to the record being withheld. This explanation should be sufficient to enable the requestor to make a threshold determination of whether the claimed exemption is proper. If only a portion of a record is exempt from production, but the remainder is not exempt, the PRO will redact the exempt portions, produce the nonexempt portions, and indicate to the requestor why portions of the record are being redacted. (For the purposes of these Rules, redact means the exempt information will be covered in some manner and then the record will be photocopied and the photocopy then disclosed.)

The City is also prohibited by statute from producing lists of individuals for commercial purposes. Therefore, if a request is received for any type of list of individuals, an inquiry as to whether the requestor intends to use the list for commercial purposes must be answered before the list can be provided. If the answer is that it will be used for such purposes, the list cannot be produced.

PRA Rule 110. Inspection of records.

(1) Inspection of records.

(a) Consistent with other demands, the City shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the City to copy or scan, if any, and provide payment for those copies or scans.

(b) The requestor must claim or review the assembled records within 30 days of the PRO'S notification to him or her that the records are available for inspection or copying/scanning. The PRO will notify the requestor, in writing, of this requirement and inform the requestor that he or she should contact the PRO to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the PRO may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

PRA Rule 120. Providing records.

(1) **Providing records in installments.** When the request is for a large number of records, the PRO may provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that manner. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the PRO may stop searching for the remaining records and close the request.

(2) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the PRO will close the request and so inform the requestor.

(3) **Later discovered documents.** If, after the PRO has informed the requestor that he or she has provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, he or she will promptly inform the requestor of the additional documents and provide them on an expedited basis.

(4) **Identifiable record.** A requestor must request an "identifiable record" or "class of records" before an agency must respond. An identifiable record is one that agency staff can reasonably locate. The Act does not allow a requestor to search through agency files for records which cannot be reasonably identified or described to the agency.

(5) **Requests for information or nonexistent records.** Requests for information are not public records requests. An agency is not required to conduct legal research for a requestor. An agency is not required to create records to respond to a request.

PRA Rule 130. Processing of public records requests-electronic records.

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** If public records are requested in an electronic format, the PRO will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by PRA Rule 150 below.

(3) **Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.41A.130 for such customized access.

(4) **Retaining electronic copies.** Because an electronic record is usually more susceptible to manipulation and alteration than a paper record, the City will keep, when feasible, an electronic copy of the electronic records it provides to a requestor to be able to show the exact records it provided if necessary.

PRA Rule 140. Exemptions provided by other statutes.

(1) **Exemptions.** The Act provides that a number of records are exempt from public inspection and copying. In addition, documents are exempt from production if any "other statute" exempts or prohibits production. Requestors should be aware of the following exemptions, outside the Act, that may restrict the availability of some records held by the City for inspection and copying/scanning:

RCW 2.64.111 Documents regarding discipline/retirement of judges
 RCW 2.64.113 Confidentiality - violations
 RCW 4.24.550 Information on sex offenders to public
 RCW 5.60.060 Privileged communications
 RCW 5.60.070 Court-ordered mediation records
 RCW 7.68.140 Victims' compensation claims
 RCW 7.69A.030(4) Child victims and witnesses - protection of identity
 RCW 7.69A.050 Rights of child victims and witnesses - addresses
 RCW 7.75.050 Records of Dispute Resolution Centers
 RCW 9.02.100 Reproductive privacy
 RCW 9.51.050 Disclosing transaction of grand jury
 RCW 9.51.060 Disclosure of grand jury deposition
 RCW 9.73.090(1)(c) Prohibition regarding specified emergency response personnel recordings
 RCW 10.27.090 Grand jury testimony/evidence
 RCW 10.27.160 Grand jury reports - release to public only by judicial order
 RCW 10.29.030 Organized crime special inquiry judge
 RCW 10.29.090 Records of special inquiry judge proceedings
 RCW 10.52.100 Records identifying child victim of sexual assault
 RCW 10.77.210 Records of persons committed for criminal insanity
 RCW 10.97.040 Criminal history information released must include disposition
 RCW 10.97.050 Conviction and criminal history information
 RCW 10.97.060 Deletion of certain criminal history record information, conditions
 RCW 10.97.070 Disclosure of identity of suspect to victim
 RCW 10.97.080 Inspection of criminal record by subject
 RCW 13.32A.090 Crisis residential centers notice to parent about child
 RCW 13.34.115 Court dependency proceedings
 RCW 13.40.217 Juveniles adjudicated of sex offenses - release of information
 RCW 13.50.010 Maintenance of and access to juvenile records
 RCW 13.50.050 Juvenile offenders
 RCW 13.50.100 Juvenile/children records not relating to offenses
 RCW 13.60.020 Missing children information
 RCW 13.70.090 Citizen juvenile review board - confidentiality
 RCW 18.04.405 Confidentiality of information gained by CPA
 RCW 18.19.060 Notification to clients by counselors
 RCW 18.19.180 Confidential communications with counselors
 RCW 19.215.020 Destruction of personal health and financial information
 RCW 19.34.240(3) Private digital signature keys
 RCW 19.215.030 Compliance with federal rules
 RCW 26.04.175 Name and address of domestic violence victim in marriage records
 RCW 26.12.170 Reports of child abuse/neglect with courts

RCW 26.23.050 Child support orders
RCW 26.23.120 Child support records
RCW 26.26.041 Uniform Parentage Act - protection of participants
RCW 26.26.450 Confidentiality of genetic testing
RCW 26.33.330 Sealed court adoption records
RCW 26.33.340 Agency adoption records
RCW 26.33.343 Access to adoption records by confidential intermediary
RCW 26.33.345 Release of name of court for adoption or relinquishment
RCW 26.33.380 Adoption - identity of birth parents confidential
RCW 26.44.010 Privacy of reports on child abuse and neglect
RCW 26.44.020(19) Unfounded allegations of child abuse or neglect
RCW 26.44.030 Reports of child abuse/neglect
RCW 26.44.125 Right to review and amend abuse finding - confidentiality
RCW 27.53.070 Records identifying the location of archaeological sites
RCW 29A.08.720 Voter registration records - place of registration confidential
RCW 29A.08.710 Voter registration records - certain information exempt
Chapter 40.14 RCW Preservation and destruction of public records
RCW 42.23.070(4) Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7) Identity of local government whistleblower
RCW 42.41.045 Nondisclosure of protected information (whistleblower)
RCW 46.52.080 Traffic accident reports - confidentiality
RCW 46.52.083 Traffic accident reports - available to interested parties
RCW 46.52.120 Traffic crimes and infractions - confidential use by police and courts
RCW 46.52.130(2) Abstract of driving record
RCW 48.62.101 Local government insurance transactions - access to information
RCW 50.13.060 Access to employment security records by local government agencies
RCW 50.13.100 Disclosure of non-identifiable information or with consent
RCW 51.28.070 Worker's compensation records
RCW 51.36.060 Physician information on injured workers
RCW 60.70.040 No duty to disclose record of common law lien
RCW 68.50.105 Autopsy reports
RCW 68.50.320 Dental identification records - available to law enforcement agencies
Chapter 70.02 RCW Medical records - access and disclosure - entire chapter
RCW 70.05.170 Child mortality reviews by local health departments
RCW 70.24.022 Public health agency info. regarding sexually transmitted disease investigations
- confidential
RCW 70.24.024 Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.24.105 HIV/STD records
RCW 70.28.020 Local health department TB records - confidential
RCW 70.48.100 Jail records and booking photos
RCW 70.58.055 Birth certificates - certain information confidential
RCW 70.58.104 Vital records, research confidentiality safeguards
RCW 70.94.205 Washington Clean Air Act – confidentiality of data
RCW 70.96A.150 Alcohol and drug abuse treatment programs
RCW 70.123.075 Client records of domestic violence programs
RCW 70.125.065 Records of rape crisis centers in discovery
RCW 71.05.390 Information about mental health consumers
RCW 71.05.395 Ch. 70.02 RCW applies to mental health records

RCW 71.05.400 Information to next of kin or representative
RCW 71.05.425 Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427 Information that can be released
RCW 71.05.430 Statistical data
RCW 71.05.440 Penalties for unauthorized release of information
RCW 71.05.445 Release of mental health information to Dept. of Corrections
RCW 71.05.620 Authorization requirements and access to court records
RCW 71.05.630 Release of mental health treatment records
RCW 71.05.640 Access to treatment records
RCW 71.05.650 Accounting of disclosures
RCW 71.24.035(5)(g) Mental health information system
RCW 71.34.200 Mental health treatment of minors
RCW 71.34.210 Court records for minors related to mental health treatment
RCW 71.34.225 Release of mental health services information
RCW 71A.14.070 Records regarding developmental disability
RCW 72.09.345 Notice to public about sex offenders
RCW 72.09.585(3) Disclosure of inmate records to local agencies
RCW 73.04.030 Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060 Applicants and recipients of public assistance
RCW 74.04.520 Food stamp program confidentiality
RCW 74.09.900 Medical assistance
RCW 74.13.121 Financial information of adoptive parents
RCW 74.13.280 Children in out-of-home placements
RCW 74.20.280 Child support enforcement - local agency cooperation, information
RCW 74.34.095 Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330 Disclosure of tax information
RCW 84.36.389 Confidential income data in property tax records held by assessor
RCW 84.40.020 Confidential income data supplied to assessor regarding real property
20 USC § 1232g Family Education Rights and Privacy Act
42 USC 290dd-2 Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(I) Limits on Use and Disclosure of Social Security Numbers
42 USC 654(26) State Plans for Child Support
42 USC 671(a)(8) State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7) State Plans for Medical Assistance
7 CFR 272.1(c) Food Stamp Applicants and Recipients
34 CFR 361.38 State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1- 2.67) Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300- 307 Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420 Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164 HIPAA Privacy Rule

PRA Rule 150. Costs of providing copies of public records.

(1) **Costs for copies.** A requestor may obtain copies or scans as provided under RCW 42.56.070(8), 42.56.120 and WAC 44-14-07003; the City will charge for those copies or scans according to the fee schedule below. For records in other forms, the City will charge the actual cost it pays for the medium used to record the record or records provided. Those mediums include, but are not limited to, tapes, floppy disks, CDs, DVDs and paper that costs more than \$.15 per page. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.

Document Type/Size	Per Scan Charge	Per Copy Charge
Standard black and white (8.5" x 11")	.16	.17
Standard color (8.5" x 11")	.19	.21
Black and white (8.5" x 14")	.16	.17
Color (8.5" x 14")	.19	.22
Black and white (11" x 17")	.24	.49
Black and white (17" x 22")	.38	.77
Black and white (22" x 34")	.49	.99

Before beginning to make copies, the PRO may require a deposit of up to ten percent of the estimated costs of copying or scanning all the records selected by the requestor. The PRO may also require the payment of the remainder of the copying/scanning costs before providing all the records, or the payment of the costs of copying/scanning an installment before providing that installment. The PRO will not charge sales tax when it makes copies or scans of public records but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans.

(2) **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Payment.** Payment may be made by cash, check, debit card, credit card, or money order made payable to the City.

(4) **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following non-exhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories) and RCW 70.58.107 (charges for birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act.

(5) **Use of outside vendor.** An agency is not required to copy/scan records at its own facilities. An agency can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. An agency can arrange with the requestor to

pay the vendor directly. An agency cannot charge the default per page copying/scanning charge when its cost at a vendor is less.

PRA Rule 160. Review of denials of public records requests.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the PRO for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the PRO denying the request.

(2) **Consideration of petition for review.** The PRO shall promptly provide the petition and any other relevant information to the Public Disclosure Steering Team to conduct the review. The Public Disclosure Steering Team will immediately consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time as the City and the requestor mutually agree.

(3) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

**CITY OF KIRKLAND**

City Manager's Office

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

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: April 4, 2014

Subject: 2014 LEGISLATIVE UPDATE #5

RECOMMENDATION:

Council should receive its fifth and final update on the 2014 legislative session.

BACKGROUND DISCUSSION:

This is the final update on the City's legislative interests for the 2014 regular session.

March 13 was the last day of the 60-day regular 2014 session. This session, while "short" was exhausting. This session was primarily about the McCleary decision and education funding. As a result this session was not one conducive to achieving the City's stated priorities. Rather, it turned out that this session was about staying on our toes and playing solid defense and protecting the City's interests.

Summary – Final Status - of the City's 2014 legislative priorities (Attachment A)**Statewide Transportation Revenue:**

Despite widespread recognition for the need for a transportation package and despite that the House passed a package (HB 1954) in 2013, the legislature could not reach agreement on a package. On March 3, the Senate introduced a bill concerning transportation revenue (SB 6577) but the bill was never moved.

Transportation Revenue in King County - The board of the King County Transportation Benefit District has placed Proposition 1 on the April 22, 2014 special election ballot to ask voters to support funding for transportation (transit & local roads). The Kirkland City Council has endorsed this measure. It remains to be seen how this regional effort will impact statewide transportation revenue efforts in the near future.

Continued state financial assistance and other tools that further the development of the CKC:

The City's request for \$200,000 in funding for the multimodal span project between the South Kirkland Park and Ride Garage and the Cross Kirkland Corridor was not in the Senate version of the Capital Budget (ESSB 6020). While the House amended 6020 and included the City's funding request, the Senate refused to concur with the House amendments and for the first time in 18 years, the legislature failed to enact a Capital Budget.

Restoring funding to the Public Works Assistance Account:

The bill to end the diversion of tax proceeds from the PWAA never receives a hearing in the Senate, despite a bi-partisan vote of 87 yeas to 11 nays in the House.

Restoring local liquor revenue sharing formulas:

Lawmakers did not even give a hearing to a bill (HB 2314) that sought to gradually restore the growth of liquor revolving account monies, even though the bill had 43 bi-partisan sponsors on it.

Sharing marijuana revenue:

The revenue sharing piece of SSSB 5887 was stripped from the bill on March 8. 5887 was then passed by the Senate and read into House Rules, where it died.

Harmonize medical marijuana regulations to reflect recreational marijuana regulations:

SSSB 5887: Merging the medical marijuana system with the recreational marijuana system died. See above.

Note: At least 50 marijuana related bills were introduced by lawmakers in the 2014 session. City staff reviewed and began tracking 25 of these bills. At the end of the day, while there may be others that staff is unaware of, only one of the 25 bills was passed by the legislature this session. Sponsored by Representative Moscoso, ESHB 2304 - concerning marijuana processing and retail licenses, adds a new category of product – marijuana concentrates, to the list of recreational marijuana products and adds a limitation of 7 grams of "marijuana concentrate" to the amount able to be sold to any one person over 21.

Oppose legislation that proposes lending products or practices that adversely impact the middle class and the poor:

The legislative proposal associated with this priority "died" in committee, which the Council's Legislative Committee considers a success in achieving this priority.

COUNCIL LEGISLATIVE COMMITTEE:

The Council's Legislative Committee (Mayor Walen, Councilmember Asher and Councilmember Marchione) met weekly on Friday's at 3:30pm. The Legislative Committee met on March 21 to discuss the final status of the city's 2014 legislative priorities and other bills of interest to the City (Attachment B).

Week 9 (3/8 – 3/14)

The primary focus in week 9

1. Status of City's legislative priorities
2. SB 6577, SB 6020, ESSB 5887
3. HB 2368; SHB 2414; ESBH 2246; ESSBH 2347; SB 6008; SHB 2331; and HB 1654

Week 10+ (3/14 – 3/25)

The primary focus in week 10

1. Veto Letter HB 1287
2. Partial Veto Letter SB 6002

The following bills are associated with the City's 2014 Support Agenda and are ones that the City provided support on through the end of session:

SB 5875: Concerning a surcharge for local homeless housing and assistance.

SB 5875 (formerly ESHB 2368) was a priority bill of the Eastside Human Services Forum. This "11th Hour Bill" passed the Senate at 10:30pm on March 13 and the House shortly thereafter. 5875 will continue – rather than reduce – the \$40 recording fee on certain real estate documents through June of 2019. The bill also includes a private land-lord set aside (45% quota) and an audit or workgroup. Councilmember Marchione worked incredibly hard on ensuring the passage of this legislation.

ESHB 2246: Regarding financing for stewardship of mercury-containing lights.

ESHB 2246 was a priority bill of the Environmental Priorities Coalition. The bill requires all producers of mercury-containing lights sold in the state must participate in a stewardship program operated by a stewardship organization. 2246 was passed by both chambers and was signed by the Governor on March 28.

ESHB 2414: Concerning water conservation appliances.

ESHB 2414 was a priority bill of the Cascade Water Alliance. 2414 "died."

ESHB 1654: Establishing a regional fire protection service authority within the boundaries of a single city.

ESHB 1654 was a priority bill of the Washington Fire Chief's Association and is also supported by the Washington Council of Firefighters. 1654 "died." Staff may recommend this as a Kirkland priority bill for 2015.

The following legislative proposals ran contrary to the City's general principles of legislation that promote the City Council's goals and protect the City's ability to provide basic municipal services to its citizens. The City took steps to try to amend and/or oppose these proposals.

SHB 2175: Removing barriers to economic development in the telecommunications industry.

The original bill mandated local governments to allow a telecomm applicant to file a consolidated application and receive a single permit for small cell networks, involving multiple individual small cell facilities, in a single geographical area. This bill was opposed by the cities of Kirkland, Bellevue, Seattle, Tacoma and Renton. As originally written, the bill would apply this new policy to a "single geographical area" meaning across jurisdictional boundaries.

This bill was amended to provide a little more permitting control to cities, thanks to hard work of Mayor Walen, the City's planning staff, and our consultants on the ground in Olympia.

Ultimately, late in the evening on March 11, House and Senate leadership agreed to an amendment that Kirkland proposed that was acceptable to the cities of Bellevue, Seattle, Tacoma and Renton.

ESSB 6008: Modifying water-sewer district provisions.

The City opposed ESSB 6008, which would add a new section to RCW 35.13A governing the assumption of utility districts by cities. Councilmember Kloba testified in opposition to this bill. ESSB 6008 "died."

SHB 2428: Authorizations of proposals for emergency medical care and service levies.

While the City supported the underlying principle of SHB 2428 (to make it easier to continue an EMS levy by specifying that any levy being continued - at a lower rate than initially voted in - would require just 50% +1, not a 60% vote) there was an additional proposed change that was unacceptable. The change sought to strip the approval requirement from cities with populations over 50K on countywide EMS levies. Kirkland proposed amendments to strip out the change but pass the underlying bill. SHB 2428 "died."

Kirkland intends to work with Representative Springer and key stakeholders on this issue in the interim.

CORRESPONDENCE:

As the 2014 session ended, the City sent two veto request letters to the Governor.

ESHB 1287, Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe for non-reservation properties purchased by the tribes. Believing that this bill is bad public policy, the City of Kirkland, along with several other cities, sent

a letter to the Governor requesting he veto this bill. As of the writing of this memo, the Governor has not taken action on this bill. (Attachment C)

SB 6002, 2014 supplemental operating budget. The City of Kirkland, along with many other stakeholders, sent a letter requesting a partial veto (Attachment D) to strike all language from the 2014 supplemental operating budget that eliminated current and future funding for the Life Sciences Discovery Fund (LSDF). LSDF grants help to drive innovation to create the future of health care and have an important footprint in Kirkland. As of the writing of this memo, the Governor did follow-through with much of this partial veto request. (Attachment E)

2014 Interim and 2015 Legislative Session

The legislative committee will take a break for a bit to recuperate. Sometime in the next few months the staff, contract lobbyists and legislative committee will reconvene to begin development of the 2015 legislative agenda. The legislative committee has set a goal of having the 2015 agenda adopted by the full Council in the fall of 2014, rather than in the traditional January Council meeting, in order to use a fully adopted agenda during the legislative breakfasts that occur in October, November and December with Kirkland's State Representatives and Senators. Councilmembers can suggest legislative items to Intergovernmental Relations Manager Lorrie McKay at any time and she will bring those suggestions to the legislative committee for review and recommendation back to the full Council. The City Manager's office will also solicit input from all Departments for suggested legislative items, as well as work with the Association of Washington Cities, other partner organizations and our contract lobbyists to help inform Kirkland's agenda.

- Attachments:
- A. Final status of City's 2014 legislative priorities (March 14)
 - B. Final Summary tracking list of the City's positions on bills (March 15)
 - C. Kirkland's Veto Request Letter ESHB 1287
 - D. Kirkland's Partial Veto Request Letter SB 6002
 - E. Governor Inslee's Partial Veto of SB 6002

	Legislative Priority	Bill #	Prime Sponsor	Status
1	State & local transportation revenue	HB-1954 SB-6577	Rep. Clibborn Sen. King	6/29/13— Returned to House Rules 3/3— Referred to Senate Transportation
2	\$5M for the next phase of the I-405 / NE 132nd Interchange ramp design <i>Rep. Moscoso's 2013 amendment in House version</i>	HB-1954 SB-6578	Rep. Clibborn Sen. King	Project & \$5M is included in House package HB-1954 3/3— Referred to Senate Transportation
3	Continued state financial assistance and other tools that further the development of the CKC <i>Rep. Habib - \$200,000 included in 2013-15 Capital Budget</i>	HB-2224 ESSB-6020	Rep. Dunshee Sen. Honeyford	2/28— Passed to Rules for 2 nd reading 2/28— Passed Senate; 31 yeas, 18 nays 3/4— Amended and Passed by House; 92 yeas, 4 nays 3/13— Concurrence vote failed 26-23 party line (MCC/D)
4	Restoration of funding to the Public Works Assistance Account that was swept in 2013	HB-2244 SB-6546	Rep. Stanford Sen. Rivers	2/18— Passed House; 87 yeas, 11 nays 2/20— Referred to Senate Ways & Means 2/4— Referred to Ways & Means
5	Restoration of local liquor revenue sharing formulas to adequately fund public safety & other local impacts of liquor consumption	HB-2067 HB-2314 SB-6361	Rep. Tharinger Rep. Tharinger Sen. Angel	1/13— Retained in Appropriations 1/15— Referred to Appropriations 1/22— Referred to Ways & Means
6	Support sharing marijuana revenue to address public safety needs and other local impacts	SB-5887	Sen. Rivers	3/8— Passed Senate; 34 yeas, 15 nays (considered NTIB) 3/13— (revenue stripped) By resolution, returned to Senate Rules for 3 rd reading
7	Harmonize medical marijuana regulations to reflect recreational marijuana regulations	SHB-2149 SB-5887	Rep. Cody Sen. Rivers	2/17— Passed House; 67 yeas, 29 nays 2/28— Referred to Ways & Means 3/8— Passed Senate; 34 yeas, 15 nays (considered NTIB) 3/13— By resolution, returned to Senate Rules for 3 rd reading
8	Oppose legislation that proposes lending products or practices that adversely impact the middle class and the poor	HB-2670	Rep. Kirby	1/28— Heard in Business & Financial Services.

Bill	Title	Position	Status
Support			
HB 2105	Promoting transparency by requiring public agencies post their agendas online in advance of meetings	Support	2/12 - PASSED 85yeas; 13nays 3/5 - PASSED 41yeas, 6nays, 1abs, 1xcsd
HB 2192	Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes.	Support	2/14 - PASSED 96yeas; 2excscd 3/5 - PASSED 48yeas; 0nays; 0abs; 0 xcscd
HB 2224	2013-2015 supplemental capital budget.	Support	1/28 - Passed to Rules for 2nd reading
HB 2246	Regarding financing for stewardship of mercury-containing lights.	Support	2/13 - PASSED 56yeas; 41nays; & 1xcscd 3/7 - PASSED 31yeas; 18nays
HB 2296	Addressing duplicate signatures on petitions in cities, towns, and code cities.	Support	2/12 - PASSED 98yeas 3/4 - PASSED 49yeas
ESHB 2304	Concerning marijuana processing and retail licenses	Support	3/13 - PASSED 91yeas; 7nays 3/13 - PASSED 42yeas; 7nays
HB 2368	Concerning a surcharge for local homeless housing and assistance.	Support	2/13 - PASSED 62yeas; 36nays 2/25 - Heard in Finan Inst. and Housing & Ins
HB 2515	Concerning the treatment of population enumeration data, including exempting it from public inspection and copying.	Support	2/14 - PASSED 96yeas; 2excscd 2/26 - PASSED 49yeas
Neutral			
Oppose			
HB 1287	Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe.	Oppose	2/14 - PASSED 63yeas; 34nay; 1excscd 3/7 - - PASSED 37yeas; 12nays > City Requested Veto
HB 2151	Concerning recreational trails.	Oppose	2/12 - PASSED 97yeas; 1nay 3/7 - - PASSED 48yeas; 1abs
SHB 2175	Removing barriers to economic development in the telecommunications industry.	Oppose (Kirkland supported 3/13 amendment)	2/14 - PASSED 96yeas; 2xcscd 3/6 - Amended & PASSED 34yeas; 15nays 3/12 - House refused to Concurr 3/13 - Sen Amd & Passed - 47yeas; 2nay 3/13 - House concurred - 95yeas; 3nay

Bill	Title	Position	Status
Support			
ESSB 5875	Concerning a surcharge for local homeless housing and assistance.	Support with Concerns	3/13 - PASSED Sen: 41yeas; 8nays 3/13 - PASSED: 74yeas; 22nays; 2xcsd
SB 5887	Concerning the medical use of cannabis.	Support	3/8 - PASSED Sen: 34yeas; 15nays 3/13 - By resolution, returned to Senate Rules for 3rd reading.
SB 5964	Training pub officials & employees re: public records, records mngmnt, & open public mtgs	Support	2/7 - PASSED Sen: 45yeas; 2nays; 2xcsd 3/7 - PASSED: 66yeas; 31nays; 1xcsd
SB 6001	Making 2013-2015 supplemental transportation appropriations.	Support (or neutral)	3/4 - PASSED Sen: 44yeas; 5nays 3/11 - Amd & PASSED: 65yeas; 33nays 3/12 - PASSED Sen: 44yeas; 4nays; 1xcsd
SB 6002	Making 2014 supplemental operating appropriations.	Support (or Neutral)	2/27 - PASSED Sen: 41yeas; 8nays 3/4 - PASSED: 53yeas; 44nays; 1xcsd 3/13 - CnfComm: Passed Hou - 85yeas; 13nay 3/13 - CnfCmm: Passed Sen - 48yeas; 1nay > City Requested Partial Veto
SB 6020	2013-2015 supplemental capital budget.	Support	2/28 - PASSED: 31yeas; 18nays 3/4 - PASSED: 92yeas; 4nays; 0abs; 2xsd 3/13 - Concurrence vote failed 26-23
SB 6430	Extending tax preferences for high-technology research and development.	Support	3/11 - PASSED: 36yeas; 13nays 3/13 - Referred to Finance. By resolution, returned to Senate Rules for 3rd reading.
Neutral			
Oppose			



March 15, 2014

The Honorable Jay Inslee
Governor of the State of Washington
PO Box 40002
Olympia, Washington 98504-0002

RE: Request Veto of ESHB 1287

Dear Governor Inslee,

On behalf of the City of Kirkland, I am writing to express our concerns with ESHB 1287, Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe for non-reservation properties purchased by the tribes. The City of Kirkland believes that this bill is bad public policy and it should be vetoed.

ESHB 1287 shifts property taxes currently paid by tribes to homeowners and small businesses in cities where off-reservation properties are owned or have been purchased, purely for economic development purposes. Placing this additional financial burden on the backs of homeowners and business-owners in these communities is not reasonable.

ESHB 1287 puts small business-owners, realtors, developers and others at a disadvantage. These businesses and individuals work hard, make and sell products, provide jobs and health care benefits – and they pay their share of property taxes.

Finally, this bill deprives local government of needed revenues to provide police, fire, water, sewer and other general government services to the tribes' developments. The value of new, tax-exempt tribal development will never come on to the tax rolls. Cities, towns and special purpose districts will never receive their share of this lost revenue – which would otherwise be considered "new construction" property tax exempt from the statutory 1% levy limit – because the new development's value will never be added to the cities' overall property tax base.

Washington's communities are still struggling to regain financial stability in the wake of the financial crisis that began in 2008. ESHB 1287 does not help. Rather, this bill threatens the financial recovery of those communities where off-reservation properties are currently owned or have been purchased. We urge you veto ESHB 2178 and return it to the Legislature for further study and additional input from affected stakeholders.

Thank you for your consideration. Should you have any questions, please don't hesitate to contact Lorrie McKay, Intergovernmental Relations Manager at 206-587-3009.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink that reads "Amy Walen". The signature is written in a cursive style with a long horizontal flourish extending to the right.

By Amy Walen, Mayor



March 24, 2014

The Honorable Jay Inslee
Governor of the State of Washington
PO Box 40002
Olympia, Washington 98504-0002

RE: Restore the Life Sciences Discovery Fund in the final budget

Dear Governor Inslee,

On behalf of the City of Kirkland, I am writing to respectfully request a partial veto to strike all language from the 2014 supplemental operating budget (ESSB 6002) that eliminates current and future funding for the Life Sciences Discovery Fund (LSDF).

Governor Gregoire created the Fund in 2005 to support research and development in Washington to promote life sciences competitiveness, enhance economic vitality, and improve health and health care. If enacted, this budget would reverse our state's commitment to LSDF and severely compromise Washington's efforts to attract and retain the jobs and investment that this sector brings to our state and communities.

The Fund has an important footprint in Kirkland. LSDF grants support several startup companies including Aqueduct Neurosciences, Stasys Medical, Epoch Medical Innovations and OtoMetrix (two of these companies are located in the Mercury Incubator at the Lake Washington Institute of Technology). Along with more established companies such as, Cardiac Dimensions, Genome Rx, CisThera and ProteoTech, new jobs are being created for Washingtonians in areas such as research and development, manufacturing, and sales, and new revenue streams are emerging for the state. Further, Evergreen Hospital Medical Center in Kirkland participates in the Surgical Care and Outcomes Assessment Program, an LSDF-funded initiative that has saved at least \$67 million in health-care costs statewide, while also saving lives and improving patient safety.

LSDF grants are helping to drive the innovation that will create the future of health care. The \$19 million appropriated for the LSDF last spring for this biennium is critical for Washington's non-profit research organizations and startup companies to develop the proof of concept needed to attract investment to translate their innovative technologies from the laboratory to the marketplace.

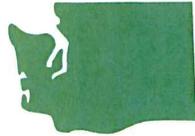
Thank you for considering the importance of the LSDF and using your veto power to maintain its current funding level in the final budget.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink that reads "Amy Walen". The signature is fluid and cursive, with a long horizontal stroke at the end.

By Amy Walen, Mayor

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

April 4, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 103(11); 106, lines 13-16 and lines 22-28; 116(5); 125(14); 126; 135(9); 138(3); 140(3); 146(10); 202(15); 205(1)(l); 219(30); 220(3)(e); 502(21); 505(12); 505(13); 705, page 257, lines 23-24; 805, page 267, lines 32-38, and page 268, line 1; 805, page 268, lines 11-38, and page 269, lines 1-15; 805, page 270, lines 12-16; 917; and 919, Engrossed Substitute Senate Bill No. 6002 entitled:

“AN ACT Relating to fiscal matters.”

Section 103(11), page 7, Joint Legislative Audit and Review Committee, Study of Medicaid Dispensing Methods

This proviso directs the Joint Legislative Audit and Review Committee to conduct an analysis of the assumed budget savings as a result of the state's change to dispensing a one-year supply of contraceptive drugs for Medicaid recipients under Section 213, Chapter 4, Laws of 2013, 2nd Special Session. Individuals need convenient access to contraceptive drugs, as these drugs prevent unintended pregnancies and reduce Medicaid births. For this reason, I have vetoed Section 103(11).

The Health Care Authority will track savings resulting from dispensing a one-year supply of contraceptive drugs, and will report savings to the Office of Financial Management.

Section 106, page 8, lines 13-16 and lines 22-28, Office of the State Actuary, Actuarial Analysis of State Medicaid and PEB Programs

Funding is provided to the Office of the State Actuary to improve the Legislature's access to independent and objective health care actuarial analysis for the state Medicaid and Public Employee Benefits programs. The funding provided includes federal funds that cannot be used for this purpose. For this reason, I have vetoed Section 106, page 8, lines 13-16 and lines 22-28.

However, I recognize the importance of legislative review and access to actuarial analyses. Therefore, I am directing the Health Care Authority to collaborate with the Office of Financial Management, the Office of the State Actuary, and legislative staff on the establishment of health care rates. The Health Care Authority is further directed to include a requirement in actuarial services contracts that will require the vendor to provide information in response to questions from the Office of Financial Management, the Office of the State Actuary, and legislative staff.

Sections 116(5), page 17, Office of the Governor, Transfer of Special Education Ombuds

The appropriation in this section increases funding to the Governor's Office of the Education Ombuds (OEO) for special education ombuds services currently provided by the Office of the Superintendent of Public Instruction (OSPI). Funding for the special education ombuds is removed from the OSPI budget in Section 505(12). OSPI is required to provide special education ombuds services to comply with federal law. Therefore, the transfer of funding for this function would result in a reduction in funding to OSPI without a corresponding reduction in responsibilities and workload. In addition, this section requires OSPI to enter into an interagency agreement with OEO to provide support for additional special education ombuds services using federal funds. OEO services are not an allowable use of federal funds. For these reasons, I have vetoed Section 116(5).

Section 125(14), page 27, Office of the Attorney General, Medical and Recreational Marijuana (E3SSB 5887)

This proviso provides appropriation authority for the implementation of Engrossed Third Substitute Senate Bill 5887, medical and recreational marijuana. E3SSB 5887 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 125(14).

Section 126, page 27, Caseload Forecast Council, Self-Insurance Premiums

This section reduces appropriations to the Caseload Forecast Council (CFC). Statewide adjustments for self-insurance premiums submitted to the Office of Financial Management (OFM) mistakenly included a \$78,000 reduction for CFC. These premiums were already adjusted in the 2012 supplemental budget. As CFC is a small agency, the reduction is too large for the agency to absorb. For this reason, I have vetoed Section 126.

I am directing OFM to work with CFC to adjust allotments to levels consistent with the supplemental budget excluding the self-insurance premium reduction.

Section 135(9), page 44, Department of Revenue, Study of State Revenue Impact

This proviso directs the Department of Revenue (DOR) to consult with counties affected by the United States Open golf championship to estimate the additional state sales tax revenue attributable to the event. Large events around the state generate sales tax revenues for the state and local governments. This proviso establishes an unwise precedent of attempting to identify only state sales tax revenue attributable to a particular event. Further, no additional appropriation was provided to complete the study. As DOR must absorb more than \$267,000 of implementation costs for various revenue-related measures passed by the 2014 Legislature, the agency cannot be expected to absorb additional costs for this study. For these reasons, I have vetoed Section 135(9).

Section 138(3), page 46, Office of the Insurance Commissioner, Insurance Company Solvency (SHB 2461)

This proviso provides appropriation authority for the implementation of Substitute House Bill 2461, insurance company solvency. SHB 2461 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 138(3).

Section 140(3), page 47, Liquor Control Board, Medical and Recreational Marijuana (E3SSB 5887)

This proviso provides appropriation authority for the implementation of Engrossed Third Substitute

Senate Bill 5887, medical and recreational marijuana. E3SSB 5887 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 140(3).

Section 146(10), page 53, Department of Enterprise Services, Small Agency Services and Printer Rates

This proviso directs the Department of Enterprise Services (DES) to revise central services rates charged to state agencies to reflect a transfer of Small Agency Client Services to the Office of Financial Management (OFM), the elimination of funding for Small Agency Human Resource Services, and establishment of the Print and Imaging program rates at levels sufficient to fully recover costs. I understand the legislative intent was not to eliminate services for small agencies, but to provide such services with a smaller budget. I am concerned about the unnecessary disruption of services for small agencies as a result of this proviso. For this reason, I have vetoed Section 146(10).

However, to fully and responsibly capture the assumed budget savings for small agency services and accomplish the policy goal of setting printer rates at levels sufficient to recover all costs, I am directing DES and OFM to take the following actions:

- DES will provide both finance and human resource services to current small agency customers within the \$1.845 million provided to OFM in the operating budget. DES may not use any other fund sources or projected fund balances from any of its operating accounts to provide small agency services. To maximize the use of limited resources, DES and OFM shall convene a meeting of small agency customers to receive their input on the structure, service offerings, and rates for small agency services in light of the reduced budget.
- DES shall immediately set its rates for the Print and Imaging program to fully recover costs for the services provided to prevent any operating loss for the current and future fiscal years. By June 1, 2014, DES must submit to OFM a comparative rate sheet showing rates for the program as of April 1, 2014, and the new rates along with a long-term financial plan for the Print and Imaging program.

Section 202(15), page 63, Department of Social and Health Services, Children's Long-Term Inpatient Program Placement Waitlist

This proviso provides appropriation authority for a rate add-on paid to residential facilities providing behavioral rehabilitation services (BRS) to youth who have been assessed as needing mental health services through the children's long-term inpatient program (CLIP). I am concerned that a rate add-on for this population will create an incentive to send youth served by BRS to CLIP, thereby driving up costs in CLIP and placing foster youth in unnecessarily restrictive settings. For this reason, I have vetoed Section 202(15).

However, I recognize the need to review the level of funding provided to BRS agencies serving youth with psychological and psychiatric needs. Therefore, I am directing the Children's Administration and the Behavioral Health and Integrated Services Administration to work with BRS providers over the interim to examine this issue and determine viable solutions.

Section 205(1)(f), pages 82-83, Department of Social and Health Services, Report from Developmental Disabilities Administration

This proviso directs the Department of Social and Health Services to meet with stakeholders and

report to the Legislature by January 1, 2015, on fourteen key areas related to developmental disabilities. No funding was provided to the Department for this work. For this reason, I have vetoed Section 205(1)(l).

The Developmental Disabilities Administration will be working with stakeholders in the development of the Individual and Family Services waiver and the Community First Choice Medicaid state plan revision. Therefore, many of the areas identified in the proviso will be discussed and addressed.

Section 219(30), page 139, Department of Health, Medical and Recreational Marijuana (E3SSB 5887)

This proviso provides appropriation authority for the implementation of Engrossed Third Substitute Senate Bill 5887, medical and recreational marijuana. E3SSB 5887 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 219(30).

Section 220(3)(e), page 149, Department of Corrections, Expanding Categories of Offenses Eligible for Community Parenting Alternative Program Within Department of Corrections (SB 6327)

This proviso provides appropriation authority for the implementation of Senate Bill 6327, expanding the categories of offenses eligible for the community parenting alternative program within the Department of Corrections. SB 6327 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 220(3)(e).

Section 502(21), page 205, Office of the Superintendent of Public Instruction, Federal Forest Revenue (E2SHB 2207)

This proviso provides appropriation authority for the purpose of Engrossed Second Substitute House Bill 2207, federal forest revenue. E2SHB 2207 partially eliminates the current state offset to state general apportionment funds for federal timber revenues paid to school districts. The calculation for the timber revenue offset includes federal funding allocated to school districts through the federal Secure and Rural Schools and Community Self-Determination Act (SRSA). Federal authority to make SRSA payments expires at the end of federal fiscal year 2014.

Because the original 2013-15 state operating budget assumes no federal SRSA payments after September 30, 2014, underlying general apportionment appropriations are sufficient to fully fund apportionment payments to school districts without any offset for potential SRSA timber revenues to districts. Therefore, if the federal government reauthorizes SRSA beyond September 30, 2014, eligible school districts will receive the benefits of increased combined state and local funding under E2SHB 2207, and state general apportionment appropriations in this budget bill will be more than sufficient to fully fund state general apportionment without the appropriation provided in this subsection. The appropriation in this subsection is redundant. For this reason, I have vetoed Section 502(21).

Section 505(12) and Section 505(13), page 211, Office of the Superintendent of Public Instruction, Special Education Ombuds Services

Section 505(12) reduces appropriations for special education ombuds services at the Office of the Superintendent of Public Instruction (OSPI). Section 116(5) provides an increased appropriation to the Governor's Office of the Education Ombuds (OEO) for these services. OSPI is required to

provide the special education ombuds services to comply with federal law. Therefore, the transfer of funding for this function would result in a reduction in funding to OSPI without a corresponding reduction to responsibilities and workload. Section 505(13) requires OSPI to enter into an interagency agreement with OEO to provide support for additional special education ombuds services using federal funds. OEO services are not an allowable use of federal funds. For these reasons, I have vetoed Sections 505(12) and (13).

Section 705, page 257, lines 23-24, Disaster Response Account

This line item reduces General Fund-State appropriations into the Disaster Response Account by \$1.5 million in fiscal year 2015 based on a projected excess fund balance. Earlier this year, it appeared the account would not need these funds. However, the tragic mudslide that occurred in Oso on March 22, 2014, will greatly strain these resources. The Military Department has activated the State Emergency Operations Center, and other state agencies are engaged in rescue and recovery efforts. For these reasons, I have vetoed Section 705, page 257, lines 23-24.

Section 805, page 267, lines 32-38, and page 268, line 1; Section 805, page 268, lines 11-38, and page 269, lines 1-15; Office of the State Treasurer, Revenue Transfers to Life Sciences Discovery Fund

These sections together transfer a total of \$20 million from the Tobacco Settlement Account and the Life Sciences Discovery Fund to the Education Legacy Trust Account. As a result of these transfers, funding for the Life Sciences Discovery Fund Authority (LSDFA) is effectively ended for the remainder of the 2013-15 biennium. The LSDFA has helped make Washington a global innovation leader in life sciences research. Returning this funding to the LSDFA will allow for the issuance of more than \$15 million of new grants in the 2013-15 biennium on top of the nearly \$92 million in grants already made, continue support for the Global Health Technologies and Products program, and cover necessary administrative costs. For this reason, I have vetoed Section 805, page 267, lines 32-38, and page 268, line 1; Section 805, page 268, lines 11-38, and page 269, lines 1-15.

I am aware that this veto reduces revenue to the Education Legacy Trust Account. However, this veto will not affect any education spending as there are sufficient resources in the budget to cover any projected shortfalls in the Education Legacy Trust Account in the 2015 supplemental budget.

I am not vetoing the legislative intent language for transfer of the strategic tobacco contribution payments in 2015-17 as it has no impact on returning \$20 million to the LSDFA in 2013-15. The actual use of the 2015-17 strategic tobacco contribution payments will be made in the 2015 legislative session. We look forward to working with the Legislature to continue some level of funding for the LSDFA into the future so we do not lose the value of this important and innovative research.

Section 805, page 270, lines 12-16, Office of the State Treasurer, Energy Freedom Account

Section 805 increases the transfer from the Energy Freedom Account to the state General Fund by \$500,000 in fiscal year 2014 and by \$500,000 in fiscal year 2015. The enacted biennial budget transfers \$1 million from the Energy Freedom Account to the General Fund in each fiscal year. I am concerned about the uncertainty of when revenues will be deposited into the Energy Freedom Account. Current deposits are lower than anticipated. Vetoing the additional \$1 million transfer in this section will ensure the account's ending fund balance remains positive. For this reason, I have vetoed Section 805, page 270, lines 12-16.

Section 917, page 281, Transfer of Strategic Contribution Payments

This section authorizes the transfer of strategic contribution payments from the Tobacco Settlement Account to the Education Legacy Trust Account. As I have vetoed the transfers to the Education Legacy Trust Account in Section 805, the authority provided in this section is unnecessary. For this reason, I have vetoed Section 917.

Section 919, page 282, Account Transfers from Life Sciences Discovery Fund

This section authorizes the transfer of balances in the Life Sciences Discovery Fund to other state funds or accounts in the 2013-15 biennium. Because I have vetoed the transfers to the Education Legacy Trust Account in Section 805, the authority provided in this section is unnecessary. For this reason, I have vetoed Section 919.

I am not vetoing Section 123(2), which appropriates \$300,000 from the State Auditing Services Revolving Account for a contract with a private firm to conduct an audit of the use of the state's higher education accounts. However, I am concerned that the short time frame and lack of sufficient funding for such a comprehensive audit may act as a disincentive for firms to bid on the contract, thereby limiting the information the audit can provide for policy makers and budget writers. Unfortunately, a veto would eliminate the funding entirely and no audit would occur. I have therefore asked the State Auditor to use this limited funding and time frame to focus on the state's largest public four-year institution and conduct a focused audit that meets the requirements of the proviso.

For these reasons I have vetoed Sections 103(11); 106, lines 13-16 and lines 22-28; 116(5); 125(14); 126; 135(9); 138(3); 140(3); 146(10); 202(15); 205(1)(l); 219(30); 220(3)(e); 502(21); 505(12); 505(13); 705, page 257, lines 23-24; 805, page 267, lines 32-38, and page 268, line 1; 805, page 268, lines 11-38, and page 269, lines 1-15; 805, page 270, lines 12-16; 917; and 919 of Engrossed Substitute Senate Bill No. 6002.

With the exception of Sections 103(11); 106, lines 13-16 and lines 22-28; 116(5); 125(14); 126; 135(9); 138(3); 140(3); 146(10); 202(15); 205(1)(l); 219(30); 220(3)(e); 502(21); 505(12); 505(13); 705, page 257, lines 23-24; 805, page 267, lines 32-38, and page 268, line 1; 805, page 268, lines 11-38, and page 269, lines 1-15; 805, page 270, lines 12-16; 917; and 919, Engrossed Substitute Senate Bill No. 6002 is approved.

Respectfully submitted,

Jay Inslee
Governor

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: March 20, 2014

Subject: Cross Kirkland Corridor Master Plan Update

RECOMMENDATION:

It is recommended that the Council receives an update on the Cross Kirkland Corridor (CKC) Master Plan. The purpose of this update is to brief Council on key additions to the CKC Master Plan since Council's last update on February 4, 2014. It is one of a series of check-ins on the Master Plan.

BACKGROUND DISCUSSION:*General Background*

Council last received a CKC briefing during a study session on February 4. Information was presented on a number of foundational elements such as cross-sections, how transit and other utilities may be incorporated in the corridor, divided trails and intersection treatments. Council saw elements of the draft plan that allowed understanding of the planned look and feel as well as the planned content of the document. The concept of the character zone scrapbook and how it works with the trail plan was also presented. Because of its size, the latest version of the Master Plan is posted on line with a viewing program at www.kirklandwa.gov/CKCmasterplan.

Council was very supportive of the material that was presented on February 4, and that material was further developed and presented at a Public Meeting on February 27th. A summary of the meeting is provided as Attachment A.

The focus of the current Council update is:

1. Recap of plan elements and how they work together to provide a basis for design.
2. Examples of "scrapbook elements".
3. Brief update on how corridor access, history and economic development are handled in the CKC Master Plan
4. A first look at implementation priorities

Each of these items is presented briefly below and will be explained more fully at the April 15 Council meeting.

1. Plan elements

The Master Plan has five foundational sections:

Overall corridor considerations (Plan pages 15-20) introduce the idea of character zones and discuss topics that are common to the entire corridor such as access, lighting and treatment of utilities.

Prototypical Corridor elements (Plan pages 21-29) show design practices that are used throughout the corridor. Examples include trail cross sections and profiles along with how utilities and transit will be accommodated.

Corridor experience and Ecology (Plan pages 30-39) this section illustrates experiential palettes in areas such as events, eddies, and art. It also addresses surface water.

Corridor layouts (Plan pages 40-53) show the entire corridor at a 1"=200' scale. This section highlights areas to be emphasized when the corridor is developed with callouts describing main features.

Character Zone Scrapbook (Plan pages 54-77) shows close ups of key locations in each character zone along with graphics and descriptions that provide vision and direction to the designer.

Figure 1 shows examples from the five Plan sections. As a section of the corridor is developed, these elements will be considered by the design team to make sure that the design is in keeping with the Plan. These elements could be put into practice as follows; when a consultant is being selected to design a section of the corridor, a selection factor might be the designer's ability to reflect the Plan elements in their design or their experience implementing elements similar to those shown in the Plan.

2. Character Zone Scrapbooks

The concept of scrapbooks was introduced to Council at their February 4 meeting and the role of a Scrapbook in the Plan was described further above.

This section of the plan is called a scrapbook because it can contain a variety of means to convey the character of the zone with inspirational photos from other locations, text, historical photos, sketches and more polished illustrations. Figure 2 shows an example treatment at Terrace Park as proposed in the Scrapbook for the Buzz Zone.

For some zones the Scrapbooks also contain optional designs. For example, at the undercrossing of I-405 a street could be added or the undercrossing area could be used for recreation (Plan pages 85-87). Similarly a grade separated crossing of 6th Street S. is an option shown in the Buzz Zone character zone scrapbook.





3. Update on corridor access, history and economic development

At the February 27 outreach meeting we heard from the public on several issues. One citizen addressed corridor access and a desire to allow access from single family residences. The Plan currently calls for a phase out of single family access as the corridor is developed. Based on the comments we are considering modifying this to allow access that meets certain standards and under certain conditions. For example, access may be considered in areas that were open to the public or that are located in an area of the corridor where other access is not readily available. On the other hand, recent conversations with Sound Transit indicate that if high capacity transit were to come to the corridor they would require closure of access points for safety reasons. In any event, details of an access policy would be set outside the Master Plan. It would be particularly helpful to have Council's comments on this direction.

Additionally, the Plan will include language that suggests any road crossings of the CKC should be granted only in exceptional cases, would require explicit Council approval, and that the benefits of grade-separation should be examined in the consideration of such crossings.

Because the corridor was first developed over 100 years ago as a railroad corridor, it has a rich history. On February 27, the treatment of this history was the subject of several comments from the public. One of the audience members supported specific plaque-style treatments that gave specific references to particular locations, events or themes. The Consultant team is planning to meet with representatives from the Kirkland Heritage Society and local railroad historians. History will be one of the subjects covered in the Overall Corridor Considerations section of the plan.

One of the goals of the plan is to *Activate Kirkland and Evolve with Time*. This includes the ability to activate surrounding land use to promote economic development. Additional emphasis will be added around economic development with language similar to that used in the City's "Connecting it all: Cross Kirkland Corridor" brochure as shown below in Figure 3. This material

will be in the introduction section of the plan where the goals are explained.

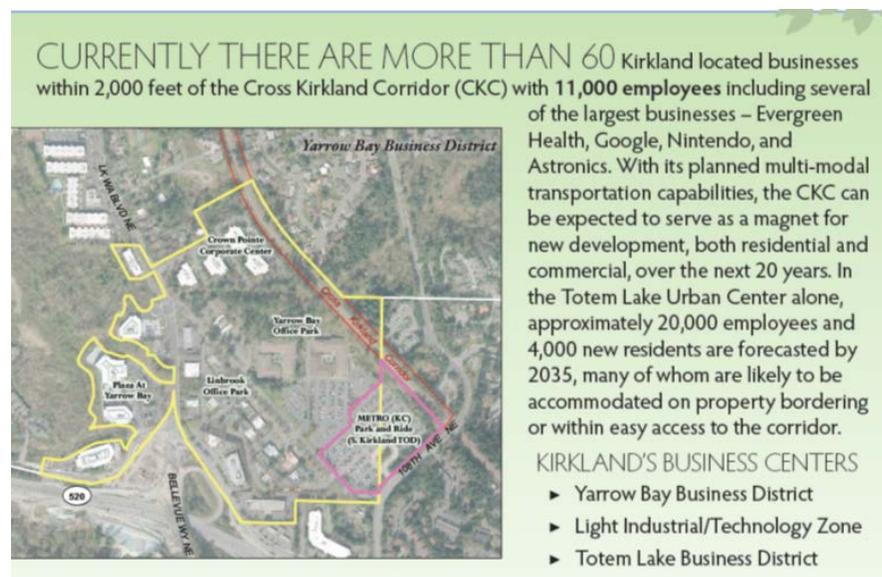


Figure 3. Sample economic development text

4. *Implementation priorities*

One of the elements of the Plan currently under development is a planning level cost estimate for each character zone and for simply paving the entire trail. This will be part of the Plan's implementation section. Another part of the implementation plan will be implementation priorities. It would be very helpful for development of these priorities if Council wished to offer guidance on their interests in priorities for development.

At their February meeting, the Transportation Commission considered a set of priorities for corridor development. Realizing that there is overlap between some items on the list, they ranked their highest priorities in the following rough order:

1. **Follow funding opportunities.** High priority should be given to constructing projects for which outside funding can be secured.
2. **Connect to regional trails/transit.** Make the CKC available to more destinations and more users.
3. **Fulfill the vision.** This suggests building more fully over shorter distance as opposed to making longer sections of less developed improvements. There was concern that once a section is partially completed it will be difficult to get funding to improve it more fully at a later time.
4. **Focus on connections** where major corridor usage exists today or is anticipated. Examples may include areas near streets, schools, parks, commercial land use and transit. As described above, access policy may enter into considerations of connections.
5. **Safety:** This would suggest pursuing improvements at intersections such as 120th Avenue NE, and the NE 124 Street/124th Avenue NE intersections.
6. **Surface water treatments** and natural areas stream crossings: These areas have the ability to attract outside funding, to be landmarks on the corridor, and to solve surface water issues.
7. **Support development of Totem Lake/Totem Lake Park and other commercial areas.** The Urban Land Institute report on Totem Lake completed in 2011 described development of the Corridor and Totem Lake Park as a high priority for catalyzing economic growth in Totem Lake. The corridor can also help development in other areas (i.e. 6th Street S.).

We received some comments on the subject of cost and implementation at the February 27 public meeting. Some comments expressed support for the full vision of the plan. Other people were concerned about timing and funding of the next stages of the project. In other public outreach we've heard from individuals that are interested in seeing a more minimal trail paved over a greater distance and paved as soon as possible.

Schedule

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

April 26	Community Future Day
May 20	City Council final Check-in/Update at Study Session
June 17	City Council Adoption at regular meeting

In addition Transportation Commission meetings will be held on April 23 and May 28.

Attachment A – February 27, 2014 CKC Public Involvement Report

◀CROSSKIRKLAND▶ CORRIDOR

CROSS KIRKLAND CORRIDOR

Public Involvement Report

Community Forum – Thursday, February 27, 2014



Prepared by
Stepherson & Associates Communications
March 2014



Community Forum

OVERVIEW

The vision for the future of the Cross Kirkland Corridor (CKC) is coming into focus. The City of Kirkland hosted a community forum from 4:30 to 7:30 p.m. on February 27, 2014 to present and get feedback on the draft CKC Master Plan. The forum, held at the Peter Kirk Community Center, was attended by approximately 50 people.

The Draft Master Plan includes goals and visions for the Corridor and gives guidance on intersection treatments, trail location, trail width, and locations where pedestrian, bicycle and other connections should be developed.

The project team arranged a gallery of project information boards near the stage and presentation area, offering attendees the opportunity to engage, ask questions, and share their site-specific input with the project team.

Presentation

At 5 and at 6 p.m., 30-minute presentations were delivered by Guy Michaelsen of the design consultant Berger Partnership. Guy introduced the project by reviewing the project's vision, goals, timeline, and the role of the Master Plan. Delving further into the details of the Master Plan, he showed some options for potential trail profiles and corridor profiles with a brief overview of a long-term vision for incorporating transit.

He also discussed the Character Zones, which are divisions of the trail that take current surroundings and land uses into account when considering future uses, developing place-making themes, and design opportunities along the alignment.

Lastly, Guy discussed implementation strategy, project phasing, funding and grant opportunities, and coordination with other public and private projects.

Slides from the presentation are included in the appendix of this report (page 9). The full presentation can be found on the CKC website:

<http://www.kirklandwa.gov/Assets/Cross+Kirkland+Corridor/CKC+Master+Plan+Slideshow+Feb+27+Forum.pdf>



Display Boards

A gallery of display boards were set up and staffed by project team members. The display boards included comprehensive base maps with superimposed layers of potential Master Plan elements, and a scrapbook of ideas that are being considered within each Character Zone. The boards were designed to breakdown complex project information from the Master Plan and spark meaningful dialogue.

Images of the display boards are included in the appendix of this report (page 12).



Project staff discuss the overall vision for the CKC with attendees



Attendees view the project area maps and preliminary trail alignment plans



Details on the interim trail plan were discussed



Project staff answer questions regarding the corridor's Character Zones

Feedback

The input we heard from attendees during informal conversation at the display boards and after the presentation was largely supportive of the Draft Master Plan. Attendees were excited about the future vision for the corridor and look forward to making it a reality. Specific comments and questions received after the presentations were captured on flip charts. The following documents what was said during the feedback period:

Presentation 1 (5 p.m.)

Comment: Residential access looks like it is being phased out; this seems short sighted and prescriptive. It would be better to figure out how to manage this type of access

Comment: I think we should allow individual access points and ensure that these access points are sufficiently managed

Question: It seems like in plan you are taking all 100 ft. of the corridor width.

Response: We are for now, but planning for what it could look like in 20 years as well. We want to fully utilize the space while it's available because we don't know for sure if Sound Transit will use the corridor, and if they do it is along way out. It makes sense to fully use the space while it is available.

Question: What are your construction plans for the interim trail?

Response: The interim trail will be 10' wide, with finer-grade gravel. We will also construct safety improvements at street crossings.

Comment: Access to downtown seems to be missing. This should be part of the vision.

Response: We don't have direct access to downtown but envision wayfinding and visual cues will help to make that connection.

Question: What was envisioned as the users' motive for going down corridor? Is the trail planned to be a place for entertainment or reflection? Which is the intended purpose: entertainment or reflection?

Response: The idea is to design for both. To look at each section of the corridor—it's unique characteristics and adjacent amenities—and plan each section with these things in mind. Some places are better suited for entertainment, while others are best suited for reflection and taking in the views. Sometimes the design adds to a place, while other times it seeks to offer users and visitors an enhanced opportunity to enjoy what's already there.

Comment: I like having activities along trail. It will bring out more people, and with more eyes on the ground, it will also make the trail safer.

- Question: Will the city begin building this plan right away? Will they start by paving the trail?
- Response: That's part of the reason we are here tonight; to get feedback on whether we should build a "baseline" trail or fully build out a section at a time. Some of it will depend on funding.
- Question: What about the historic elements of the trail?
- Response: There is a section of the Master Plan that includes funding for developing innovative and enriching experiences with the trail's history—beyond informational plaques—that will inspire and educate even the most frequent users of the trail.
- Questions: Do we have the money for grading trail?
- Response: Yes. Funding is set aside for the trail grading and upgrading street crossings along the corridor. Contact Kari Page, Interim Trail Manager with additional questions: kpage@kirklandwa.gov

Presentation 2 (6 p.m.)

- Question: How will this project be funded? Will taxpayers foot the bill?
- Response: There will be a mix of funding sources and that mix will include grants. There will also likely be a voter approved levy to help pay for the project's construction.
- Question: Were any studies conducted to determine if the corridor is/was a wildlife corridor?
- Response: There weren't any specific studies but we know habitat on the corridor is used by a number of animals.
- Comment: There is a place for historical plaques and markers and they should be part of the program to interpret the corridor's history. I prefer them to less direct interpretations of history.
- Comment: I like keeping Highlands natural.
- Comment: I believe Woodinville is doing something similar with their trail.
- Comment: I'm so excited about this. These are amazing plans.
- Question: There are some amazing images that exemplify what our corridor could be. Could you make these images available online, and could you provide photo credits for them?

Response: The presentation will be online. Specific requests for photo credits will be responded to. You can also email the project manager: David Godfrey at dgodfrey@kirklandwa.gov.

Comment: We are very interested in incorporating art into corridor.

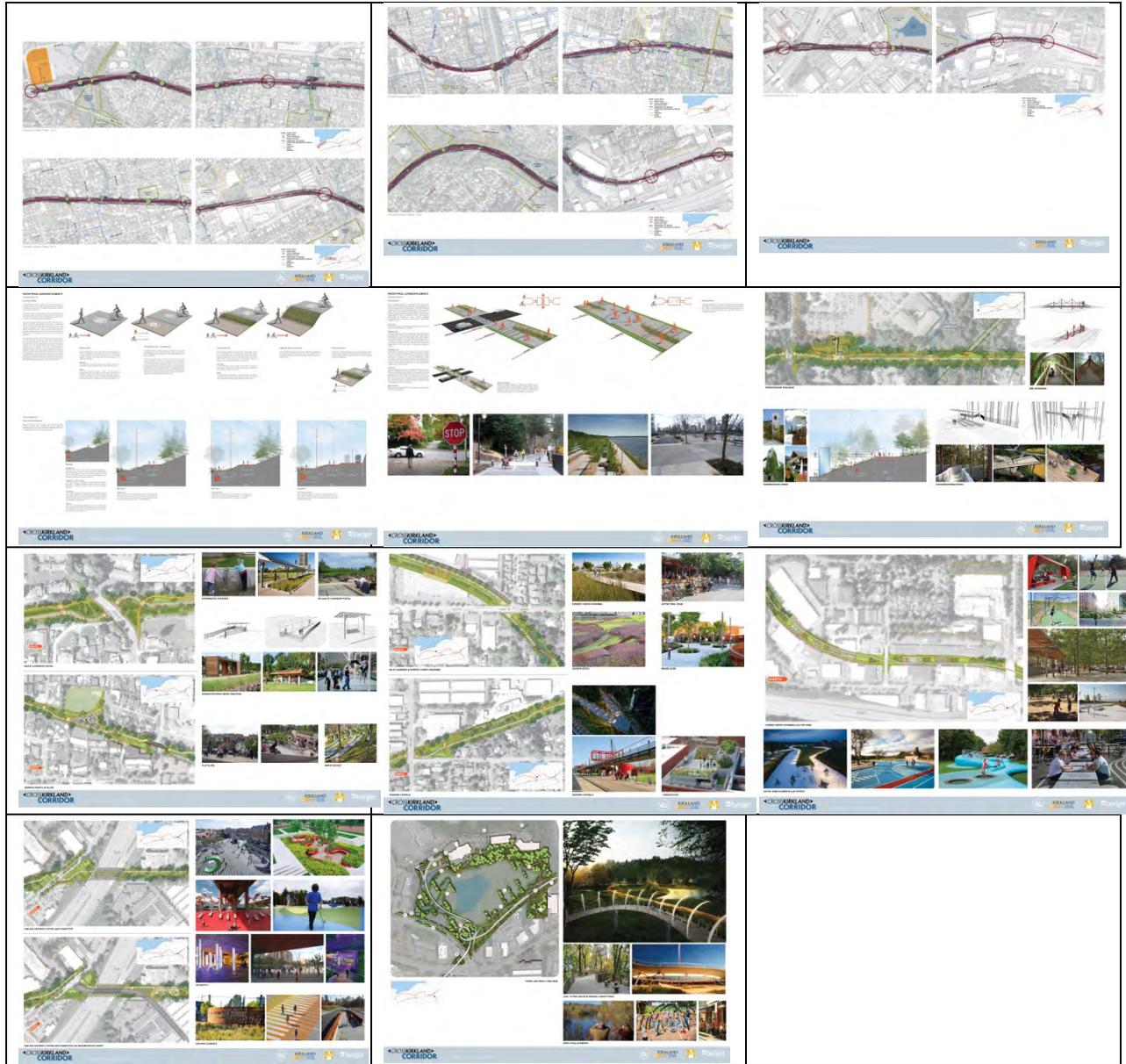
Notification

The City of Kirkland managed outreach and notification activities leading up to the event. Their efforts included issuing a press release, purchasing advertising space in the Kirkland Reporter, a Facebook campaign, flyers, and email blast to listserv subscribers, and an advertisement for the meeting on the outdoor signs along the corridor.

APPENDIX

- I. Display Boards
- II. Presentation Slides

Display Boards (Appendix I)



Presentation Slides (Appendix II)



**CROSS KIRKLAND CORRIDOR
MASTER PLAN**



**CROSS KIRKLAND CORRIDOR
MASTER PLAN**

**<CROSSKIRKLAND>
CORRIDOR**

Kirkland is a city whose history and development stem from a *distinct quality of life*.
The story is ours for Kirkland to *evolve, grow*
and *strengthen* the quality of life.

The Cross Kirkland Corridor is a **community destination**,
a transportation connection and an **icon**
serving as a **catalyst for the entire city**.

The success of the Cross Kirkland Corridor will strengthen Kirkland as a **modal community** for its residents,
and an **inspiration** for others to visit, experience and enjoy it!



**<CROSSKIRKLAND>
CORRIDOR**

PROJECT TIMELINE

SELECT (2010-2011)
INVESTIGATE
DESIGN

LISTEN (2011-2012)
ANALYZE
DESIGN

LISTEN (2012-2013)
ANALYZE
DESIGN

LISTEN (2013-2014)
ANALYZE
DESIGN

CELEBRATE (2014-2015)

CROSS KIRKLAND CORRIDOR
February 27th, 2014

1. Near Term Trail
2. Role of The Masterplan
3. Trail Profiles
4. Corridor Profiles
5. Future Transit
6. Overall Corridor Considerations
7. Site Specific Corridor Layout
8. Character Zone Scrapbook
9. Implementation & Phasing Priorities

NEAR TERM TRAIL

1. Refined Surfacing
2. Improved Intersection Crossings



ROLE OF THE MASTERPLAN

1. Vision / Strategies / Costs / Funding



ROLE OF THE MASTERPLAN

1. Vision / Strategies / Costs / Funding



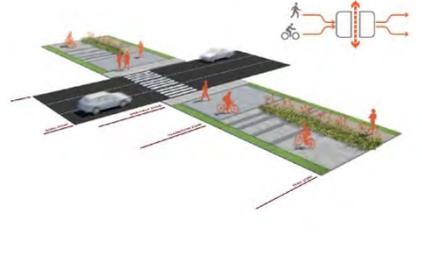
TRAIL PROFILES



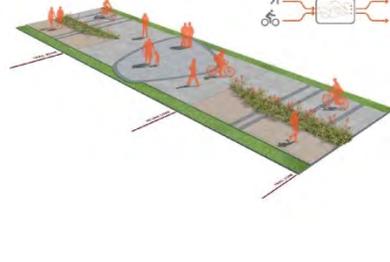
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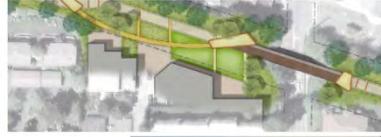
INTERSECTIONS

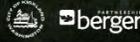


MIXING ZONES



<p>CORRIDOR PROFILES</p>	<p>CORRIDOR PROFILES</p>	<p>FUTURE TRANSIT</p>
<p>OVERALL CORRIDOR CONSIDERATIONS</p> <ol style="list-style-type: none"> 1. Trailheads 2. Restrooms 3. Parking 4. Lighting 	<p>SITE SPECIFIC CORRIDOR LAYOUT</p>	<p>SITE SPECIFIC CORRIDOR LAYOUT</p>
<p>CHARACTER ZONES</p>	<p>CHARACTER ZONE SCRAPBOOK</p> <p>Yarrow Woods</p> <ul style="list-style-type: none"> • Yarrow Woods Trailhead • Yarrow Woods Tower • Restroom • Wayfinding & Navigation Point • Park & Ride Access • 620 Trail Access 	<p>CHARACTER ZONE SCRAPBOOK</p>
<p>CHARACTER ZONE SCRAPBOOK</p> <p>Cochran Springs Perch:</p> <ul style="list-style-type: none"> • Access • Wetlands • Stormwater 	<p>CHARACTER ZONE SCRAPBOOK</p> <p>NE 52nd Corridor Portal:</p> <ul style="list-style-type: none"> • Access • Wetlands • Stormwater 	<p>CHARACTER ZONE SCRAPBOOK</p> <p>Houghton Pouch:</p> <ul style="list-style-type: none"> • Micro-Shelters
<p>CHARACTER ZONE SCRAPBOOK</p> <p>Houghton Pouch:</p> <ul style="list-style-type: none"> • Micro-Shelters 	<p>CHARACTER ZONE SCRAPBOOK</p> <p>Terrace Park Play-Site:</p> <ul style="list-style-type: none"> • Corridor Portal (park access) • Restroom • Integrated Play • Amphitheater / Event Space 	<p>CHARACTER ZONE SCRAPBOOK</p> <p>Terrace Park Play-Site:</p> <ul style="list-style-type: none"> • Corridor Portal (park Access) • Restroom • Integrated Play • Amphitheater / Event Space

<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Houghton Connection :</p> <ul style="list-style-type: none"> • Corridor Portal (see Overview) • Activated Edge • Community Connection • Commerce Connection 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Houghton Connection :</p> <ul style="list-style-type: none"> • Lakeview Vista 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Buzz Zone Connection :</p> <ul style="list-style-type: none"> • Corridor Portal (see Overview) • Lakeview Elementary • Integrated Play • Activated Edge • Community Connection 
<p>CHARACTER ZONE SCRAPBOOK</p>  <p>6th Street Gardens & Everest Creek Crossing:</p>	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>6th Street Gardens :</p> <ul style="list-style-type: none"> • Garden Spots • Rain Gardens • Mixing Zones • Activated Edge 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Everest Creek Crossing :</p> <ul style="list-style-type: none"> • Day Lighted Creek • Everest Park Connection • Wetland Enhancement 
<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Everest Creek Canopy Walk :</p> <ul style="list-style-type: none"> • Grate Separated Crossing of 6th • New Crossing of Kirkland Way • Enhanced Tree Canopy 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Norfolk Catholic :</p> <ul style="list-style-type: none"> • 7th Ave. Portal Park • Gathering Lawn • Stormwater Feature • Cabaret Deck • Refurbished Portal 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Forbes Creek Crossing & Active zone:</p> 
<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Forbes Creek Crossing & Active zone:</p> <ul style="list-style-type: none"> • Forbes Creek Canyon • Integrated Play • Shelter • Bocce • Pickle ball 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Active zone:</p> <ul style="list-style-type: none"> • Basketball • Integrated Play • Shelter • Horseshoes • Play Lawns 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>120th West Totem Lake Portal:</p> <ul style="list-style-type: none"> • Portal PickNet • Stormwater Features • Underworld Skate n' Play 
<p>CHARACTER ZONE SCRAPBOOK</p>  <p>120th Totem Lake Connector:</p> <ul style="list-style-type: none"> • Neighborhood Street • Stormwater Features • Skate n' Play 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Totem Lake Gateway Bridge:</p> 	<p>CHARACTER ZONE SCRAPBOOK</p>  <p>Totem Lake Gateway Park & Trailhead:</p> <ul style="list-style-type: none"> • Ecology Overlook • Restroom • Activated Edge 

<p>IMPLEMENTATION & PHASING</p> <p>Priorities – Scale & Scope</p> <ul style="list-style-type: none"> • Build less fully over longer distance “get it paved” • Build more fully over shorter distance “fulfill the vision” 	<p>IMPLEMENTATION & PHASING</p> <p>Priorities – Elements</p> <ul style="list-style-type: none"> • Focus On Connections <ul style="list-style-type: none"> • Transit • Streets • Schools • Parks • Commercial • Trails • Bike Infrastructure • Major Intersection Safety <ul style="list-style-type: none"> • 120th NE • 124/124 	<p>IMPLEMENTATION & PHASING</p> <p>Priorities – Other Catalysts</p> <ul style="list-style-type: none"> • Major Activity Points / High Traffic Areas • In Combination w/ Other Public Projects: <ul style="list-style-type: none"> • Tatum Lake Park • Terrace Park • South Kirkland Park And Ride • In Combination w/ Adjacent Private Projects: <ul style="list-style-type: none"> • Google • Njytec • Tatum Lake Redevelopment • Multi-family Residential • Houghton Commercial District
<p>IMPLEMENTATION & PHASING</p> <p>Funding – Grant Opportunities</p> <ul style="list-style-type: none"> • Green Stormwater Infrastructure (GSI) • Habitat Improvement/Enhancement <ul style="list-style-type: none"> • Stream Crossings • Wetland Enhancement • Multimodal Transportation Solutions <ul style="list-style-type: none"> • Bridges/Grade Separation • Recreation / Health & Wellness • Pilot Projects • Private Philanthropy 	<p>IMPLEMENTATION & PHASING</p> <p>What are your Priorities?</p> 	 <p></p> <p>CROSS KIRKLAND CORRIDOR MASTER PLAN</p>

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Pam Bissonnette, Interim Public Works Director
Bobbi Wallace, Surface and Waste Water Division Manager

Date: March 20, 2014

Subject: King County 2014 Amendment to Agreement for Sewage Disposal

RECOMMENDATION:

It is recommended that City Council receives a presentation on the King County 2014 Amendment to the Basic Agreement for Sewage Disposal, and authorizes approval.

BACKGROUND AND DISCUSSION:

King County and the City of Kirkland entered into a long-term agreement for sewage disposal services dated May 5, 1961, which was amended for extended services on April 19, 1973, March 19, 1987 and on October 2, 1992. Unlike contracts with the Cascade Water Alliance for water supply, or King County for Solid Waste Disposal, state law authorizes wastewater flow control directly to King County Metro for sewage disposal. This was part of the legislation in the 1960's when Metro was originally established. The practical result of the legislation is that there is no exit for a member agency short of changing state law. King County Wastewater, the successor of the original Metro, does not need contracts from those whom they serve. The contracts have been primarily a financial instrument designed to provide Metro in its infancy the most favorable bond rating. Since merging with King County and receiving the County's full faith and credit behind its bonds, the contracts are not needed from a *financial* standpoint to sell bonds at the lowest cost.

However, the contracts have been a protection for the member agencies because they cover such important issues as uniformity of rates, the setting of growth charges, the limitation of infiltration and inflow into the system, and so on. In addition some agencies that host King County Wastewater facilities, as does Kirkland, have additional contract provisions that address the impacts and operations of these King County facilities.

King County has been attempting to negotiate contract extensions with member agencies for many years. A committee of staff representing the member agencies, including Seattle, has been stymied in negotiations due to competing interests of the member agencies. Kirkland was approached by King County Wastewater to proceed with a contract amendment independent of the committee process. We have spent the last six months negotiating the amendment (Attachment A) to the base contract (Attachment B) before the Council.

The amendments to the basic agreement include:

- A provision to cover unforeseen costs resulting from an emergency. This actually occurred in 1999-2000 when the combination of a prolonged drought and an upheaval in the energy industry required King County Wastewater to incur power costs in excess of \$10 million above its budget. King County Wastewater is limited by contract to raise rates only once a year, and must be prior to June 30th of each year. To provide for such emergencies, the emergency vote must be by two thirds of the King County Council.
- A provision that sets a connection charge for future customers at ninety-five percent of the costs to provide future customer services in combination with the rates paid by said customers.
- A provision that provides for the amendment of the terms of the sewage disposal agreement with agencies representing ninety percent of the customer base. In the past such amendment required one hundred percent agreement which was extremely difficult to obtain among thirty-five member agencies.
- A provision that if a city, like Kirkland, extends its contract in advance of other members, that city has the option of incorporating any additional terms negotiated by King County with subsequent cities into its base agreement.
- Extension until July 1, 2056.

The following amendments are specific to the City of Kirkland:

- A provision to explore and partner on the provision of recycled water (non-potable water).
- A provision for various operational issues between the City and County such as backup power at the County's Yarrow Bay Pump Station; use of additives and technologies to remove fats, oils and grease from Kirkland's system; the potential for composting toilettes; odor control at the County's York Pump Station; and inspection of Kirkland's 72-inch stormwater outfall being used as an emergency overflow for the County Park Lane Pump Station, and bathymetry study beyond the outfall area into Lake Washington.

Attachments:

- A – Amendment to KC Metro Agreement
- B – Base Contract for KC Metro Agreement

CITY OF KIRKLAND

KING COUNTY

2014 AMENDMENT TO AGREEMENT FOR SEWAGE DISPOSAL

THIS AMENDMENT made as of the _____ day of _____, 2014 between the City of Kirkland, a municipal corporation of the State of Washington (hereinafter referred to as “the City”) and King County, a political subdivision of the State of Washington (hereinafter referred to as “the County”);

- A. WHEREAS, the County and the City have entered into a long-term agreement for sewage disposal dated May 5, 1961, as amended and previously extended on April 19, 1973, March 19, 1987 and October 2, 1992 (hereinafter collectively referred to as the “Basic Agreement”); and
- B. WHEREAS, the County and City have discussed certain changes to, and a second extension of, the Basic Agreement; and
- C. WHEREAS, the County and City have also agreed to coordinate on several operational issues and the steps for collaboration are outlined in Exhibit A to this Amendment;
- D. WHEREAS, the City has agreed in principle to the County’s proposed extension and amendments to the Basic Agreement which benefits the County’s wastewater ratepayers; and
- F. WHEREAS, the County and the City concur that the below changes and extension of the Basic Agreement are in the best interests of the parties and the ratepayers of both the City and the County;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. Amendment of Basic Agreement. Section 5.3 of the Basic Agreement is amended by adding the following new subparagraph (d). The additional charge described in this subparagraph 5.3(d) shall not be made until and unless this new subparagraph (d) is included within the sewage disposal agreements of all other Participants.

“(d) An additional charge may be made to recover unforeseen costs to operate and maintain the metropolitan sewerage system or meet debt requirements if the County Executive declares and the County Council by a supermajority vote (two thirds of members) finds that an emergency exists and the system cannot be adequately maintained, and debt requirements or debt policies met, without such additional charge. The additional charge shall then be effective no earlier than the first day of the fourth month following the emergency declaration described in this subparagraph 3(d) and shall be billed and collected in the same manner as the monthly rate referenced in subparagraph 3(c). The additional charge described in this subparagraph 3(d) may be incorporated into the next rate setting cycle but will otherwise terminate within twelve months of the effective date.”

Section 2. Amendment of Basic Agreement. Section 5.4 of the Basic Agreement is amended by deleting the section and replacing it with the following:

“4. (a) The County shall impose a charge or charges (hereinafter the capacity charge) directly on the future customers of a Participant for purposes of paying for capacity in Metropolitan Sewerage Facilities. The proceeds of the capacity charge shall be used only for capital expenditures or defeasance of outstanding revenue bonds prior to maturity. The capacity charge shall be set at a level to ensure that, in combination with the monthly sewer rate described in subsection 3 above, 95 percent of the costs incurred to provide the wastewater conveyance, treatment, and biosolids capacity to serve new customers are recovered from new customers, to the fullest extent permitted by applicable law.”

(b) The City shall, at the County’s request, provide such information regarding new Residential Customers and Residential Customer Equivalentents as may be reasonable and appropriate for purposes of implementing the capacity charge.”

Section 3. Amendment of Basic Agreement. The Basic Agreement is amended by deleting Section 18 and replacing it with a new Section 18 as follows:

“Section 18. Amendments. The City agrees to amend and hereby concurs in any amendment to this agreement which incorporates any changes in the terms for sewage disposal and payment therefore as may be proposed by the County and agreed to by at least 90 percent of the Participants and by those Participants that represent, in total, at least 90 percent of the residential customers and residential customer equivalents then served by the Metropolitan Sewerage System.”

Section 4. Amendment of Basic Agreement. The Basic Agreement is amended by adding a new Section 19 as follows:

“Section 19. Option to Accept Other Amendments. If the Basic Agreements with any other Participants are amended or otherwise modified to include terms, conditions, or provisions not included in the Basic Agreement or this amendment, the City shall have the option of incorporating said terms, conditions or provisions into its Basic Agreement. The County shall then expedite and approve any amendments to the Basic Agreement as may be necessary and appropriate for such purpose.”

Section 5. Amendment of Basic Agreement. The Basic Agreement is amended by adding a new Section 20 as follows:

“Section 20. Operational Issues Requiring Coordination between the City and County.

Staff from the City and County have identified shared operational issues and interests as follows:

- 1. Installation of a permanent back-up power source at WTD’s Yarrow Bay Pump Station;*
- 2. Use of additives and other technologies to remove fats, oils and grease from the local sewer system;*
- 3. Potential for use of on-site sewage systems that are not designed to discharge into the sanitary sewer system;*
- 4. Odor control at WTD’s York Pump Station discharge;*

- 5. *Inspection of Kirkland’s 72-inch stormwater outfall and bathymetry study beyond outfall area; and*
- 6. *Exploration of sustainable practices, such as serving Kirkland with recycled water.*

The City and County agree to work on these items in a cooperative manner as outlined in Exhibit A to this Amendment.”

Section 6. Extension of Basic Agreement. The Agreement for Sewage Disposal between the King County and City of Kirkland dated May 2, 1961, as amended, is hereby extended for a period of 20 years and shall continue in full force and effect until July 1, 2056. The agreement dated May 2, 1961, as subsequently amended and extended shall constitute the entire Agreement for Sewage Disposal between the parties.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first written above; said agreement to be effective upon execution.

City of Kirkland
 By _____
 Title _____

King County
 By _____
 Title _____

Attest:

Attest:

EXHIBIT A

The City of Kirkland (“City”) and the Wastewater Treatment Division of the King County Department of Natural Resources and Parks (“County”) intend to work on the following items in a cooperative manner.

Section 1. Permanent Back-up Power at Yarrow Bay

A generator has been temporarily installed at the County’s Yarrow Bay Pump Station to provide a back-up power source that will come on-line should the electrical feeds from two separate substations fail. This generator was installed by the Washington State Department of Transportation (“WSDOT”) to comply with the City’s permit requirements for WSDOT’s SR 520 bridge construction project.

Prior to completion of the SR 520 project, the County agrees to purchase the generator from WSDOT, or a similar generator that will remain on-site as a back-up power source. The City will assist with its internal permitting to avoid delays through the permit system. The City will also assist the County with any necessary communications efforts to the surrounding community regarding retention of the generator on-site.

Section 2. Use of Additives to Reduce Fats, Oils and Grease (FOG)

Nationally, some sewer agencies are exploring the use of chemical, enzyme, or bacterial substances to break up FOG as it enters sewer lines. Concerns have been raised regarding the impact of additives to sewer pipes or wastewater treatment plant operations. Some emulsifying agents may cause other collection system or treatment plant problems down the line.

The County agrees to work with City staff to explore a possible pilot project for the use of additives or other FOG removing technologies in the city’s sewer system, provided the County has the opportunity to review the proposed technology prior to its use and the technology complies with all applicable rules and regulations.

Section 3. Zero Discharge On-Site Wastewater Treatment Systems

The County strives for energy efficiency in its operations and incorporates sustainable features in many of its facilities. The County also stays abreast of technology developments and trends related to its industry. Technologies are emerging for on-site wastewater treatment systems that are designed not to discharge into the sanitary sewer system, although these buildings may still require a connection to the local sewer. These on-site systems are part of a wide range of opportunities in sustainable building technologies systems or fixtures that do not present a human or environmental health risk.

The County agrees to explore the impact of emerging technologies on the regional sewer system. This may result in establishing new policies including, but not limited to, protecting the County system if these new technologies overflow into the conveyance system. This also may involve charges if outfalls are activated and used.

Section 4. Odor Control at WTD's York Pump Station Discharge

The County will continue to assess its odor control efforts at its York Pump Station discharge, located near the intersection of 120th Avenue NE and NE 116th Street in the City of Kirkland. This will occur through the County's odor control task force and operations and maintenance at that location. The County commits to changing odor control filter medium on a regular cycle and will alert the City's Public Works Operations staff when the medium has been changed out.

Section 5. Stormwater Outfall at Third Street and Central Way

The City and County agree to coordinate, including a cost share of 50 percent, for the inspection (not to exceed total cost of \$5,000) of the City's 72-inch stormwater outfall that is located near Third Street and Central Way. The City will lead the effort to complete inspection of the outfall. WTD's cost share for the inspection will not exceed \$2,500.

The County will coordinate a bathymetry study (study of the underwater depth of the lake) for the lake area beyond the current outfall location. City will provide all existing information it has on file to date. The County's contribution to this study will not exceed \$25,000. The results of the study will be reviewed with the City's Public Works Director to determine if further action is needed.

The County has recently upgraded the downtown pump station in the City of Kirkland with significant improvements to the wet well and pump systems. If an overflow occurs at the pump station within the first two years of full operation, the County agrees to fully address any environmental impacts to the area and will commit to repair the system problem as soon as practicable. The County and City commit to further discussions on solutions to this system if overflows impact the public swimming beach.

Section 6. Exploration of providing recycled water to the City of Kirkland

The City has expressed a desire to explore the use of non-potable recycled water as the Cross Kirkland Corridor is developed. The County agrees to meet and partner with the City on exploring this sustainable practice and work together to seek any grants that further the goal of increasing use of recycled water and moving forward with feasible projects.

CITY OF KIRKLAND
 MUNICIPALITY OF METROPOLITAN SEATTLE
 AMENDMENT TO AGREEMENT
 FOR SEWAGE DISPOSAL

THIS AMENDMENT made as of the 2nd day of October, 1992 between the City of Kirkland, a municipal corporation of the State of Washington (hereinafter referred to as the "City") and the Municipality of Metropolitan Seattle, a metropolitan municipal corporation of the State of Washington (hereinafter referred to as "Metro");

WITNESSETH:

WHEREAS, the parties have entered into a long term Agreement for Sewage Disposal dated May 5, 1961, as amended (hereinafter referred to as the "Basic Agreement"); and

WHEREAS, an advisory committee composed of elected and appointed officials in the metropolitan area was appointed by the Metropolitan Council to examine the structure of Metro's charges to its participants; and

WHEREAS, said advisory committee, following extensive research, study and deliberations, has recommended certain changes in the structure of Metro's charges to its participants and implementation of said changes requires amendment of the Basic Agreement; and

WHEREAS, the parties have determined that the recommendations are in the best public interest and therefore desire to amend said Basic Agreement to implement said recommendations;

NOW, THEREFORE, it is hereby agreed as follows:

Section 1. Amendment of Section 5 of the Basic Agreement. Section 5 of the Basic Agreement is hereby amended to read as follows:

"Section 5. Payment for Sewage Disposal. For the disposal of sewage hereafter collected by the City and delivered to Metro the City shall pay to Metro on or before the last day of each month during the term of this Agreement, a sewage disposal charge determined as provided in this Section 5.

1. For the quarterly periods ending March 31, June 30, September 30 and December 31 of each year every Participant shall submit a written report to Metro setting forth:

(a) the number of Residential Customers billed by such Participant for local sewerage charges as of the last day of the quarter,

(b) the total number of all customers billed for local sewerage charges by such Participant as of such day, and

(c) the total water consumption during such quarter for all customers billed for local sewerage charges by such Participant other than Residential Customers.

The quarterly water consumption report shall be taken from water meter records and may be adjusted to exclude water which does not enter the sanitary facilities of the customer. Where actual sewage flow from an individual customer is metered, the metered sewage flows shall be reported in lieu of adjusted water consumption. The total quarterly water consumption report in cubic feet shall be divided by 2,250 to determine the number of Residential Customer equivalents represented by each Participant's customers other than single family residences.

Metro shall maintain a permanent record of the quarterly customer reports from each Participant.

The City's first quarterly report shall cover the first quarterly period following the date when sewage is first delivered to Metro and shall be submitted within thirty days following the end of the quarter. Succeeding reports shall be made for each quarterly period thereafter and shall be submitted within thirty (30) days following the end of the quarter.

2. (a) To form a basis for determining the monthly sewage disposal charge to be paid by each Participant during any particular quarterly period, Metro shall ascertain the number of Residential Customers and Residential Customer equivalents of each Participant. This determination shall be made by taking the sum of the actual number of Residential customers reported as of the last day of the next to the last preceding quarter and the average number of Residential Customer Equivalents per quarter reported for the four quarters ending with said next to the last preceding quarter, adjusted for each Participant to eliminate any Residential Customers or Residential Customer equivalents whose sewage is delivered to a governmental agency other than Metro or other than a Participant for disposal outside of the Metropolitan Area.

(b) For the initial period until the City shall have submitted six consecutive quarterly reports, the reported number of Residential Customers and Residential Customer equivalents of the City shall be determined as provided in this subparagraph (b). On or before the tenth day of each month beginning with the month prior to the month in which sewage from the City is first delivered to Metro, the City shall submit a written statement of the number of Residential Customers and Residential Customer equivalents estimated to be billed by the City during the

next succeeding month. For the purpose of determining the basic reported number of Residential Customers and Residential Customer equivalents of the City for such next succeeding month, Metro may at its discretion adopt either such estimate or the actual number of Residential Customers and Residential Customer equivalents reported by the City as of the last day of the next to the last preceding reported quarter. After the City shall have furnished six consecutive quarterly reports the reported number of Residential Customers and Residential Customer equivalents of the City shall be determined as provided in the immediately preceding subparagraph (a).

(c) If the City shall fail to submit the required monthly and/or quarterly reports when due, Metro may make its own estimate of the number of Residential Customers and Residential Customer equivalents of the City and such estimate shall constitute the reported number for the purpose of determining sewage disposal charges.

3. The monthly sewage disposal charge payable to Metro shall be determined as follows:

(a) Prior to July 1st of each year Metro shall determine its total monetary requirements for the disposal of sewage during the next succeeding calendar year. Such requirements shall include the cost of administration, operation, maintenance, repair and replacement of the Metropolitan Sewerage System, establishment and maintenance of necessary working capital and reserves, the requirements of any resolution providing for the issuance of revenue bonds of Metro to finance the acquisition, construction or use of sewerage facilities, plus not to exceed 1% of the foregoing requirements for general administrative overhead costs.

(b) To determine the monthly rate per Residential Customer or Residential Customer equivalent to be used

during said next succeeding calendar year, the total monetary requirements for disposal of sewage as determined in subparagraph 3(a) of this section shall be divided by twelve and the resulting quotient shall be divided by the total number of Residential Customers and Residential Customer equivalents of all Participants for the October-December quarter preceding said July 1st; provided, however, that the monthly rate shall not be less than Two Dollars (\$2.00) per month per Residential Customer or Residential Customer equivalent at any time during the period ending July 31, 1972.

(c) The monthly sewage disposal charge paid by each Participant to Metro shall be obtained by multiplying the monthly rate by the number of Residential Customers and Residential Customer equivalents of the Participant. An additional charge may be made for sewage or wastes of unusual quality or composition requiring special treatment, or Metro may require pretreatment of such sewage or wastes.

4. The parties acknowledge that, by resolution of the Metropolitan Council, Metro may impose a charge or charges directly on the future customers of a Participant for purposes of paying for capacity in Metropolitan Sewage Facilities and that such charges shall not constitute a breach of this agreement or any part thereof. The proceeds of said charge or charges, if imposed, shall be used only for capital expenditures or defeasance of outstanding revenue bonds prior to maturity.

In the event such a charge or charges are imposed, the City shall, at Metro's request, provide such information regarding new residential customers and residential customer equivalents as may be reasonable and appropriate for purposes of implementing such a charge or charges.

5. A statement of the amount of the monthly sewage disposal charge shall be submitted by Metro to each

Participant on or before the first day of each month and payment of such charge shall be due on the last day of such month. If any charge or portion thereof due to Metro shall remain unpaid for fifteen days following its due date, the Participant shall be charged with and pay to Metro interest on the amount unpaid from its due date until paid at the rate of 6% per annum, and Metro may, upon failure to pay such amount, enforce payment by any remedy available at law or equity.

6. The City irrevocably obligates and binds itself to pay its sewage disposal charge out of the gross revenues of the sewer system of the City. The City further binds itself to establish, maintain and collect charges for sewer service which will at all times be sufficient to pay all costs of maintenance and operation of the sewer system of the City, including the sewage disposal charge payable to Metro hereunder and sufficient to pay the principal of and interest on any revenue bonds of the City which shall constitute a charge upon such gross revenues. It is recognized by Metro and the City that the sewage disposal charge paid by the City to Metro shall constitute an expense of the maintenance and operation of the sewer system of the City. The City shall provide in the issuance of future sewer revenue bonds of the City that expenses of maintenance and operations of the sewer system of the City shall be paid before payment of principal and interest of such bonds. The City shall have the right to fix its own schedule of rates and charges for sewer service provided that same shall produce revenue sufficient to meet the covenants contained in this Agreement.

Section 2. Amendment of Section 6 of the Basic Agreement. Section 6 of the Basic Agreement is hereby amended to read as follows:

"Section 6. Responsibility of the City. The City shall be responsible for the delivery to the Metropolitan Sewerage System of sewage collected by the City, for construction, maintenance and operation of Local Sewerage Facilities, and for the payment of all costs incident to the collection of such sewage and its delivery to the Metropolitan Sewerage System.

In addition, the City will undertake continual rehabilitation and replacement of its local sewage facilities for purposes of preventing, reducing and eliminating the entry of extraneous water into such facilities and will expend annually, averaged over five (5) years, an amount equal to two (2) cents per inch of diameter per foot of its local sewage facilities, excluding combined sewers and force mains, for said rehabilitation and replacement. The amount of this expenditure requirement may be increased from time to time by the Metropolitan Council to reflect general inflation. Rehabilitation and replacement projects undertaken pursuant to this section shall be constructed in accordance with criteria adopted by the Metropolitan Council and included in Metro's Rules and Regulations. In the event the City fails to comply with the rehabilitation and replacement expenditure requirements described in this section, the City shall pay such charge as may be determined by Metro for quantities of storm or ground water entering its Local Sewerage Facilities in excess of the minimum standard established by the general Rules and Regulations of Metro.

Section 3. Amendment of Basic Agreement to Add a New Section. A new Section 18 shall be added to the Basic Agreement to read as follows:

"Section 18. Future Amendments. The City agrees to amend and hereby concurs in any amendment to this agreement which incorporates any changes in the terms for

sewage disposal and/or payment therefore as may be proposed by Metro and agreed to by those Participants that shall represent, in total, not less than 90% of the Residential Customers and Residential Customer Equivalents then served by the Metropolitan Sewerage System."

Section 4. Effective Date of Amendment. This amendment shall take effect at the beginning of the first quarter following the date first written above with quarters beginning January 1, April 1, July 1, and October 1.

Section 5. Basic Agreement Unchanged. Except as otherwise provided in this amendment, all provisions of the basic agreement shall remain in full force and effect as written therein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

CITY OF KIRKLAND

Terrence L. Ellis
City Manager

ATTEST:

Jane Kelly
City Clerk

MUNICIPALITY OF METROPOLITAN SEATTLE

Gary Zimmerman
Chair of the Council

ATTEST:

Bonnie Mattson

MAY 22 1992

CITY OF KIRKLAND
MUNICIPALITY OF METROPOLITAN SEATTLE

EXTENSION OF AGREEMENT FOR SEWAGE DISPOSAL

WHEREAS, the City of Kirkland (the "City") and the Municipality of Metropolitan Seattle (the "Municipality") are parties to a certain Agreement for Sewage Disposal (the "Agreement") dated May 5, 1961, as amended, pursuant to which the City delivers to the Municipality for treatment and disposal all the sewage and industrial wastes it collects from its service area; and

WHEREAS, the Agreement expires by its terms on July 1, 2016; and

WHEREAS, it is in the best interests of the City and the Municipality that the expiration date of the Agreement be extended in order to allow the Municipality to sell and issue its sewer revenue bonds with maturities extending beyond 2016;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and in the Agreement, it is hereby agreed as follows:

The Agreement for Sewage Disposal between the City of Kirkland and the Municipality of Metropolitan Seattle dated May 5, 1961, as amended, is hereby extended for a period of twenty years and shall continue in full force and effect until July 1, 2036.

It is further agreed that all other provisions of said Agreement shall remain unchanged, and the Agreement dated May 5, 1961, as amended, as extended herein shall constitute the entire Agreement for Sewage Disposal between the parties.

DATED: This 19th day of March, ~~1985~~ ¹⁹⁸⁷

CITY OF KIRKLAND

By Doris Cooper 11-15-85
Doris Cooper, Mayor

ATTEST:

Jamie Henry
Deputy City Clerk

MUNICIPALITY OF METROPOLITAN
SEATTLE

By Gary A. Zimmerman
Gary Zimmerman
Chairman of the Council

ATTEST:

Bonnie Mattson
Bonnie Mattson
Clerk of the Council

Executed in 6 counterparts of
which this is counterpart No. 4

MUNICIPALITY OF METROPOLITAN SEATTLE
CITY OF KIRKLAND

1st SUPPLEMENTAL AGREEMENT
JOINT USE OF PORTION OF EASTSIDE INTERCEPTOR, SECTION 14

THIS AGREEMENT, made and executed as of this 19th day of April, 1973, between the CITY OF KIRKLAND, a municipal corporation of the State of Washington (hereinafter referred to as the "City"), and the MUNICIPALITY OF METROPOLITAN SEATTLE, a municipal corporation of the State of Washington (hereinafter referred to as "Metro");

W I T N E S S E T H:

WHEREAS, the parties have heretofore entered into a long-term agreement for Sewage Disposal dated May 5, 1961 (hereinafter referred to as the "Basic Agreement"); and

WHEREAS, the parties desire to amend certain portions of the Basic Agreement to reflect changed conditions and policies; and

WHEREAS, Metro has constructed the Eastside Interceptor, Section 14 (hereinafter referred to as the "Interceptor"), to serve as a facility of the Metropolitan Sewerage System; and

WHEREAS, the City desires to use portions of the Interceptor as a Local Sewerage Facility;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is hereby agreed as follows:

Section 1. Definition of Terms. The defined terms used in this contract shall have the meanings set forth in the Basic Agreement. Where manhole numbers are referred to, reference is made to Metro Contract Document 64-10, Schedule 3 for the Eastside Interceptor, Section 14, copies of which are on file with Metro and the City.

Section 2. Amendment of Basic Agreement - Delivery and Acceptance of Sewage. Section 2 of the Basic Agreement is hereby amended to read as follows:

"Section 2. Delivery and Acceptance of Sewage. The City shall deliver to Metro all of the sewage and industrial waste collected by the City and Metro shall accept the sewage and waste delivered for treatment and disposal as hereinafter provided subject to such reasonable rules and regulations as may be adopted from time to time by the Metropolitan Council. Metro shall not directly accept sewage or waste from any person, firm or private corporation which is located within the boundaries of or is delivering its sewage into the Local Sewerage Facility of the City without the written consent of the City."

Section 3. Joint Use of Portions of Interceptor. The City and Metro agree that the Interceptor between Manhole R02-71 and Manhole R02-72 shall serve as both a Metropolitan and a Local Sewerage Facility for such Participants as have authority to provide local service. The City shall have the right to make direct local connections to said sewer for which the City shall pay to Metro, before making said connection, the sum of \$8.00 per front foot of property served on each side of the interceptor alignment; that is, a total of \$16.00 per front foot of property served if local service is given on both sides of the Interceptor. Said amount represents the estimated cost of providing sewer service by constructing an eight-inch (8") local sewer on the same alignment as the Interceptor throughout that portion where local connections are allowed. Prior to any local connection, the City shall submit to Metro for approval a plot plan indicating the amount of frontage and property to be served, and shall

make payment to Metro of the agreed upon amount. Upon such approval and payment, the City shall own an eight-inch (8") equivalent share of the Interceptor where local service is given on both sides of the Interceptor, and one-half thereof where service is given on only one side. Local connections to the Interceptor may be made by the City in such a manner as shall be approved by Metro. The City shall hold Metro harmless from any loss, cost, charge, liability or expense resulting from or arising out of damage to the Interceptor or to the persons or property of others caused by the making of such connections or the City's failure to observe any covenant of this Agreement.

Section 4. Construction and Maintenance of Local Sewerage Facilities. The City shall construct, operate and maintain at its expense or cause others to construct, operate and maintain at their expense, and in good working order and condition, any side sewers or Local Sewerage Facilities connected to the Interceptor up to and including the tee connection. Metro shall have no responsibility for construction, operation or maintenance of such side sewers or Local Sewerage Facilities.

Section 5. Maintenance and Operation of Interceptor. Metro shall continue to operate, maintain and own all portions of the Interceptor except as otherwise expressly provided herein. The City shall have no responsibility for operation or maintenance of the Interceptor.

Section 6. Amendment to Basic Agreement - Termination. Section 12 of the Basic Agreement is hereby amended to read as follows:

"Section 12. Effective Date and Term of Contract. This Agreement shall be in full force and effect and binding upon the parties hereto upon the execution of the Agreement and shall continue in full force and effect until July 1, 2016."

Section 7. Basic Agreement Otherwise Unchanged. Except as otherwise provided in this Agreement, all provisions of the Basic Agreement shall remain in full force and effect as written therein.

Section 8. Assignment. Neither of the parties hereto shall have the right to assign this agreement or any of its rights and obligations hereunder nor to terminate its obligations hereunder by dissolution or otherwise without first securing the written consent of the other party, and this agreement shall be binding upon and inure to the benefit of the respective successors of the parties hereto.

Section 9. Execution of Documents. This Agreement shall be executed in six counterparts, any one of which shall be regarded for all purposes as one original.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF KIRKLAND

By William C Woods
Mayor William C. Woods

ATTEST:

Tony Adams

MUNICIPALITY OF METROPOLITAN SEATTLE

BY C. Carey Donworth
C. Carey Donworth
Chairman of the Council

ATTEST:

B. J. Carol
B. J. Carol
Clerk of the Council

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 19th day of March, 1973, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared William C. Woods and Tom J. Anderson, to me known to be the Mayor Dir. of Admin. & Fin., respectively, of the CITY OF KIRKLAND, the Municipal Corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and on oath stated that they were authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Arthur E. Brantson
Notary Public in and for the State of
Washington, residing at Kirkland

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 19th day of April, 1973, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared C. CAREY DONWORTH and B. J. CAROL, to me known to be the Chairman of the Council and Clerk of the Council, respectively, of the MUNICIPALITY OF METROPOLITAN SEATTLE, the municipal corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and on oath stated that they were authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Jack A. Hakola
Notary Public in and for the State of
Washington, residing at SEATTLE

Executed in 10 counterparts of
which this is counterpart No. 10

#187

AGREEMENT FOR SEWAGE DISPOSAL

THIS AGREEMENT made and executed this 5TH day
of MAY, 1961, between the CITY OF KIRKLAND,
a municipal corporation of the State of Washington, herein-
after referred to as the "City" and the MUNICIPALITY OF
METROPOLITAN SEATTLE, a municipal corporation of the State
of Washington, hereinafter referred to as "Metro,"

W I T N E S S E T H:

WHEREAS, the public health, welfare and safety of
the residents of the City and the residents of the metro-
politan area require the elimination of existing sources of
water pollution and the preservation of the fresh and salt
water resources of the area; and

WHEREAS, growth of population, topographic conditions
and preservation of water resources require that certain major
sewage disposal works be constructed and operated and that
the cities and special districts within the metropolitan area
dispose of their sewage in accordance with a comprehensive
plan for the metropolitan area; and

WHEREAS, Metro was established by vote of the people
in the metropolitan area pursuant to Chapter 35.58 RCW for the
purpose of performing the function of metropolitan sewage
disposal, has adopted a comprehensive plan for the disposal
of sewage from the metropolitan area and intends to develop
the facilities needed to carry out such plan and to issue
revenue bonds to finance such development; and

WHEREAS, to carry out the purposes of Metro and perform its authorized function and to provide for the disposal of sewage from the City into the metropolitan sewage disposal system it is necessary that a contract be now entered into establishing certain rights and duties of the parties incident thereto;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, IT IS HEREBY AGREED as follows:

Section 1. Definition of Terms. The following words and phrases used in this contract shall have the meanings hereinafter set forth in this section:

- (a) The words "Comprehensive Plan" shall mean the Comprehensive Sewage Disposal Plan for the metropolitan area adopted in Resolution No. 23 of the Municipality of Metropolitan Seattle and as same may be hereafter amended from time to time in the manner required by law.
- (b) The words "Metropolitan Sewerage System" shall mean all of the facilities to be constructed, acquired or used by Metro as a part of the Comprehensive Plan. The Metropolitan Sewerage System shall generally include sewage disposal facilities with capacity to receive sewage from natural drainage areas of approximately one thousand acres or more. The Metropolitan Sewerage System shall thus include trunk or interceptor sewer facilities extending to a point within each tributary, and natural drainage area, where not more than one thousand acres remain to be served beyond the upper terminus of such trunk or interceptor sewer.

- (c) The words "Local Sewerage Facilities" shall mean all facilities owned or operated by the Participant for the local collection of sewage to be delivered to the Metropolitan Sewerage System.
- (d) The words "Metropolitan Area" shall mean the area contained within the boundaries of the Municipality of Metropolitan Seattle as now or hereafter constituted.
- (e) The word "Participant" shall mean each city, town, county, sewer district, municipal corporation, person, firm or private corporation which shall dispose of any portion of its sanitary sewage into the Metropolitan Sewerage System and shall have entered into a contract with Metro providing for such disposal.
- (f) The words "Residential Customer" shall mean a single family residence billed by a Participant for sewerage charges.

Section 2. Delivery and Acceptance of Sewage. From and after July 1, 1962, the City shall deliver to the Metropolitan Sewerage System all of the sewage and industrial wastes collected by it and Metro shall accept the sewage and wastes delivered for treatment subject to such reasonable rules and regulations as may be adopted from time to time by the Metropolitan Council. Metro shall not directly accept sewage or wastes from any person, firm, corporation or governmental agency which is located within the boundaries of or is delivering its sewage into the Local Sewerage Facilities of any Participant without the written consent of such Participant.

Section 3. Construction of Facilities. Metro shall construct, acquire or otherwise secure the right to use all facilities required for the disposal of sewage delivered to Metro pursuant to this Agreement and shall perform all services required for the maintenance, operation, repair, replacement or improvement

of the Metropolitan Sewerage System, including any additions and betterments thereto.

Section 4. Connection of Local Sewerage Facilities to the Metropolitan Sewerage System. Local Sewerage Facilities of the City shall be connected to the Metropolitan Sewerage System at such time as any portion of the Metropolitan Sewerage System shall be available to receive sewage collected by such facilities. Metro shall, at its sole expense, connect those Local Sewerage Facilities of the City which are now in existence or which shall be constructed in accordance with the rules and regulations of Metro prior to the availability of the Metropolitan Sewerage System. Local Sewerage Facilities constructed after the Metropolitan Sewerage System shall have been made available to the area served by such Local Sewerage Facilities shall be connected to the Metropolitan Sewerage System at the expense of the Participant in accordance with the rules and regulations of Metro.

Section 5. Payment for Sewage Disposal. For the disposal of sewage collected by the City and delivered to Metro, the City shall pay to Metro on or before the last day of each month during the term of this agreement, commencing with the month of July, 1962, a sewage disposal charge determined as provided in this Section 5.

1. For the quarterly periods ending March 31, June 30, September 30 and December 31 of each year every Participant shall submit a written report to Metro setting forth (a) the number of Residential Customers billed by such Participant for local sewerage charges as of the last day of the quarter, (b) the total number of all customers billed by such Participant as of such day and (c) the total water consumption during such

quarter for all customers billed by such Participant other than Residential Customers. The quarterly water consumption report shall be taken from water meter records and may be adjusted to exclude water which does not enter the sanitary facilities of a customer. Where actual sewage flow from an individual customer is metered, the metered sewage flows shall be reported in lieu of adjusted water consumption. The total quarterly water consumption report in cubic feet shall be divided by 2,700 to determine the number of Residential Customer equivalents represented by each Participant's customers other than single family residences. The first report shall cover the quarterly period ending December 31, 1960 and shall be submitted on or before March 1, 1961. Succeeding reports shall be made for each quarterly period thereafter and shall be submitted within thirty (30) days following the end of the quarter. Metro shall maintain a permanent record of the quarterly customer reports from each Participant.

2. To form a basis for determining the monthly sewage disposal charge to be paid by each Participant during any particular quarterly period Metro shall ascertain the number of Residential Customers and Residential Customer equivalents of each Participant for each such quarterly period beginning with the July-September quarter of the year 1962. This determination shall be made by taking the sum of the actual number of Residential Customers reported as of the last day of the next to the last preceding quarter and the average number of Residential Customer equivalents per quarter reported for the four quarters ending with said next to the last preceding quarter, adjusted to eliminate any Residential Customers or Residential Customer equivalents whose sewage is delivered to a governmental

agency other than Metro or other than a Participant for disposal outside of the Metropolitan Area.

3. For the period from July 1, 1962 to December 31, 1963, the monthly rate for each Residential Customer and Residential Customer equivalent of the City shall be Two dollars (\$2.00) and the monthly sewage disposal charge to be paid by each Participant to Metro shall be obtained by multiplying the number of Residential Customers and Residential Customer equivalents of the Participant as determined in subparagraph 2 of this section by the monthly rate of Two dollars.

4. For each calendar year after the year 1963, the monthly sewage disposal charge payable to Metro shall be determined as follows:

a) Prior to July 1st of each year Metro shall determine its total monetary requirements for the disposal of sewage during the next succeeding calendar year. Such requirements shall include the cost of administration, operation, maintenance, repair and replacement of the Metropolitan Sewerage System, establishment and maintenance of necessary working capital and reserves, the requirements of any resolution providing for the issuance of revenue bonds of Metro to finance the acquisition, construction or use of sewerage facilities, plus not to exceed 1% of the foregoing requirements for general administrative overhead costs.

b) To determine the monthly rate per Residential Customer or Residential Customer equivalent to be used during said next succeeding calendar year, the total monetary requirements for disposal of sewage as determined in subparagraph 4(a) of this section shall be divided by twelve and the resulting quotient shall be divided by the

total number of Residential Customers and Residential Customer equivalents of all Participants ascertained in accordance with subparagraph 2 of this section for the October-December quarter preceding said July 1st; provided, however, that the monthly rate shall not be less than Two dollars (\$2.00) per month per Residential Customer or Residential Customer equivalent at any time during the period ending July 31, 1972.

c) The monthly sewage disposal charge paid by each Participant to Metro shall be obtained by multiplying the monthly rate by the number of Residential Customers and Residential Customer equivalents of the Participant determined as provided in Paragraph 2 of this section. An additional charge may be made for sewage or wastes of unusual quality or composition requiring special treatment, or Metro may require pretreatment of such sewage or wastes. An additional charge may be made for quantities of storm or ground waters entering those Local Sewerage Facilities which are constructed after January 1, 1961 in excess of the minimum standard established by the general rules and regulations of Metro.

5. A statement of the amount of the monthly sewage disposal charge shall be submitted by Metro to each Participant on or before the first day of each month during the term of this agreement commencing with the month of July 1962 and payment of such charge shall be due on the last day of such month. If any charge or portion thereof due to Metro shall remain unpaid for fifteen days following its due date, the Participant shall be charged with and pay to Metro interest on the amount unpaid from its due date until paid at the rate of 6% per annum, and Metro may, upon failure to pay such amount, enforce payment by any remedy available at law or equity.

6. The City irrevocably obligates and binds itself to pay its sewage disposal charge out of the gross revenues of the combined water and sewerage system of the City. The City further binds itself to establish, maintain and collect rates and charges for water and for sewage disposal service sufficient to pay all costs of maintenance and operation of the combined water and sewerage system of the City, including the sewage disposal charge payable to Metro hereunder, and sufficient to pay the principal of and interest on any revenue bonds of the City which shall constitute a charge upon such gross revenue. It is recognized by Metro and the City that the sewage disposal charge paid by the City to Metro shall constitute an expense of maintenance and operation of the combined water and sewerage system of the City prior in lien to any water and sewer revenue bonds of the City to be hereafter issued. It is further recognized that the City shall have the right to fix its own schedule of water and sewerage rates and charges, provided that same shall produce revenue to meet the covenants contained in this agreement.

Section 6. Responsibility of Participant. Each Participant shall be responsible for the delivery to the Metropolitan Sewerage System of sewage collected by such Participant, for the construction, maintenance and operation of Local Sewerage Facilities, and for the payment of all costs incident to the collection of such sewage and its delivery to the Metropolitan Sewerage System.

Section 7. Records. Permanent books and records shall be kept by Metro of the rates established, the volumes of sewage delivered and discharged into the Metropolitan Sewerage System wherever such volumes are measured and the number of Residential Customers and Residential Customer equivalents reported by each Participant, in addition to complete books of account showing all costs incurred in connection with the Metropolitan Sewerage

System. Such records shall be maintained beginning with the commencement of operation of any part of the Metropolitan Sewerage System.

Section 8. Development of Metropolitan Sewerage System.

It is contemplated that the Metropolitan Sewerage System will be developed in stages and the nature of facilities to be constructed, acquired or used and the time of such construction, acquisition or use shall be determined by Metro, it being contemplated that Metro shall ultimately provide sewage disposal service for the entire Metropolitan Area.

Section 9. Use of Facilities Owned or Operated by the City. Effective July 1, 1962, or such earlier date as may be mutually agreed upon (hereinafter called "takeover date"), Metro shall have the exclusive right to use and the duty to maintain, operate, repair and replace the facilities owned by the City which are described in Exhibit "A" attached hereto and by this reference made a part hereof, subject to the continued availability of such facilities to receive, transport or treat sewage delivered by the City. From and after the takeover date Metro shall acquire, construct, maintain, operate, repair and replace all facilities now or hereafter required for the treatment and disposal of sewage delivered by the City and the City shall make payment for such treatment and disposal as provided in Section 5 of this Agreement.

For the privilege of using the facilities described in Exhibit "A" and for the easement rights hereby granted to Metro by the City of Kirkland as described in Exhibit "B" attached hereto and by this reference made a part hereof, Metro shall pay to the City of Kirkland a total amount of One Hundred Twenty One Thousand Nine Hundred Dollars (\$121,900.00) (hereinafter called "amount of reimbursement"). If the City shall construct improvements or additions to the

facilities described in Exhibit "A" with the approval of Metro after the date of this Agreement and prior to the takeover date, the City shall be reimbursed for the actual cost thereof in cash within thirty (30) days following the said takeover date in addition to the amount of reimbursement set forth above. The right of Metro to use facilities designated as "temporary" shall expire six months following the date of completion as determined by Metro of permanent metropolitan facilities adequate to replace such temporary facilities. The City shall continue to own the facilities described in this Section 9 and shall continue to pay the principal of and interest on any bonds issued to pay in whole or in part the cost of acquisition and construction of such facilities, provided that facilities which are designated as "permanent" shall be conveyed by the City to Metro by quit claim deed upon payment of all presently outstanding revenue bonds or general obligation bonds of the City secured by or issued to acquire or construct said facilities.

The City shall give written notice to Metro prior to June 1, 1961, setting forth the manner in which the amount of reimbursement shall be paid. The City may elect to receive all or any portion of said amount in cash within thirty (30) days following the date of delivery of revenue bonds issued by Metro for the purpose of providing funds therefor and, in any event, not later than July 1, 1962 (hereinafter called "cash payment date") and may elect to receive any portion which is not paid on said cash payment date together with interest thereon at the rate of 4% per annum from said date, in the form of a credit against the City's monthly sewage disposal charge in equal monthly amounts sufficient to amortize such unpaid amount of reimbursement and interest thereon prior

to July 1, 1977. The City may at any time after the cash payment date elect to receive any unpaid portion of the amount of reimbursement in cash with interest at the rate of 4% per annum to date of final payment by giving written notice to Metro at least one year prior to the date such final payment is to be made.

Section 10. Insurance and Liability for Damages.

Each Participant with a population of less than 100,000 shall secure and maintain with responsible insurers all such insurance as is customarily maintained with respect to sewerage systems of like character against loss of or damage to the respective sewerage facilities of each and against public and other liability to the extent that such insurance can be secured and maintained at reasonable cost. Any liability incurred by Metro as a result of the operation of the Metropolitan Sewerage System shall be the sole liability of Metro and any liability incurred by the City as a result of the operation of the Local Sewerage Facilities of the City shall be the sole liability of the City.

Section 11. Assignment.

Neither of the parties hereto shall have the right to assign this Agreement or any of its rights and obligations hereunder nor to terminate its obligations hereunder by dissolution or otherwise without first securing the written consent of the other party and this Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto. In the event that the City should be dissolved, the local sewer facilities owned and operated by the City shall by such act of dissolution be assigned and transferred to Metro subject to any outstanding debts of the City incurred for the construction

or acquisition of such facilities and subject to the obligation of Metro to continue to provide sewer service to the residents served by such local facilities upon payment of the reasonable costs thereof.

Section 12. Effective Date and Term of Contract.

This Agreement shall be in full force and effect and binding upon the parties hereto upon the execution of the Agreement and shall continue in full force and effect for a period of fifty years unless prior to the takeover date Metro shall not have entered into a firm commitment for the sale of revenue bonds to finance any portion of the Comprehensive Plan, then in such event only, this Agreement shall be terminated as of said date. Metro shall make every reasonable effort to secure such a commitment prior to said date.

Section 13. Notice. Whenever in this Agreement

notice is required to be given, the same shall be given by Registered Mail addressed to the respective parties at the following addresses:

Municipality of Metropolitan Seattle
152 Denny Way, Seattle 9, Washington

City of Kirkland
Kirkland, Washington

unless a different address shall be hereafter designated in

writing by either of the parties.

The date of giving such notice shall be deemed to be the date of mailing thereof. Billings for and payments of sewage disposal costs may be made by regular mail.

Section 14. Execution of Documents. This Agreement shall be executed in ten counterparts, any of which shall be regarded for all purposes as one original. Each party agrees that it will execute any and all deeds, instruments, documents and resolutions or ordinances necessary to give effect to the terms of this Agreement.

Section 15. Waiver. No waiver by either party of any term or condition of this Agreement shall be deemed or construed as a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or a different provision of this Agreement.

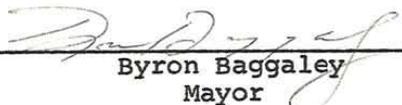
Section 16. Remedies. In addition to the remedies provided by law, this Agreement shall be specifically enforceable by either party.

Section 17. Entirety. This Agreement merges and supersedes all prior negotiations, representations and agreements between the parties hereto relating to the subject matter hereof and constitutes the entire contract between the parties concerning the disposal of sewage by the City and acceptance of such sewage by Metro for disposal.

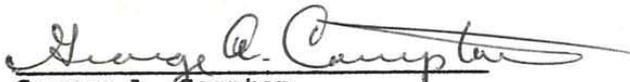
IN WITNESS WHEREOF, the parties hereto have executed

this Agreement as of the day and year first above written.

CITY OF KIRKLAND

BY 
Byron Baggaley
Mayor

ATTEST:


George A. Compton
City Clerk

MUNICIPALITY OF METROPOLITAN SEATTLE

BY 
C. Carey Donworth
Chairman of the Council

ATTEST:


Maralyn Sullivan
Clerk of the Council

STATE OF WASHINGTON)
)
COUNTY OF KING) ss.

On this 5th day of May, 1961,
before me personally appeared BYRON BAGGALEY and GEORGE A.
COMPTON, to me known to be the Mayor and City Clerk,
respectively, of the City of Kirkland, a municipal corporation,
and acknowledged the within and foregoing instrument to be
the free and voluntary act and deed of said corporation, for
the uses and purposes therein mentioned, and on oath stated
that they were authorized to execute said instrument and that
the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

Raymond E. [Signature]
Notary Public in and for the State
of Washington, residing at Kirkland

STATE OF WASHINGTON)
)
COUNTY OF KING) ss.

On this 27 day of April, 1961,
before me personally appeared C. CAREY DONWORTH and MARALYN
SULLIVAN, to me known to be the Chairman of the Council and
Clerk of the Council, respectively, of the Municipality of
Metropolitan Seattle, a municipal corporation, and acknowledged
the within and foregoing instrument to be the free and
voluntary act and deed of said corporation, for the uses and
purposes therein mentioned, and on oath stated that they were
authorized to execute said instrument and that the seal affixed
is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

Arthur S. Shoney
Notary Public in and for the State
of Washington, residing at Seattle

EXHIBIT "A"

TEMPORARY FACILITIES

FACILITY

Sewage treatment plant and associated improvements located on the following described property situated in King County, State of Washington, to wit:

Beginning at the meander corner between Sections 5 and 8, Township 25 North, Range 5 E.W.M., and running thence along section line north $89^{\circ} 39' 00''$ east 60.15 feet; thence north $22^{\circ} 21' 00''$ west 183.71 feet; thence north $70^{\circ} 04' 15''$ east, 496.71 feet to the true point of beginning; thence continuing north $70^{\circ} 04' 15''$ east, a distance of 319.13 feet; thence north $0^{\circ} 21' 00''$ east a distance of 198.76 feet, thence south $70^{\circ} 04' 15''$ west a distance of 319.13 feet; thence south $0^{\circ} 21' 00''$ west, a distance of 198.76 feet to the true point of beginning.

EXHIBIT "B"Description of Permanent Sewage Pumping Station Easement

A perpetual easement for the purpose of installing, constructing, maintaining, operating, repairing and replacing an underground sewage pumping station with all connecting sewer lines, manholes, underground power, telephone, water or other utility lines or pipelines and appurtenances thereto, together with the right of ingress and egress to said station and the right to maintain an access stairway over, upon and under the westerly 10 feet of the easement property, said easement property being located in the City of Kirkland, King County, State of Washington, and more particularly described as follows:

Th prt of govt lot 5 sect 5 twp 25 N R 5 E W.M. daf
 Beg at the meander cor betw sects 5 and 8 twp 25 N R
 5 E W.M.; th N 89°39'00" E along the Sly In of sd govt
 lot 5 a distance of 459.32 ft to the Sly production of
 the Ely ln of 2nd St; th N 0°21'00" W 273.13 ft to the
 SEly ln of 1st Ave as cyed to the City of Kirk and by
 dd recdd under aud file No. 3883807 rec of sd co; th N
 70°04'15" E along sd SEly ln 95.52 ft; th N 89°39'00"E
 210.99 ft to the W ln 3rd St as cyed to the City of
 Kirk in said deed; th N 0°21'00" W 60 ft along th W ln
 of said 3rd St to the true point of beginning; th S
 89°21'00"W 10 ft; th N 0°21'00" W 60 ft; th N 89°39'00"E
 10 ft to the W ln of said 3rd St; th N 89°39'00"E 60 ft;
 th S 0°21'00"E 60 ft; th S 89°31'00"W 60 ft to T.P.O.B.

reserving, however, to the city all right, title and interest which may be used and enjoyed without interfering with the easement rights herein conveyed and, in particular, to continue to use and maintain as a city street the surface of that portion of said property now used for a street following construction or repair of the pumping station thereunder and the restoration by Metro of any street improvements damaged by such construction or repair.