CITY OF KIRKLAND
CITY COUNCIL

Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher • Toby Nixon
Bob Sternoff • Penny Sweet • Amy Walen • 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 Chambers
Tuesday, April 17, 2012
6:00 p.m. – Study Session – Council Chambers
7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov, or at the Public Resource Area at City Hall on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (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.

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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Council Chambers
   - *a.* Planning Work Program
4. *EXECUTIVE SESSION,* 6:30 p.m.
   - *a.* To Discuss Potential Litigation
5. *HONORS AND PROCLAMATIONS*
   - *a.* International Institute of Municipal Clerks Week Proclamation
   - *b.* Records and Information Management Month Proclamation
6. *COMMUNICATIONS*
   - *a. Announcements*
   - *b. Items from the Audience*
   - *c. Petitions*
7. *SPECIAL PRESENTATIONS*

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:

(1) March 29, 2012 Special Meeting

(2) April 3, 2012

b. Audit of Accounts:

Payroll $

Bills $

c. General Correspondence

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) 6th Street South and Central Way Intersection Improvements, Sanders General Construction, Issaquah, Washington

g. Approval of Agreements

h. Other Items of Business

(1) Ordinance O-4352 and its Summary, Granting Electric Lightwave LLC, a Delaware Limited Liability Company, the Right, Privilege, Authority and Franchise to Construct, and Maintain, Repair, Replace, Operate Upon, Over, Under, Along and Across the Franchise Area for Purposes of its Telecommunications Business

(2) Ordinance O-4353, Relating to Transportation, Park, and School Impact Fees and Extending the Availability of Certain Impact Fee Deferrals in Kirkland Municipal Code Sections 27.04.030(g), 27.06.030(g), and 27.08.030(e).

(3) Resolution R-4915, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owner Shelley R. Becker

(4) Cultural Council Resignation

(5) Library Board Resignation

(6) Report on Procurement Activities

9. PUBLIC HEARINGS

a. Ordinance O-4354, Relating to Land Use and Zoning, Providing Interim Official Controls Regarding Land Use Permit Extensions, File No. MIS09-

00022, as Adopted by Ordinance 4300, and Extending Ordinance 4300 through November 1, 2012.

10. UNFINISHED BUSINESS

a. Planning Commission Briefing on Commercial Codes and BN (Neighborhood Business) Zones (continued from 4/3/12)

b. Totem Lake Flood Control Measures Project Update and Funding Approval

c. Special Events Funding

d. Downtown Pay Parking 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. Resolution R-4916, Renaming Houghton Beach Park, Located at 5811 Lake Washington Boulevard, to Doris Cooper - Houghton Beach Park

b. Resolution R-4917, Authorizing the Submittal of an Application for Grant Funding Assistance for the Cross Kirkland Corridor as a Washington Wildlife and Recreation Program Project to the Recreation and Conservation Office as Provided in Chapter 79A.15 RCW, Acquisition of Habitat Conservation and Outdoor Recreation Lands, WAC 286 and Subsequent Legislative Action.

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.

c. Tourism Development Committee Recommendation

d. 2012 Legislative Update #6

12. REPORTS

a. City Council

(1) Regional Issues

b. City Manager

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.kirklandwa.gov

MEMORANDUM

Date: **April 5, 2012**

To: **Kurt Triplett, City Manager**

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

Subject: **Proposed 2012 – 2014 Planning Work Program**

Recommendation

Review the proposed work program, provide direction on any revisions and direct staff to bring the revised work program back to the City Council for adoption at the May 1st City Council Meeting. ** Please note the study session will be limited to 30 minutes so staff will be asking for decisions rather than making detailed presentations.

Background

The City Council met with the Planning Commission at a joint meeting on April 3, 2012. At that time the Council reviewed the proposed work program as recommended by the Planning Commission (Attachment 1) and discussed several of the tasks. That packet can be viewed at the following link: Joint Meeting.

While there was agreement on the majority of projects noted in the work program, there were several tasks that merited further discussion. The Mayor requested that the Council continue the discussion of the work program to the April 17th Study Session.

At the April 3 meeting, the direction of the Council is to focus on economic development in general and Totem Lake in particular. The Council also indicated that, given the limited window of time before the City initiates work on the GMA Comprehensive Plan in 2013, neighborhood and subarea plans should be deferred to a later date or after completion of the major Comprehensive Plan update.

Based on the initial discussion at the joint meeting staff has framed the work program tasks under the following categories. The task number and targeted completion dates are noted as well.

- Current tasks to finish
- New projects – Council agreement
- Potential new projects – uncertain Council agreement

Current Tasks to Finish: These are tasks that are currently being worked on and will likely be completed this year. The Council was in agreement with these:

- Totem Lake Code Amendments (3.1) — July
- Commercial Codes (3.2) — Phase 1 - July & Phase 2 – Dec
- Misc. Code Amendments (5.1) — July
- Urban Forestry Mgmt Plan (7.2) — September

New Projects
These tasks are new projects that would begin in 2012. At the April 3 meeting, the Council appeared to be in general agreement with including these on the 2012 work program schedule. Staff is requesting confirmation from the Council.

- Annual Plan Amendments (1.1) — December
- Totem Lake TDR (3.3) — 2013
- SRO* standards (include in 3.2 as part of Misc. Code Amendments) — July
- Howard PAR (1.2) — December
- MRM PAR (1.3) — December
- Totem Lake Neighborhood Plan (new task in coordination with TDR task – 3.3) — 2013

(*SRO – Single Room Occupancy)

During the discussion on the MRM PAR, it was noted that perhaps the study area should be expanded to include the rest of the CBD 5 zone (See Attachment 2). Parkplace was previously in the CBD 5 zone, but was changed to a new CBD 5A zone in 2008. When the Parkplace PAR was submitted consideration was given to studying the entire CBD 5 zone, but it was decided to only look at the Parkplace site. Given the adjacency of the properties to the east of the MRM parcel, there is some rationale for looking at the adjacent area; however it does expand the scope and complexity of the request.

Potential New Projects
These are projects where staff did not perceive that the Council came to an agreement on whether to include them in the work program.

- Subarea Plan Approaches (4.1)
- Houghton/Everest Business District (4.2)
- Traffic Impact Standards (5.2)
- CBD ground floor commercial (could add to Phase 2 of Commercial Codes – Task 3.2)

The Council should provide direction on whether or not to incorporate these into the work program. Task 4.1 would be a refinement of the subarea plan approaches outlined

in the background paper in the previous packet. The Council should discuss whether or not the Commission should continue this effort at this time.

Staff would be available for the Houghton/Everest Business District (Task 4.2) that would follow the work on the MRM PAR and would be completed in 2013. Task 5.2 regarding Traffic Impact Standards would codify the traffic impact standards and simplify our SEPA process.

Regarding the CBD ground floor commercial item, this would revisit the issue that was looked at and completed in June 2011 of what should be appropriate ground floor uses in the CBD. The ability of Evergreen Hospital to locate a clinic downtown has been resolved and the Council may therefore feel that there is less urgency to take this issue up again in the immediate term.

Council Discussion and Direction

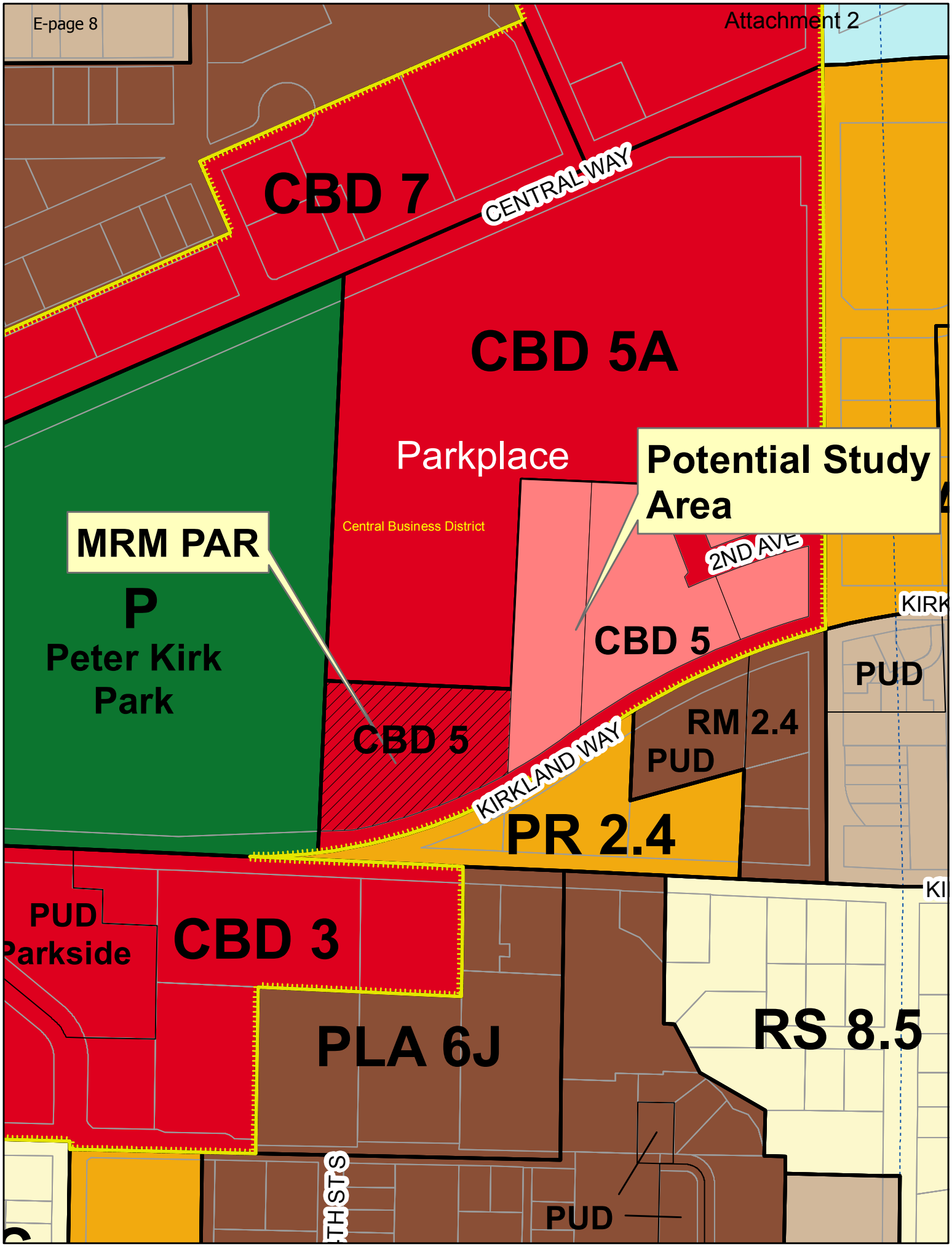
At the April 17th study session, the Council should confirm the work program tasks where there was general agreement and provide direction on those tasks that the Council would like to see incorporated into the work program. Staff will then bring back the final work program for review and adoption at the May 1st Council meeting.

Attachment 1

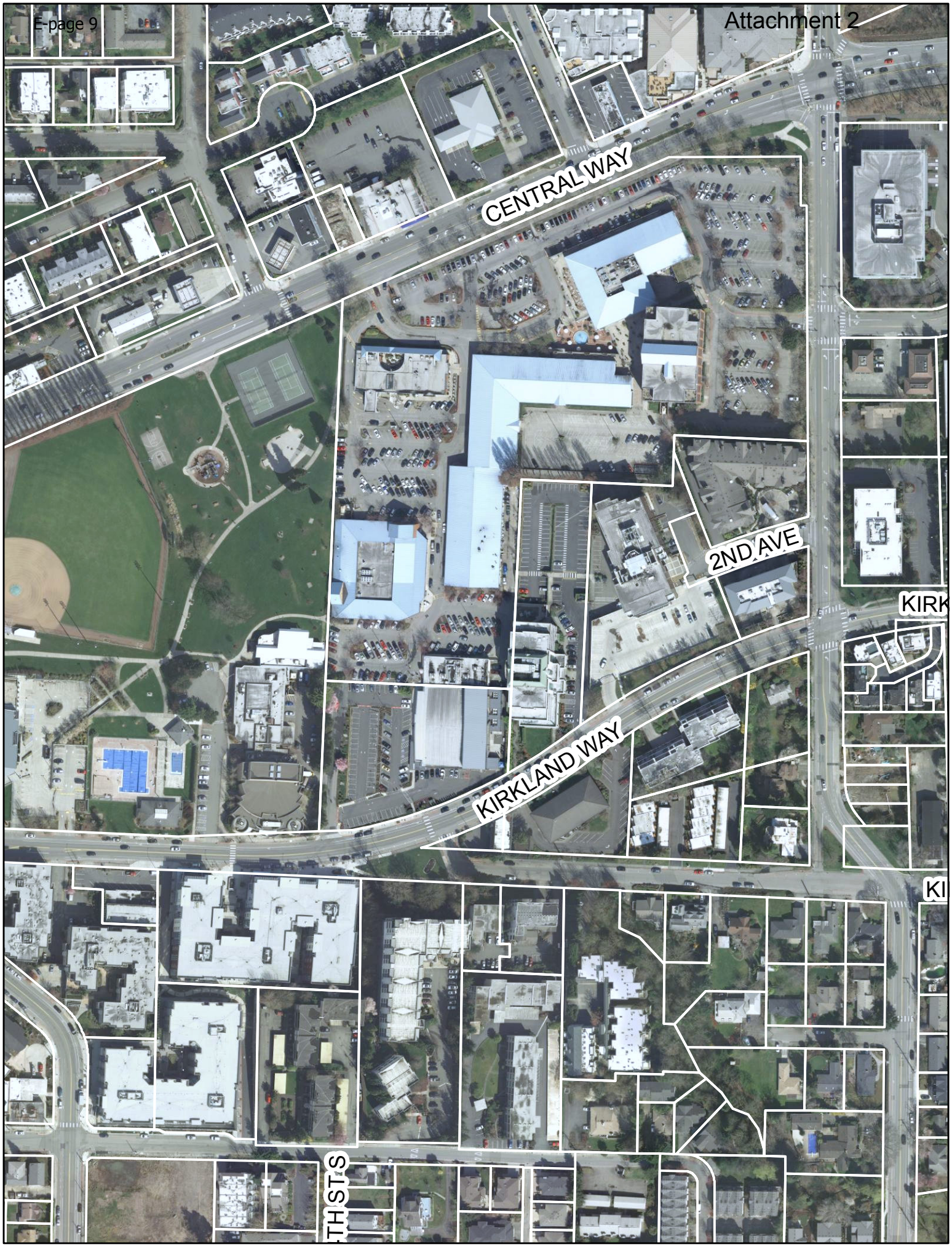
PROPOSED 2012 – 2014 PLANNING WORK PROGRAM: LONG RANGE TASKS March 22, 2012

				2012												2013				2014			
TASK		**PROJECT MANAGER**	**2012 STAFF**	**J**	**F**	**M**	**A**	**M**	**J**	**J**	**A**	**S**	**O**	**N**	**D**	**1st**	**2nd**	**3rd**	**4th**	**1st**	**2nd**	**3rd**	**4th**
POLICIES, PLANS & REGULATIONS																							
1.0	**2012 Comp Plan & PAR's**		**1.1FTE**																				
1.1	• Annual Comp Plan Update	**Brill**																					
1.2	• Howard PAR																						
1.3	• MRM PAR																						
2.0	**GMA Comp Plan Update**																						
2.1	• Community Profile																						
2.2	• LU Capacity Analysis																						
2.3	• Scoping & Visioning																						
2.4	• SEPA/EIS																						
2.5	• GMA Plan Update Work																						
3.0	**Economic Development**		**1.0 FTE**																				
3.1	• Totem Lake Code Amendments	**Collins**																					
3.2	• Commercial Codes	**McMahan**																					
3.3	• Totem Lake TDR Analysis/ILA	**Collins**																					
3.4	• Infrastructure Financing Tools	**Finance/Wolfe**																					
4.0	**Subarea Plans**		**1.0 FTE**																				
4.1	• Neighborhood Plan Assessment																						
4.2	• Houghton/Everest Bus Dist																						
4.3	• Finn Hill Business Dist																						
4.4	• Bridle Trails Bus Dist/NP																						
4.5	• Other Subareas or Bus. Districts?																						
4.6	• Cross Kirkland Corridor																						
5.0	**Misc. Code Amendments**		**.5 FTE**																				
5.1	• Misc. Code Amendments	**Brill**																					
5.2	• Traffic Impact Standards	**Swan/Godfrey**																					
5.3	• Collective Gardens																						
6.0	**Housing**	**Nelson/ARCH**	**.2 FTE**																				
6.1	• Housing Preservation																						
6.2	• Affordable Housing Strategies																						
7.0	**Natural Env./Sustainability**		**.9 FTE**																				
7.1	• LID/Green Codes & Programs	**Barnes**																					
7.2	• Urban Forestry/Mgmt Plan	**Powers**																					
7.3	• Critical Area Regulations																						
7.4	• Green Team	**Barnes/Stewart**																					
8.0	**Database Management**	**Goble**	**.1 FTE**																				
9.0	**Regional Coordination**	**Shields**	**.1 FTE**																				
	Planning Commission Tasks																						
	Other Tasks																						

Attachment 2



Attachment 2



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: Marie Stake, Communications Program Manager

Date: April 11, 2012

Subject: "Municipal Clerks Week" Proclamation

RECOMMENDATION**:**

Council authorizes the Mayor to sign the Municipal Clerks Week Proclamation, proclaiming April 29 through May 5, 2012 as Municipal Clerks Week in Kirkland, Washington.

BACKGROUND DISCUSSION:

Since 1969 the International Institute of Municipal Clerks (IIMC) has designated Municipal Clerks Week as a means to recognize the vital role of the Municipal Clerks in local government. April 29 through May 5, 2012 will be the 43rd anniversary of Municipal Clerks Week. As in years past, the City of Kirkland recognizes the support and professionalism of its City Clerk's Office: Kathi Anderson, City Clerk, Anja Mullin, Deputy City Clerk, and Cheri Aldred, City Clerk Assistant.

The IIMC is a professional association of City, Town, Township, Village, Borough, Deputy and County Clerks and has 9,500 members throughout the United States, Canada and 15 other countries.

A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming April 29 through May 5, 2012 as "Municipal Clerks Week" in Kirkland, Washington

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, and the annual meetings of their county, state and international professional organizations; and

WHEREAS, The International Institute of Municipal Clerks annual recognizes the profession of Municipal Clerks by designating Municipal Clerks Week and celebrates its 43rd anniversary this year;

NOW, THEREFORE, I, Joan McBride, the Mayor of Kirkland, do hereby proclaim the week of April 29 through May 5, 2012, *as Municipal Clerks Week* in Kirkland, Washington, and further extend appreciation on behalf of the Kirkland City Council to our City Clerk, Kathi Anderson, Deputy City Clerk, Anja Mullin, and City Clerk Assistant, Cheri Aldred, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the City of Kirkland.

Signed this 17th day of April, 2012

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Joan McBride, Mayor

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: Anja Mullin, Deputy City Clerk

Date: April 11, 2012

Subject: "Records and Information Management Month" Proclamation

RECOMMENDATION**:**

Council authorizes the Mayor to proclaim April 2012 as Records and Information Management Month in Kirkland, Washington.

BACKGROUND DISCUSSION:

Since 1995, the Association of Information Management Professionals (ARMA) has designated April as Records and Information Management Month in appreciation of the importance of record and information management. ARMA International is a professional, not-for-profit organization whose primary purpose is education in the field of records and information management. Kirkland is a member of ARMA and Kirkland City Clerk, Kathi Anderson will be at the April 17th meeting to accept the proclamation.

A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming April 2012 as "Records and Information Management Month" in the City of Kirkland, Washington

WHEREAS, Records and Information Management Month was first observed in 1995 as National Records and Information Management Day and was an effort initiated by the members of the Association of Records Managers and Administrators (ARMA) U. S. Government Relations Committee to bring attention to the cause of passing the renewal of the U. S. Paperwork Reduction Act; and

WHEREAS, the management of records and information is critical to every individual for protecting rights and privacy, to every business and organization for ensuring compliance and profitability and to every government agency for serving the best interest of those within its jurisdiction; and

WHEREAS, technologies are increasing the amounts of information and globalization is expanding the complexity of information, the proper management of information as an asset is essential; and

WHEREAS, control of records and information is necessary for reduction of risk and liability, as well as for compliance with global standards; and

WHEREAS, the City's records and information professionals are entrusted with responsibility for the careful management, disposition and provision of access to public records on behalf of the citizens of the City of Kirkland;

NOW THEREFORE, I, Joan McBride, Mayor of the City of Kirkland, do hereby proclaim the month of April 2012 as "Records and Information Management Month" in the City of Kirkland, Washington and encourage all citizens to recognize the City's efforts to effectively manage records and information.

Signed this 17th day of April, 2012

_____

Joan McBride, Mayor

CITY OF KIRKLAND
CITY COUNCIL

Council Meeting: 04/17/2012
Agenda: Approval of Minutes
Item #: 8. a. (1).

Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher • Toby Nixon
Bob Sternoff • Penny Sweet • Amy Walen • Kurt Triplett, City Manager

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AGENDA
KIRKLAND CITY COUNCIL
LAKEVIEW NEIGHBORHOOD
SPECIAL COUNCIL MEETING

St. John's Episcopal Church
105 State Street

Thursday, March 29, 2012
7:00 – 8:45 p.m.

6:45 – 7:00 p.m.	1.	Informal Casual Conversations
7:00 – 7:05 p.m.	2.	Welcome and Introduction – Mayor Joan McBride
7:05 – 7:10 p.m.	3.	Comments from the Lakeview Neighborhood Interim Chair - Chuck Pilcher
7:10 – 7:30 p.m.	4.	Introductions from City Council Members
7:30 – 8:45 p.m.	5.	General Discussion and Questions from the Audience
8:45 p.m.	6.	Adjourn
8:45 – 9:00 p.m.	7.	Social Time

Mayor Joan McBride called the March 29, 2012 Kirkland City Council Special Meeting to order at 7:02 p.m. The following members of the City Council were present: Mayor Joan McBride, Deputy Mayor Doreen Marchione, Councilmembers Dave Asher, Toby Nixon, and Bob Sternoff. Councilmember Amy Walen was excused.

The Kirkland City Council Special Meeting was adjourned at 8:50 p.m.

City Clerk Mayor

KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
April 03, 2012

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:
Members Present: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.
Members Absent: None.

3. STUDY SESSION

a. Joint Meeting with Planning Commission

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Director of Planning and Community Development Eric Shields, Deputy Director Paul Stewart, Planning Commission members C. Ray Allshouse, Andy Held, Byron Katsuyama, Jon Pascal, Vice Chair Mike Miller and Chair Jay Arnold.

4. EXECUTIVE SESSION

a. To Discuss Potential Litigation

Mayor McBride announced at 6:56 that Council would be entering executive session to discuss potential litigation and would return to regular meeting at 7:30 p.m. City Attorney Robin Jenkinson was also in attendance.

City Clerk Kathi Anderson made an announcement at 7:30 p.m. that the Council required additional time and would return to regular meeting at 7:40 p.m.

5. HONORS AND PROCLAMATIONS

a. Child Abuse Prevention Month Proclamation

Advisory Board Member of the Children's Response Center Gayle Zawaideh received the proclamation from Mayor McBride and Councilmember Sweet.

b. April 15-22, 2012, Days of Remembrance Proclamation

Washington State Holocaust Education Resource Center Board of Director member Rodney Blumenstein and Holocaust Survivor Susie Sherman received the proclamation from Mayor McBride and Councilmember Sternoff.

c. Twenty Year Service Awards

City Manager Kurt Triplett provided a short presentation about the state of the City 20 years ago. The City Manager joined Mayor McBride in distributing twenty-year service awards to the employees.

Council recessed for a short break.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Karen Levenson
Justin Stewart
Lobsang Dargey
Kristine Wilson
Rich Hill
Karen Balkin
Rob Butcher
Tom Grim
Georgine Foster

Motion to consider a funding request from the City Council Contingency Fund for a proposed Summerfest event at the April 17, 2012 regular meeting.
Moved by Councilmember Bob Sternoff, seconded by Councilmember Amy Walen
Vote: Motion carried 5-2
Yes: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.
No: Councilmember Dave Asher, and Councilmember Toby Nixon.

c. Petitions

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) March 20, 2012 Special Meeting

(2) March 20, 2012

(3) March 23-24, 2012 Special Meeting

(4) March 27, 2012 Special Meeting

b. Audit of Accounts:
Payroll $ 985,079.69
Bills $1,995,865.79
run #1082 checks #533369 - 533527
run #1083 checks #533528 - 533576
run #1084 checks #533577 - 533583
run #1085 checks #533584 - 533698

c. General Correspondence

d. Claims

e. Award of Bids

(1) Four (4) Honda Police Motorcycles, South Bound Honda, Lakewood, Washington

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) Electric Lightwave LLC Franchise Ordinance - First Reading

(2) Resolution R-4913, 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, EDMONDS, KENT, MOUNTLAKE TERRACE, RENTON, TUKWILA, WOODINVILLE AND KIRKLAND TO MANAGE WATERFOWL."

h. Other Items of Business

(1) Renewal of Public Art Loans and Leases

(2) Report on Procurement Activities

Motion to Approve the Consent Calendar.
Moved by Councilmember Penny Sweet, seconded by Councilmember Amy Walen
Vote: Motion carried 7-0
Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Adopting Green Code Project Amendments:

Planner David Barnes and Plan Review Supervisor Tom Jensen responded to Council questions and feedback.

(1) Ordinance O-4350 and its Summary, Relating to Zoning, Planning and Land Use, Adopting a "Green Code" and Amending Ordinance 3719 as Amended, the Kirkland Zoning Ordinance: Chapter 5 - Definitions, Chapter 18 - Single-Family Residential A (RSA) Zones, Chapter 95 - Tree Management and Required Landscaping, Chapter 105 - Parking Areas, Vehicle and Pedestrian Access, and Related Improvements, Chapter 110 - Required Public Improvements, Chapter 114 - Low Impact Developments, Chapter 115 - Miscellaneous Use Development and Performance Standards, Chapter 180 - Plates.

Motion to Approve Ordinance O-4350, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, ADOPTING A "GREEN CODE" AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 5 – DEFINITIONS, CHAPTER 18 – SINGLE-FAMILY RESIDENTIAL A (RSA) ZONES, CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING, CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS, CHAPTER 110 – REQUIRED PUBLIC IMPROVEMENTS, CHAPTER 114 – LOW IMPACT DEVELOPMENTS, CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, CHAPTER 180 – PLATES."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Doreen Marchione
Vote: Motion carried 6-1
Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.
No: Councilmember Bob Sternoff.

(2) Ordinance O-4351, Relating to the Subdivision of Land and Adopting "Green Code" Provisions (File No. ZON10-00031) AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SUBDIVISION OF LAND AND ADOPTING "GREEN CODE" PROVISIONS. (FILE NO. ZON10-00031).

Motion to Approve Ordinance O-4351, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SUBDIVISION OF LAND AND ADOPTING "GREEN CODE" PROVISIONS. (FILE NO. ZON10-00031)."
Moved by Councilmember Dave Asher, seconded by Deputy Mayor Doreen Marchione
Vote: Motion carried 7-0
Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan

McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

b. Planning Commission Briefing on BN (Neighborhood Business) Zones

Planning Commission Chair Jay Arnold provided a briefing on the Planning Commission's preliminary recommendations regarding the BN (Neighborhood Business) Zones. Planning Supervisor Jeremy McMahan and Planning Commission Chair Jay Arnold responded to Council questions.

c. Legislative Update #5

Intergovernmental Relations Manager Lorrie McKay provided a short update on the City's legislative agenda and responded to Council questions.

d. Resolution R-4914, Setting Priority Goals for 2012 and Adopting the 2012 City Work Program

Motion to Approve Resolution R-4914, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING PRIORITY GOALS FOR 2012 AND ADOPTING THE 2012 CITY WORK PROGRAM."
Moved by Councilmember Penny Sweet, seconded by Councilmember Amy Walen
Vote: Motion carried 7-0
Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

11. NEW BUSINESS

None.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Regional Transit Committee meeting; Puget Sound Regional Council Executive Board meeting; Fireman's Ball; School Siting Taskforce meeting; Cascade Water Alliance meeting; Regional Law, Safety and Justice Committee meeting; new Councilmember training; meeting with the delegation from Korean Polytechnic Junior Colleges; Church Council of Seattle meeting in Kirkland; upcoming Suburban Cities Association meeting in Kirkland; forwarding kudos from different businesses to the Kirkland Development Services staff.

b. City Manager

(1) Watercraft Ordinance Update

Captain Bill Hamilton and Communications Program Manager Marie Stake provided an update on the Watercraft Ordinance and proposed public outreach plan and answered Council questions.

City Manager Kurt Triplett provided a report on the recent Youth Summit.

(2) Calendar Update

13. ITEMS FROM THE AUDIENCE

Karen Levenson

14. ADJOURNMENT

The Kirkland City Council regular meeting of April 3, 2012 was adjourned at 10:02 p.m.

City Clerk

Mayor

Council Meeting: 04/17/2012
Agenda: Claims
Item #: 8. d.

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 5, 2012

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) Cellnetix Labs, LLC
1124 Columbia Street #200
Seattle, WA 98104

Amount: $3068.09

Nature of Claim: Claimant states damage to vehicle resulted from being struck by a City vehicle.

(2) GEICO for Andrew Gunderson
P.O. 509119
San Diego, California 92150

Amount: $1915.89

Nature of Claim: Claimant states damage to vehicle resulted from being struck by a City vehicle.

(3) Tim and Lori McGovern
215 10th Avenue
Kirkland, WA 98033

Amount: $1830.99

Nature of Claim: Claimant states damage to property resulted from a faulty backflow fitting.

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
Ray Steiger, P.E., Public Works Director

Date: April 5, 2012

Subject: 6th STREET S & CENTRAL WAY INTERSECTION IMPROVEMENTS - ACCEPT WORK

RECOMMENDATION:

It is recommended that City Council accept the work on the 6th Street S & Central Way Intersection Improvements, as completed by Sanders General Construction, Issaquah, Washington, and establish the statutory 45 day lien period. In addition, it is recommended that City council authorize an additional $32,000 be added to the Project budget.

BACKGROUND AND DISCUSSION:

Looking west at 6th Street/Central Way

The 6th Street S & Central Way Intersection Improvements consisted of intersection modifications and constructing a new traffic signal in support of anticipated redevelopment of Park Place. These improvements represent the first phase of the overall project that will eventually include ITS compatible signal components and a second westbound Central Way left turn to southbound 6th Street S. This Phase I of the Project also included pedestrian and bicycle improvements, lighting upgrades, traffic lane modifications, new landscaped median islands, and an all new concrete road surface at the intersection to address long term traffic impacts. Concurrent with the new intersection, a new 16-inch watermain was also installed (Attachment A).

Phase II of the intersection improvements includes minor upgrades and programming to the signal hardware to make them compatible with the City's new Intelligent Transportation Systems (ITS); design of the ITS for the City is now underway and was made possible with a 2011 Federal grant. Phase III of the intersection improvements, primarily construction of the second southbound left turn and lane along 6th Street S is scheduled to coincide with redevelopment of Park Place.

At their regular meeting of March 15, 2011, Council awarded the construction contract to Sanders General Construction in the amount of $1,136,211. As a way to shorten the time between the award of contract and the start of the construction activities, the City pre-purchased the signal

poles and signal controller hardware through the State of Washington Purchasing Contract. The total estimated construction cost for the Project was estimated to be $1,230,000 (Attachment B).

The construction activities began in April 2011, and reached physical completion in January 2012; the total amount paid to the contractor was $1,267,373, including seven change orders. During construction, additional work was required as a result of unanticipated repairs needed on the intersection's existing storm drain system. In addition, sub-standard road base material was encountered under the former pavement leading to significant road sub-base preparation in advance of placing the new concrete. To facilitate these changes, approximately two weeks was added to the contract schedule, and increased costs occurred for material quantities and charges for uniformed police officers (UPO's) to control the busy intersection. The UPO's efforts were performed in large part by off-duty Kirkland police officers. The added construction time and complexities added in negotiating changes with the Contractor also led to increased costs associated with project management and inspection.

While Phase I is now complete, Phase II improvements are still proceeding at the intersection to facilitate the City's implementation of the recent Intelligent Transportation Systems (ITS) grant award. Minor adaptations to the signal controller and connection to a fiber network by Frontier Communications are proceeding so that the new signal will be compatible with the new ITS network.

Including engineering/inspection, the total amount spent to date is $2,050,000 compared to the original Project budget of $2,058,200 and leaving approximately $8,200 of remaining budget. Phase II (ITS) elements, record drawings, and close out staffing are anticipated to bring total expenditures to the budget amount. However over the course of the Project, approximately $32,000 of the original $2,000,000 CTED grant has been utilized by the State for administration of the grant which was not accounted for by staff leaving a projected funding *shortfall* of approximately $32,000.

Staff is proposing to utilize $32,000 from funding committed to Kirkland by Sound Transit in order to complete the 6th and Central improvements. Since this intersection was one of four eligible to share a portion of $1,338,000, and no funding has yet been used at the intersection, it is currently eligible. Table 1 identifies Sound Transit funding allocated to Kirkland intersections as a result of the Downtown Transit Center.

Project	**Billed To-Date**	**To Be Billed**	**TOTAL**
3rd Street S & Kirkland Way	$420,000	*$230,000	$600,000
3rd Street S & Central Way	$0	$0	$0
NE 68th Street & 108th Avenue NE	$0	*$500,000	$500,000
6th Street S & Central Way	**$0**	**$32,000**	**$32,000**
TOTAL	$420,000	$762,000	$1,182,000
Agreement Amount			$1,338,304
Uncommitted as of 4/2/12			*$156,304*

* Estimated

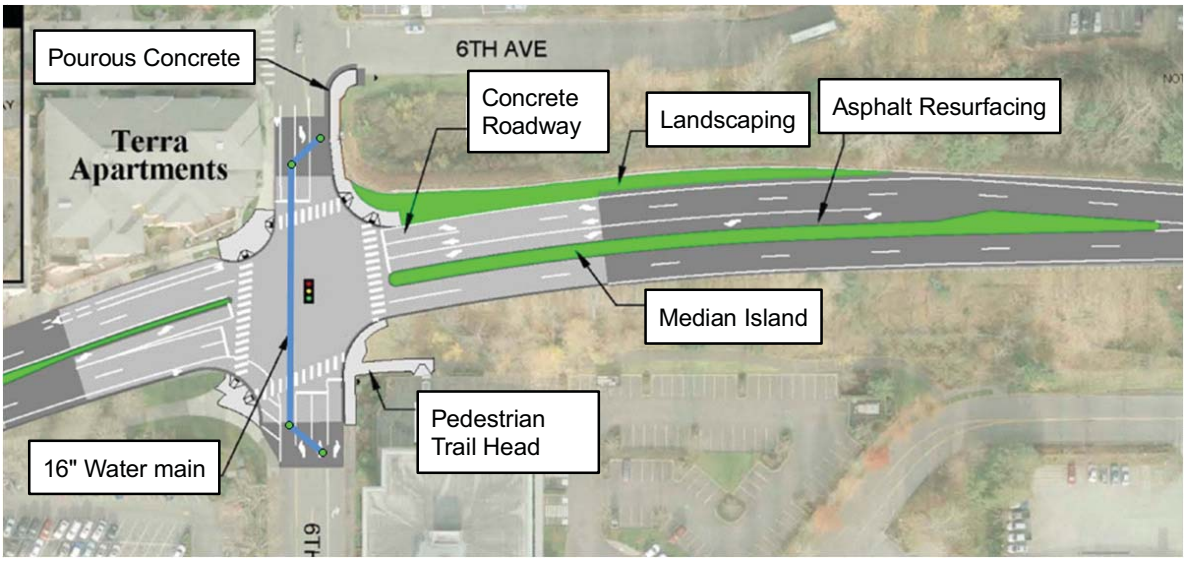
Table 1. Downtown Transit Center Associated Intersection Improvements

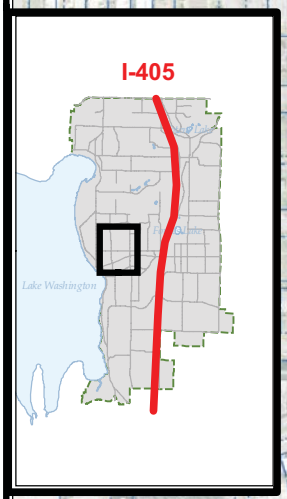
Attachments: (2)

Attachment A

6th St & Central Way Key Elements

- Traffic Lanes Modifications / ITS
  - * provision for dedicated turn lane to Park Place
- Water main replacement
- Bicycle Improvements
- Pedestrian Improvements
- Steet Lighting





Central Way

Park Place

6th St

Kirkland Transit Center

Peter Kirk Park

Lake Street S.

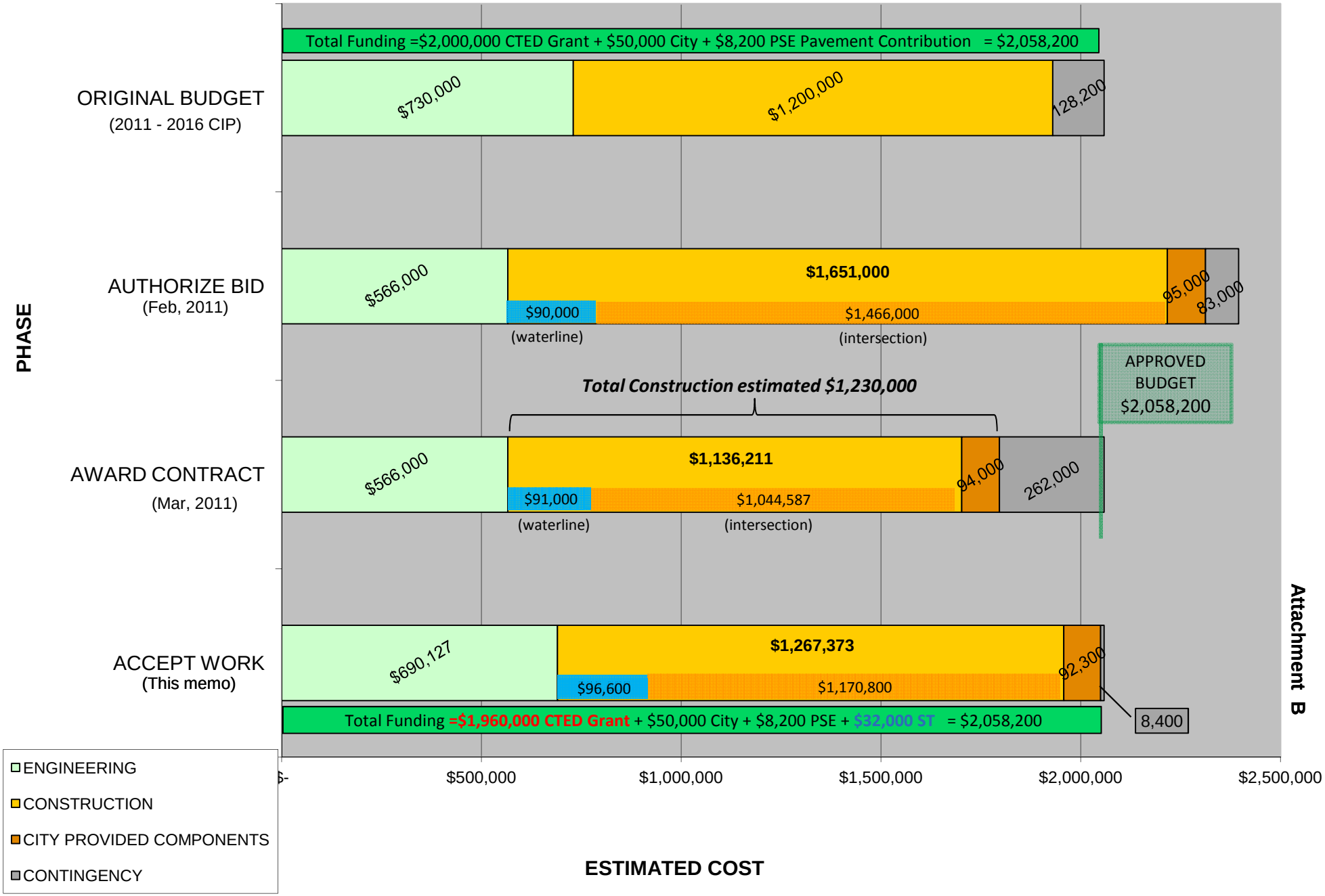
Kirkland Ave

CITY OF KIRKLAND WASHINGTON

Vicinity Map
6th Street and Central Way Intersection Improvements

6thSt S & CENTRAL WAY INTERSECTION IMPROVEMENTS (CTR-0100)

PROJECT BUDGET REPORT



Attachment B

CITY OF KIRKLAND
City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Oskar Rey, Assistant City Attorney

Date: April 9, 2012

Subject: Adoption of Renewal Franchise for Electric Lightwave Inc.

RECOMMENDATION:

That the City Council adopts the attached Ordinance, which renews the Franchise of Electric Lightwave LLC ("Electric Lightwave").

BACKGROUND DISCUSSION:

On April 3, 2012, the City Council held the first reading of the attached Ordinance, which renews the Franchise of Electric Lightwave LLC. Under RCW 35A.47.040, the City Council may not adopt a franchise until five days after its introduction. Now that the applicable five day period has passed, City staff recommends that the Council adopts the attached Ordinance at the April 17, 2012 meeting.

ORDINANCE O-4352

AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING ELECTRIC LIGHTWAVE LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE RIGHT, PRIVILEGE, AUTHORITY AND FRANCHISE TO CONSTRUCT, AND MAINTAIN, REPAIR, REPLACE, OPERATE UPON, OVER, UNDER, ALONG AND ACROSS THE FRANCHISE AREA FOR PURPOSES OF ITS TELECOMMUNICATIONS BUSINESS.

The City Council of the City of Kirkland does ordain as follows:

Section 1. Definitions. Where used in this franchise (the "Franchise") these terms have the following meanings:

(a) "ELI" means Electric Lightwave LLC, a Delaware Limited Liability Company, and its respective successors and assigns.
(b) "City" means the City of Kirkland, a municipal corporation of the State of Washington, and its respective successors and assigns.
(c) "Franchise Area" means: any, every and all of the roads, streets, avenues, alleys, highways and unrestricted utility easements of the City as now laid out, platted, dedicated or improved; and any, every and all roads, streets, avenues, alleys and highways that may hereafter be laid out, platted, dedicated or improved within the present limits of the City and as such limits may be hereafter extended.
(d) "Facilities" means wires, lines, conduits, cables, vaults, duct runs, and all necessary or convenient facilities and appurtenances thereto, whether the same be located over or under ground.
(e) "Ordinance" means this Ordinance O-4352, which sets forth the terms and conditions of this Franchise.

Section 2. Franchise Area and Compliance.

A. Facilities within Franchise Area. Subject to Section 11 of this Franchise, the City does hereby grant to ELI the right, privilege, authority and franchise to construct, support, attach, connect and stretch Facilities between, maintain, repair, replace, enlarge, operate and use Facilities in, upon, over, under, along and across the Franchise Area for purposes of its telecommunications business as defined in RCW 82.04.065.

B. Permission Required to Enter Onto Other City Property. Nothing contained in this Ordinance is to be construed as granting permission to ELI to go upon any other public place other than those types of public places specifically designated as the Franchise Area in this Ordinance. Permission to go upon any other property owned or

controlled by the City must be sought on a case by case basis from the City.

C. Compliance with WUTC Regulations. At all times during the term of this Franchise, ELI shall fully comply with all applicable regulations of the Washington Utilities and Transportation Commission.

Section 3. Non-interference of Facilities.

A. ELI's Facilities shall be located, relocated and maintained within the Franchise Area so as not to unreasonably interfere with the free and safe passage of pedestrian and vehicular traffic and ingress or egress to or from the abutting property and in accordance with the laws of the State of Washington. Whenever it is necessary for ELI, in the exercise of its rights under this Franchise, to make any excavation in the Franchise Area, ELI shall obtain prior approval from the City of Kirkland Public Works Department and obtain any necessary permits for the excavation work. Upon completion of such excavation, ELI shall restore the surface of the Franchise Area to the specifications established within the City of Kirkland Public Works Policies and Standards and in accordance with standards of general applicability imposed by the City by ordinance or administrative order. If ELI should fail to leave any portion of any Franchise Area so excavated in a condition that meets the City's specifications per the Public Works Policies and Standards, the City may after notice of not less than five days to ELI, which notice shall not be required in case of an emergency, order any and all work considered necessary to restore to a safe condition that portion of the Franchise area so excavated, and ELI shall pay to the City the reasonable cost of such work; which shall include among other things, the overhead expense of the City in obtaining completion of said work.

B. Any surface or subsurface failure occurring during the term of this Agreement and caused by any excavation by ELI shall be repaired to the City's specifications, within 30 days or upon 5 days written notice to ELI, the City shall order all work necessary to restore the damaged area to a safe and acceptable condition and ELI shall pay the reasonable costs of such work to the City.

Section 4. Relocation of Facilities.

A. Whenever the City causes the grading or widening of the Franchise Area or undertakes construction of any water, sewer or storm drainage line, lighting, signalization, sidewalk improvement, pedestrian amenities, or other public street improvement (for purposes other than those described in Subsection 4(B) below) and such project requires the relocation of ELI's then existing Facilities within the Franchise Area, the City shall:

(1) Provide ELI, at least 90 days prior to the commencement of such project, written notice that a project is expected to require relocation; and
(2) Provide ELI with reasonable plans and specifications for such grading or widening.

After receipt of such notice and such plans and specifications, ELI shall relocate such Facilities within the Franchise Area at no charge to the City so as to accommodate such street improvement project. The City shall cooperate with ELI to designate a substitute location for its Facilities within the Franchise Area. The City will establish a date by which Facilities will be relocated, which date will be not less than 60 days after written notice to ELI as to the facility to be relocated. ELI must finish relocation of each such Facility by the date so established.

B. Whenever any person or entity, other than the City, requires the relocation of ELI's Facilities to accommodate the work of such person or entity within the Franchise Area; or, whenever the City requires the relocation of ELI's Facilities within the Franchise Area for the benefit of any person or entity other than the City, then ELI shall have the right as a condition of such relocation to require such person or entity to:

(1) make payment to ELI, at a time and upon terms acceptable to ELI, for any and all costs and expense incurred by ELI in the relocation of ELI's Facilities; and
(2) indemnify and save ELI harmless from any and all claims and demands made against it on account of injury or damage to the person or property of another arising out of or in conjunction with the relocation of ELI's Facilities, to the extent such injury or damage is caused by the negligence of the person or entity requesting the relocation of ELI's Facilities or other negligence of the agents, servants or employees of the person or entity requesting the relocation of ELI's Facilities.

ELI shall require only those costs and expenses incurred by ELI in integrating and connecting such relocated Facilities with ELI's other Facilities to be paid to ELI by such person or entity, and ELI shall otherwise relocate its Facilities within such segment of the Franchise Area in accordance with the provisions of Subsection 4(A) above.

C. Any condition or requirement imposed by the City upon any person or entity (including, without limitation, any condition or requirement imposed pursuant to any contract or in conjunction with approvals or permits for zoning, land use, construction or development) which necessitates the relocation of ELI's Facilities within the Franchise Area shall be subject to the provisions of

Subsection 4(B). However, in the event the City reasonably determines (and promptly notifies ELI in writing of such determination) that the primary purpose of imposing such condition or requirement upon such person or entity which necessitates such relocation is to cause the construction of an improvement on the City's behalf and in a manner consistent with City-approved improvement plans (as described in Subsection 4(A) above) within a segment of the Franchise Area then:

D. This Section 4 shall govern all relocations of ELI's Facilities required in accordance with this Franchise. Any required relocation of ELI's Facilities which also involves a conversion of above-ground Facilities to underground Facilities shall, as to those Facilities being converted from above-ground Facilities to underground Facilities, be arranged and accomplished in accordance with Section 11 of this Franchise. Nothing in this Section 4 shall require ELI to bear any cost or expense in connection with the location or relocation of any Facilities existing under benefit of easement or other rights not arising under this Franchise.

E. ELI recognizes the need for the City to maintain adequate width for installation and maintenance of City owned and/or Northshore Utility District owned utilities such as, but not limited to, sanitary sewer, water, and storm drainage. Thus, the City reserves the right to maintain clear zones within the public right-of- way for installation and maintenance of said utilities. The clear zones for each right-of- way segment shall be noted and conditioned with the issuance of each right-of-way permit. If adequate clear zones are unable to be achieved on a particular right-of-way, ELI shall locate in an alternate right-of-way, obtain easements from private property owners, or propose alternate construction methods which maintain and/or enhance the existing clear zones.

Section 5. Indemnification. ELI shall indemnify, defend and hold the City, its agents, officers, employees, volunteers and assigns harmless from and against any and all claims, demands, liability, loss, cost, damage or expense of any nature whatsoever, including all costs and attorney's fees, made against them on account of injury, sickness, death or damage to persons or property which is caused by or arises out of, in whole or in part, the willful, tortious or negligent acts, failures and/or omissions of ELI or its agents, servants, employees, contractors, subcontractors or assigns in the construction, operation or maintenance of its Facilities or in exercising the rights granted ELI in this Franchise. Provided, however, such indemnification shall not extend to injury or damage caused by the negligence or willful misconduct of the City, its agents, officers, employees, volunteers or assigns.

In the event any such claim or demand be presented to or filed with the City, the City shall promptly notify ELI thereof, and ELI shall have the right, at its election and at its sole cost and expense, to settle and compromise such claim or demand, provided further, that in the event any suit or action be begun against the City based upon any such claim or demand, the it shall likewise promptly notify ELI thereof, and ELI shall have the right, at its election and its sole cost and expense, to settle and compromise such suit or action, or defend the same at its sole cost and expense, by attorneys of its own election.

Section 6. Moving Buildings Within the Franchise Area. Before granting permission to any person or entity other than the City to use the Franchise Area for the moving or the removal of any building or other object, the City shall require such person or entity to make any necessary arrangements with ELI for the temporary adjustment of ELI's Facilities to accommodate the moving or removal of such building or other object. Such necessary arrangements with ELI shall be made, to ELI's satisfaction, not less than fourteen (14) days prior to the moving of removal of said building or other object. In such event, ELI shall, at the expense of the person or entity desiring to move or remove such building or other object, adjust any of its wires which may obstruct the moving or removal of such building or other object, provided that:

(a) The moving or removal of such building or other object which necessitates the adjustment of wires shall be done at a reasonable time and in a reasonable manner so as not to unreasonably interfere with ELI's business;

(b) Where more than one route is available for the moving or removal of such building or other object, such building or other object shall be moved or removed along the route which will minimize the interruption of utility service, interference with transportation and potential detriments to the public safety, as determined by the City.

(c) The person or entity other than the City obtaining such permission from the City to move or remove such building or other object shall be required to indemnify and save ELI harmless from any and all claims and demands made against it on account of injury or damage to the person or property or another arising out of or in conjunction with the moving or removal of such building or other object, to the extent such injury of damage is caused by the negligence or willful misconduct of the person or entity moving or removing such building or other object or the negligence or willful misconduct of the agents, servants or employees of the person or entity moving such building or other object.

Section 7. Default. If ELI shall fail to comply with any of the provisions of this Franchise, unless otherwise provided for herein, the City may serve upon ELI a written order to so comply within thirty (30) days from the date such order is received by ELI. If ELI is not in compliance with this Franchise after expiration of said thirty (30) day period, the City may act to remedy the violation and may charge the costs and expenses of such action to ELI. The City may act without the thirty (30) day notice in case of an emergency. If any failure to comply with this Franchise by ELI cannot be corrected with due diligence within said thirty (30) day period (ELI's obligation to comply and to proceed with due diligence being subject to unavoidable delays and events beyond its control), then the time within which ELI may so comply shall be extended for such time as may be reasonably necessary and so long as ELI commences promptly and diligently to effect such compliance. IF ELI is not in compliance with this Franchise, and is not proceeding with due diligence in accordance with this section to correct such failure to comply, then the City may in addition, by ordinance and following written notice to ELI, declare an immediate forfeiture of this Franchise.

In addition to other remedies provided herein, if ELI is not in compliance with requirements of the Franchise, and if a good faith dispute does not exist concerning such compliance, the City may place a moratorium on issuance of pending ELI right-of-way use permits until compliance is achieved.

Section 8. Nonexclusive Franchise. This franchise is not and shall not be deemed to be an exclusive Franchise. This Franchise shall not in any manner prohibit the City from granting other and further franchises over, upon, and along the Franchise Area which do not interfere with ELI's rights under this Franchise. This Franchise shall not prohibit or prevent the City from using the Franchise Area or affect the jurisdiction of the City over the same or any part thereof.

Section 9. Franchise Term. This Franchise is and shall remain in full force and effect through June 18, 2028 unless terminated sooner, provided that ELI shall have no rights under this Franchises nor shall ELI be bound by the terms and conditions of this Franchise unless ELI shall, within thirty (30) days after the effective date of the Ordinance, file with the City its written acceptance of this Franchise, in a form acceptable to the City Attorney.

Section 10. Compliance with Codes and Regulations.

A. The rights, privileges and authority herein granted are subject to and governed by this ordinance and all other applicable ordinances and codes of the City of Kirkland, as they now exist or may hereafter be amended, including but not limited to the provisions of Kirkland Municipal Code Title 26. Nothing in this ordinance limits the

City's lawful power to exercise its police power to protect the safety and welfare of the general public. Any location, relocation, erection or excavation by ELI shall be performed by ELI in accordance with applicable federal, state and city rules and regulations, including the City 0-3494 Public Works Policies and Standard Plans, and any required permits, licenses or fees, and applicable safety standards then in effect.

B. Upon written inquiry, ELI shall provide a specific reference to either the federal, state, or local law or the W.U.T.C. order or action establishing a basis for ELI's actions related to a specific franchise issue.

C. In the event that any territory served by ELI is annexed to the City after the effective date of this Franchise, such territory shall be governed by the terms and conditions contained herein upon the effective date of such annexation.

Section 11. Undergrounding. The City encourages ELI to locate or relocate its facilities underground when and where practical. ELI acknowledges that the City desires to promote a policy of undergrounding of Facilities within the Franchise Areas. ELI will cooperate with the City in the undergrounding of ELI's Facilities with the Franchise Areas. If the during the term of this Franchise, the City shall direct ELI to underground Facilities within any Franchise Area, such undergrounding shall be at no cost to the City. ELI shall comply with all federal, state, and City regulations on undergrounding. This Section 11 shall govern all matters related to undergrounding of ELI's Facilities (i.e., conversion or otherwise) within the Franchise Area:

(a) Street improvements. If the City undertakes any street improvement which would otherwise require relocation of ELI's above-ground facilities in accordance with subsection 4(a) above, or if subsection 4(c) above applies, the City may, by written notice to ELI, direct that ELI convert any such Facilities to underground Facilities. Any such conversion shall be done subject to and in accordance with schedules and Tariffs on file with the W.U.T.C.

(b) Location of Facilities. All Facilities to be installed within the Franchise Area shall be installed underground; provided, however, that such Facilities may be installed above ground if -9-so authorized by the City through participation in an Undergrounding Program or otherwise, which authorization shall not be unreasonably withheld or delayed, consistent with the provisions of the City's Land Use Code and applicable development standards.

Section 12. Record of Installations and Service. With respect to excavations by ELI and the City within the Franchise Area, ELI and the City shall each comply with its respective obligations pursuant to Chapter 19.122 RCW and any other applicable state law.

Upon written request of the City, ELI shall provide the City with the most recent update available of any plan of potential improvements to its Facilities within the Franchise Area; provided, however, any such plan so submitted shall be for informational purposes within the Franchise Area, nor shall such plan be construed as a proposal to undertake any specific improvements within the Franchise Area.

As built drawings of the precise location of any Facilities placed by ELI in any street, alley, avenue, highway, easement, etc., shall be made available to the City within 10 (ten) working days of request.

Section 13. City Use and Access.

A. City Use of Facilities. With respect to trenches which are facilities and which are (1) wholly owned by ELI and (2) within the Franchise Area, the City, subject to ELI's prior written consent, which may not be unreasonably withheld, may install and maintain City owned wires and underground conduits in such trenches, for police, fire and other noncommercial communications purposes, subject to the following:

(1) Such installation and maintenance shall be done by the City and any additional costs shall be at the City's expense;

(2) ELI shall have no obligation under the indemnification provisions of the Franchise for the installation or maintenance of such City owned wires or conduits.

(3) ELI shall not charge the City a fee for the use of such trenches in accordance with this Section 14 as a means of deriving revenue therefrom; provided, however, nothing herein shall require ELI to bear any cost or expense in connection with such installation and maintenance by the City.

B. City Access. If the City requests telecommunication services from ELI, ELI shall allow the service at ELI's most favorable rate charged for a similar service within the state of Washington. Other terms and conditions of the provision of such services may be determined between ELI and the City in a separate agreement.

Section 14. Other Use of Facilities. With respect to trenches or other facilities developed or placed in the Franchise Area by ELI, City may approve installation or addition of devices to such places or use of such facilities by another franchisee or user, so long as such action will not unreasonably interfere with ELI's rights under this Franchise. ELI

may not charge City any fee or costs based on such City approval, but ELI may seek from others compensation as necessary to recover its costs and expenses arising from actions taken pursuant to approvals given as per this Section.

Section 15. Shared Use of Excavations. ELI and the City shall exercise best efforts to coordinate construction work either may undertake within the Franchise Area so as to promote the orderly and expeditious performance and completion of such work as a whole. Such efforts shall include, at a minimum, reasonable and diligent efforts to keep the other party and other utilities within the Franchise Areas informed of its intent to undertake such construction work. ELI and the City shall further exercise best efforts to minimize any delay or hindrance to any construction work undertaken by themselves or other utilities within the Franchise Area.

If at any time, or from time to time, either ELI, the City, or another franchise, shall cause excavations to be made within the Franchise Area, the party causing such excavation to be made shall afford the other, upon receipt of a written request to do so, an opportunity to use such excavation, provided that:

(a) Such joint use shall not unreasonably delay the work of the party causing the excavation to be made;
(b) Such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties. The parties shall each cooperate with other utilities in the Franchise Area to minimize hindrance or delay in construction.

The City reserves the right to not allow open trenching for five years following a street overlay or improvement project. ELI shall be given written notice at least 90 days prior to the commencement of the project. Required trenching due to an emergency will not be subject to five year street trenching moratoriums.

The City reserves the right to require ELI to joint trench with other franchisees if both parties are anticipating trenching within the same franchise area and provided that the terms of (a) and ' (b) above are met.

Section 16. Insurance. ELI shall maintain in full force and effect throughout the term of this Franchise, a minimum of Three Million Dollars ($3,000,000.00) per occurrence liability policy insurance for property damage and bodily injury.

The City shall be an additional insured on this policy of liability insurance obtained by ELI for the purpose of complying with the requirements of this section.

Section 17. Tariff Changes. If ELI shall file, pursuant to Chapter 80.28 RCW, with the Washington Utilities and Transportation Commission (or its successor) any tariff affecting the City's rights arising under this Franchise, ELI shall give the City Clerk written notice thereof within five (5) days of the date of such filing.

Section 18. Assignment. All of the provisions, conditions, and requirements herein contained shall be binding upon ELI, and no right, privilege, license or authorization granted to ELI hereunder may be assigned or otherwise transferred without the prior written authorization and approval of the City, which the City may not unreasonably withhold. Notwithstanding the foregoing, ELI, without the consent of, but upon notice to the City, may assign this agreement in whole or in part, to: (a) a parent company, an affiliate or, a subsidiary; or (b) a lender for security purposes only.

Section 19. Miscellaneous. If any term, provision, condition or portion of this Franchise shall be held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Franchise which shall continue in full force and effect. The headings of sections and paragraphs of this Franchise are for convenience of reference only and are not intended to restrict, affect, or be of any weight in the interpretation or construction of the provisions of such sections of paragraphs.

ELI shall pay for the City's reasonable administrative costs in drafting and processing this franchise agreement and all work related thereto. ELI shall further be subject to all permit fees associated with activities and the provisions of any such permit, approval, license, agreement of other document, the provisions of this Franchise shall control.

This Franchise is subject to the provisions of any applicable tariff now or hereafter on file with the Washington Utilities and Transportation Commission or its successor. In the event of any conflict of inconsistency between the provisions of this Franchise and such tariff, the provisions of such tariff shall control.

Section 20. Effective date. This Ordinance, being in compliance with RCW 35A.47.040, 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 _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4352

AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING ELECTRIC LIGHTWAVE LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE RIGHT, PRIVILEGE, AUTHORITY AND FRANCHISE TO CONSTRUCT, AND MAINTAIN, REPAIR, REPLACE, OPERATE UPON, OVER, UNDER, ALONG AND ACROSS THE FRANCHISE AREA FOR PURPOSES OF ITS TELECOMMUNICATIONS BUSINESS.

SECTIONS 1 - 19. Issues a right of way Franchise to Electric Lightwave LLC for telecommunication purposes and sets forth the terms and conditions of the Franchise.

SECTION 20. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2012.

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

_____
City Clerk

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: Rob Jammerman, Development Engineering Manager
Ray Steiger, P.E., Public Works Director

Date: April 3, 2012

Subject: TRAFFIC, PARK, AND SCHOOL IMPACT FEE EXTENSION OF DEFERRED PAYMENTS

RECOMMENDATION:

Adopt the attached ordinance amending the City's traffic, park, and school impact fees codes (KMC Chapter 27.04, 27.06 and 27.08).

BACKGROUND DISCUSSION:

Staff has prepared an ordinance that will extend the sunset provisions of the Impact Fee Deferral Program for another year until May 31, 2013. The Impact Fee Deferral Program is only available for new single-family residential homes that are being built for resale; it does not apply to those building their own home or having their own home built. It allows the City of file a lien on the property requiring payment of the impact fees at the time of house sale closing rather than at building permit issuance and was first put into effect in 2010.

Since the Ordinance was first put into place, of the estimated 100 new single-family building permits that have been issued, approximately 10% have utilized this deferment program.

Attachment

ORDINANCE O-4353

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TRANSPORTATION, PARK, AND SCHOOL IMPACT FEES AND EXTENDING THE AVAILABILITY OF CERTAIN IMPACT FEE DEFERRALS IN KIRKLAND MUNICIPAL CODE SECTIONS 27.04.030(G), 27.06.030(G), AND 27.08.030(E).

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 27.04.030(g) is hereby amended to read as follows:

27.04.030 Assessment of impact fees.

. . .

(g) For complete building permit applications received on or prior to May 31, ~~2012~~ 2013, at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed for resale, the applicant may elect to record a covenant against the title to the property that requires payment of the impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of the impact fee due and owing to be paid at the time of closing of sale of the lot or unit. Applicants electing to use this process shall pay a two hundred forty dollar administration fee for each individual lien filed.

. . .

Section 2. Kirkland Municipal Code ("KMC") Section 27.06.030(g) is hereby amended to read as follows:

. . .

(g) For complete building permit applications received on or prior to May 31, ~~2012~~2013, at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed for resale, the applicant may elect to record a covenant against the title to the property that requires payment of the impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of the impact fee due and owing to be paid at the time of closing of sale of the lot or unit. Applicants electing to use this process shall pay a two hundred forty dollar administration fee for each individual lien filed.

. . .

Section 3. Kirkland Municipal Code ("KMC") Section 27.08.030(e) is hereby amended to read as follows:

. . .

(e) For complete building permit applications received on or prior to May 31, ~~2012~~2013, at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed for resale, the applicant may elect to record a covenant against the title to the property that requires payment of the impact fees due and owing, less any credits awarded, by providing for automatic payment

through escrow of the impact fee due and owing to be paid at the time of closing of sale of the lot or unit. Applicants electing to use this process shall pay a two hundred forty dollar administration fee for each individual lien filed.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

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: Katy Coleman, Development Engineering Analyst
Ray Steiger, P.E., Public Works Director

Date: March 30, 2012

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

RECOMMENDATION:

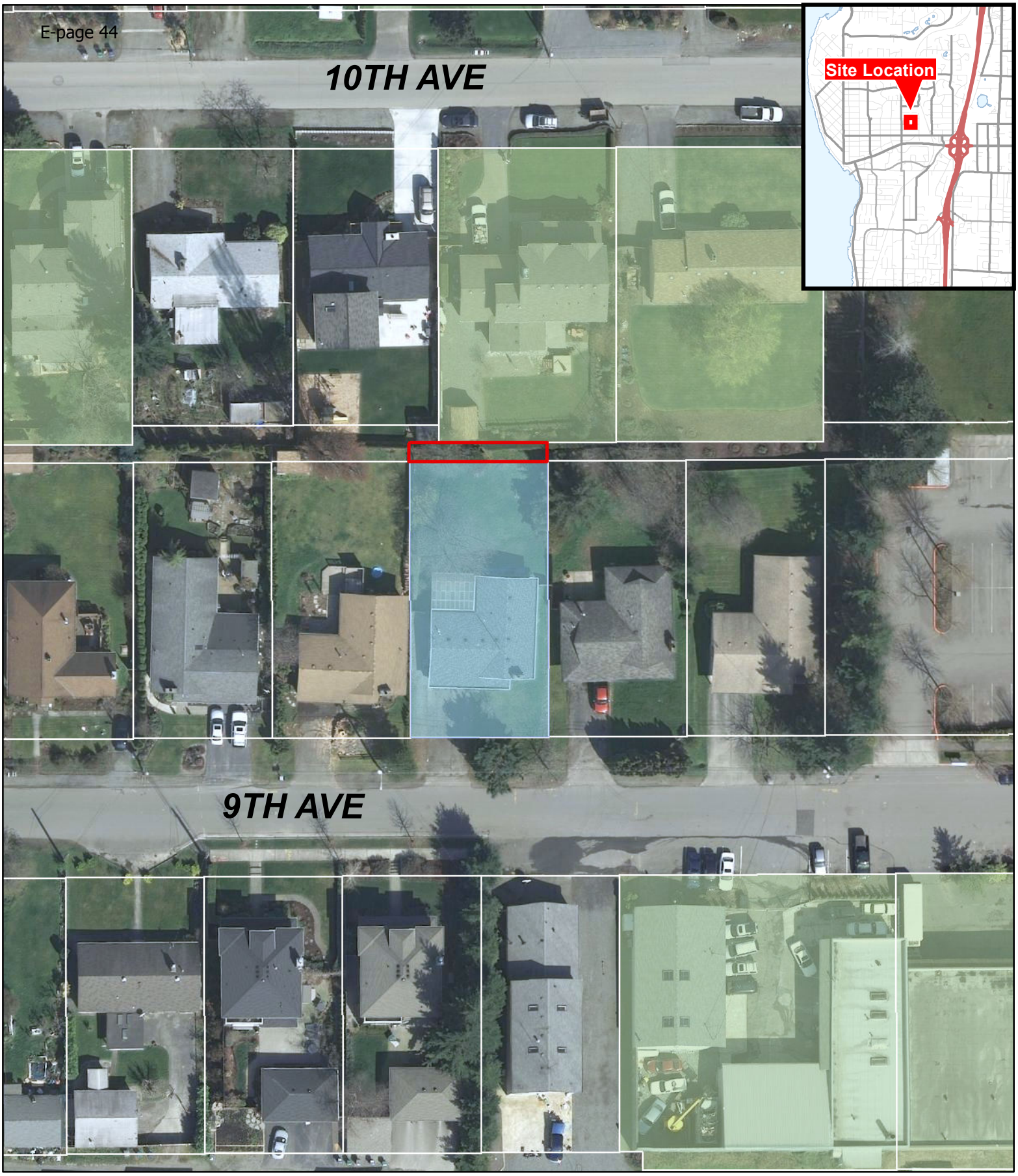
It is recommended that the City Council adopt the enclosed resolution relinquishing interest, except for a utility easement, in a portion of unopened alley being identified as the south eight feet of the unopened alley abutting the north boundary of the following described property: Lots 48 and 49, Block 169, Kirkland Addition, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

BACKGROUND DISCUSSION:

The unopened portion of the alley abutting the property of 638 9th Avenue was originally platted and dedicated in 1890 as Kirkland Addition. The five year non-user statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Shelley Becker, the owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the five year non-user statute (vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity map
Resolution



Becker Non-User Vacation Exhibit
638 9th Ave

- Becker Property
- Other Pending Vacation
- Proposed Vacation
- Granted Non-User Vacations

Produced by the City of Kirkland.

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No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Printed March 2012 - Public Works

RESOLUTION R-4915

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER SHELLEY R. BECKER.

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Town of Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owner Shelley R. Becker, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified as the south 8 feet of the unopened alley abutting the north boundary of the following described property: Lots 48 and 49, Block 169, Kirkland Addition, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

_____
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: Kathi Anderson, City Clerk

Date: April 5, 2012

Subject: Cultural Council Resignation

RECOMMENDATION

Council acknowledges the resignation of Cultural Council member Leah Kliger, approves the attached correspondence thanking her for her service, and concurs with the recommendation to wait on recruiting her replacement.

BACKGROUND DISCUSSION

Ms. Kliger's resignation notes that she is no longer able to participate on the Cultural Council due to family commitments. City staff recommends that recruitment to fill the remainder of her term wait until the Cultural Council evaluation currently underway is completed. Staff believes that most serious candidates for the position will want to know the ultimate resolution to the question of whether or not the Cultural Council will remain an official city entity before applying. If the City Council decides to leave the Cultural Council as currently formulated, the City Clerk's office will then begin the recruitment.

April 2, 2012

Amy Whittenburg, Chair, Kirkland Cultural Council
Julie Huffman, Special Projects Coordinator
Ellen Miller-Wolfe, Economic Development Manager
City of Kirkland
Kirkland, Washington 98033

Dear Amy, Julie and Ellen,

I am writing to inform you of my decision to resign my position on the Kirkland Cultural Council effective April 30, 2012.

My family commitments have become all important, leaving me with less time to fulfill the requirements of serving on the Council. Having served the City of Kirkland as a member and former chair of the Cultural Council for 6 years, I believe this is the right moment for me to step down to make room for someone with the time, enthusiasm, and energy to devote to the KCC.

I have enjoyed working with past and present KCC members and members of the City Council during my time on the KCC. I appreciate all the three of you have done to support the Cultural Council and will miss our always interesting conversations.

Sincerely,

Leah Kliger
125 11th Avenue
Kirkland WA 98033
425 785 8040

cc Kirkland Cultural Council Members
Kirkland City Council Members

RECEIVED

APR 03 2012

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

D R A F T

April 18, 2012

Leah Kliger
125 11th Avenue
Kirkland, WA 98033

Dear Leah,

We have regretfully received your resignation from the Cultural Council. In your six years on the Council you have distinguished yourself as a strong advocate and leader for arts, culture and heritage in this community. As Chair of the Council, you guided the strategic plan and the formation and implementation of the CACHET and Artilization subcommittees. CACHET is a leading force in collaboration among local art organizations, and Artilization, with its revival of art walks and creation of pop-up art galleries during the depths of the recession, has added much to a community that prides itself on its creativity.

The City Council appreciates your contributions to the Council, and we thank you for volunteering your time and talent to serve the Kirkland community.

Best wishes in your current and future endeavors.

Sincerely,

Kirkland City Council

By Joan McBride
Mayor

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk

Date: April 5, 2012

Subject: Library Board Resignation

RECOMMENDATION

Council acknowledges the resignation of Library Board youth member Camille Worsech and approves the attached correspondence thanking her for her service.

BACKGROUND DISCUSSION

Ms. Worsech cites personal circumstances that will no longer allow her to participate on the Library Board and so is resigning the remainder of her term. A recruitment to fill this position has begun.

-----Original Message-----
From: WORSECH, CAMILLE [mailto:s-CWORSECH@lwsd.org]
Sent: Thursday, April 05, 2012 12:02 PM
To: City Council
Cc: Kathi Anderson
Subject:

Dear City Council
Due to some personal circumstances, I will no longer be able to fill the spot of youth member on the library advisory board. Thank you for selecting me to represent Kirkland's youth, and I'm sorry I will not be able to complete my duties.
Thank you,
Camille Worsech

D R A F T

April 18, 2012

Camille Worsech
1718 5th Place
Kirkland, WA 98033

Dear Camille,

We have regretfully received your resignation from the Library Board.

The City Council appreciates your contributions to the Board, and we thank you for volunteering your time and talent to serve the Kirkland community.

Best wishes in your current and future endeavors.

Sincerely,

Kirkland City Council

By Joan McBride
Mayor

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: April 5, 2012

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF APRIL 17, 2012

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 12, 2012, are as follows:

	Project	Process	Estimate/Price	Status
1.	2013 City Computer Replacements	Cooperative Purchase	$270,639.12	Purchased off of WA State Contract with Dell.
2.	Replacement Copiers (9)	Cooperative Purchase	$67,050.14	Purchased off of WA State Contract with Copiers Northwest.

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

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, Planning Director
Nancy Cox, Development Review Manager

Date: April 5, 2012

Subject: RENEWAL OF AN INTERIM ORDINANCE TO EXTEND LAND USE PERMIT APPROVALS DURING THE ECONOMIC DOWNTURN

RECOMMENDATION

Staff recommends that the City Council:

- Hold a public hearing; and
- Adopt the proposed ordinance to renew for an additional six months the Interim Ordinance that extends approval periods for land use permits while code amendments are drafted.

BACKGROUND DISCUSSION

In recognition of the hardship to the development community brought by the economic recession, a series of interim ordinances have been adopted by the City Council to extend the expiration dates of zoning permits. The last interim ordinance (Ordinance 4300) was adopted on November 1, 2011 and will expire on May 1, 2012. Since interim ordinances are intended to last for a limited time, the City Council directed staff to work with the Economic Development Committee to find an ongoing solution.

Staff met with the Economic Development Committee in March. The Committee recommended that the permit expiration dates be extended permanently. Permit expiration extensions are included in a code amendment project that is now underway, but the code amendments are not expected to be completed until later this year, well after the current Interim Ordinance expires.

Codified Rules (these are currently superseded by the Interim Rules, below)

For subdivisions, the applicant must record the plat within 4 years after plat approval. There are no extensions.

For zoning permits, the applicant must submit a complete building permit application or start construction within 4 years. Construction must be completed in 6 years. There are no extensions granted after permit approval, though extensions can be made for phased construction prior to permit approval.

For design review, the applicant must submit complete building permit application within 1 year of DRB approval. Project construction must be completed in 3 years. The DRB may allow longer for submitting a building permit and the Planning Official may grant a 1 year extension on submitting a permit or completing construction.

> *Note: The Planning Commission is currently considering a code amendment to allow the DRB to extend the time to complete construction up to ten years to address large phased projects such as Parkplace or the Totem Lake Mall redevelopment. If approved, this would supersede the interim rules.*

Interim Rules (Ordinance 4300 currently in effect)

Subdivisions (short plats and preliminary plats) – An applicant may request to extend the four year recordation period to 6 years. An applicant who has previously sought a two year extension may seek an additional one year extension for a total of 7 years. An applicant may request both extensions at any time after final approval of the plat.

Zoning Permits (includes design review and other specified permits) – An applicant may request no more than two one year extensions from the scheduled expiration date. The extension applies to both the time to begin construction or to submit to the City a building permit application, and the time to substantially complete construction for the development activity. An applicant may request both extensions at any time after final approval of the land use permit or approval.

Use of the Interim Regulations

As of February 27, 2012 the City has processed and approved 31 requests for extensions. 27 of the 31 have been for short plats, two for preliminary subdivisions, and 2 for zoning permits.

Attachment 1- Ordinance 4300

cc: File MIS09-00022

ORDINANCE NO. 4300

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, PROVIDING INTERIM OFFICIAL CONTROLS REGARDING LAND USE PERMIT EXTENSIONS FILE NO. MIS09-00022, MODIFYING AND EXTENDING ORDINANCE NO. 4219 THROUGH NOVEMBER 3, 2011, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the Kirkland Zoning Code contains regulations relating to the lapse of approval of zoning permits; and

WHEREAS, the Kirkland Municipal Code contains regulations relating to the recordation time limit for plats; and

WHEREAS, due to the current economic downturn developers have had to delay or suspend their land use projects; and

WHEREAS, the Master Builders Association of King County on behalf of their members requested regulatory relief in the form of the extension of land use and building permit applications beyond those which are typically allowed while economic circumstances beyond their control remain; and

WHEREAS, developers have requested temporary relief from current permit expiration regulations to keep land use permits active; and

WHEREAS, it is the City Council's desire to provide reasonable and temporary relief to help mitigate the impacts of the economic downturn; and

WHEREAS, the adoption of interim regulations will provide the development community time to find relief to help mitigate the impacts of the economic downturn; and

WHEREAS, the interim regulations are procedural in nature, and therefore exempt from State Environmental Policy Act (SEPA) review; and

WHEREAS, the City Council, after holding a public hearing, Ordinance No. 4219 passed on December 1, 2009, after holding a public hearing, the City Council adopted interim regulations that extend land use approvals; and

WHEREAS, on June 1, 2010, the City Council, after holding a public hearing, renewed Ordinance No. 4219 through December 1, 2010; and

WHEREAS, on November 16, 2010, the City Council held a public hearing on renewal of Ordinance No. 4219 through May 16, 2011; and

WHEREAS, on May 3, 2011, the City Council held a public hearing on renewal of Ordinance No. 4219 through November 3, 2011; and

WHEREAS, the City Council desires to renew Ordinance No. 4219 through November 3, 2011, with certain modifications, as set forth in this Ordinance; and

WHEREAS, the City has the authority to adopt an interim zoning ordinance pursuant to RCW 35A.63.220 and RCW 36.70A.390;

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

Section 1. Upon receipt of a written request from the applicant, the Planning Director is hereby authorized to extend without fee: 1) the time to begin construction or to submit to the City a complete building permit application, or 2) the time to substantially complete construction for the development activity. In the event an applicant requests an extension of the time to begin construction or submit a complete building permit application, the applicant shall automatically receive a corresponding extension of the time to complete construction for development activity. The authorization may apply to pending land use permits or approvals for one year from the scheduled expiration date for the following types of land use permits: Reasonable Use (Kirkland Zoning Code Section 90.140); Cottage, Carriage and 2/3 Unit Homes (Kirkland Zoning Code Chapter 113); Personal Wireless Facility (Kirkland Zoning Code Chapter 117); Planned Unit Development (Kirkland Zoning Code Chapter 125); Design Board Review (Kirkland Zoning Code Sections 142.35 through 142.55); Process I (Kirkland Zoning Code Chapter 145), IIA (Kirkland Zoning Code Chapter 150), and IIB (Kirkland Zoning Code Chapter 152). The one year extensions authorized by this Section shall apply in addition to other extensions that may be available under the Kirkland Zoning Code. An applicant may not request more than two extensions under this Section. An applicant may request both extensions at any time after final approval of the land use permit or approval. If an applicant has previously sought only one extension, then the applicant shall request the second extension within 180 days prior to the expiration of the first extension period. This Section shall not apply to land use permits or approvals that are expired.

Section 2. Applicability. Section 1 of this Ordinance shall apply to and take precedence over any conflicting provisions in Kirkland Zoning Code Sections 90.140.8, 113.45, 117.100, 125.80, 142.55, 145.115, 150.135 and 152.115 until such time as this ordinance is repealed or expires. Any extensions granted under Section 1 of this Ordinance shall remain in effect until expiration of the applicable extension periods, even if that occurs after this Ordinance is repealed or expires.

Section 3. Upon receipt of a written request from the applicant, the Planning Director is hereby authorized to extend, without fee, the four year recordation period for approved plats from 4

years to 6 years. An applicant who has previously sought a two year extension under this Section may seek an additional one year extension, which would extend the recordation period to a total of 7 years. An applicant may not request more than two extensions under this Section. An applicant may request both extensions at any time after final approval of the plat. If an applicant has previously sought only one extension, then the applicant shall request the second extension within 180 days prior to the expiration of the first extension period. This Section shall not apply to land use permits or approvals that are expired.

Section 4. Applicability. Section 3 of this Ordinance shall apply to and take precedence over any conflicting provisions in Kirkland Municipal Code Sections 22.16.130 and 22.20.370 until such time as this ordinance is repealed or expires. Any extensions granted under Section 3 of this Ordinance shall remain in effect until expiration of the applicable extension periods, even if that occurs after this Ordinance is repealed or expires.

Section 5. Vesting. The Planning Director shall not issue an extension under Section 1 or Section 3 of this Ordinance if a Title of the Zoning or Municipal Code has been amended affecting the property for which the permit was issued or the permit application pertains unless the applicant agrees in writing to abide by the applicable amended provisions.

Section 6. The interim regulations adopted by this Ordinance shall continue in effect for a period of up to one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City Council.

Section 7. Findings of Fact.

A. The recitals set forth on pages 1-2 above are hereby adopted as findings of fact.

B. The Kirkland Zoning Code and Municipal Code provide for opportunities to obtain time extensions for various applications and approvals; however these time extensions are of limited duration and are not of sufficient length to enable extensions beyond the current economic downturn.

C. Providing for extensions of certain development-related applications and approvals may aid the local economy by helping the construction industry to weather the economic downturn while preserving the investments made in the development permitting process.

D. Maintaining the viability of development applications and approvals will help to ensure that the development industry is in a position to respond more quickly once favorable economic conditions return.

Section 8. Duration. The Council may adopt extensions of this Ordinance after any required public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 9. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to any other persons or circumstances shall not be affected.

Section 10. Houghton Community Council. To the extent the subject of this Ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this Ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Ordinance within 60 days of the date of passage of this Ordinance.

Section 11. Except as provided in Section 10, this Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of May, 2011.

Signed in authentication thereof this 3rd day of May, 2011.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4300

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, PROVIDING INTERIM OFFICIAL CONTROLS REGARDING LAND USE PERMIT EXTENSIONS FILE NO. MIS09-00022, MODIFYING AND EXTENDING ORDINANCE NO. 4219 THROUGH NOVEMBER 3, 2011, AND APPROVING A SUMMARY FOR PUBLICATION.

SECTIONS 1 - 8. Provide for the interim official controls regarding land use permit and plat extensions and extends Ordinance No. 4219 through November 3, 2011.

SECTION 9. Provides a severability clause for the ordinance.

SECTION 10. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 11. 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 3rd day of May, 2011.

I certify that the foregoing is a summary of Ordinance 4300 approved by the Kirkland City Council for summary publication.

Kathy Anderson

City Clerk

ORDINANCE O-4354

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, PROVIDING INTERIM OFFICIAL CONTROLS REGARDING LAND USE PERMIT EXTENSIONS, FILE NO. MIS09-00022, AS ADOPTED BY ORDINANCE 4300, AND EXTENDING ORDINANCE 4300 THROUGH NOVEMBER 1, 2012.

WHEREAS, the City Council has the authority to adopt interim regulations pursuant to RCW35A.63.220 AND 36.70A.390; and

WHEREAS, by Ordinance No. 4219 passed on December 1, 2009 after holding a public hearing, the City Council adopted interim regulations that extend land use approvals; and

WHEREAS, on June 1, 2010, the City Council, after holding a public hearing, renewed Ordinance No. 4219 through December 1, 2010; and

WHEREAS, on November 16, 2010, the City Council held a public hearing on renewal of Ordinance No. 4219 through May 16, 2011;

WHEREAS, on May 3, 2011, the City Council held a public hearing on renewal of Ordinance No. 4219 with additional provisions related to the opportunity for second extensions; and

WHEREAS, by Ordinance No. 4300 passed on May 3, 2011, the City Council adopted modified interim regulations that extend land use approvals through November 3, 2011;

WHEREAS, on November 3, 2011, the City Council held a public hearing on renewal of Ordinance No. 4300 through May 1, 2012.

WHEREAS, the City Council desires to renew Ordinance No. 4300 through November 1, 2012;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Findings of Fact. The City Council hereby adopts the findings of fact made in Ordinance No. 4300 by reference. The City Council further finds that renewal of Ordinance No. 4300 through November 1, 2012 is necessary in order to help mitigate the impacts of the current economic downturn.

Section 2. Extension of Ordinance 4300. Ordinance 4300 is hereby renewed, to remain in effect through November 1, 2012. Ordinance 4300 thereafter may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 3. Houghton Community Council. To the extent the subject of this Ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this Ordinance shall become effective within the Houghton Community

Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Ordinance within 60 days of the date of passage of this Ordinance.

Section 4. Effective Date. Except as provided in Section 3, this Ordinance shall be in effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017.

Passed by majority vote of the Kirkland City Council in regular, open meeting this _____ day of _____, 2012 and approved by the City Council as required by law.

Signed in authentication thereof this _____ day of _____, 2012.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Council Meeting: 04/17/2012
Agenda: Unfinished Business
Item #: 10. a.

CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033 425.587.3225
WWW.KIRKLANDWA.GOV

MEMORANDUM

DATE: April 5, 2012

TO: Kurt Triplett, City Manager

FROM: Jeremy McMahan, Planning Supervisor
Eric Shields, AICP, Planning Director

SUBJECT: Commercial Codes & BN Moratorium KZC Amendments, File No. ZON11-00042. Planning Commission Briefing (continued)

RECOMMENDATION

City Council continues their discussion of the April 3rd briefing from the Planning Commission on the status of commercial code amendments and the Commission's work on resolving the BN moratorium and then provides direction to the Planning Commission on whether to proceed with evaluation of the draft list of revisions or to consider alternatives.

The background memo from the April 3rd Council meeting is available at this link http://www.kirklandwa.gov/Assets/City+Council/Council+Packets/040312/10b_UnfinishedBusiness.pdf.

BACKGROUND

In response to Council questions raised at the April 3rd briefing, staff provides the following background information to address the deliberations of the Planning Commission. As a reminder of the project status, the Commission has not conducted the public hearing and does not have a recommendation at this time. Their current direction provided in the development regulation matrix (Attachment 1) is a snapshot in time and will likely be revised as testimony and deliberations proceed.

1. *How has the Planning Commission considered setbacks and land use buffers?*

   In all of the neighborhood business zones under consideration, the Zoning Code (KZC) provides for lesser side yard setbacks and lesser land use buffers for office use than for retail uses. The Commission was concerned that this creates a disincentive to building retail space, contrary to one of the fundamental objectives of a neighborhood-serving business districts. This could be remedied by either increasing office setbacks and buffers (matching the retail standard) or decreasing retail setbacks and buffers (matching the office standard). The preliminary direction from the Commission is to increase office setbacks and buffers.

2. *For the BN zoned residential market area, how did the Commission arrive at a 4,000 square foot store size limit?*

   The preliminary direction from the Commission is based on comparable zones and an assessment of existing store sizes and their relative service functions (neighborhood serving

compared to more regional serving). The RM zone establishes a maximum store size of 3,000 square feet and the MSC 2 zone on Market Street establishes a 4,000 square foot limit. The Commission discussed that this range would appear to accommodate appropriately scaled neighborhood commercial services that would likely locate to this area. Larger stores would likely require a broader, more auto-oriented customer base. The following examples were considered:

Store Size Examples	
Small Food Service	Subway • 85th Street – 1,150 sf • Finn Hill – 1,500 sf • Bridle Trails – 1,600 sf Spud's – 1,500 sf Finn Hill Teriyaki – 1,900 sf
Dry Cleaners	South Rose Hill – 1,200 sf Market Street – 1,400 sf Finn Hill – 1,520 sf Juanita – 4,500 sf (retail & wholesale)
Hair & Nails	Finn Hill Nail Expo – 700 sf South Rose Hill Nail Salon – 750 sf Finn Hill Hair Masters – 1,500 sf
Dentist (office use)	South Rose Hill – 1,786 sf Market – 2,700 sf
Coffee Shop	Starbucks • Park Lane – 1,572 sf • Bridle Trails – 1,950 sf • Houghton – 2,225 sf • Juanita Village – 2,533 sf
Convenience Store	Market St. Zip Mart 2,400 sf Juanita Super Foods – 2,688 sf Lake Wa. Blvd. Super 24 – 3,100 sf
Drug Store	Central Way Remedies – 2,500 sf Bartell's • Houghton – 5,500 sf • Finn Hill – 7,930 sf • Bridle Trails – 11,692 sf • Kingsgate – 12,250 sf Totem Lake Rite Aid – 11,000 sf
Small Grocery	Trader Joe's – 9,500 sf
Medium Grocery	Red Apple – 27,390 sf Finn Hill QFC – 27,400 sf Metropolitan Market – 28,500 sf

3. *For the residential market area, does the Comprehensive Plan establish a 12 units per acre density?*

Staff and the Commission have concluded that the Comprehensive Plan is silent on residential density limits. As discussed in a previous background memo to the City Council see Attachment 2, page 5), a specific density limit of 1 unit/2,400 square feet of land was eliminated from the

BN zone in 1983. However, concerned citizens have argued that the Comprehensive Plan language discussing medium density limits along the Boulevard found in the Living Environment section of the Moss Bay Neighborhood Plan should be applied to the commercial area as well (as discussed in Attachment 2). Staff and the Commission have concluded that this interpretation is not consistent with the structure of the text and maps found in the Plan. The full text of the Moss Bay Neighborhood Plan may be consulted for full context.

4. *For the residential market area, how did the Commission arrive at a building floor plate limit and how would it apply to various property sizes?*

While there may not be specific density limits in the Plan, the definition of a Residential Market does emphasize the importance of small size, residential scale, and design as critical to integrate these uses into a residential neighborhood. As shown in the graphics below, the Commission has discussed the context of development near this BN zone and concluded that some means of dividing the building mass would result in building scale and character more in keeping with the neighborhood context. Example 1 shows a potential full build out of the zone with only setbacks limiting the floor plate. Example 2 shows a potential division of the zone into two separate floor plates that brings development more into context with condominiums to the northwest. Example 3 shows a potential division of the zone into four separate floor plates that brings development more into context with many of the smaller condominium and apartment buildings surrounding the zone. The Commission's preliminary direction is to draft the Code to achieve massing similar to Example 3. If a maximum floor plate size is established, it would apply to all development in the zone (currently comprised of multiple parcels)

Example 1

Example 2

Example 3

The following links are provided for complete information on the Planning Commission deliberations, including all background materials and public comment:

10/27/2011 Planning Commission Study #1
12/8/2011 Planning Commission Study #2
1/12/2012 Planning Commission briefed on moratorium & Council direction
2/9/2012 Planning Commission Study #3

- Part 1
- Part 2

2/23/2012 Planning Commission Study #4
3/8/2012 Planning Commission Study #5

Attachments

1. Development Standards Matrix
2. November 1, 2011 Staff Memo

Cc: Planning Commission

Attachment 1

Development Standards for Neighborhood Business Family of Zones

*(key existing differences between zones are **bolded**, Planning Commission recommendations are shown in red)*

	BN (Res. Mkt) (current)	BN (Res. Mkt) (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Residential Density	None	No change, density a factor of dimensional restrictions and units sizes within permitted envelope	None	No change, density a factor of dimensional restrictions and units sizes within permitted envelope	None	• 1/1,800 for north area, 1/2,400 for south area • Residential square feet not to exceed 50% of the site's total square feet of floor area	None	No change, density a factor of dimensional restrictions and units sizes within permitted envelope	• None • Medium density (1 unit per 3,600 sf) • High density (1/2,400[1], 1/1,800, 1/900[2])
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage	75% of ground floor	None	75% of ground floor	Minimum commercial frontage	• No change • Minimum commercial FAR • Maximum residential FAR as percentage of commercial provided • Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	• Allow behind commercial frontage • Res. lobby allowed in comm. frontage	Prohibited	• Allow behind commercial frontage • Res. lobby allowed in comm. frontage	Prohibited	Allow, subject to 50% requirement above	Prohibited	• Allow behind commercial frontage • Res. lobby allowed in comm. frontage	• No change • Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	• Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/ sidewalk	Toward arterial or sidewalk	• Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/ sidewalk	Toward arterial or sidewalk	• Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/ sidewalk	Toward arterial or sidewalk	• Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/ sidewalk	• No change • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/sidewalk
Maximum Floor Area Ratio (FAR)	None	No change	None	No change	None	No change	None	No change	• No change • Maximum x% (similar to single family bulk limits)

[1] Similar to King County NB zone
[2] King County density adopted for BC 1 & BC 2 zones

Attachment 1

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (Res. Mkt) (current)	BN (Res. Mkt) (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Maximum Height	30′	• 30′ above ABE • Max 3 stories above street	30′	• 30′ above ABE • Max 3 stories above street	**35′**	No change	30′	• 30′ above ABE • Max 3 stories above street	• No change • Measure from street level (like CBD) • Cap # of stories • Lower
Maximum Lot Coverage	80%	No change	80%	No change	80%	No change	80%	No change	• No change • 60% (similar to medium density zones) • 70% (similar to office zones)
Required Yards[3]	**20′ front**[4] 10′ side & rear	• 10′ for ground floor commercial story • No change to front for 2nd & 3rd stories • 10′ side & rear for all uses	20′ front 10′ side & rear	• 10′ for ground floor commercial story • No change to front for 2nd & 3rd stories • 10′ side & rear for all uses	**10′ front** 10′ side & rear	No change to front 10′ side & rear for all uses	20′ front 10′ side & rear	No change	• No change • 0′ (similar to ped. oriented business districts) • 10′ (similar to BNA) • Reduce for ground floor only (similar to CBD 3 & 7) • Make office and retail consistent • Increase

Land Use Buffer	Retail=15′ adjoining SF or MF
	Office=15′ adjoining SF, 5′ adjoining MF
		15′ for all commercial uses adjoining residential	Retail=20′ adjoining SF, 15′ adjoining MF
			Office=20′ adjoining SF, 5′ adjoining MF[5]
				15′ for all commercial uses adjoining residential	Retail=15′ adjoining SF or MF
					Office=15′ adjoining SF, 5′ adjoining MF
						15′ for all commercial uses adjoining residential	Retail=15′ adjoining SF or MF
							Office=15′ adjoining SF, 5′ adjoining MF
								15′ for all commercial uses adjoining residential	• No change
									• Make Retail & Office buffers consistent to allow change in use of tenant spaces
									  ○ Increase office to 15′
									  ○ Decrease retail to 5′

Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment	4,000 per establishment	10,000 s.f. per establishment	No change	10,000 s.f. per establishment, **excludes grocery, drug, hardware…**	No change	**4,000 s.f.** per establishment	No change	• No change • 4,000 s.f. (similar to MSC 2 zone) • 3,000 s.f (similar to RM zone) *Examples:* • *Totem Lake Rite Aid = 11,000 s.f.* • *Brown Bag Café = 4,900 s.f.* • *Super 24 = 3,100 s.f.* • *Spud's – 1,500 s.f.*

[3] Note that office has 5′ minimum side (15′ combined)
[4] Required yard along Lake St S or LWB increased 2′ for each 1′ that the structure exceeds 25′ (applies to RM along Boulevard as well)
[5] 20′ landscaped berm/topographic change required by (1) suffix

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (Res. Mkt) (current)	BN (Res. Mkt) (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Use Limitations	Use Zone Charts	• Prohibit Office use on upper floors • Prohibit non-pedestrian oriented ○ Vehicle service station ○ Drive-thru	Use Zone Charts	No change	Use Zone Charts	No change	**Limited in Use Zone Charts**	No change	• No change • Prohibit non-pedestrian oriented[6] ○ Vehicle service station ○ Drive-thru • Limit office uses
Maximum Building Length[7]	None	Address though design guidelines	None	Address through design guidelines	None	Address through design guidelines	See design regulations	No change	• No change • Maximum 120′ • Maximum 70′ • Maximum 50′
Maximum Building Size	None	Limit maximum building floor plates (+/-10,000 s.f.) Use design review & guidelines to decide arrangement	None	None	None	None	See design regulations	No change	• No change • Select a desirable size (this type of regulation is not currently in use in Kirkland)
Review Process	None	Design Board Review	**Process IIA**	• Design Board Review • Incorporate Comp Plan criteria into special regulations	None	Design Board Review	**Administrative Design Review**	No change	• None • Zoning Permit (with established standards & criteria) ○ Process I ○ Process IIA ○ Process IIB • Design Review (with established guidelines/regulations) ○ Administrative ○ Design Review Board

[6] These uses are prohibited in the MSC 2 zone

[7] Used in Design Regulations. Depending on Business District, regulations may require full building separation, a significant modulation break, or change in building definition and materials

Attachment 1

Ground Floor Commercial Development Standards for Community Business (BC) Family of Zones

	BC (current)	BC (amendments)	BCX (current)	BCX (amendments)	BC 1 (current)	BC 1 (amendments)	BC 2 (current)	BC 2 (amendments)	Options
Minimum Commercial Floor Area	75% of ground floor	defer	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	• No change • Minimum commercial FAR • Maximum residential FAR as percentage of commercial provided • Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	defer	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street	• No change • Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	defer	Toward arterial or sidewalk	• Toward arterial or sidewalk • Minimum 13' ground floor height (adjust max height to continue to allow 3-stories) • Specify commercial floor to be at grade with street/ sidewalk	Toward arterial or sidewalk	• Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/ sidewalk	Toward arterial or sidewalk	• Toward arterial or sidewalk • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/ sidewalk	• No change • Minimum ground floor height (13'-15') • Specify commercial floor to be at grade with street/sidewalk

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.kirklandwa.gov

MEMORANDUM

To: City Council
Kurt Triplett, City Manager

From: Eric Shields, Planning Director
Teresa Swan, Senior Planner

Date: November 1, 2011

Subject: **Potala Village Mixed Use Development Proposal; File No. SHR11-00002 and SEP11-00004**

The purpose of this memorandum is to provide the City Council with:

A. An update on the permit process for the Potala Village project;
B. A history of the Comprehensive Plan and zoning provisions pertaining to the Potala Village site;
C. A discussion of the current Comprehensive Plan for the site; and
D. Responses to various public comments on the project.

This memorandum is not intended to address every comment that has been raised on the Potala Village project.

Staff provided an earlier memorandum on the project to the City Council dated July 29, 2011.

A. Update on the Permit Process

The application has been under review by the City for eight months. Below is a timeline and update on the permit process for Potala Village:

- December 9, 2009: 1st pre-submittal meeting on application;
- December 14, 2010: 2nd pre-submittal meeting on application;
- February 23, 2011: Shoreline Substantial Development Permit (SDP) application and State Environmental Policy Act (SEPA) documents submitted. SDP is on hold while the SEPA process is completed with preparation of an Environmental Impact Statement (EIS);
- May 11, 2011: SDP application determined to be complete and vested under Chapter 83 Kirkland Zoning Code (KZC) for the shoreline regulations effective as of that date;
- June 15, 2011: issued a SEPA Mitigated Determination of Non-Significance (MDNS);
- August 4, 2011: withdrew the SEPA MDNS and issued a Determination of Significance (DS) requiring an EIS. The EIS will take 5-6 months to prepare;

- October 4, 2011: new Notice of Road Concurrency Test Decision in conjunction with issuance of the SEPA DS;
- October 11, 2011: nine appeals were submitted by the appeal deadline on road concurrency;
- November 17, 2011: Hearing Examiner will hold the road concurrency hearing;
- As of the date of this memorandum, a building permit application has not been submitted and the project has not vested under existing zoning regulations.

B. History of Comprehensive Plan and Zoning for the Potala Village Site

The City has received several emails questioning the zoning, residential density in the Comprehensive Plan and the shoreline designation for the subject property. Summarized below are documents that set forth the history of the zoning, Comprehensive Plan and shoreline designation of the three parcels that make up the project site (see map below).

The items shown in bold font indicate the date when changes were made to the policies or regulations for the property:

- 1973 Zoning Map (Ordinance 2183, August 6, 1973): The 1973 map shows the western half of the site zoned as BN (Neighborhood Business) and eastern half as Residential (RS 8.5) with a minimum lot size of 8,500 square feet.

- 1973 Shoreline Master Program (SMP): **In 1973, the first SMP was adopted for the City with the property being designated as Urban Residential-1** (UR-1) permitting residential uses at one dwelling unit per 1,800 square feet of land area (RM-1800), and restaurant or tavern uses. This was a continuation of the UR-1 designation for the land area to the west between Lake Washington and Lake Street South. Up to 53' of the western part of the site is located within 200 feet of the lake and that portion is subject to the SMP.

- 1977 Zoning Code (Ordinance 2437, May 16, 1977): The Neighborhood Business zoning regulations for residential units in the 1977 Zoning code read as follows: "above ground floor

and conform to the RM-2400 zone if the total square footage does not exceed 10% of the commercial use floor area or one dwelling unit." This is a density of one unit per 2400 square feet of land area.

- 1982 Zoning Map: The 1982 map shows the western half of the site still zoned as BN and eastern half as RS 8.5.

- 1983 Zoning Code (Ordinance 2740, February 22, 1983): In 1983 a new Zoning Code was adopted. **The new code changed the residential density for the BN zone from one unit per 2400 square feet of land area to no limit.** This was consistent with changes to other commercial zones throughout the City.

- 1987 Central Neighborhood Plan (Ordinance 3016, May 18, 1987, File IV-85-20): **In 1987 the Central Neighborhood Plan (now Moss Bay) was amended. The Central Neighborhood Map, Figure C-1, showed the entire Potala Village site, including the eastern portion, as Commercial**.

- 1995 Comprehensive Plan (Ordinance 3481, July 11, 1995): In 1995, the City substantially revised the Comprehensive Plan to comply with the Growth Management Act. The 1995 Land Use Map, Figure LU-1, shows the eastern and western half of the site designated as Commercial.

The new Comprehensive Plan added a map (Figure LU-2) to the Land Use Element which designates commercial areas throughout the City**. The subject property was designated as a "residential market." Also added to the Plan was text that provides a description of each type of commercial area, including residential markets (see discussion on page 7).**

- 1996 Zoning Map (Ordinance 3538, May 21, 1996): In 1996, the City rezoned 976 parcels to bring the zoning into conformity with the Comprehensive Plan as required by the Growth Management Act. **At that time, the zoning on the eastern half of the site was changed from RS 8.5 to BN**. File IV-95-100 contains a spreadsheet of the 976 rezoned parcels which lists Parcel #9354900240 (northeastern parcel) and Parcel #0825059233 (eastern half of south parcel) zoned from RS 8.5 to BN.

As stated in the April 10, 1996 staff memorandum to the City Council, "the legislative rezones would result in streamlining the development process by eliminating the majority of quasi-judicial rezones that would otherwise need to be processed in order to attain the maximum theoretical development potential for a parcel of land." Prior to that time, it was common practice for the City to rezone properties only when a property owner applied for a project-related rezone.

- 2010 Shoreline Master Program (Ordinance 4251, August 3, 2010, File ZON06-00016): The City was required to prepare a new SMP that meets the State's new standards in WAC 173-26-176 for shorelines. Included in the State standards are: 1) new shoreline environment designations and 2) the purpose of each designation and the criteria to determine what designation is appropriate for each area in the City. **As part of the newly adopted 2010 SMP, the property containing the Potala Village site was designated as Urban Mixed environment.**

In accordance with WAC 173-26-176 and as stated in the City's shoreline regulations in KZC 83.140, the purpose of the Urban Mixed environment is "to provide for high-intensity land uses, including residential, commercial, recreational, transportation and mixed-use developments." The criteria for the Urban Mixed environment are that the environment is located in the urban growth area and that areas "currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses." The purpose and criteria most closely reflect the allowed uses in the BN Zone. The only other option would have been the Medium to High Residential environment which is not appropriate because the designation only permits water-oriented commercial uses and not mixed use, general retail or office as allowed in the BN Zone. The Department of Ecology found the designation of the property consistent with WAC 173-26-176 when it approved the City's Shoreline Environment Designations Map.

Under WAC 173-26-130, an SMP may be appealed to the Shoreline Hearings Board within 60 days of the Department of Ecology's written notice that the SMP has been approved. The Department of Ecology approved the City's SMP on July 26, 2010. No timely appeal was filed.

- 2011 SMP amendments (Ordinance 4302, Attachment C, June 7, 2011, File ZON06-00016): **As part of the amendments to the SMP, the residential density for the Mixed Use Environment (KZC 83.180) was corrected to match the residential density in the use zone chart for the BN Zone (KZC 40.10.100).** In the 2010 SMP regulations, the minimum lot size for the BN shoreline area was listed at 1,800 square feet per unit. The density should have been listed as "none" (no density limit) to match the existing BN zoning regulations in KZC 40.10.100. Throughout the 2010 SMP process, the City decided and disclosed that residential densities in the shoreline regulations for each property would be the same as those in the use zone charts of the Zoning Code. The City did not consider shoreline densities different than those established in the Zoning Code.

Nonetheless, the Potala Village shoreline permit application vests with the 2010 SMP and not with the 2011 SMP as amended since the application was considered complete before the Department of Ecology approved the amendments on May 25, 2011. The plans submitted for the shoreline permit application show that on the portion of the property located within shoreline jurisdiction, the residential unit count meets the minimum lot size density of one unit per 1,800 square feet of land area consistent with the 2010 SMP. If the applicant were to reapply for the shoreline Substantial Development Permit, the project would vest with the 2011 SMP as amended.

Staff Conclusions

The existing BN zoning on the Potala Village site was legally established. The western half of the property has been zoned BN since at least 1973. There have been no residential density restrictions since a new Zoning Code was adopted in 1983. The eastern half of the property was designated commercial as part of a neighborhood plan in 1987 and was affirmed in the 1995 Comprehensive Plan update. BN zoning was extended to the eastern half of the site in 1996 along with other City-wide rezones intended to bring the zoning into conformance with the Comprehensive Plan.

C. Current Comprehensive Plan for the Potala Village Site

Several emails to the City Council have stated that the Potala Village property is designated in the Comprehensive Plan at a residential density of 12 units per acre and that the BN zoning of no density limit is inconsistent with the Plan. Comments also, maintain that the regulations for the BN Zone are not consistent with the "Residential Market" policies in the Comprehensive and that the City did not follow up with the implementation strategy found in Chapter XIV of the Plan (page XIV-5). Project opponents ask that the City have the zoning regulations revised to reflect the Comprehensive Plan.

1. Residential Density

Below is an analysis of the City's Land Use Map, Moss Bay Neighborhood Map and the text discussing the medium density residential area near the Potala Village commercial site:

- Figure LU-1, Comprehensive Plan Land Use Map designates a land use category (i.e., commercial, residential, office, industrial, institutional) and, if applicable, a maximum residential density per acre for each property. Maximum density is reflected by a number (i.e., 5, 9, 12, 24) placed on the map for a defined area enclosed by a solid black line. All residential and office/residential land categories contain maximum density numbers. Commercial, office, institutional and all but one industrial land category do not contain maximum density numbers. For example, the "medium density residential" area immediately north of the subject property is shaded light brown with a designation of "MDR 12." The subject property is shaded red with a designation of "C." See the citywide Land Use Map at http://kirknet/mapbook/PDF/StandardMaps/2011CityLandUseMap.pdf

- Figure MB-2, Moss Bay Neighborhood Land Use Map (see map on next page) designates a variety of land use categories. The residential and office/residential areas, and one industrial area (PLA 6G-2) contain a maximum density number labeled on the map. These residential density numbers match Figure LU-1 (see link above to map).

As with Figure LU-1, the commercial and industrial areas shown on Figure MB-2, with the exception of PLA 6G-2, do not have maximum density numbers labeled on the Figure MB-2 map.

Text on page XV.D-23 in the Moss Bay Neighborhood Plan contains a discussion about the medium density residential area along Lake Washington Blvd as designated on Figure MB-2. In the text, the area south of 7th Ave South along Lake Washington Blvd/Lake Street South is described at 12 units per acre without indicating the southern boundary. However, the text reference is made to the density designation on Figure MB-2 that shows the boundary of the medium density area along Lake Washington Blvd/Lake Street South ending at 10th Ave South. Figure MB-2 does not show a maximum residential density number on the commercial area south of 10th Ave South (site of the proposed Potala Village).

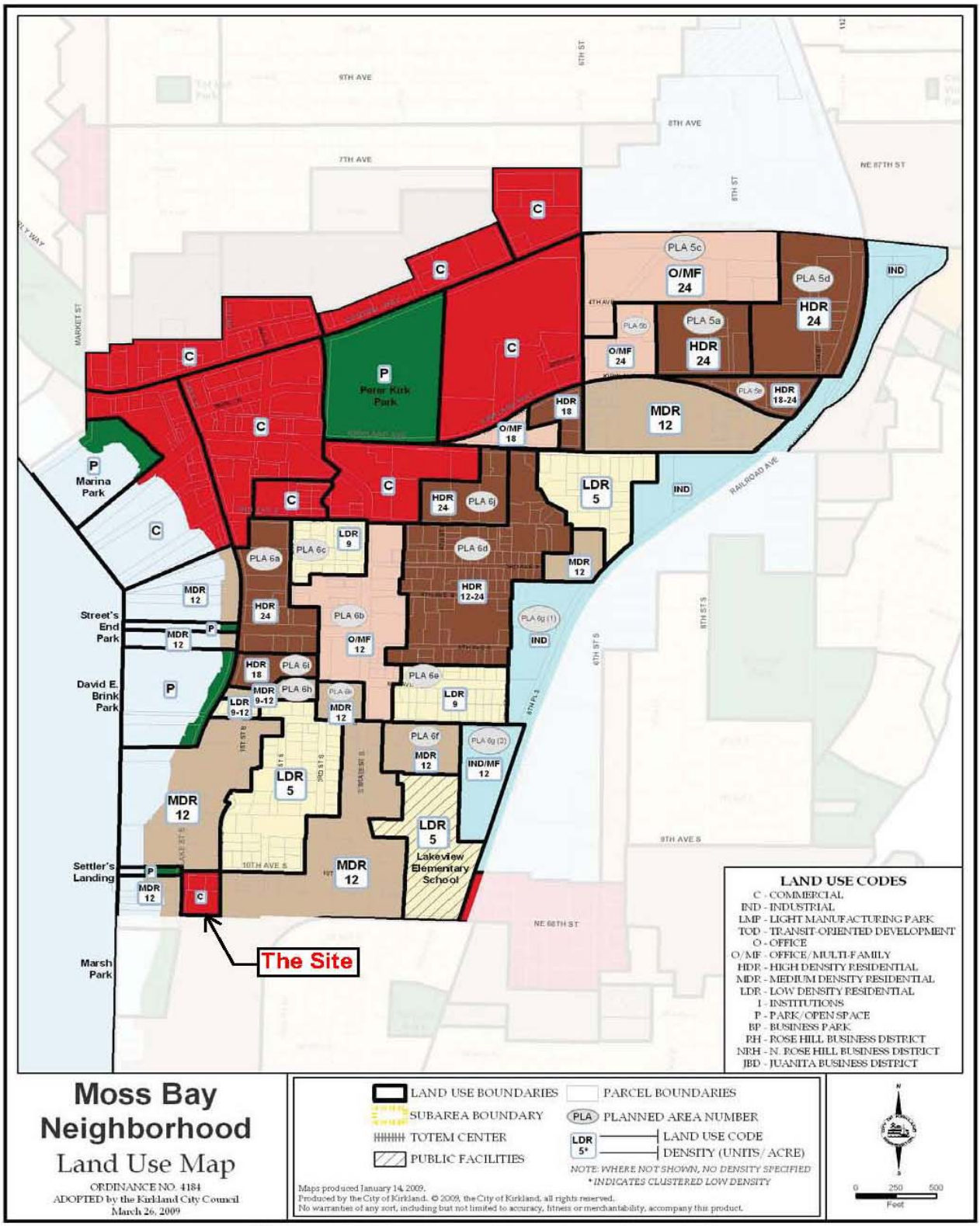


Figure MB-2: Moss Bay Area Land Use

- Text on page XV.D-24 in the Moss Bay Neighborhood Plan contains specific text on the Potala Village property. The text reads as follows:

  The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

The text is silent on residential use as is the case for other commercially designated areas in the City.

- The Land Use Element contains Policy LU-3.2 (page VI-12) that states: "*Encourage residential development within commercial areas.*" The discussion for the policy says that residential development within commercial areas should be compatible with and complementary to business activity.

- The Economic Development Element contains Policy ED-3.5 (page VIII-10) that states: "*Encourage mixed-use development within commercial areas.*" The discussion for the policy says "mixed-use residential and commercial development provides the opportunity for residents to live, shop and work in commercial areas…Mixed use development, when combined with multi-story structures, promotes a more compact and sustainable land use pattern and encourages walking and transit use to reduce dependence on automobiles."

Staff Conclusions

- The Citywide and Moss Bay Neighborhood land use maps are clear in distinguishing the residential area designated for 12 dwelling units per acre from the commercial area (Potala Village site) that has no density designation. Although the text of the plan does not indicate a southern boundary for the area limited to 12 units per acre, it is clear that it is referring to the land use map.

Further evidence of how maximum density is denoted in the Comprehensive Plan is seen with the industrial area of PLA 6Gg-2 that has "MF 12" noted on Figure MB-2.

- The text specific to the Potala Village site on page XV. D-24 of the Plan describes limitations on commercial uses, but does not place a limitation on residential density. The text is consistent with the BN zoning which limits the size and types of retail uses, but does not limit the number of residential units.

- Both Policy LU-3.2 and Policy ED-3.5 described above encourage residential uses in commercial zones.

2. Residential Markets

The Comprehensive Plan describes the Potala Village site as a "Residential Market." Below are sections of the Plan pertaining to Residential Markets:

- Figure LU 2 in the Land Use Element (page VI-15) designates commercial areas throughout the City. The Potala Village site is designated as a "Residential Market. (See the map on the following page.)

- The Land Use Element contains a section on Commercial Land Uses with a list of commercial terms (page VI-14). The term "Residential Market" is described as:

  An individual store or very small mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), Laundromats, and small coffee shops or community gathering places.

- The Land Use Element of the Plan contains Policy LU-5.9 (page VI-19) that states:

  Allow residential markets, subject to the following development and design standards:
  - *Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.*
  - *Provide the minimum amount of off-street parking necessary to serve market customers.*
  - *Ensure that building design is compatible with the neighborhood in size, scale and character.*

- Implementation Strategy LU.6. (page XIV-5) states:

  Amend the Zoning Code as appropriate to establish standards for residential markets.

Staff Conclusions

- It is understandable that some people do not think the BN zoning reflects the description of Residential Markets in the Comprehensive Plan. However, the 1996 rezone of the eastern half of the site from RS 8.5 to BN suggests that the BN zoning was regarded at that time as an appropriate implementation of the Comprehensive Plan. The EIS for Potala Village will further analyze whether the project complies with the Residential Market description and if not how changes could be made to bring it into greater conformance.
- Amendments to the Comprehensive Plan and/or Zoning Code would help make policies and regulations more consistent with each other.

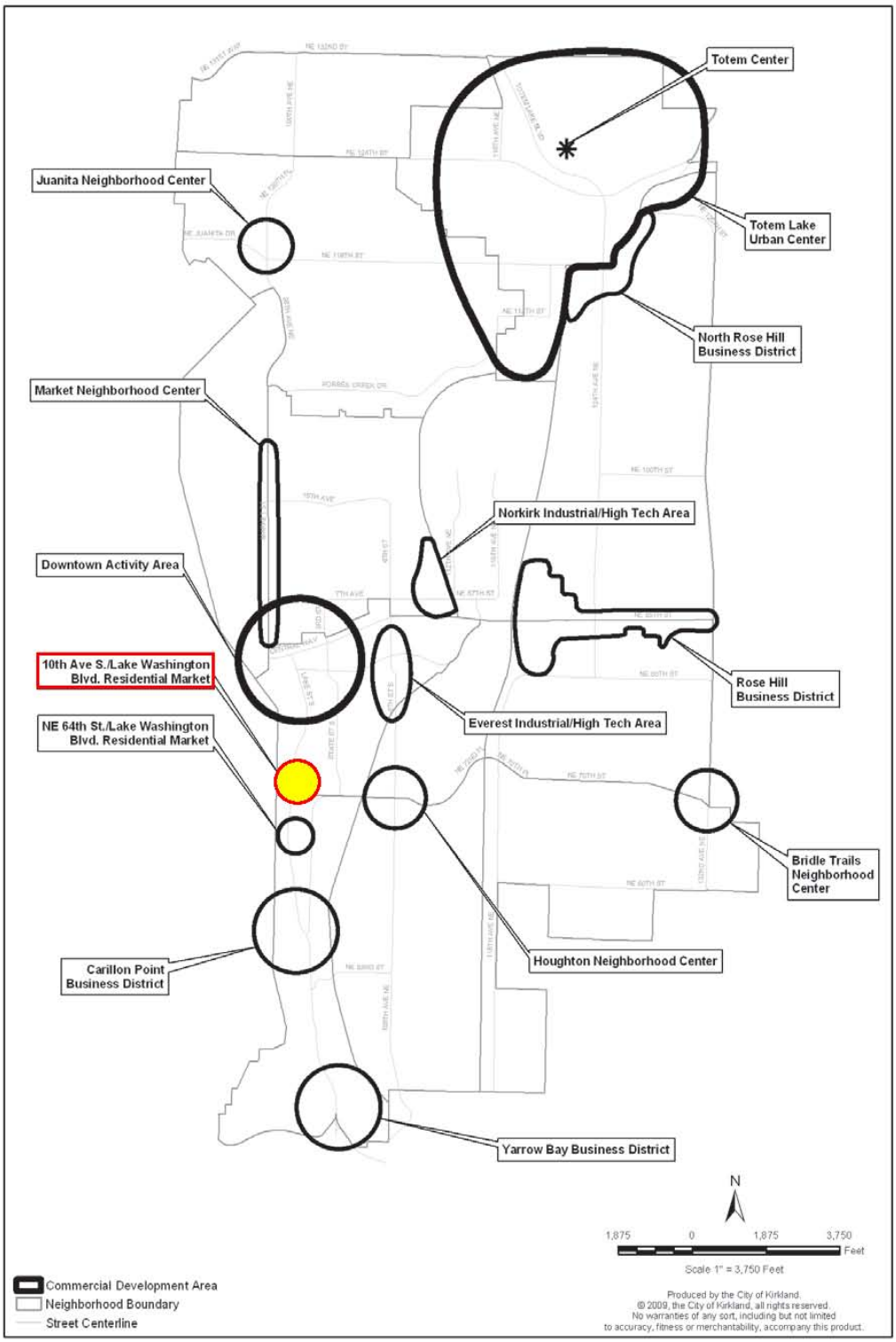


Figure LU-2: Commercial Areas

D. Staff Response to Public Comments:

The City Council has received several emails on various issues pertaining to the Potala Village proposal. Below are responses to these emails:

- One comment suggested that inadequate notice was provided for the 2010 SMP.

WAC 173-26-191(3)(b) states that RCW 90.58.130 must be met for the participation process of an SMP update. This includes making reasonable efforts to inform the people of the state about the SMP program and encouraging participation by all persons, private groups and entities showing an interest in the SMP as well as federal, state and local governments. The City was required to document its method of participation to ensure that all interested parties have a meaningful opportunity to participate. In addition, the provisions in WAC 173-26-100 applied which require at a minimum one public hearing and a published notice in the local newspaper.

Extensive public outreach was provided over the 5-year SMP process. Several notices were mailed to property owners within 200 feet of the lake, including the kick-off meeting, the property owner workshop and the public hearings. Two notices were mailed to property owners within 500 feet of the lake. Notices were provided to environmental groups, neighborhood and business associations and other interested groups. In addition, notices were updated regularly on the public notice signs installed in the City waterfront parks. An extensive SMP web page was created and maintained with links to the draft regulations and maps, and a large listserv group developed over time. A boat tour, several open houses, a property owner's workshop, and numerous public meetings provided ample opportunity to participate.

Federal, state local governments and affected Indian tribes were notified of the City's SMP process and draft regulations. A detailed public participation log was maintained over the entire SMP process and submitted to the Department of Ecology with the draft SMP. Both the City Council and the Department of Ecology approved the public outreach program in advance of preparation of the draft SMP regulations.

- One comment said the change in shoreline designation for the site from Urban Residential 1 to Urban Mixed environment was a spot zone and the Potala Village site should have been designated as Residential environment.

The shoreline designations for all of the properties within 200 feet of the shoreline and those containing associated wetlands were changed with the 2010 SMP. These changes were mandated by the Department of Ecology. Six areas along the shoreline are designated as Mixed Use, including the Potala Village site. The six areas either contained commercial uses or urban shoreline parks where a variety of future accessory park uses are contemplated. Thus, the designation change was not a spot zone.

The Medium to High Residential environment is not appropriate for the subject property because the designation only permits water-oriented commercial uses and not mixed use,

general retail or office as allowed in the BN zone. No site containing commercial uses is designated as Residential environment.

- One comment said that the correction to the residential density for the BN shoreline regulations in the SMP amendments approved on June 7, 2011 was not highlighted in the staff memorandum to the City Council.

In 2011, the City adopted amendments to the 2010 SMP to reflect the newly annexed area. In addition, the SMP amendments included several corrections to the 2010 SMP. All of the changes were underlined in the adopting ordinance. The staff memorandum of May 4, 2011 only highlighted new issues with policy implications staff thought the City Council might want to discuss. For the reasons noted above, staff considered the change to the SMP density regulation for the BN Zone to be a correction and not a change with a policy implication. All of the density standards in the shoreline regulations are supposed to match the associated density standards in the use zone charts of the Zoning Code. In the case of the BN Zone, the shoreline density standard did not match the density standard in the use zone charts for the BN Zone and the correction made them consistent.

- One email raised concerns about the staff comments in the pre-submittal meeting on December 3, 2009, (PRE09-00072). The email addressed the following issues:

▪ The email stated that Planning staff had highlighted the 12 units per acre in the Moss Bay Neighborhood Plan text and thus the density applied to the site.

The pre-submittal analysis document prepared by staff included the Moss Bay Neighborhood Plan as background information with several highlighted sections, including the 12 units per acre discussion. In the Potential Issues/Code Requirement section of the pre-submittal document, staff did not state that the number of units proposed needed to be reduced to 12 units per acre. The document stated that the regulations in the BN Zone, which includes density standards, and other regulations in the Zoning Code must be met

▪ The email noted that Planning staff said that 2.2 parking stalls were required per residential unit (1.7 per unit plus 0.5 for guest parking), but that less was proposed.

The KZC 105.105 requires 1.7 parking stalls per residential unit and <u>up to</u> 0.5 stalls per unit for guest parking. The number of required guest parking stalls is determined by the City on a case by case basis depending on several factors. For this project, 43 guest residential parking stalls are proposed which is a ratio of 0.30 per unit in addition to use of the commercial parking in the evenings. Guest parking will be evaluated in the EIS and will be addressed with the building permit and not the shoreline application.

▪ Parking shown on the plans made up much of the 75% of the required ground floor retail in the proposal submitted for the meeting and parking should not be included in the 75% ground floor area calculation.

Parking is part of a use and is included in the gross floor area when it is located in a building. When a regulation says that 75% of the ground floor must be retail, this includes the parking area. Similar retail ground floor regulations are required for other commercial zones and the

City has consistently included parking in meeting the required ground floor area for approved development projects.

If you have any questions on the project, please contact Teresa Swan at 425-587-3258, or at tswan@kirklandwa.gov.

cc: Robin Jenkinson, City Attorney

Council Meeting: 04/17/2012
Agenda: Unfinished Business
Item #: 10. 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
Ray Steiger, P.E., Public Works Director

Date: April 10, 2012

Subject: TOTEM LAKE FLOOD CONTROL MEASURES –UPDATE/FUNDING APPROVAL

RECOMMENDATION:

It is recommended that City Council receives an update on measures taken over the fall and winter months to alleviate flooding in the vicinity of Totem Lake. It is also recommended that City Council approve funds for replacement of a series of twin 42-inch culverts that serve as outlets to Totem Lake.

These actions are part of the 2012 City Work Program Item *"Implementing Totem Lake Action Plan regulatory changes, Phase II flooding projects and NE 120th Street construction to revitalize the Totem Lake Business District to further the goal of **Economic Development**."*

BACKGROUND DISCUSSION:

At their regular meeting on November 3, 2011, City Council received information on summer 2011 activities related to the Totem Lake Flood control measures (Attachment A). That update described the work completed in 2011 and identified the ongoing plan to provide emergency pumping as a means to minimize possible occurrences of Totem Lake flooding through the 2011-2012 winter/wet season. Totem Lake pumping began in November, 2011.

The on-going pumping operations have been successful, and prior to Sunday, April 8th, 2012, there were no lane closures on Totem Lake Boulevard since March, 2011, despite a number of relatively significant rainfall events. The following table compares the outcomes of various storms over the last 30-month period:

Date	Rainfall (inches)	Totem Lake Blvd	Notes
Prior to measures			
October 17, 2009	2.06	Road closed	2-day storm
December 11-12, 2010	4.72	Road closed	3-day storm ("Pineapple Express")
January 13, 2011	1.62	South curb lane closed	2-day storm /1-in. rain/several of snow)
March 14, 2011	1.81	North curb lane closed	3-day storm
After measures			
November 21-24, 2011	3.40	No closure	4-day rain storm
January. 20-22, 2012	1.66	No closure	3-day rain storm / 4-6 in. of snow
March 9-15, 2012	3.39	No closure	7-day rain storm
April 8, 2012	NA	Southbound lane closure	Sink-hole developed

TABLE 1. Storm related closures of Totem Lake Boulevard before and after flood control measures

On April 8th, the southbound center turn lane of Totem Lake Boulevard developed what was reported by Kirkland Police as a "pot hole" (Attachment B). City staff responding to the scene discovered what had developed into a 2-3 foot diameter sinkhole in the road immediately above two large diameter storm drains; the roadway has continued to give way and efforts to shore the cavity and cover the hole have been put in place temporarily. As of this memo, staff had steel plates on the center turn lane of Totem Lake Boulevard and is working with a local contractor to assist in dewatering of the pipes to determine the level of failure. Information will be relayed to City Council at their April 17th meeting along with a likely funding request for storm drain and pipe replacement.

In addition to successfully providing flood control this winter, the emergency pumping operation at Totem Lake has also provided an opportunity for closer inspection of the existing corrugated metal pipe (CMP) drainage system that outlets from Totem Lake. Specifically, there is a series of twin (side by side) 42-inch CMP culverts that convey water from Totem Lake along the northern/eastern edge of Totem Lake Boulevard, under 120th Avenue NE, and then under Totem Lake Boulevard. From there, water is conveyed under I-405 and to the west as Juanita Creek. These twin culverts are approximately 60-years old and are at the end of their anticipated design life. Until this year, inspection of these culverts had not been possible due to depth of the pipes and the high water level in the drainage system. The removal of sediments and vegetation last summer, combined with the on-going pumping activities, has reduced the water level to allow maintenance staff to visually inspect the condition of the twin pipes. Additionally, due to the failure on April 8th, staff has been able to observe three significant conditions:

120th Ave NE culverts --

1. The southern culvert crossing 120th Ave NE is severely clogged with sediment;
2. The northern culvert crossing 120th Ave NE is partially crushed and is the cause of a sink hole on the Chevron property near the intersection of Totem Lake Boulevard and 120th Ave NE; and
3. Sections of each of the culverts show signs of significant deterioration.

The combination of these conditions is cause for taking immediate action to replace the existing culverts. At this time, the culverts are operating at a capacity that is less than half of their original design flow capacity, and their replacement will restore the flow capacity and improve overall drainage out of Totem Lake. In addition to the drainage improvements, replacement will eliminate the potential collapse of 120th Avenue NE or Totem Lake Boulevard were the culverts to fail due to further structural degradation.

Staff requests City Council's authorization to fund this project in order to immediately begin the design and necessary permitting efforts for the replacement of the twin culverts. This is the primary project that was contemplated as the *"Phase II flooding projects"* in the Work Program. The funding needed for the engineering and permitting costs is estimated to be $390,000 and is available from the 2011 Annual Storm Drain Replacement Program (Attachment C & D). It is anticipated that design will be completed in 2012. Permitting through agencies that include the Washington State Departments of Fish and Wildlife, Ecology, and Transportation, the Army Corps of Engineers, the King Conservation District and the City will be completed by late spring 2013, and construction will follow immediately thereafter. Funding for the construction phase is currently being identified in the 2013-2018 Capital Improvement Program with a total project cost of approximately $1.5M (CSD-0075).

Given City Council approval, design and permitting will be completed in time to bid the Project for construction during the fish work window of July through September, 2013. Until construction, staff will continue to address sediment, vegetation, and beaver dam removal throughout the Totem Lake drainage system concurrent with ongoing pumping operations. Emergency pumping permits have been secured through 2014.

ATTACHMENT A

Council Meeting: 11/15/2011
Agenda: Unfinished Business
Item #: 10. a.

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: Noel Hupprich, P.E., Senior Project Engineer
Ray Steiger, P.E., Public Works Director

Date: November 3, 2011

Subject: TOTEM LAKE FLOOD CONTROL MEASURES – PROJECT UPDATE

RECOMMENDATION:

It is recommended that City Council receive this update on the Totem Lake Flood Control Measures Project (CSD-0059)

BACKGROUND DISCUSSION:

It was their regular meeting on July 19, 2011, that City Council received an earlier update on the Totem Lake Flood Control Measures Project. That update described analysis and design work completed by staff and the City's consultant, CH2MHill, Bellevue, WA, together with recommendations for maintenance work that would reduce the frequency and severity of flooding in the Totem Lake area. The analysis included a detailed survey of the Totem Lake drainage system and located "stream barriers" where accumulation of sediment, invasive vegetation and beaver dams are impacting the flow of water out of Totem Lake. The recommended maintenance work involved removal of accumulated sediment and vegetation at three locations, and the removal of one active beaver dam (Attachment A).

The original Project budget for 2011 was $117,000 and estimates to perform the recommended work exceeded that amount. At their regular meeting of August 2, 2011, City Council authorized the use of an additional $218,000 from the Surface Water Reserve Fund to complete the work, bringing the total available funding for 2011 to $335,000. Permitting conditions required that the sediment and vegetation removal be completed by August 31, 2011; this was accomplished by an expedited permitting review process, cooperation from private property owners and from WSDOT, along with the City's ability to contract with the King County Rivers Team through an existing interlocal agreement. The sediment and vegetation removal work began in mid August and was complete by the end of August; the beaver dam removal was permitted separately and City crews completed that work in early September.

The following photos show the before (May, 2011) and the after (September, 2011) conditions at the three sediment and vegetation removal locations, including the beaver dam:

1 - Totem Lake Outlet

May, 2011

September, 2011

2 - Settling Basin

May, 2011

September, 2011

3 - Drainage Channel East Side of I-405

May, 2011

September, 2011

4 - Beaver Dam West of 116th Ave NE

May, 2011

September, 2011

The City's consultant, CH2MHill, conducted a new survey and collected water surface elevations after the maintenance work was finished. The results of that survey showed a decrease in the water surface elevation of three feet within the drainage system, between Totem Lake and the east side of I-405. The drop in water surface elevation exposed culverts within the system that had been submerged for over ten years, providing City crews an opportunity to inspect and repair one culvert known to be damaged, but previously submerged and inaccessible.

The work completed this year focused on "stream barriers" located between I-405 and Totem Lake. These activities allowed for the identification of other barriers not previously evident, particularly the area of drainage channel from the west side of I-405 to 116th Ave NE. The initial survey of the drainage channel found the area to be built up with sediment and vegetation; now that the drainage channel upstream has been cleaned out, it is clear that sediment and vegetation removal in the area between I-405 and 116th Ave NE will further improve flows out of Totem Lake. City staff and the design consultant will be working together to develop a plan for 2012 work to address further maintenance needs in this area.

To immediately address the stream barriers on the west side of I-405 during this year's wet season (November through April), staff is currently working on a hydraulic pumping plan to move water around the sediment and vegetation "hump" that exists between I-405 and 116th Ave NE. The strategy for pumping during the wet season is to begin this activity in advance of significant storm events, or when the lake level rises above a determined elevation. The intent is to maintain storage capacity in the Lake to allow for an increase in volume during large storm events. The City's consultant is currently working on the analysis to define a water level that will trigger pumping.

The pumping plan will draw water from culverts beneath I-405 and divert it around the sediment and vegetation between I-405 and 116th Ave NE. The discharge water will be moved downstream where the drainage channel gradient is steeper and water does not typically back up (Attachment B). City maintenance crews are securing all material and equipment needed for the pumping system. The system will be comprised of a rigid intake pipe and a flexible hose discharge line. A large capacity pump will be brought to the site as needed; however, the intake and discharge lines will be left in place to allow for quick and easy set up.

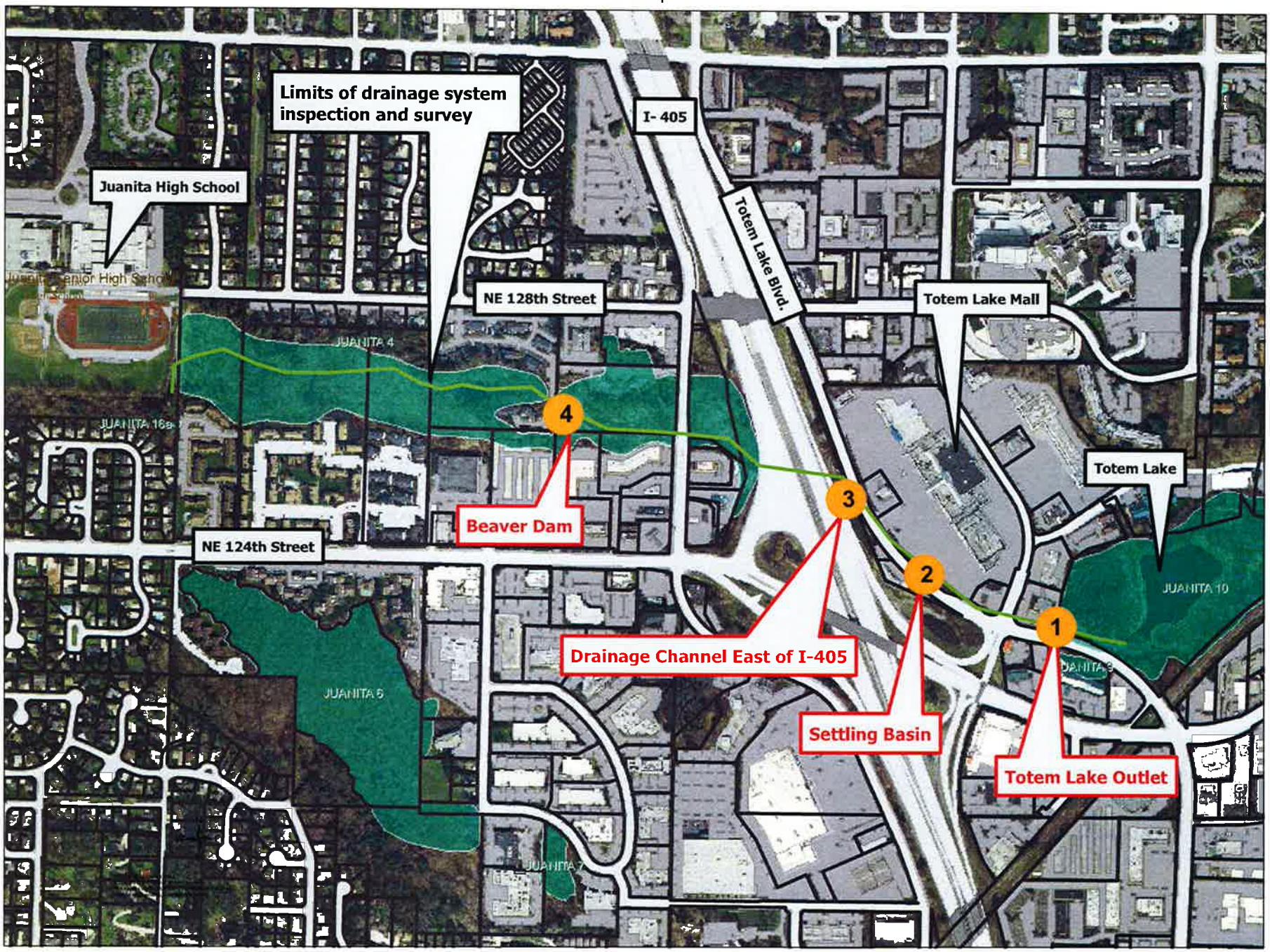
City staff and the consultant have met with representatives from Department of Ecology, the Army Corps of Engineers, and the Washington Department of Fish and Wildlife (WDFW) to secure all necessary environmental permits. Staff has applied for a general Hydraulic Project Approval (HPA) from WDFW and the pumping plan is presently going through a standard SEPA determination process. All formal permits are expected to be received and the pumping system will be in place by the end of November. In the mean time, WDFW has approved temporary emergency pumping through its emergency HPA process, which is based on verbal authorization in the event that flooding is eminent.

Last winter, staff sent out flood preparedness letters to business and property owners who have been affected by flooding in the Totem Lake area. This year staff has prepared a follow up letter to provide an update on the flood control efforts completed to date and to continue to encourage individual preparedness (Attachment C). The letter describes the work the City is doing to reduce the frequency and severity of flooding, and offers flood awareness advice with web based links for additional information.

Attachments: (3)

Totem Lake Flood Control Measures
Site Map

Attachment A



Totem Lake Flood Control
Pumping Plan

Attachment B

Sample Letter

Attachment C

November 16, 2011

[Name]
[Address]

RE: Totem Lake Flood Preparedness

Dear [Property Owner],

The City would like to update you on flood control efforts around Totem Lake. We have made significant progress towards reducing the severity and duration of seasonal flooding. Further work to minimize flooding is planned, which will provide a greater level of protection. In the meantime, we hope for the best, prepare for the worst and encourage you to also be prepared. Along with specifics of how the City has been working on this critical area, we have included our seasonal reminders of steps that individuals can take to minimize potential property impacts due to heavy rains or snow events.

This summer the City completed the first steps in a multi-year process to address flood control in the area near Totem Lake. The work included a detailed survey of 5000 feet of conveyance channel downstream of Totem Lake, water surface level monitoring, and coordination with regulatory agencies. The survey identified several areas along the drainage channel where sediment and vegetation are impacting the outflow of Totem Lake. In August the City partnered with WSDOT and King County to remove built up sediment and vegetation along the conveyance channel between Totem Lake and the east side of I-405. This work increased the conveyance capacity of the drainage channel and lowered the level of the Lake by approximately three feet which will allow for greater storage of runoff from winter rains.

The work completed this year has improved flood control in the area; however, more work is necessary. Currently, the City is completing an emergency pumping plan that will be in place shortly to further reduce the risk of flooding, and Phase II of the multi-year project (scheduled for next construction season) will include the removal of the remaining sediment and vegetation in the conveyance system from I-405 downstream and to the west along the Totem Lake conveyance channel.

In the meantime, the City is continuing to maintain its monitoring of critical drainage structures. When wet weather is anticipated, City Crews are dispatched to ensure that the structures are clean and ready to function as they were designed. In addition, a traffic detour plan has been developed for use if the intersection of Totem Lake Boulevard and 120th Ave NE becomes inundated. With some planning now on your part, your business can continue uninterrupted through the winter rains.

Winter in the Pacific Northwest, especially in a second-in-a-row La Nina year as has been predicted, can mean large amounts of rainfall. The attached map shows areas that may be at risk of flooding when the level of Totem Lake rises in response to rainfall. Your business is located in one of these areas, and we want to assist you in locating sources of information on how to prepare for flooding and how to minimize your risk of damage from it. Because of its urban nature, Totem Lake can rise quickly depending on rainfall patterns (4 feet in about 8 hours during a large storm according to recent modeling), so it is important to be prepared before a rain event starts.

Flood Preparedness

Make Plans:

- Do you have flood insurance? If not, consider purchasing flood insurance. The majority of businesses around the lake are outside the FEMA 100-year flood plain (which is used by the National Flood Insurance Program to set flood insurance premiums), so insurance costs should be relatively low. See www.floodsmart.gov for details.
- Identify areas of your property that may flood. Make a plan to move valuable items, equipment and materials out of range of floodwaters permanently or, if that is not possible, temporarily during an event (i.e. identify alternative storage locations).
- Teach employees how and when to safely turn off gas, electricity, and water lines.
- Stock sandbags and plan for sandbag placement.

During a Flood:

- Watch the weather.
    - Monitor Seattle Rain Watch (www.atmos.washington.edu/SPU/) to get a feel for how much rain has fallen and how much is coming. Totem Lake usually rises the most in response to large storm events (3 inches or more over a 24 hour period).
    - Look at the level of Totem Lake. Totem Lake Boulevard near the intersection of 120th Avenue NE is usually one of the first spots to be impacted by heavy rains, and may indicate that floodwaters are rising toward your property.
- Mark flood elevations on building and take pictures. This will help in filing flood insurance claims, and will assist engineers with modeling conditions and designing flood reduction projects.
- Follow detour routes and do not drive through floodwaters. If your car stalls in a flooded area, abandon it as soon as possible and walk to safety from the direction you came.

After a Flood:

- When re-entering your place of business, be cautious of potential gas leaks, electrical shorts, and live wires.
- Follow procedures for safe cleanup of household items, food, water supply, and property. For more information, go to www.kingcounty.gov/health/preparedness.
- Contact the City of Kirkland Building Department at (425) 587-3600 regarding any questions on repairs that normally require a building permit such as foundation repairs, drywall and insulation replacement.

Further information and resources on flood preparedness is available at www.govlink.org/storm/floods.asp.

If you would like further information about Totem Lake or about flood preparedness, please contact Jenny Gaus, Environmental Services Supervisor, at (425) 587-3850 or jgaus@ci.kirkland.wa.us. Thank you for your efforts to protect yourselves through this winter and beyond.

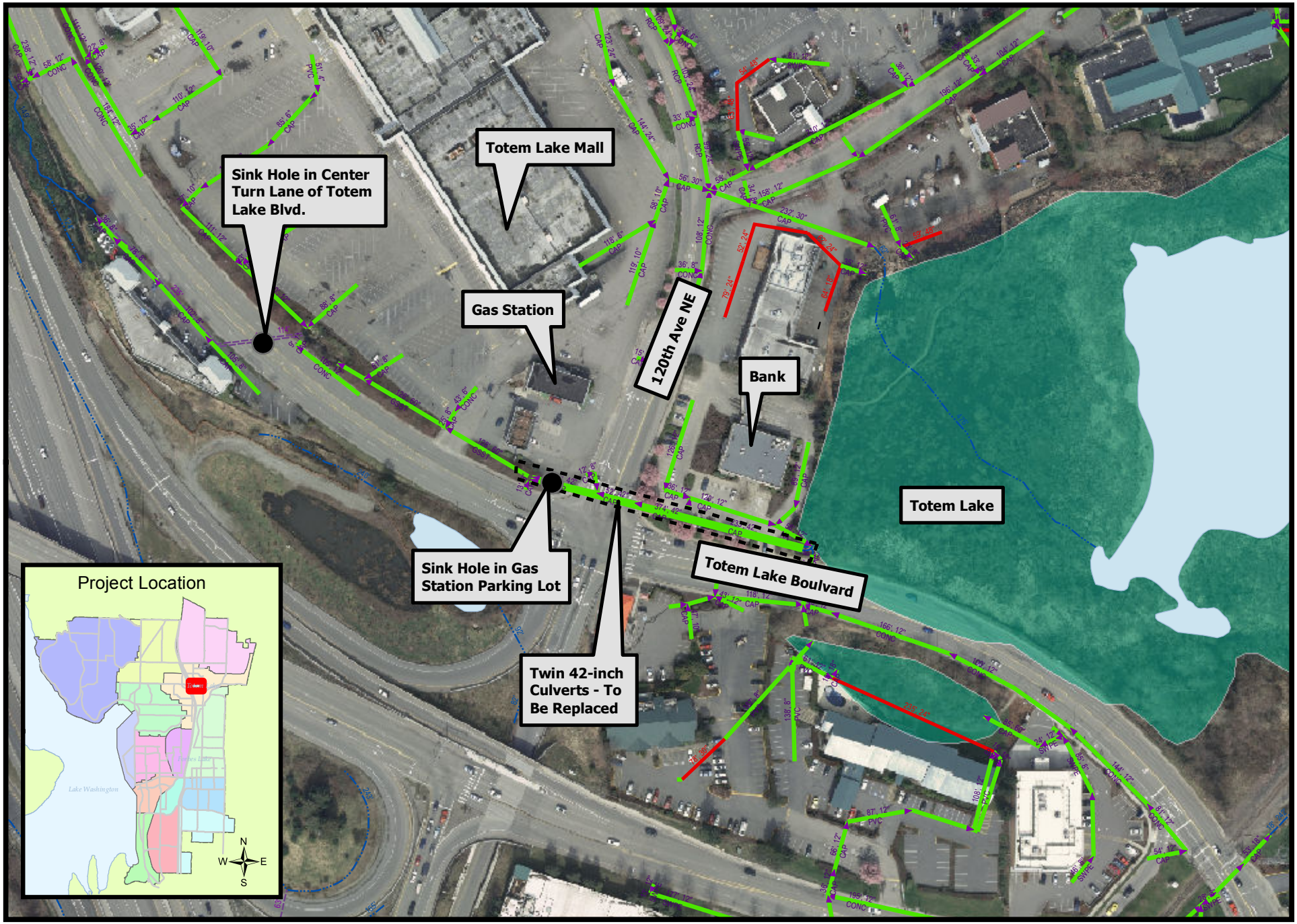
Sincerely,
City of Kirkland

Ellen Miller-Wolfe
Economic Development Manager

Jenny Gaus, PE, CSM
Environmental Services Supervisor

Site Map
Twin 42-inch Culvert Replacement

Attachment B



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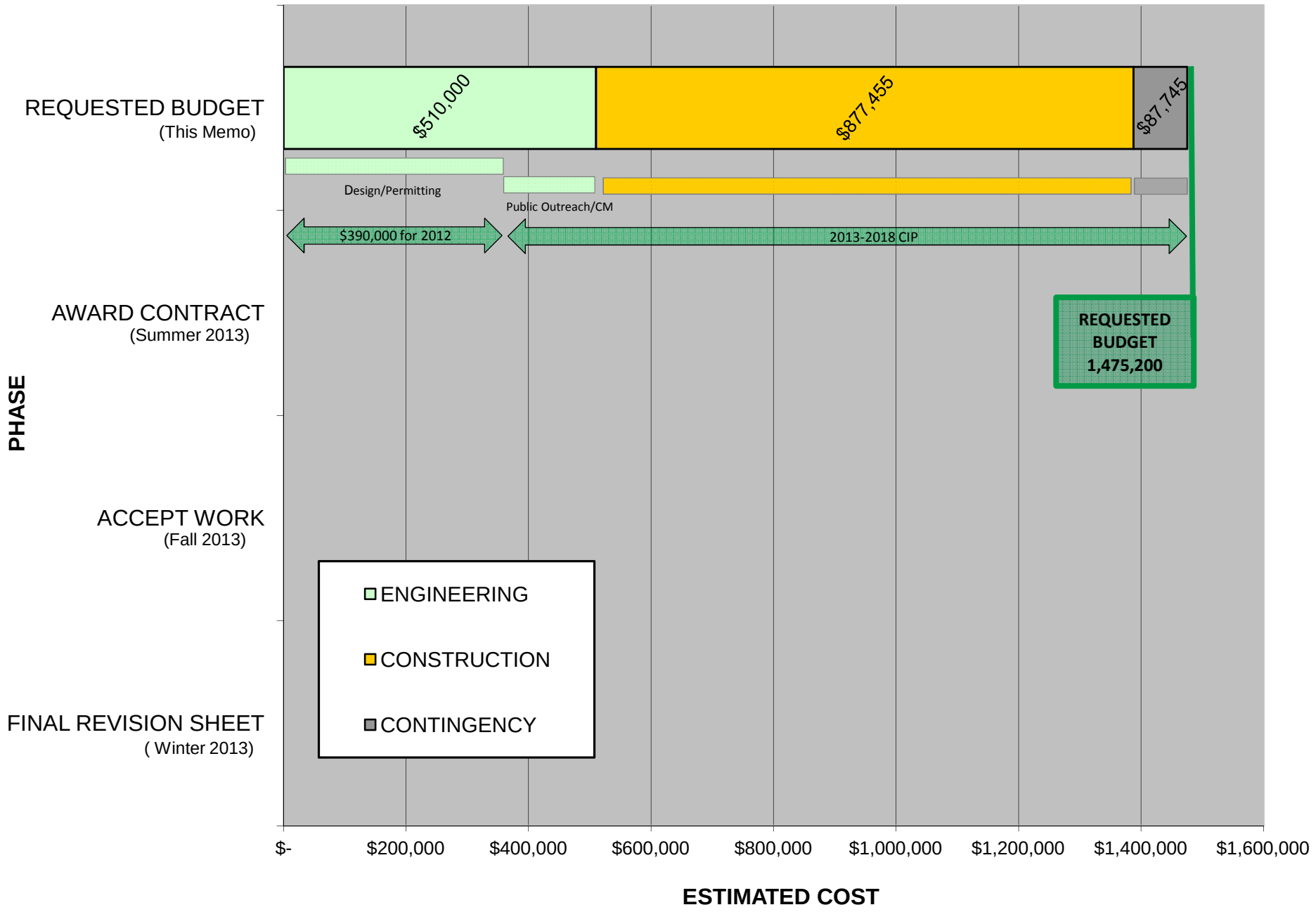
Totem Lake Twin 42-inch Culvert Replacement (CSD-0075)

Attachment C

Project Budget Report



ATTACHMENT D

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Ray Steiger, Public Work Director

Description of Request

Request for funding of $390,000 for a new project to replace culverts in Totem Lake as part of flood control efforts (CSD 0075). This project is funded as a candidate from the Annual Storm Drain Replacement program (CSD 9999). Total project costs for CSD 0075 are estimated to be $1,475,200. The balance will be funded in the upcoming 2013-18 CIP for completion in 2013.

Legality/City Policy Basis

Fiscal Impact

The **Annual Storm Drain Replacement Program** project is an approved 2011-16 CIP project with a total 2011-12 budget of $922,600 funded by utility rates. There is sufficient balance in this project to fund this request.

Recommended Funding Source(s)

	Description	2012 Est End Balance	Prior Auth. 2011-12 Uses	Prior Auth. 2011-12 Additions	Amount This Request	Revised 2012 End Balance	2012 Target
Reserve							
Revenue/Exp Savings							
Other Source	Annual Storm Drain Replacement Project balance. Estimated revised ending 2012 project balance is $532,600 after funding this request for $390,000.						

Other Information

Prepared By	Neil Kruse, Senior Financial Analyst	Date	April 3, 2012

Council Meeting: 04/17/2012
Agenda: Unfinished Business
Item #: 10. c.

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, Assistant City Manager
Tracey Dunlap, Director of Finance and Administration
Robin Jenkinson, City Attorney

Date: April 10, 2012

Subject: SPECIAL EVENTS FUNDING

RECOMMENDATION:

City Council receives a report on historical funding practices for special events and the use of Council Special Projects Reserve, and authorizes the City Manager to negotiate a contract with the organizers of Summerfest to provide services to the City in return for $7,000 of City funding from Council Special Projects Reserve.

BACKGROUND DISCUSSION:

At their April 3, 2012 meeting, the City Council requested information about the City's past practice with regard to funding special events and the use of the Council Contingency. The Council also requested a report from the Economic Development Committee regarding the value of special events as an economic development strategy. The purpose of this memo is to provide a historical perspective on funding for outside agencies (and special events) and the policies and use related to the Council Contingency.

Outside Agency Funding

Funding for outside agencies and events has evolved over the years. At one time, the City Council's practice was to accept requests from outside agencies for funding as part of the annual budget process. Funding requests took the form of letters from various community agencies requesting funding to support special projects or agency operations. Outside agency funding was typically allocated from one-time resources for one year at a time.

In the mid 90s, the City Council established annual (ongoing) funding levels by categories for outside agencies. Business Grants were allocated $25,000 per year and Community Grants were allocated $10,000. Agencies were required to submit applications detailing the nature of the services to be provided, the benefits to the community and the expenses for which the City's funds would be used. Payment was provided on a reimbursement basis to outside agencies once their reporting requirements and appropriate documentation were received. Support for special events was provided from the Community Grants allocation.

During this same time period, the Kirkland Performance Center and Teen Center (KTUB) were constructed and the Kirkland Downtown Association was formed. In addition to the Community Grants, outside agency funding was considered on an annual request basis and for supplemental support for the Kirkland Performance Center, Friends of Youth (for the Kirkland Teen Center), and the Kirkland Downtown Association. Agency requests most often took the form of a letter to the City Council with a

description of the services to be provided. Community Agency grants were funded from one-time resources (a total of $196,500 in 2006).

During the 2006 Budget process, the City Council expressed a concern about the amount of one-time funding allocated every year for community agencies. Some Council members believed that support for agencies such as the Friends of Youth and the KDA were ongoing commitments that should be funded in the base (ongoing) budget. The City Council requested an analysis and recommendation for revamping the process and identifying an ongoing funding source for these agencies. The City Council ultimately adopted the staff recommendation that defined four types of outside agency allocations:

- Partner Agencies
- Special Events
- Community Agency Funding
- Tourism Grants

A copy of the memo describing the recommendation is included at Attachment A. The adopted funding strategy redirected the ongoing Business Grant funding and the Community Grants funding (a total of $35,000 for both) plus an additional $136,000 of ongoing funds to provide stable funding for the Performance Center, Friends of Youth (Teen Center), the Kirkland Downtown Association and the 4th of July fireworks. In addition, $60,500 of one-time funds was recommended on an "as available" basis for competitive community grants. A sample of the funding application form and reimbursement form are included as Attachment B.

Tourism funding was provided from lodging taxes in separate process through the Lodging Tax Advisory Committee. Human Services Agency funding is also conducted as a distinct process through the Human Services Advisory Committee based on criteria adopted by the City Council. A memo provided to the City Council in November 2011 titled "Funding Allocation Methods for Human Services and Outside Agencies" provides historical funding levels and policy basis related to selected categories of outside agency funding (http://www.kirklandwa.gov/Assets/City+Council/Council+Packets/110111/3a_StudySession.pdf).

It should be noted that, although the term "grant" is used to describe funding for outside agencies, the City is not a grantor agency and cannot provide funding to private entities without receiving specific services or products. Outside agency funding takes the form of professional services or municipal services contracts that specify deliverables, reporting requirements and reimbursement procedures. The City's annual audit process includes periodic review of contract reimbursements to assure that the proper documentation was received and that the goods or services were delivered.

During the 2009-2010 Budget process, a series of funding reductions was needed in order to balance the biennial budget. In 2009, funding for community agencies and the 4th of July fireworks was reduced by 50 percent. The continuing decline in revenue forced additional cuts at the mid-year budget update in 2010 and all funding was eliminated for outside agencies (except funding for KITH's 7 Hills of Kirkland.)

In the 2011-2012 Budget, all community agency funding other than partner agency funding was eliminated. Lodging Tax funds were still allocated through the Tourism Advisory Committee process using the criteria adopted by the committee.

Ad Hoc funding requests are periodically received by the City Council outside of the budget process. The adopted fiscal policies define the procedures for considering ad hoc requests.

The biennial budget will be formally amended by the City Council as needed to acknowledge unforeseen expenditures. All requests for funding will be analyzed by the Finance and Administration Department. The Council will be provided with a discussion of the legality and/or policy basis of the expenditure, the recommended funding sources, an analysis of the fiscal impact and a review of all reserves and previously approved amendments since budget adoption.

A request will not be approved at the same meeting at which it is introduced unless it is deemed an urgent community issue by a supermajority vote of the City Council. Requests made to Council outside of the formal budget adjustment process will be analyzed and presented to the Council for approval at the next regular Council meeting that allows sufficient time for staff to prepare an analysis and recommendation.

Council Special Project Reserve

This reserve is available to the City Council to fund special one-time projects that were unforeseen at the time the budget was prepared. When the reserve is used, it is replenished from the General Fund year-end fund balance. It has been used over the years for a variety of purposes. A summary of uses and amounts for the Council Special Project reserve for the past nine years is included as Attachment C. A fiscal note describing the current request for special events and other 2011-12 uses is included as Attachment D.

Summerfest

Under Items from the Audience at the April 3, 2012, Council Meeting, a group of citizens appeared to announce "Summerfest." This would be the inaugural year of what the organizers hope will be an annual event. The special events application submitted to the Parks and Community Services Department, by the Summerfest organizers, contains the following description: "to present an annual summer festival of arts, music and food that enriches the cultural, economic and social vitality of the region. Kirkland Summerfest aspires to be an enduring local treasure, to celebrate regional arts, and a fun festival for the whole family, a widely anticipated, interactive hub of creative and community energy."

A majority of the Council asked staff to return to the April 17th Council meeting with an appropriation request for $7,000 from Council Special Projects for Summerfest. A Council Member asked to see the justification, on the basis of economic development, for City support of Summerfest and how the use of the Council's contingency fund to support Summerfest was not a gift of public funds contrary to the prohibition in the Washington State Constitution.

Article 8, section 7 of the Washington Constitution, provides:

> No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

The Washington State Supreme Court has held that when funds are expended by the government in carrying out its fundamental purposes, no gift occurs. *Citizens for Clean Air v. Spokane,* 114 Wn.2d 20, 39, 785 P.2d 447 (1990). In other words the City must be able to demonstrate a valid public purpose. Payments made to non-municipal entity to provide services that the City could itself provide for a special event or festival designed to encourage economic development would not be a gift.

Local festivals are increasingly being used as instruments for promoting tourism and boosting the local economy. Increased local income and employment arising from increased visitor volumes are two often cited reasons. A local festival, as suggested in the language quoted from the Summerfest application, may generate economic benefits, enhance local quality of life, create community solidarity, and City exposure. A festival may be used as a gateway to attract visitors to the City and distinguish its local attractions from other those of other nearby cities. The image production role of a festival is another intangible, but potentially important benefit.

Summary and Recommended Process

Staff has concluded that support for special events for the purpose of furthering economic development is an allowable use of public funds and that the Council Special Projects Reserve can be an appropriate source of funding. If the City Council decides to allocate funding for new special events, the vehicle for providing funding would be a professional services or municipal services contract. The contract would need to specify the goods and services to be provided, the specific expenditures to be reimbursed and the conditions under which expenditures would be reimbursed. The contract would need to be an agreement between the City and an individual or entity that is assuming responsibility for delivering the services and providing required documentation. The Community Agency Funding Request included as an attachment to this memo would be a good reference point for preparing scope of work for a contract.

Staff recommends that while Council Special Projects awards may always be made at the Council's discretion, the Council reestablish a budgeted amount and a timeline and competitive process for special events. Without such a process, Council may be faced with additional requests for special event funding with no real way to prioritize the requests or compare those decisions to other budgetary decisions. If Council concurs with this recommendation, staff would propose some level of funding for special events as part of the 2013-2014 budget process. Given the current fiscal constraints, the level of proposed funding is likely to be modest and may be offset by reductions in other areas of the budget.

Recommendation on Funding Summerfest

Staff recommends that the City Council authorize the City Manager to contract with a local nonprofit for $7,000 from the Council Special Projects Reserve to provide specific services to the City as part of Summerfest. The contract will need to ensure that all funds spent provide a clear public benefit, that the deliverables are received, and that all public funds are accounted for. A fiscal note for the $7,000 is attached.

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MEMORANDUM

To: Kirkland City Council

From: Sheila Cloney, Special Project Coordinator
Tracy Burrows, Senior Management Analyst
Marilynne Beard, Assistant City Manager

Date: February 24, 2006

Subject: Outside Agency Funding Policy

BACKGROUND

The current practice of the city is to make community event, business, tourism and outside agency grants on an annual basis to qualified applicants. The "outside agency" funding process takes place during the budget process. During the last budget process, Council asked staff to evaluate the grant funding policy especially as it relates to agencies that are funded through this process on a recurring basis. This memo discusses which organizations are currently funded through the outside agency process and a recommendation as to which should be considered for inclusion in the base budget. It also defines what types of organizations should participate in a competitive funding process on an annual or biannual basis. The creation of funding categories to better guide funding policies and a suggested schedule for the 2007-2008 budget process are also included.

DEFFINITION OF CATEGORIES

In reviewing current outside agency funding (for 2006), staff identified a few "categories" that the agencies seem to fit within.

Partner Agencies **-** Agencies that receive support as a result of formal council action or designation. In some cases a facility may have been built or purchased for the specific purpose that an operational partner performs. Examples include Friends of Youth (operating the Kirkland Teen Union Building) and the Kirkland Performance Center. Staff is recommending that these agencies be incorporated in the base budget in future years.

Special Events – These are events that have considerable public appeal and are substantially funded and staffed by city employees. Special event funds should be part of the special event base budget. An example is the 4th of July fireworks display.

Community Agency Funding - This category is used broadly to fund activities and projects on an annual one-time basis (not limited to Kirkland-based organizations). Organizations receive funds through a competitive process. An example would be Summerfest.

Tourism Grants – These are grants funded from the Lodging Tax and are defined by State statute RCW Chapter 67.28 and KMC Chapter 5. Lodging tax funds are allocated by recommendation of the Lodging Tax Advisory Committee.

Recommended Funding

Partner Agencies
These are agencies that receive support as a result of formal council action or designation. In some cases a facility may have been built or purchased for the specific purpose that the operational partner performs. The 2006 Budget allocates $135,000 in one time funding to these types of agencies.

Kirkland Performance Center (KPC)

Services Provided
The Kirkland Performance Center (KPC) relies on funding from the base budget and service packages/outside agency funds to supplement ticket revenue and annual fund raising. The current level of support allows our operational partner the ability to program 225 performances by more than 50 artists and groups. It also allows them to support the school learning programs through the arts. Without city support, it would be very difficult for them to run a balanced budget with this much programming. The total 2005 expenditure budget for the KPC was approximately $1.2 million. As a result of losses from 2000-2003, the KPC implemented a more aggressive fund development plan. They were able to post a surplus for year 2004, and a project a surplus for 2005. However, they will continue to request supplemental funding.

The City recently extended the contractual agreement that refunds admissions tax back to the KPC and provides for rent-free lease of the facility. This was instituted in July of 1998, with a five year expiration clause. It was extended in 2003, for an additional five years, expiring in 2008. Below is a table outlining the amount that has been refunded to the KPC:

Year	Tax
1998	14,538
1999	28,034
2000	29,812
2001	26,286
2002	30,482
2003	20,167
2004	28,413
2005	30,000 actual

In addition to the admissions tax rebate, the City makes annual contributions to the City's Facilities Life Cycle Model, which sets aside money for carpet, interior and exterior paint, and structural systems at the KPC.

In addition to the annual budget support discussed above, the KPC has made supplemental funding requests via the outside agency process since they began operations. Below is a table outlining the historical funding of KPC through outside agency funding and Lodging and Hotel Tax Funds.

Year	Outside Agency	Lodging Taxes
2001	$25,000.00	
2002	$25,000.00	
2003	$50,000.00	
2004	$50,000.00	
2005	$50,000.00	10,000.00
2006	$50,000.00	10,000.00

Recommendation:
Staff recommends that outside agency funds allocated to the Kirkland Performance Center ($50,000) be incorporated in the Parks and Community Services base budget for the 2007-08 biennium, and other sources of funding support described above continue. Increases to this amount would be requested as a service package by the Parks and Community Services Department. Funds from the Lodging Tax would not be part of the base budget.

Friends of Youth (Kirkland Teen Center – KTUB)

Services Provided
Friends of Youth provides a full menu of programming through an annual contract of $100,000 in addition to outside agency support from the city. This funding allows them to stay open for an average of 35 hours per week. They maintain an advisory board of citizens, both youth and adults. They operate a computer lab, photo lab, art programs, drop in programs, music programs, provide shows on the weekends, a coffee shop, counseling, special events, and recreational programs. Without outside agency funding, they would have to cut the hours of operation to 20-25 hours per week. They would not be able to support some of the free programming provided, i.e. recreation, dances, music shows, drop in programs. The total 2005 expenditure budget for KTUB was $350,000.

The KTUB started its operations in 1998 at Post 99, the American Legion Hall. The building was small, the programs limited, and the operational budget was $200,000 per year. The City budgeted $100,000 in the base budget for ongoing operations of the KTUB. When the KTUB moved into the new building, the operational budget grew to $350,000. This included almost triple the programming, and hours of operation. The City retained the $100,000 in the base budget. Friends of Youth has requested additional funding from the city every year since.

The City currently supports the KTUB in the base budget in two ways:

- $100,000.00 per year to assist with operational costs.
- Maintenance of the structural systems at the KTUB, and incorporation of KTUB into the Facilities Life Cycles Model, putting money aside each year for capital improvements. Currently we have $10,811 in maintenance, and $7,717 in capital set aside per year.

Below is a table outlining the historical funding of KTUB through outside agency funding.

Year	Amount
2001	$25,000
2002	$25,000
2003	$25,000
2004	$50,000
2005	$55,000
2006	$60,000

Recommendation:
Staff recommends that outside agency funds allocated to Friends of Youth ($60,000) be incorporated in the Parks and Community Services base budget for the 2007-08 biennium, and other sources of funding support describe above continue.

Kirkland Downtown Association

The Kirkland Downtown Association is an economic development program charged with business retention and attraction in the downtown core. The mission of this main street type program supports the City's goal of maintaining and enhancing its vibrant downtown core. The City has granted business matching funds to the KDA since its inception.

Recommendation:
Staff recommends that funds allocated to the KDA ($25,000 currently allocated in the base budget under the auspices of the business grant program) be incorporated in the economic development base budget for the 2007-08 biennium. The business grant program would be eliminated. The City would contract with KDA to provide economic development services related to promoting downtown business. It is proposed that funds be allocated to KDA under a contract with specific performance measures and managed by the Economic Development Manager. As in previous years, the KDA could apply for additional funding from LTAC or community grants.

Special Events
These are events that have considerable public appeal and are substantially funded and staffed by city resources. Funding is contained in the special event base budget and/or absorbed within department operating budgets unless reimbursed by the sponsoring agency. For example, the annual fireworks show is primarily funded by the City ($30,000 allocated in 2005) and is currently augmented by private sponsorships raised by Celebrate Kirkland.

City staff does most of the logistical planning and coordinates operations during the fireworks show. Celebrate Kirkland has indicated that they would like to relinquish control of this event and have the city coordinate the fireworks display in its entirety. This would streamline the administration and coordination of the event. However, in order to maintain the scope of the event as it is today, the City and Celebrate Kirkland would need to work together to attract community funds to supplement the City's contribution to the event. In that regard, City staff and Celebrate Kirkland are actively seeking a title sponsor for the fireworks show.

Recommendation:
Staff recommends the City produce the annual 4th of July fireworks show with a City budget allocation of $30,000 that is incorporated into the base budget for special events. The City will work with Celebrate Kirkland to seek title and presenting sponsors to defray event costs that are in addition to the fireworks display, such as traffic and crowd control.

Community Agency Fund
This category would be used broadly to fund activities and projects on a one-time basis (not limited to Kirkland-based organizations). Organizations receive funds through a competitive process that would be conducted prior to the budget process.

Community grants are a source of funding for events and organizational support. In 2006, $60,500 was allocated to community agency grants. Examples of organizations that would receive community grants include: Summerfest, Classic Car Show, Fourth of July Picnic, Seven Hills, Jr. Softball World Series, Heritage Society, Feet First, Transportation Choices, Leadership Eastside, and Kirkland Downtown Association. Many of these organizations have received funding on an annual basis.

Recommendation:
Staff recommends establishing a $60,500 Community Agency budget to fund organizations on an annual one-time basis. In addition, staff recommends that $6,000 be allocated to the Human Resources Department's training budget to fund two organizational scholarships for employee participation in Leadership Eastside. This $6,000 is the level of funding that the City has granted Leadership Eastside since its inception.

Staff further recommends making additions to the city's existing funding policy in an effort to address program performance and program evaluation. Updates that should be considered include:

- Establishing performance measures for projects funded by the City;
- Using performance measures as a factor in determining whether repeat funding is warranted;
- Requiring evidence that applicants are pursuing funding from other sources; and
- Requiring business plans for activities funded by the City that have a significant impact on public property.

Tourism Grants

Tourism grants are provided for by State statute RCW Chapter 67.28 and KMC Chapter 5 that address the use of Lodging Tax revenue. Tourism grants are obtained through requests made to the Lodging Tax Advisory Committee (LTAC). The LTAC recommends funding allocation for tourism grants to the City Council who then appropriate the grants through the budget process. Examples of activities that qualify for tourism funds include marketing of the Kirkland Artist Studio Tour and Howard Mandeville landscape show, and the creation of a Kirkland Art Center gallery brochure.

Recommendation:

Staff recommends no change to current practice.

Recommended Process and Timeline

The recommended funding level will increase the ongoing funding need by $146,000. One-time community grants would be limited to $60,500 per year ($121,000 per biennium). The following table summarizes the recommended funding.

Summary of Recommended Funding

CATEGORY	EXISTING BUDGET	PROPOSED BUDGET	LOCATION
ONGOING FUNDING			
Business Grants	$25,000	0.00	eliminated
Community Grants	$10,000	0.00	Moved to one-time funding
Performance Center	0.00	$50,000	Parks base budget
Friends of Youth	0.00	$60,000	Parks base budget
Kirkland Downtown Association	0.00	$25,000	Economic Development base budget
Leadership Eastside	0.00	$6,000	Scholarships in HR Training Budget
4th of July Fireworks	0.00	$30,000	Special Events base budget
TOTAL ONGOING FUNDING	**$35,000**	**$171,000**	
ONE-TIME FUNDING			
Community Agency Grants/Fund	**196,500**	**$60,500**	Agency Funding (Includes $10,000 from existing community event grant fund.)
Tourism Grants		Varies from year to year	Tourism Budget
TOTAL ONE-TIME FUNDING	**196,500**	**60,500**	
OVERALL TOTALS	**$231,500**	**$231,500**	

The funding recommendations could be incorporated in the 2007-2008 biennial budget either as part of the base budget or as a service package. Community Agency funds could be allocated on an annual or biennial basis. While an annual allocation offers more funding flexibility to applicants, staff recommends consolidating the community agency fund into the biennial budget starting with the 2007-2008 season. Community Agency applicants would have the option to apply for up to two years of funding. Would-be funding seekers who miss the funding process could

request funds from Council in writing though staff. The Council would then decide whether to allocate funds from their Special Projects Reserve.

Policy Issues for Council

- Should Community Agency fund decisions be made on an annual or biennial basis?
- Does Council agree that the KDA, KPC, and Friends of Youth are Partner Agencies?
- Does Council agree to formally bring the fireworks show in house?
- Does council accept recommended funding levels?
- Does council support making changes to the Community Agency Funding policy to address program performance and program evaluation?
- Does Council support moving $6,000 into the HR base budget for Leadership Eastside?

Next Steps:

Staff is currently preparing recommendations for council on updates to Chapter 19.24 of the Kirkland Municipal Code relating to Temporary Special Events. This chapter has not been updated since 1997. A recommendation on fees and cost recovery for special events will be included in these updates. The cost recovery portion of the policy will go to the Finance Committee this spring and then forwarded to Council for consideration.

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MEMORANDUM

To: David Ramsay, City Manager

From: Sheila Cloney, Special Projects Coordinator
Tracy Burrows, Sr. Management Analyst

Date: September 26, 2006

Subject: 2007 City Manager Recommendation for Outside Agency Funding Requests

The 2007 Outside Agency Funding recommendations reflect progress toward the City Council policy direction regarding the continued funding of outside agency requests. In the past, all outside agency requests were considered within available funding from a community grant and business grant program ($10,000 and $25,000 set aside annually). Actual requests were far in excess of the annual grant programs and some agencies/programs were funded year after year through one-time allocations. The staff recommendation defined outside agency funding in terms of a few categories.

- "Partner Agencies" are those that operate an ongoing program or facility owned by the City or provide services on behalf of the City. Designation as a partner agencies acknowledged the on-going nature of the City's support for agencies such as the Kirkland Performance Center, Teen Center (Friends of Youth) and the Kirkland Downtown Association.

- "Special Events" are events that have significant public appeal and are substantially funded and staffed by the City. An example is the Fourth of July fireworks display.

- "Community Agency Funding" represents activities and projects that would be funded on a one-time basis through a competitive process. Annual funding would be a set amount.

- "Tourism Grants" are those projects and activities that apply for and are eligible for funding from Lodging Tax funds. The Lodging Tax Advisory Committee recommends which outside funding requests should be addressed through the LTAC budget.

Given the ongoing relationship and programs offered by the Partner Agencies, Council asked that they be included in the ongoing basic budget along with the 4th of July Fireworks display. All other outside agencies would compete for Community Agency Funding or Tourism Grants with a recommended annual allocation of $60,500, consistent with the current funding level. The Council also acknowledged that the basic budget for staff and community training in Human Resources would cover attendance at programs such as Leadership Eastside. Requests for operating subsidies from Leadership Eastside would be considered in the Community Agency Funding process. In the 2005-2006 Biennial Budget, outside agencies were considered for one-year increments. The 2006 portion of the budget included $35,000 of ongoing funding with an additional $196,500 in one-time funding allocated to cover all of the outside agencies. Based on Council direction, staff prepared a service package request for the 2007-2008 Budget that incorporates ongoing and one-time funding levels described to Council at their retreat. The table below shows the General Fund allocations requested in the service package (Lodging Tax requests are addressed by a separate LTAC process and are discussed in a separate issue paper):

Biennial Funding Requests	Ongoing Funding Requested	One-Time Funding Requested
Partner Agencies		
-Kirkland Performance Center	$103,500	–
-Friends of Youth (Teen Center)	$125,000	–
-Kirkland Downtown Association	$ 52,500	–
4th of July Fireworks	$ 63,000	–
Community Event Grants	–	$125,500
Total	**$344,000**	**$125,500**

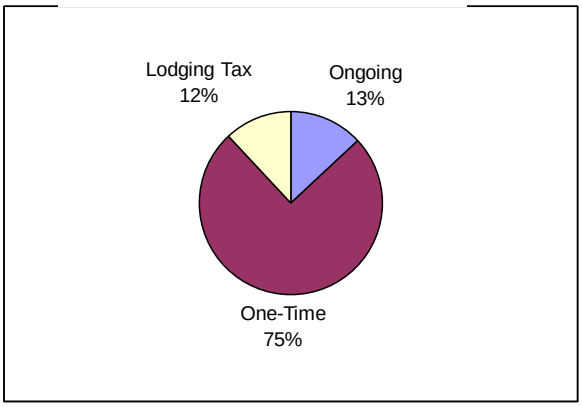
Total Funding Request for 2007-2008	***$469,500***
Existing Ongoing Fund (savings)	***70,000***
Net Funding Request	***$399,500***

It should be noted that the service package requests include an inflation adjustment for the second year of the biennium. Of the $399,500 net funding requested, $125,500 is one-time funding for the Community Event Grants.

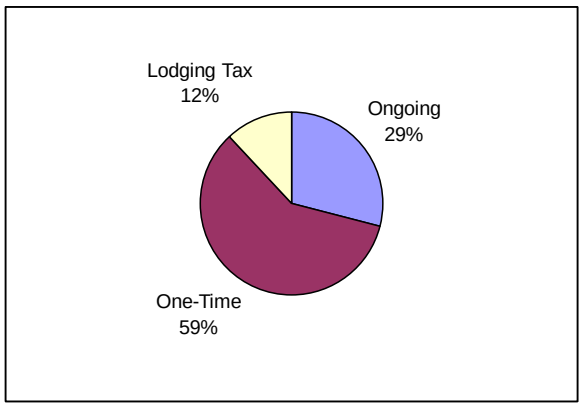
The table and charts below illustrate the City Manager's recommendation to make progress toward the goal of providing ongoing funding for the City's partner agencies and programs. Because of funding constraints, the City Manager's budget recommendation does not include funding for all of the recommended partner agencies and programs on an on-going basis. Rather, an additional $70,000 in ongoing funding is recommended in the budget ($35,000 each year). With the existing funding of $70,000, the total ongoing funding recommended for partner agencies in 2007-2008 is $140,000. It is recommended that the City make progress in this direction by funding Friends of Youth and a portion of the Kirkland Downtown Association allocation on an on-going basis. The remaining partner agencies and programs continue to be funded on a one-time basis, with the intention that the City continue to make progress toward the goal of on-going funding in future years. In addition, a set amount of one-time funding is now allocated to community events and projects on a competitive basis.

	Ongoing Funding Recommended	One-Time Funding Recommended
Partner Agencies		
-Kirkland Performance Center	–	$100,000
-Friends of Youth (Teen Center)	$120,000	–
-Kirkland Downtown Association	$ 20,000	$ 30,000
4th of July Fireworks		$ 60,000
Community Event Grants	–	$122,000
Total	**$140,000**	**$312,000**

2006 Outside Agency Funding



2007-2008 Outside Agency Funding



Community Agency Funding Requests

A total of $397,855 in requests for 2007 Community Agency and Lodging Hotel Tax funds have been received from outside agencies, including the funding amounts Council has been considering for on-going funding. The City Manager has recommended that one-time competitive outside agency requests be funded at a level of $61,000 per year, consistent with Council direction at the City Council retreat (the Lodging Tax Advisory Committee (LTAC) has recommended funding requests at a level of $30,000 from the lodging tax fund as addressed in a separate issue paper). **Community Agency Grants are funded on a one-year cycle.** Consequently, only requests for 2007 are addressed. The summary table attached to this memo shows the amounts requested by each agency for 2007, along with the recommended amount and a comparison to the 2006 approved amount (see attachment A).

Based on the discussion at the March 25, 2006 Council Retreat the funding for Community Agency requests are based on the establishment of a Community Agency budget in the amount of $61,000 to fund organizations on an annual one-time basis.

Funding recommendations assume the following:

- Friends of Youth (Teen Center) annual funding is newly incorporated into the ongoing Parks base budget ($60,000);
- Base funding for the Kirkland Downtown Association is included in the on-going budget ($10,000).
- Funding for the Kirkland Performance Center, Fourth of July Fireworks, and a portion of the Kirkland Downtown Association continue to be funded on a one-time basis.
- Additional outside agencies are funded with one-time funds that are allocated on a competitive basis.

The one-time and on-going 2007 requests are summarized below with the recommended funding and sources summarized in the attachment:

BRIDLE TRAILS PARK

Bridle Trails Foundation has applied for first time funding to cover the actual cost of hanging banners to advertise the annual Party in the park. Funding would be contingent upon the inclusion of ExploreKirkland.com in all marketing materials.

CELEBRATE KIRKLAND – 2007

Celebrate Kirkland produces a 4th of July event that fosters community spirit and celebrates the diverse elements of our community. Rotary's picnic at Juanita Beach and the fireworks show provides an opportunity for everyone to recognize and celebrate Independence Day. A multitude of volunteers, community groups and businesses make this event a success.

Based on the March 2006 council retreat, staff recommends the City produce the annual 4th of July fireworks portion of the event with a City budget allocation of $30,000 that is incorporated into the base budget for special events.

Celebrate Kirkland has requested an additional $24,500 in Community Agency and Lodging Tax funds to support parade operations (i.e. police, aid, barricades) and marketing efforts.

Celebrate Kirkland received $43,000 in 2006.

CLASSIC CAR SHOW - KDA
This is the fourth annual Classic Car Show. The event brings 5,000-10,000 visitors to downtown Kirkland where they enjoy the cars, shop and patronize the local restaurants. This will be the fourth year the Car Show has requested funding. In 2006, the car show received $3,500.

CONCOURS
Concours d'Elegance has applied for first time funding to support its annual display of elegant cars similar to the annual show at Pebble Beach. Tourism funds would be used to leverage ad buys with regional and national travel publications. .

FEET FIRST
Feet First is pedestrian advocacy organization which promotes the rights and interests of pedestrians. The group also helps promote benefits of walking. This group has worked with the Public Works Department on pedestrian related projects. The recommended funding is at the same level as 2006.

FRIENDS OF YOUTH
Through the Kirkland Teen Union Building, Friends of Youth provides recreation, counseling, social services, arts and crafts, music recording, black and white photography, teen jobs, community service opportunities, area excursions, and special events. Friends of Youth has an on-going $100,000 contract to provide services at the Teen Center. Based on the discussion at the March 2006 council retreat, staff recommends that outside agency funds allocated to Friends of Youth increase by $60,000 and become incorporated in the Parks and Community Services base budget for the 2007-08 biennium for a total of $120,000.

HERITAGE SOCIETY
The Kirkland Heritage Society informs residents and visitors about Kirkland's history and preserves artifacts, documents, structures and sites important to Kirkland's past. The City has funded the Heritage Society at this level for several years. Lodging Tax funds will fund a much needed historical site guide for tourists. This is the first time the Heritage Society has applied for lodging tax funds.

INTERLAKEN TRAILBLAZERS
In addition to the two Kirkland Year round Volkswalks, the Interlaken Trailblazers would like to host a one-day walk through Kirkland starting at Juanita Beach. This is the second year the Interlaken Trailblazers have received funding in the amount of $300.

JR. SOFTBALL WORLD SERIES
The Jr. Softball World Series is a popular week-long softball tournament involving regional Little League all-star champions from five US regions, Canada, Europe, Latin America, Asia and a host team. In 2006 the City funded this event at the $10,000 level.

KIRKLAND ARTS CENTER
The Kirkland Art Center continues to gain recognition as an eastside destination and studio for artists to practice their craft. The LTAC committee recommends funding in the amount of $2,200 for the production of an upgraded gallery brochure used to attract visitors as well as students. Staff recommends Community Agency funding in the amount of $6,000 to offer a variety of free or subsidized art opportunities for young people and families living in Kirkland.

The Kirkland Art Center received $11,200 in 2006.

KIRKLAND ARTIST STUDIO TOUR

The Kirkland artist studio tour has grown in popularity, supporting the growing art community in Kirkland and attracting visitors to spend Mother's Day in Kirkland. The LTAC recommends that this program be funded at $2,000.

KIRKLAND DOWNTOWN ASSOCIATION

KDA focuses on creating a more vibrant downtown for the Kirkland community. Based on the discussion at the March 2006 council retreat staff recommends that $25,000 currently allocated in the base budget under the auspices of the business grant program be incorporated in the Economic Development base budget for the 2007-08 biennium. Having eliminated the business grant program, the City would contract with the KDA to provide economic development services related to promoting downtown businesses. It is proposed that funds be allocated to KDA under a contract with specific performance measures and managed by the Economic Development Manager.

The KDA is requesting an additional $67,500 in Community Agency and Lodging Tax funds to fund holiday lighting/decorations, events, organizational and business development training, web-site development, and downtown marketing.

The level of funding for 2007-2008 biennium is recommended at $50,000 from the Economic Development base budget, and $26,500 in one-time funds from the Community Agency and Lodging Tax Funds.

Ultimately, the 2007 recommendation funds the KDA at $51,500 the same level that it was funded in 2006.

KIRKLAND LIBRARY

The Kirkland Library has applied for first time funding to foster a wide interest and participation in all of Kirkland reading the same book.

KIRKLAND PERFORMANCE CENTER

The Kirkland Performance Center provides a theater facility in which arts, entertainment and community gatherings are presented. Approximately 70,000 people attend events at KPC annually. In 2006 the KPC received $50,000 in outside agency support. Based on the March 2006 council retreat, staff recommends that outside agency funds allocated to the Kirkland Performance Center be incorporated in the Parks and Community Services base budget for the 2007-08 biennium in the amount of $100,000.

The Kirkland Performance Center is requesting an additional $10,000 in Lodging Tax funds to fund the 2007-2008 KPC Season Brochures. This project was funded at $10,000 in 2006.

LEADERSHIP EASTSIDE

Leadership Eastside offers training in a classroom and practical setting. These skills are designed to give individuals the courage to become more actively involved in community issues.

At the March 2006 Council Retreat, Council discussed allocating ongoing funds in the Human Resources Department's training budget to fund two organizational scholarships for employees and/or neighborhood leaders. Funding for one scholarship eqch year is included in the Human Resources basic budget and is not reflected as outside agencies funding. Leadership Eastside is requesting an additional $6,000 in community agency funds for operating support.

Council allocated $6,000 to Leadership Eastside in 2006.

SEVEN HILLS OF KIRKLAND - KITH

The Seven Hills bike ride raises funds for the on-going programs of the Kirkland Interfaith Transitions in Housing. The ride will bring approximately 700 cyclists to the downtown for an event that has been widely recognized by the biking community. Seven Hills also offers an opportunity for KITH to explain its programs and projects to a wide variety of community members.

In 2006, Seven Hills received $7,000 in funding.

TRANSPORTATION CHOICES COALITION

Transportation Choices Coalition provides education and support for expanding transportation options for Kirkland residents in an effort to improve mobility and preserve the environment. This is the third year Transportation Choices Coalition has requested funding. The recommended funding is at the same level as 2006.

KIRKLAND GALLERY ASSOCIATION

The Kirkland Gallery Association submitted a request for tourism funding in the amount of $10,000 for the distribution of the Gallery Brochure which is intended to promote Kirkland as a destination for galleries and public art to greater Seattle residents and tourists. The brochure is widely distributed to major hotels, corporations, car rentals, ferries, convention halls and chambers. Staff recommends funding the brochure at $5,000 from the tourism budget with the remainder of the expense covered by a credit held by the tourism program with the company that distributes these same brochures.

Performance Evaluation

This year, the outside agency funding program formally incorporates performance measures. Each outside agency has submitted both qualitative and quantitative measures of the success of their program as part of the 2007 funding application. For events that receive LTAC funding, these measures must relate to the success of the event's marketing and promotional efforts, the success of the event in attracting out-of-town visitors, and the event's impact on local hotel stays.

As part of their annual reporting to the City, recipients of outside agency funding will report on their success in achieving the measurable objectives that have been established for the event or program. This information will be used to evaluate the effectiveness of the program and will help shape the funding recommendations for subsequent years.

Attachment A

2007 Outside Agency Funding Recommendation

Event / Project	2007 Funding Requests			2007 Funding Recommendations/Source				2006 Approved Funding (for reference)			
	2007 Community Requests	2007 LTAC Requests	2007 Total Requests	LTAC	One-Time	On-going	Total 2007 Sources	LTAC	One-Time	On-going	2006 Total Sources
Bridle Trails Park	$ 500	$ -	$ 500	$ -	$ 325	$ -	**$ 325**				$ -
Celebrate Kirkland 4th of July											
Picnic	4,500	-	4,500	-	4,500	-	**4,500**		*8,000*		*8,000*
Fireworks Show	50,000	-	50,000	-	30,000		**30,000**		*30,000*		*30,000*
Marketing - LTAC	-	7,000	7,000	4,000	-	-	**4,000**	*5,000*			*5,000*
Parade	6,000	-	6,000	-	4,500	-	**4,500**				-
Chamber of Commerce 4th of July	-	-	-	-	-	-	**-**		*3,000*		*3,000*
Classic Car Show	6,500	-	6,500	-	3,500	-	**3,500**		*3,500*		*3,500*
Concours	6,730	-	6,730	-	2,500	-	**2,500**				-
Concours - tourism	-	4,000	4,000	3,000	-	-	**3,000**				-
Feet First	1,000	-	1,000	-	1,000	-	**1,000**		*1,000*		*1,000*
Friends of Youth	60,000	-	60,000	-	-	60,000	**60,000**		*60,000*		*60,000*
Heritage Society	2,000	-	2,000	-	2,000	-	**2,000**		*2,000*		*2,000*
Heritage Society	-	3,125	3,125	3,000	-	-	**3,000**				-
Interlaken Trailblazers	300	-	300	-	300	-	**300**				-
Jr. Softball World Series	10,000	-	10,000	-	8,000	-	**8,000**			*10,000*	*10,000*
Kirkland Art Center											
Gallery Brochure - LTAC	-	4,900	4,900	2,000	-	-	**2,000**	*2,200*			*2,200*
Free or subsidized art opprotunities	14,000	-	14,000	-	4,000	-	**4,000**				-
Summerfest - Community Event	-	-	-	-	-	-	**-**		*6,000*		*6,000*
Summerfest - LTAC Marketing	-	-	-	-	-	-	**-**	*3,000*			*3,000*
Kirkland Artist Studio Tours	-	6,800	6,800	2,000	-	-	**2,000**	*2,000*			*2,000*
Kirkland Downtown Association											
General Promotion	-	12,000	12,000	8,000	-	-	**8,000**	*8,000*			*8,000*
Co-op Marketing	-	15,000	15,000	-	-	-	**-**				-
Community Agency	12,000	-	12,000	-	18,500	-	**18,500**		*18,500*		*18,500*
Business Grant	80,000	-	80,000	-	15,000	10,000	**25,000**			*25,000*	*25,000*
Kirkland Gallery Association - Gallery Brochure	-	10,000	10,000	-	-	-	**-**				-
Kirkland Library	1,000	-	1,000	-	1,000	-	**1,000**				-
Kirkland Performance Center (brochure)	-	10,000	10,000	8,000	-	-	**8,000**	*10,000*			*10,000*
Kirkland Performance Center	50,000	-	50,000	-	50,000	-	**50,000**		*50,000*		*50,000*
Leadership Eastside - Operating Subsidy (note 1)	6,000	-	6,000	-	-	-	**-**		*6,000*		*6,000*
Seven Hills of Kirkland	7,000	-	7,000	-	7,000	-	**7,000**		*7,000*		*7,000*
Transportation Choices Coalition	1,500	-	1,500	-	1,500	-	**1,500**		*1,500*		*1,500*
Totals	**$ 319,030**	**$ 72,825**	**$ 391,855**	**$ 30,000**	**$ 153,625**	**$ 70,000**	**$ 253,625**	*$ 30,200*	*$ 196,500*	*$ 35,000*	*$ 261,700*

(1) There are two scholarships (one each year) for staff/community participation in Leadership Eastside included in the Human Resources budget, which are not part of the outside agencies funding.

city of kirkland washington

2008 Community Agency Funding Request

Date:	Funding Request Amount:

Applicant Name:		
Contact Name (if different):		
Representing:		
Project Title:		
Address:		
Phone:	Cell:	FAX:
Web Address:	E-mail Address:	

Guidelines for Preparing Your Proposal

Proposals must provide information in the same order as presented in this document with the same headings. This will help those who evaluate proposals. Each proposal is worth 100 points and will be scored on the elements listed below.

I. General Information

A. Exact funding amount requested $ _____ .

B. Total estimated cost of entire project $_____ .

C. Has your organization received Community Agency funding the past? Yes No

If yes, what year(s) did you receive funding?_____ .

D. Is this a previously funded Community Agency Funded project? Yes No

II. Abstract—(10 Points)

Summarize in one or two paragraphs the goal, purpose, and audience of the project. Include what you want to accomplish and how it will be accomplished. How will your project enhance Kirkland's quality of life?

III. Project Design—(50 Points)

A. Objectives—List the objectives of the project. They should be specific, realistic, and measurable.

B. Target Audience—Describe your target audience (i.e. the number and age levels of people the project will involve or reach). Explain why you've chosen this audience.

C. Activities—List the project activities you will conduct to achieve the objectives listed above. Explain how your activities are effective (for informing, educating and involving your target audience). Include plans for distributing any materials you develop.

D. Deliverables—List the specific deliverables of the project, such as publications, workshops or events.

IV. Evaluation

Describe how you will evaluate whether your project achieves its measurable objectives. For each objective identified in Section III above, describe how you will measure its success. Please include qualitative and quantitative measures. Will you gather data regarding visitors generated by the project? If yes please describe (i.e. How did they hear about your project? Where did they stay?)

V. Work Plan/Timeline—(5 points)

Outline a work plan using the simple table format below showing the major tasks and deliverables of your project. The work plan should be followed by start/completion dates. Projects will start by approximately January 1, 2007, and must be completed by December 31, 2007.

Work Plan	
Major Task or Deliverables	**Start/End Date**

VI. Project Personnel—(10 Points)

Provide a brief description of the sponsoring organization and its mission. Then, using only the individual(s) name and affiliation, list the project personnel who will have a lead role in your proposed project. Project personnel are directly involved in the day-to-day activities of the project. They are familiar with the project's work plan and budget, play a lead role in most or all elements of the project, and are responsible for managing the contract. They may be paid staff or volunteers.

VII. Project Partners—(10 Points)

List the project partners by name and affiliation. Partners are people and organizations who commit resources to the project. Projects will be evaluated based on how well they build community partnerships. Look to local governments, local businesses, other non-profit organizations, neighborhood groups, and others who may have an interest in your project and its eventual outcome.

VIII. Budget and Cost Justification—(15 Points)

This section of the proposal will be evaluated on the budget and cost justification based on a clear description of your funding needs and how realistic and appropriate your budget is for the project.

A. Budget—Prepare and overall budget for the project. Identify how Community Agency Funds you are requesting will be used. Include your organizations financial contribution. List partners, sponsors, grantors, and the amount of support directly related to this project. *See example below.*

Item	**Total Cost**	**Community Funding Request**	**Source of Non-Kirkland Funding**
Banners	$3000.00	$2000.00	$1,000 (Waste Management)
T-shirts	$500.00	$200.00	$300.00 (Shirt Factory)
Total Budget	$3500.00	$2200.00	

IX. Risk Considerations

A. What are potential risks to the project's success?

B. What steps have been taken to ensure the project's success?

X. Publicity/Promotion Policy

Prominent acknowledgment of Explore Kirkland and the City of Kirkland is required of all recipients for use in all publicity materials, including, but not limited to brochures, press releases, programs, posters, public service announcements, flyers, newsletters, and advertisements.

Please submit three signed copies of your request and attachments to: Sheila Cloney, 123 Fifth Avenue, Kirkland, WA 98033. For questions please call 425-587-3010, or e-mail tourism@ci.kirkland.wa.us.

city of kirkland washington

2008 Community Agency Reimbursement Form

Office Use Only

Authorization to Pay _____ Date _____
Account# _____
Vendor _____ Sign _____

Agency Name:	**Project 1:**	**Project 2:**	**Project 3:**	**Project 4:**	**Project 5:**	**Total Reimbursement Request**
Item Description	**Important!** For reimbursement all expenses **MUST** be itemized below for **each project.**					
						$
						$
						$
						$
						$
						$
						$
						$
						$
						$
						$
						$
TOTAL	$	$	$	$	$	**$**

Authorized Signature:	Date:
Print Name:	Address:
Print Title:	City, State, Zip:

Directions: Please fill in the document for each expense. Attach original receipts and keep copies for your files. (Original receipts will be held in the City Manager's Office files.) Reimbursement requests must be received by the last day of the month in order to be processed for payment by the middle of the next month.

Send to: City Manager's Office, 123 5th Avenue, Kirkland, WA 98033.

city of kirkland washington

2008 Community Agency Budget Overview

Applicant Contact Information	
Organization:	Date:
Contact Person:	
Mailing Address:	
Email Address:	
Day Phone:	Eve Phone:

Project #1 Brief Description	Itemizations	Budget Estimate	Funding Request	Funding Award
	TOTAL	$	$	$

Project #2 Brief Description	Itemizations	Budget Estimate	Funding Request	Funding Award
	TOTAL	$	$	$

Project #3 Brief Description	Itemizations	Budget Estimate	Funding Request	Funding Award
	TOTAL	$	$	$

Project #4 Brief Description	Itemizations	Budget Estimate	Funding Request	Funding Award
	TOTAL	$	$	$

Project #5 Brief Description	Itemizations	Budget Estimate	Funding Request	Funding Award
	TOTAL	$	$	$

Total Project(s) Budget Estimate	Total Project(s) Funding Request	Total Project(s) Funding Award
$	$	$

Council Special Projects Reserve Use 2002-2011

2002	$	1,739	Transportation Value Pricing Conference host expenses
2002 Total	***$***	***1,739***	
2003	$	40,800	Comp Plan Update
2003	$	3,000	RESPECT Booklet for Youth Council
2003	$	25,000	St. Edwards Pool operation
2003	$	25,000	Kirkland Performance Center operations
2003	$	10,000	Family Resource Center's "Fulfilling our Vision" campaign
2003	$	17,000	Economic Development consultant
2003 Total	***$***	***120,800***	
2004	$	17,160	Sculpture Purchase Sales Tax
2004	$	25,000	Centennial Celebration project manager
2004 Total	***$***	***42,160***	
2005	$	17,000	Park Smart program equipment
2005	$	22,000	Family Net program.
2005	$	7,200	City Parks Off-leash enforcement
2005	$	50,000	Totem Lake Mall development consultant
2005 Total	***$***	***96,200***	
2006	$	-	No use
2006 Total	***$***	***-***	
2007	$	15,000	School Bell program
2007	$	18,000	Affordable houseing regulations work plan
2007 Total	***$***	***33,000***	
2008	$	5,000	Cascade Land Conservancy dues
2008 Total	***$***	***5,000***	
2009	$	2,000	Council Retreat Facilitator
2009	$	26,000	2009 federal lobbyist services
2009	$	25,000	2010 Neighborhood Connections
2009	$	20,000	Hopelink relocation
2009	$	13,770	Flexpass program
2009	$	12,506	Bank of America project review process
2009	$	5,000	Council special investigation
2009 Total	***$***	***104,276***	
2010	$	12,400	Medical transport fee consultant contract
2010	$	20,000	Parkplace Development Agreement Legal/Financial
2010	$	13,750	Annexation Shoreline Master Plan Services
2010 Total	***$***	***46,150***	
2011	$	25,000	Cultural Council Funding
2011	$	10,000	Eastside Severe Weather Shelter
2011	$	5,000	Ethics Program Agreement
2011	$	10,000	Green Kirkland Staffing
2011	$	5,000	Eastside Severe Weather Shelter
2011 Total	***$***	***55,000***	
10-Year Total	**$**	**504,325**	
Average per year	**$**	**50,433**	Range: $0-$120,800

Attachment D

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Kurt Triplett, City Manager

Description of Request

Request for $7,000 from the Council Special Projects Reserve to provide funding for the community event Summerfest as discussed at the April 3, 2012 City Council meeting.

Legality/City Policy Basis

Fiscal Impact

One-time use of $7,000 of the Council Special Projects Reserve. The reserve is able to fully fund this request.

Recommended Funding Source(s)

	Description	2012 Est End Balance	Prior Auth. 2011-12 Uses	Prior Auth. 2011-12 Additions	Amount This Request	Revised 2012 End Balance	2012 Target
Reserve	Council Special Projects Reserve	251,534	55,000	0	7,000	189,534	N/A
	2011-12 Prior Authorized Use of this reserve: $15,000 for the Eastside Severe Weather Shelter, $10,000 for Green Kirkland, $5,000 Ethics Program Agreement, and $25,000 for Cultural Council funding.						
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Neil Kruse, Senior Financial Analyst	Date	April 5, 2012

Council Meeting: 04/17/2012
Agenda: Unfinished Business
Item #: 10. d.

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

MEMORANDUM

To: City Council

From: Parking Advisory Board

Date: April 5, 2012

Subject: Parking Recommendations

RECOMMENDATION:

It is recommended that Council review the options and recommendation presented in this memo and direct the Parking Advisory Board as appropriate.

BACKGROUND:

Summary

On February 7, 2012 the Parking Advisory Board presented Council with a concept for pay parking in the Marina Park and Lake & Central lots. These lots already have priced parking in the evening (5:00 PM to 9:00 PM) and the PAB plan would begin the pay parking at 9:00 AM. Additionally, stay limits would be removed. The Council unanimously supported the PAB ideas and raised some questions which they requested be answered at a subsequent Council meeting. On March 20, the PAB returned to Council to answer those questions and submit a plan for informing the public about upcoming changes. Council expressed concerns about the pay parking concept and requested that the PAB return on April 17 with more information. This memo has seven sections as follows:

1. Current parking management methods and description of the March 20 PAB proposal
2. Reasons behind the PAB proposal
3. What we have heard
    A. Reasons for not supporting pay parking
    B. The Greenway study
    C. March 2012 merchant outreach
    D. Summer 2011 survey
4. Other methods for minimizing employee parking
5. Improved pay station performance
6. Discouraging long term parking
7. Options and PAB recommendation

The PAB recommendation has been revised to respond to Council concerns. The recommendation includes a change to credit card authorization that will speed transaction time. It also includes variable pricing to reduce usage by long-term parkers.

1. Current parking management methods and the PAB proposal

Parking is currently managed as follows in downtown Kirkland:

On-street: Parking is always free, stalls in the downtown core have a 2 HR stay limit from 9:00 AM to 7:30 PM.

Lake and Central lot and Marina Park lot: Parking is free with a 3 HR time limit from 9:00 AM to 5:00 PM. From 5:00 to 9:00 PM all stalls are priced at $1.00/hour with a 4 hour stay limit.

Figure 1 Lake and Central and Marina Park lots

Park and Main lot: Parking is priced at $1/hour from 9:00 AM to 9:00 PM. There is no stay limit.

Library Garage: 122 stalls have a four hour time limit from 9:00 AM to 6:00 PM. 217 additional stalls are permit only, with free permits available to downtown employees. All stalls are open to all users after 6:00 PM and on weekends.

The PAB Proposal as presented on February 7 and March 20

On-street, Park & Main lot, and Library Garage: No change
Lake & Central and Marina Park lots: Parking would be priced at $1/hour from 9:00 AM to 9:00 PM, with no stay limit.

Under both the existing and proposed scenarios, parking time limits and parking charges are not enforced on Sundays and holidays.

Table 1. Parking inventory

Location	Stall type					TOTAL
	30 min	2 hour	3hr / pay	4 hour	Employee Permit	
On Street	38	342	0	0	0	***380***
Marina Park	6	0	114	0	13	***133***
Lake & Central	4	0	50	0	0	***54***
Park and Main	0	0	84*	0	30	***114***
Library Garage	0	0	0	122	217	***339***
TOTAL	***48***	***342***	***248***	***122***	***260***	***1020***

*There is no time limit at Park and Main

2. Reasons for the proposal

As discussed in February study session memo, there are four primary issues that are addressed by pay parking:

Reduce complaints caused by confusion between pay and free parking regulations. It has proven difficult to clearly convey the message that pay parking begins at 5:00 PM. Many of the complaints that are received involve people who didn't understand that pay parking begins after 5:00 PM, and did not pay for parking when they left their vehicle before 5:00 and returned after 5:00. Parking enforcement officers receive the bulk of these complaints.

Encourage employees to park outside the lots. Having to pay for parking would encourage many of the employees who currently use the lots to park elsewhere for free. It is likely that even with pay parking some employees will choose to pay for parking and remain in the lot on some days. However, a limited number of monthly permits are available in the Marina Park lot at $125/month and this program is not fully subscribed. This indicates that employees have a limited willingness to pay for parking.

Manage supply. During most evenings, and seasonally during other times of the day, demand at one or both of the Marina Park and Lake and Central parking lots exceeds 85% occupancy. The table below shows average occupancy during the period when parking is free.

Table 2 Occupancy during free parking

Lot	Time period	
	9:00-11:30 AM	12:00 – 4:00 PM
Marina Park	51%	92%
Lake and Central	59%	86%

Occupancy based on data obtained from License Plate Reader. Average of 13 AM observations and 23 PM observations during the period November 25 to January 11 2012.

Implementing pay parking is often used as a parking management strategy when occupancies exceed 85%.

Revenue for supply and improvements. Because pay parking, by its nature generates revenue, adding pay parking will create funding that can be put toward building new supply or used for improving parking facilities or other downtown improvements. It is important that groups like KDA and the Chamber of Commerce have a say in how future revenue is spent. If pay parking is implemented, and with Council approval, the PAB would like to work with these groups and other downtown interests to develop a process for determining a spending plan for some portion of any future revenue.

3. What we have heard

A. Reasons for not implementing pay parking. Opinions on parking in general and pay parking in particular are strong. During our outreach last summer and around the current recommendation we've heard the following reasons for not implementing pay parking.

Many of the reasons have to do with the parking experience and pay stations in general:

1. Pay and display requires walking back and forth to the car and that's inconvenient by its nature.
2. Pay stations are hard to use and confusing.
3. Tokens are not a good validation system.
4. Current Pay stations take too long to perform a transaction and print a receipt. Customers have to wait in the rain and long lines of customers sometimes form.
5. Short term parking is difficult; even if you are just running in and out you have to do a parking transaction.

Other reasons involve economic concerns

1. Parking fees will drive customers away; pay parking is an economic barrier to our businesses.
2. The economic downside of pay parking is difficult to quantify.
3. Parking lots are not full everyday during the daytime hours, occupancy isn't a problem.
4. Employees can be moved by other means, pay parking isn't needed.
5. Making all the parking free would be a way of avoiding confusion.

6. Employees will continue to park in the parking lots, even if you did implement pay parking. They would pay the fees.
7. With no time limits, boaters launching from Marina Park will pay for parking and take up the spaces that are supposed to be for customers. These boaters currently pay for parking in the Park & Main lot.
8. During the free concerts in the park, some people who may want to attend might not be able to afford the parking fee. (NOTE: Staff is contacting the organizers of this event to investigate the possibility of being able to generate free parking passes via the event website. Alternatively, parking could be free during the concert time, for example 10:00 to 12:00.)
9. The City is simply trying to get revenue.
10. Pay parking in downtown Kirkland doesn't feel right. Kirkland is not Seattle.

There are a number of merchants who believe that pay parking will drive customers to other locations. A number of other merchants seem less concerned and see benefits to adding pay parking. It is not possible to obtain a complete and accurate estimate of the economic impacts of pay parking. We can look at the experience of Kirkland when pay parking at the Marina Park and Lake & Central lots was changed from some stalls during the day to all stalls in the evening. There has been neither a significant uptick in daytime business nor a downtick in evening business that can be attributed to a change in pay parking.

B. Jessica Greenway study Former Councilmember Jessica Greenway completed a parking study in February 2012. It's included as Attachment 1 to this memo. To prepare the study, she visited 20 businesses downtown and, after reviewing existing parking rules and the proposal for pay parking she asked the following four questions:

1. Do you see this proposal as a positive or a negative for your business? Or Do you see daytime paid parking as a negative or positive for your business? Or How important is free parking to your business?
2. How important is the public parking that is closest to your business to your business?
3. If we spent the net revenue from parking on downtown amenities, what things can you suggest spending the money on?

Figure 1 Approximate location of businesses (shown with red dots) visited in the Greenway study

4.

5. Would the City printed parking brochure be helpful for you to hand out to your customers?

The report includes 19 responses about parking as shown below

5. COMMENTS FROM BUSINESS OWNERS AND MANAGERS ABOUT PARKING:

A. Downtown parking is crucial to their business.
B. Free parking in Lake and Central, Marina Lots, on street is crucial to their business.
   1. We are "competing with Bellevue Square, Lincoln Square, and Redmond Town Center".
   2. We don't need to give people another reason not to come to downtown Kirkland.
C. Customers do not want to pay for parking on the Eastside; they view paid parking as a reason not to come. Paid parking irritates customers; it is not an affordability issue. It is more of a "nickel and dimeing me to death" issue.
D. Do not change anything; customers are just now "getting used to the rules". There is too much change.
E. One business owner suggested: wait and see how the license plate reader system works.
F. Downtown parking, because of: paid parking at 5:00 pm, parking fines that are too high, and aggressive enforcement, is sending the wrong message to customers. The message is: "pay attention or we will punish you, don't stay too long, keep watching the time, we don't want you to stay and shop". One business owner said "customers are afraid to park in downtown Kirkland". Another business said "customers are always in a panic about parking".
G. Downtown Kirkland needs more parking supply.
H. Time Limits: We need to do more analysis on the time limits. Some business owners were in favor of 4 hour time limits (customers can shop, eat, relax, explore, enjoy). Some business owners worried that longer time limits would encourage employee parking. Some were okay with 2 hour limits, everyone likes 3 hour limits, and some business owners want 4 hour limits.
I. Street Parking and Library Parking Garage should remain free. It is okay to have it timed and to manage it.
J. Employee Parking: there were different comments about this:
   1. Some said "monitoring employee parking is too much work".
   2. Some said "we monitor our employee parking and make sure

they park in the Library Parking Garage and don't take up customer parking".

3. Some said "businesses should be responsible about employee parking".

K. Parking fines are too high.

L. Parking enforcement is too aggressive. Once people get a ticket, especially if they speak with parking enforcement, they may never return because the experience is so negative.

M. Signage is confusing; needs to be improved. Customers can't figure out where all the parking is and they can't understand the rules.

N. One Marina Park business owner said that $1.00 per hour parking would help her business because customers would understand and would not get tickets. She said that it would not be fair to charge park users for parking.

O. Downtown needs more parking.

P. DON'T change parking rules. There is too much change.

Q. Parking Advisory Board ideas are "goofy".

R. Problem with employee parking in Library Parking Garage: lower level parking is often taken up by non-permit holders.

S. Wednesday Market is a problem. It discourages downtown customers; it takes up all the parking. Market customers don't shop or eat downtown.

The nineteen comments can be grouped as follows:

- Comments A, B and C and F are clearly in opposition to pay parking, using some of the economic arguments listed above, although comment F and H suggests making time limits more flexible and could be helpful.
- Comment N is supportive of pay parking for customer parking, but not for park users.
- Responses P and D call for no changes to parking on the basis that changes are there have been too many changes recently. Comment E is similar.
- Comments, F, K and L are directed at enforcement technique and fine levels more than at pay parking.
- Comment M refers to confusing signing, presumably that which describes the change from free to pay in the evening.
- Employee parking is addressed in comment J, but the affect of pay parking on employees in the two lots in the PAB proposal are not specifically mentioned.
- Comments R, S and I do not concern any objections to the proposed plan.
- Comments G and O suggest a need for more parking supply.

Another set of comments is presented, most of which address downtown more generally with fewer specific comments about pay parking. Some of the parking related comments include:

- Downtown Kirkland gets 'dead" at 5:00 pm because of the start of paid parking.
- How do we solve the employee parking problem?
- Kirkland Parking Advisory Board and City Council are completely out of touch with small business and need to take a look at the impact of their decisions.

Finally, the report offers a number of ideas of what could be done with pay parking revenue. Most of these ideas fit well within the context of the PAB plan.

Ms. Greenway has summarized her report as follows:

- Of the 20 businesses visited, 90% of the businesses (18) were against the PAB proposal. Support from the two that were in favor of the proposal was conditional.
- Many prominent downtown business owners are against paid parking during the day and believe it will hurt their business.
- Many downtown business owners believe that Kirkland City Hall (Council, staff, PAB were all included) does not understand or care about downtown business and is making decisions that hurt business. Council should do this outreach program themselves so that they can hear for themselves what downtown business owners have to say.

C. March visits to merchants During the week of March 12, staff visited 120 places of business (offices, retail, etc.) near the Lake & Central and Marina Park lots as shown in Figure 2. Responses are shown in the table below:

Table 3 March 2012 outreach

Type of response	Number	Comments
Negative	6	Generally economic arguments, will hurt business, customers will go to Redmond and Bellevue, etc
Unknown	12	At these locations, flyers were left, but no contact was made. The ability to call or email staff was pointed out, but to date no contact has been received
Neutral	30	Expressed no opinion either way
Positive	72	Like the lack of time limits, revenue that can be used for other purposes, supports the removal of confusion.

E. ***Summer 2011 survey*** In the Summer and Fall of 2011, the Parking Advisory Board fielded a survey of parkers in downtown Kirkland. Board members and staff passed surveys out to parkers and a web-based version of the survey was also available. Respondents could complete the survey on site or return it via a postage paid mailer. A total of 315 surveys were completed. The survey is shown in Figure 3 below.

The primary question on the survey was: "In your opinion, which of the following ideas would most help the City meet the parking objectives listed above". The objectives were parking that is convenient, accessible and readily available. Respondents were asked to check up to three ideas. The ideas and the number of respondents choosing it as their top response are listed below:

Table 4 Summer 2011 Survey results

IDEA	Number of times selected	% of all selections
Build more parking stalls	139	22
When parking is pay, make the first hour free	133	21
Continue pay parking from 5-9 pm	99	16
Extend free parking throughout the day (9am-9pm)	89	14
Prohibit downtown employees from using lots	79	12
When parking is free limit stay to 2 hours	57	9
Extend pay parking throughout the day	38	6
TOTAL	634	100

The most popular option was to add more supply, which will almost certainly require pay parking to finance. Extending pay parking throughout the day was the least selected response.

4. Other methods for minimizing employee parking

Pricing is likely the simplest and most direct method for encouraging employees to park outside the Marina and Lake & Central lots. However the following alternatives could be considered without pay parking

Move to Evade. A move to evade ordinance would have to be passed that would limit all parkers to a certain number of hours, for example 3, in a given lot when parking is free. Violators could be found with the license plate reader. Explaining the move to evade rules to parkers will likely be difficult. Also, move to evade would apply to all parkers which would make those who park several times a day vulnerable to enforcement. For example, someone parking in the morning for 2 hours and then coming back later in the day to the same lot for 2 hours would be in violation of a move to evade violation.

Directed enforcement "No Employee Parking" signs would be displayed in the parking lots. These would be supported by the existing employee parking regulations. With the license plate reader, enforcement officers would be able to determine vehicles that are regularly parked in the lots for extended periods of time, but are moving between stalls to avoid time limit violations. Enforcement would make visits to sites where the offenders are working and remind them of the parking rules. Repeat offenders would be cited.

5. Improved pay station performance

Research into improving pay station performance, particularly reducing transaction time, has generated several ideas. With the current Cale meters, card approval and printing of receipt is between 27-29 seconds. However, there are other pay station vendors which claim an 8-15 second wait time. Another way of reducing transaction time is to change the way that credit card authorizations are performed. A common method is to not require authorization on small

transactions, say under $4. This could significantly reduce transaction time for most customers. We can report more fully on this and other methods at the April 17th meeting.

6. Discouraging long term parking

Even with priced parking, long term parking for example boaters or employees is still a concern. Two variations to the PAB's original proposal have been developed to discourage longer term parking. One is to increase the parking cost per hour as stay length increases. For example, this could be done using a rate schedule as follows :

Table 5 Example rate schedule

Hours of stay	Price
First 2 hours	$1 flat rate for first two hours of stay
Hours 3 – 4	$1/hour
Each hour after 4	$3/hour

Another method for discouraging longer stays is to simply limit the number of hours that may be purchased at any one time to, for example, 3 hours. This method would likely be more effective for limiting stays of boaters than employees.

7. Options and PAB recommendation

The Parking Advisory Board offers the following options for Council consideration. These options apply only to the Marina Park and the Lake & Central lot. All proposals would include methods to improve pay station performance.

A. **Proposal offered February 7 and March 20:** Extend pay parking to begin at 9:00 AM. Remove time limits.
B. **Variable rates:** Same as option A, but with an increasing rate per hour of stay as shown in Table 5.
C. **Time limits**: Same as option A, but with a limit of 3 hours on the number of hours that can be purchased at one time.
D. **Move to Evade:** Do not implement pay parking during the daytime. Implement a Move to Evade ordinance that limits stays to 3 hours or less per day per lot when parking is free.
E. **Enhanced enforcement:** Do not implement pay parking during the daytime. Post "No Employee parking" signs and enhance enforcement on repeat offenders.
F. **No changes:** Make no changes to the current parking rules

The Parking Advisory Board recommends Option B. The table below qualitatively evaluates the options, in relative terms, against the four issues initially addressed by the PAB. Table 6 uses a three point scale from 0 to ++.

Figure 2 Locations visited by staff in March 2012 Visited locations shown in pink.

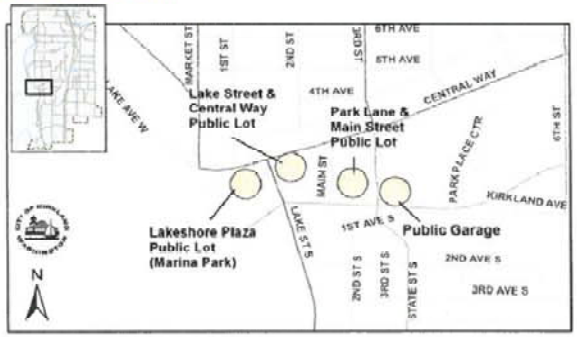
Figure 3 Summer 2011 Survey document

Downtown Parking Feedback The following questions refer to your most recent trip to downtown Kirkland.

What was the purpose of your trip?

❑Dining ❑Shopping ❑Recreation (Park visit) ❑Work Downtown
❑Personal Services (office visit, salon) ❑Other_____

Where did you park?



❑On-street parking ❑Lakeshore Plaza Lot (Marina Park) ❑Kirkland Library Garage
❑Lake Street & Central Way Lot ❑Park Lane & Main Street Lot ❑Bus
❑Walk
❑Other_____

What time did you park?

❑Before noon ❑Between noon and 5pm
❑After 5pm ❑Doesn't apply

Did the parking signs help you make your parking decision?

❑Yes ❑No ❑Didn't notice the signs ❑Doesn't apply

Did you understand the pay parking signs?

❑Yes ❑No ❑Didn't notice the signs ❑Doesn't apply

How long did it take you to find a parking space?

❑0-3 Minutes ❑3-6 Minutes ❑6+ Minutes ❑Doesn't apply

How close did you park to your destination?

❑0-1 Block ❑2-3 Blocks ❑4-5 Blocks ❑Doesn't apply

To promote a thriving downtown, the City of Kirkland believes parking should be convenient, accessible, and readily available. Parking should also be affordable with rules that are easily understood. Please answer the following questions to help the City find ways to meet these parking objectives. As you answer the three questions, consider your experience at two public parking lots only: **1) Lake Street & Central Way; and 2) Lakeshore Plaza/Marina Park.**

1. Please indicate how much you agree with the following statements

Statement	No Opinion	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
I can quickly find an empty stall						
People stay too long						
Parking rules and signs are clear						
There is too much enforcement						
There is too little enforcement						
Employees use too many stalls						
There is enough monthly parking						
Other:						

2. In your opinion, which of the following ideas would most help the City meet the parking objectives listed above. (Please check up to three)

Continue pay parking in the evenings only (5pm-9pm)	
Extend pay parking throughout the day (9am-9pm)	
When parking is pay, make the first hour free	
When parking is free, limit stay to 2 hours (current limit is 3 hours)	
Build more parking stalls	
Prohibit downtown employees from using the lots	
Extend free parking throughout the day (9am-9pm)	
Other:	

3. What should pay parking revenues be used for? (choose all that apply)

____ general city expenses (police, fire, parks, transportation)
____ parking lot maintenance; ____ downtown beautification/improvement
____ help fund some new parking supply; other _____

Additional Comments:

For more information:
www.kirklandwa.gov/parking

Table 6 Parking Options

Option	Reduces confusion	Reduces long term parking	Helps manage occupancy	Generates revenue
A. Original proposal	+ +	+	+	+
B. Variable rates	+	+ +	+ +	+
C. Time limits	+	+ +	+	+
D. Move to Evade	0	+	+	0
E. Enhanced enforcement	0	+	+	0
F. No changes	0	0	0	0

Most confusion is caused by a mixing of free and pay parking throughout the day. Free options E, D and F do not address this issue. Of the pay options, Long term parking is addressed more fully by options B and C that contain provisions aimed at limiting long term parking. Options D and E will likely also reduce long term parking somewhat and therefore help manage occupancy.

Council Direction Needed

The Options developed by the Parking Advisory Board for the City-owned lots are relisted below. Again the PAB recommends **Option B** but is seeking Council input and direction. If the Council is ready to select an option, the PAB and City staff stand ready to begin implementation. If additional information or options are needed by the Council, staff will bring the information and options back to a future Council meeting for a final decision.

A. **Proposal offered February 7 and March 20:** Extend pay parking to begin at 9:00 AM. Remove time limits.
B. **Variable rates:** Same as option A, but with an increasing rate per hour of stay as shown in Table 5.
C. **Time limits**: Same as option A, but with a limit of 3 hours on the number of hours that can be purchased at one time.
D. **Move to Evade:** Do not implement pay parking during the daytime. Implement a Move to Evade ordinance that limits stays to 3 hours or less per day per lot when parking is free.
E. **Enhanced enforcement:** Do not implement pay parking during the daytime. Post "No Employee parking" signs and enhance enforcement on repeat offenders.
F. **No changes:** Make no changes to the current parking rules

DOWNTOWN KIRKLAND PARKING STUDY

Jessica Greenway
jgreenway@jessicagreenway.com

February 8, 2012

To: KIRKLAND CITY COUNNCIL, CITY MANAGER, ECONOMIC DEVELOPMENT COMMITTEE, PUBLIC WORKS DIRECTOR, PARKING ADVISORY BOARD DOWNTOWN BUSINESS OWNER PARTICIPANTS

Date: February 10, 2012

From: Jessica Greenway
206-292-2103
jgreenway@jessicagreenway.com

Subject: Report on interviews with downtown business owners

Downtown Business Owner: *"I FEEL LIKE I AM FIGHTING THE ECONOMY, FIGHTING COMPETITION FROM BELLEVUE, AND FIGHTING KIRKLAND CITY HALL."*

1. CONCLUSIONS:

A. Downtown Kirkland and its many interesting, varied, unique and special stores, shops, restaurants, and galleries is a tremendous and important asset to the City of Kirkland. It must be nurtured, protected, and enhanced.

B. Downtown Public Parking supply is a resource that should help downtown businesses to thrive and prosper.

C. Many or even most downtown business owners do not agree with changing Marina Park and Lake & Central Parking Lots to paid parking during the day. It will be another "blow" for downtown businesses and another "hurdle" for their customers.

D. Paid parking during the day will be another reason for customers not to come or return to downtown Kirkland.

E. Paid parking is not an economic issue. It is:
   1. Eastside customers don't want to pay to park.
   2. They can go plenty of other places to shop and eat that don't charge for parking.
   3. Customers see paid parking as a "nickel and dimeing me to death" issue.
   4. Customers feel insulted if they spend $100 to $200 for a nice dinner or $1,000 on a piece of art and have to pay for parking.
   5. Paid parking irritates customers.

F. 2 out of 20 downtown business owners were okay with paid parking from 9:00 am to 9:00 pm in Lake & Central and Marina Parking Lots. One of the two said it was not fair to charge Marina Park users for parking.

G. Downtown Kirkland is no longer the trendy place to be. Bellevue is now the trendy place to be, not necessarily because of Bellevue Square and Lincoln Square, but because of all the stores and restaurants that are new, different,

and attract crowds. For the first time, downtown Kirkland is "in the shadow of Bellevue".

H. Customers can go to Bellevue Square, Lincoln Square, or Redmond Town Center, park free and stay for hours.

I. Downtown business owners face the challenges of the recession and empty storefronts. Empty storefronts limit reasons for customers to come downtown to shop and eat.

J. Downtown parking enforcement is a negative experience for customers. This is because parking fines are too high and enforcement is too aggressive. It sends a message that says: "we will punish you" or "stay away" or "don't stay long".

K. Some downtown business owners wanted free parking all the time, some were okay with paid parking starting at 5:00 pm, some thought paid parking should start at 6:00 pm.

L. Downtown business owners feel punished, ignored, and abandoned by Kirkland City Hall. They see Kirkland City government as a problem they have to work around. Opinions of City government are 100% negative.

M. City of Kirkland gets almost no PR value from the money donated to Kirkland Downtown Association. Business owners either have no idea that KDA exists, or they don't think it does anything to help downtown business. Business owners have no idea that City of Kirkland spends money to help downtown.

2. MY MISSION AND DESCRIPTION OF PROJECT: to talk with 20 downtown business owners or managers about PAB Proposal to change parking in Marina Park Lot and Lake and Central Lot to $1.00 per hour from 9:00 am to 9:00 pm.

Doing this project has helped me appreciate all the wonderful, varied, interesting and unique businesses that make up Kirkland's downtown. It also has given me an awareness of how downtown businesses are struggling because of the recession and other issues which I will describe later in this report.

I volunteered to do this study because I believe that important decisions, like parking, should not be made in a vacuum. The people who are most impacted by decisions should have a voice in making the decisions.

I talked with 20 businesses. I spent a tremendous number of hours, two Saturdays and several weekday afternoons. I did not expect the response I got, which was that every business owner or manager really wanted to talk. Some interviews lasted more than an hour! The last 3 interviews were done by email and phone.

My process was to give each business owner or manager the chart that shows the publically owned or managed parking downtown, the current rules and the new proposal. I then asked these questions:

A. Do you see this proposal as a positive or a negative for your business?

   OR: Do you see daytime paid parking as a negative or positive for your business?

   OR: How important is free parking to your business?

B. How important is the public parking that is closest to your business to your business?
C. If we spent the net revenue from parking on downtown amenities, what things can you suggest spending the money on?
D. I showed every business the City printed parking brochure and asked if it would be helpful for them to hand out to their customers. There was mixed reaction to this: some businesses really liked it and wanted more copies; some took it to put the information on their website; some did not think it was helpful.

3. I ASKED THE QUESTION ABOUT SPENDING THE MONEY because here are the facts about downtown parking revenue (as per Tracey Dunlap, Finance Director):

A. Net parking revenue = $20,000 to $30,000 per year.
B. Does not go into the general fund. Goes into a fund that is meant to be used to "create more parking supply". That fund currently has about $68,000 in it, as of third quarter 2011.
C. Is it realistic to think that this money is enough to create more parking? Would it be appealing to downtown businesses to spend it on other amenities?

4. BUSINESS OWNERS SPOKEN WITH; Owner (O) or Manager (M) = 20:

A. Hector's Restaurant (Lake Street) (M)
B. Lake Street Diamond (Lake Street) (O)
C. The Minus Shop (Lake Street) (O)
D. Lakeshore Gallery (Park Lane) (O)
E. Howard Manville Gallery (Park Lane) (O)
F. Simplicity Salon (Park Lane) (M)
G. Remedies (Central Way) (O)
H. Kathy Evans Salon (Central Way) (O)
I. Chalet Cadeau (Central Way) (O)
J. Bead World (Central Way) (O)
K. Promese Clothing (Central Way) (O)

L. The Grape Choice (O)
M. Wilde Rover (O)
N. Ristorante Paradiso (M)
O. Zeke's Pizza (O)
P. George's (M)
Q. Barkz (O)
R. Bella Tesori Decor (O)
S. Sweet Cakes (O)
T. Paisley Cupboard (O)

5. COMMENTS FROM BUSINESS OWNERS AND MANAGERS ABOUT PARKING:

A. Downtown parking is crucial to their business.
B. Free parking in Lake and Central, Marina Lots, on street is crucial to their business.
   1. We are "competing with Bellevue Square, Lincoln Square, and Redmond Town Center".
   2. We don't need to give people another reason not to come to downtown Kirkland.
C. Customers do not want to pay for parking on the Eastside; they view paid parking as a reason not to come. Paid parking irritates customers; it is not an affordability issue. It is more of a "nickel and dimeing me to death" issue.
D. Do not change anything; customers are just now "getting used to the rules". There is too much change.
E. One business owner suggested: wait and see how the license plate reader system works.
F. Downtown parking, because of: paid parking at 5:00 pm, parking fines that are too high, and aggressive enforcement, is sending the wrong message to customers. The message is: "pay attention or we will punish you, don't stay too long, keep watching the time, we don't want you to stay and shop". One business owner said "customers are afraid to park in downtown Kirkland". Another business said "customers are always in a panic about parking".
G. Downtown Kirkland needs more parking supply.
H. Time Limits: We need to do more analysis on the time limits. Some business owners were in favor of 4 hour time limits (customers can shop, eat, relax, explore, enjoy). Some business owners worried that longer time limits would encourage employee parking. Some were okay with 2 hour limits, everyone likes 3 hour limits, and some business owners want 4 hour limits.
I. Street Parking and Library Parking Garage should remain free. It is okay to have it timed and to manage it.
J. Employee Parking: there were different comments about this:
   1. Some said "monitoring employee parking is too much work".
   2. Some said "we monitor our employee parking and make sure

they park in the Library Parking Garage and don't take up customer parking".

3. Some said "businesses should be responsible about employee parking".

K. Parking fines are too high.

L. Parking enforcement is too aggressive. Once people get a ticket, especially if they speak with parking enforcement, they may never return because the experience is so negative.

M. Signage is confusing; needs to be improved. Customers can't figure out where all the parking is and they can't understand the rules.

N. One Marina Park business owner said that $1.00 per hour parking would help her business because customers would understand and would not get tickets. She said that it would not be fair to charge park users for parking.

O. Downtown needs more parking.

P. DON'T change parking rules. There is too much change.

Q. Parking Advisory Board ideas are "goofy".

R. Problem with employee parking in Library Parking Garage: lower level parking is often taken up by non-permit holders.

S. Wednesday Market is a problem. It discourages downtown customers; it takes up all the parking. Market customers don't shop or eat downtown.

6. OTHER COMMENTS:

A. We don't need any more negatives; we need help.

B. Downtown Kirkland is becoming a "ghost town".

C. Downtown Kirkland needs more "destination stores" to get people to come and stay and create foot traffic.

D. Empty storefronts make it difficult for remaining businesses.

E. Why focus so much on Totem Lake? Downtown Kirkland needs attention and help.

F. Attracted to and like "community feel" of Kirkland.

G. DO NOT CLOSE STREETS for events. Several businesses mentioned closing the streets for the tree lighting in 2010. They said it made what could have been the best shopping day of the year into the worst shopping day of the year.

H. Too many events in Marina Park (like runs and bicycle events). These events take up the parking that their customers need and the participants don't stay and shop. Kirkland customers see the sign as you come into town from the freeway and they decide not to come downtown that day. It even keeps customers away at night.

I. How do we make downtown Kirkland "the place people want to be"?

J. A revitalized Art Walk on second Friday night of the month may help.

K. Make downtown Kirkland "user friendly".
L. Kirkland is no longer the trendy place. Downtown Bellevue, Lincoln Square and Bellevue Square area is the trendy place because of all the new and different stores and restaurants.
M. I feel like I am fighting the recession, fighting downtown Bellevue and fighting the City of Kirkland.
N. Downtown Kirkland gets "dead" at 5:00 pm because of the start of paid parking.
O. How do we solve the employee parking problem?
P. Workers from downtown construction projects need to be managed so that they don't take up all the customer parking.
Q. Downtown business owners should clean and beautify their storefronts and outside of their storefronts. Show some pride!
R. For KDA to get more dues paying members, it has to prove that it is successful in creating amenities. "People are doubtful".
S. Kirkland Parking Advisory Board and City Council are completely out of touch with small business and need to take a look at the impact of their decisions.
T. Events like festivals and races are a negative for retail businesses. Don't close the Marina Park Parking Lot for events.
U. Include more downtown business owners on the Parking Advisory Board.
V. Kirkland is no longer a "destination".

7. SUGGESTIONS FOR USING NET PARKING REVENUE:

A. Flower Pots to beautify downtown.
B. Promotion to bring tourists and customers from other areas to downtown Kirkland.
C. Remodel Marina Parking Lot to make more parking.
D. Design a great brochure to make available in tourist venues.
E. More events that attract tourists.
F. Shuttle bus to shuttle customers from Library Garage to downtown.
G. Promote wedding industry (clothing, salons, etc.).
H. Make more parking in Marina Park Parking Lot by removing trees and landscaping beds.
I. Regular clean up parking lots.
J. Regular clean up of downtown.
K. City of Kirkland should take a greater role in events like Fourth of July parade, tree lighting, and Christmas displays.

8. PLEASE CONTACT ME if you have questions or would like to review this report in person. THANK YOU!

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

Date: April 3, 2012

Subject: Recommendation to Rename Houghton Beach Park to "Doris Cooper Houghton Beach Park"

RECOMMENDATION:

That City Council reviews and approves the attached Resolution to rename Houghton Beach Park to "Doris Cooper Houghton Beach Park."

BACKGROUND DISCUSSION:

At the March 6, 2012, City Council Meeting, Kirkland resident Lynn Stokesbary submitted a written request to name Houghton Beach Park after former Councilmember Doris Cooper. Ms. Cooper was on the City Council from 1973 to 1993, and passed away April 29, 2011. Mr. Stokesbary provided an overview of her support for parks during her 20 years of service as a councilmember. Per the Naming of Public Parks and Facilities policy (Resolution R-4799), the City Council asked that the Park Board review the request and forward a recommendation to the City Council.

After reviewing the naming policy for parks and facilities, and the letter prepared by Mr. Stokesbary, the Park Board passed a motion at its March 14, 2012 Regular Meeting to forward to the City Council a recommendation to rename Houghton Beach Park to "Doris Cooper Houghton Beach Park."

In addition, on March 26, 2012, the Houghton Community Council received a staff report regarding the Park Board's recommendation and passed a motion to endorse the Park Board's recommendation to rename Houghton Beach Park to "Doris Cooper Houghton Beach Park."

If approved, within the park maintenance budget, staff will procure a new sign.

Att: March 6, letter from Nona Ganz, Robert Pantley and Lynn Stokesbary
Naming of Public Parks and Facilities Resolution R-4799
Resolution to re-name Houghton Beach Park to Doris Cooper Houghton Beach Park

To: **Kirkland City Council**
From: **Nona Ganz, Robert Pantley, Lynn Stokesbary**
Date: **March 6, 2012**
Subject: **Park Naming In Honor of Doris Cooper**

Recommendation

To add the name of Doris Cooper to Houghton Beach Park in honor of her sustained and outstanding civic service to the Kirkland park system. Our recommendation is to retain the original name of Houghton Beach Park and add Doris Cooper's name to the sign. A previous example of this was done several years ago when the late Phyllis Needy's name was added to the Houghton Neighborhood Park sign.

In 1985, the Kirkland City Council adopted Resolution R-3215, and later amended in January 2010, establishing policies and procedures for the naming of parks and facilities. In this Resolution the City Council created policy to choose a name for a public park or facility to one of several criteria. One specific criteria that stands out as the basis for honoring Doris Copper is written as follows:

"An individual (living or deceased) who has given outstanding civic service to the Kirkland Park system, or has donated substantial funds or land to the Kirkland park system, or has been otherwise instrumental in the acquisition or development of critical park acreage (e.g., Marsh Park). Parks or facilities shall not ordinarily be named for a living person, unless that person has made a significant and outstanding contribution of land, money, or civic service. A waiting period of at least one year should expire before naming a park or facility under the policy of this subparagraph;"

The timing for naming a park after Doris Cooper is appropriate as we are approaching the first year of her passing, April 29, 2011.

Background

Before Doris Cooper began her 20 year service on the City Council in 1973 she was an active member of the community. Her activities included:

- One of the organizers of the telegram campaign to acquire Houghton Beach Park.
- Committee member to acquire the Yarrow Bay wetlands
- Coordinator of the Moss Bay Celebration
- Houghton Community Council member
- Former Chair and member of the Board of Adjustment
- Active in Lakeview Elementary, Kirkland Junior High, and Lake Washington High School PTA Boards.

In 1973 Doris Cooper was elected to the Kirkland City Council and successfully elected to 5 terms on the Council before retiring at the end of her term in 1993. She was the city's first woman mayor in 1984, a position she held for three consecutive two-year terms. During her time on the Council Doris Cooper was also named the Seattle-King County Municipal League's Outstanding Public Official in1987 (the Oscars of local government service) and was President of the Suburban Cities Association.

Doris' support of parks planning, acquisition, development, and renovation was unequivocal. Throughout her public service parks were her passion and are what inspired Doris Cooper to run for the Kirkland City Council in 1973. It all began with Doris and her two friends, Judy Frolich, and Delores Teutsch who organized a telegram campaign to acquire funding for acquisition of Houghton Beach Park. In the years that followed Doris played key roles as a coordinator, mastermind, and publicity chairs for the 1976, 1984, 1989, and 1992 Park Bond Measures.

Each of these bond measures resulted in acquiring and/or developing properties critical to the Kirkland parks system and for the quality of life and enjoyment of residents. Often the centerpieces of these bond measures included threatened properties that would otherwise be sold for development or other uses if they were not acquired by the City.

The following summarizes the legacy of park acquisition and development resulting from these 4 Bond Measures for which Doris was so inextricably linked:

1976
"Bond Kirkland Together"

- **Waterfront Acquisition**
- **Development of the Senior Center**
- **Acquisition of 29 acre former Juanita Golf Course**

1984
"A Good Buy or Goodbye!"

- **Acquisition of the 9.2 acre Waverly Site from the Lake Washington School District (now Heritage Park and home to Heritage Hall)**
- **Acquisition of 17 acres from former Juanita Golf Course**

1989
"Bond Kirkland Together"

- **Acquisition of property for City's first Community Center in addition to development of South Juanita Neighborhood Park**
- **Development of Everest Community Park**
- **Development of Crestwoods Community Park**
- **Development of Juanita Bay Park**

- **Acquisition and development of Houghton Neighborhood Park**
- **Acquisition and development of North Rose Hill Neighborhood Park**
- **Acquisition of South Rose Hill Neighborhood Park**
- **Open space acquisitions on Forbes Lake**

In 1989 King County voters also approved the King County Open Space and Trails Bond Measure which included $1.7 million for Kirkland to renovate Marina and Houghton Beach Parks, acquisition of additional park land in Juanita Bay Park, and provide trails and wetland viewing boardwalks at Totem Lake.

1992
"Kirkland's Pride In Its Parks!"

- **Acquisition of Dr. Burhen property to David E. Brink Park**

This $1.5 measure twice failed at the ballot just shy of the 60% "yes" vote. Despite these setbacks, Doris Cooper, Councilmembers, City staff, and citizens in the community worked hard and successfully to obtain grant and secure other outside funding to purchase the property. The City ended up only paying $145,000 for the property, a real bargain for 175 feet of prime waterfront property near downtown Kirkland.

Doris Cooper's dedication to parks was not limited to Bond measures. She was a champion of many other important park acquisition and development projects that were funded through the City's Capital Improvement Program, State granting agencies, and King County conservation funding programs. If asked, you could always count on Doris to accompany staff in making grant request presentations to outside agencies. She had great instincts and when called upon she always had the right thing to say and it was usually punctuated with a great sense of humor.

Some notable examples of other park related projects include:

- **Acquisition of the 36.5 acre Forbes Valley from the McCrory family, representing the largest single purchase of park property in the City's history. This was a very significant addition to Juanita Bay Park creating a 103.5 acre nature preserve supporting an important plant and wildlife habitat corridor.**

- **Acquired the 1.5 acre First Summit waterfront property providing the anchor to the north end of Juanita Bay Park.**

- **Approval of the City Cemetery Master Plan resulting in significant improvements and historic renovations to the cemetery first envisioned by Peter Kirk.**

- **Effectively working with King County to build new little league fields at Finn Hill Park for Kirkland National Little League who for years shared fields with Kirkland American Little League at Everest Park. This allowed Kirkland American Little League to grow it's girls program at Everest Park which now proudly hosts the Girl's Junior Softball World Series every year in August.**

- **Many capital improvements to children's playgrounds, trails, docks and shorelines, ballfields, basketball and tennis courts, and indoor facilities such as the Senior Center (now Peter Kirk Community Center) and North Kirkland Community Center.**

In doing our research on Doris Cooper we discovered additional notable accomplishments and recognition for her work in public service. We believe they are significant and important to include in our report:

- Executive Board, Puget Sound Council of Governments
- Chair, King County Solid Waste Management Board
- State Coordinator, Women in Municipal Government
- Campaign Manager, Evergreen Hospital Bond Issue 1978
- Executive Board, Washington Press Association
- Human Services Roundtable
- Woman of Achievement, 1978, Kirkland Business and Professional Women
- Member of Local and Regional Shorelines Committee which established guidelines for adoption by Washington State Department of Ecology

Next Steps

Based on the direction of the City Council we envision the Council referring this park naming request to the Park Board for their review and recommendation perhaps as early as their March or April meetings. Many people that we have talked to would like to see a dedication at Houghton Beach Park this July that not only adds Doris Cooper's name to the park but also celebrates the many others who helped acquire Houghton Beach and turned it into the waterfront gem it is today.

We have also attached a list of local residents, past and present, who support the recommendation of adding Doris Cooper's name to Houghton Beach Park.

Please accept out thanks for considering our recommendation along with others who want to honor a legacy of exceptional public service.

Supporters of Park Naming In Honor of Doris Cooper

Dave and Hazel Russell
Bob Neir
Al Locke
Sants and Sue Contreras
Michaele Muse
Mary-Alyce Burleigh
Paul Hoerlein
Bob Kamuda
Barbara Loomis
Bob Burke
Loita Hawkinson
Sue Keller
Deb Eddy
Larry Springer
Norm Storm
Dolly Turner
Sherry Grindeland
Matt Gregory
Andy Held
Rick Whitney
Betsy Pringle
Rebecca Hirt
Jill Keeney
Carolyn Hyak
Robert Pantley
Nona Ganz
Lynn Stokesbary
Dave Ramsay
Cindy Zech

RESOLUTION R-4799

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING POLICIES AND PROCEDURES FOR THE NAMING OF PUBLIC PARKS AND FACILITIES.

WHEREAS, the City Council adopted Resolution R-3215, establishing policies and procedures relating to the naming of public park property and facilities on August 19, 1985; and

WHEREAS, the Park and Recreation Board recommends updating the park naming policy to: (1) include procedures for naming a park or facility after a civic group or organization; (2) provide that a numeric designation will be used for new parks and facilities until a permanent name is selected: and (3) clarify that the naming of a park or facility should be considered permanent under ordinary circumstances; and

WHEREAS, the City Council wishes to set forth the policies and procedures for naming public parks and facilities by resolution;

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

Section 1. It is the general policy of the City of Kirkland to choose a name for a public park or facility based upon the relationship of the land or facility to one of several criteria:

1. Neighborhood or geographical identification (e.g. Houghton, Bridle Trails, Rose Hill, etc.);

2. A natural or geological feature (e.g. Forbes Creek);

3. Historical or cultural significance;

4. An individual (living or deceased) who has given outstanding civic service to the Kirkland park system, or has donated substantial funds or land to the Kirkland park system, or has been otherwise instrumental in the acquisition or development of critical park acreage (e.g. Marsh Park). Parks or facilities shall not ordinarily be named for a living person, unless that person has made a significant and outstanding contribution of land, money, or civic service. A waiting period of at least one year should expire before naming a park or facility under the policy of this subparagraph;

5. A civic group or corporation whose mission statement is compatible with City goals and objectives and that has made a significant contribution of land, money or civic service to the Kirkland park system;

6. The wishes or preference of residents of the neighborhood surrounding the public park or facility should in all cases be considered.

Section 2. In establishing or designating the name of a public park or facility, the final authority on name selection is the responsibility of the City Council. In making such selection the City Council will normally consider suggestions for names received from organizations, individuals or neighborhoods, and may request the Parks Department or the Park Board to solicit such suggestions. The City Council will not make its final selection until after it has received the recommendation of the Kirkland Park Board.

Section 3. Until a park or facility name is selected for a new park or facility, a numeric designation shall be used to identify the park or facility.

Section 4. Under ordinary circumstances, the naming of a park or facility should be considered permanent. Any proposal to change the name of a park or facility shall be subject to the procedures set forth in this Resolution.

Section 5. Upon selection of a park or facility name by the City Council, the Parks Department shall identify the park or facility with appropriate signage specifying the established name.

Passed by majority vote of the Kirkland City Council in open meeting this 19th day of January, 2010.

Signed in authentication thereof this 19th day of January, 2010.

MAYOR

Attest:

Kathi Anderson

City Clerk

RESOLUTION R-4916

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RENAMING HOUGHTON BEACH PARK, LOCATED AT 5811 LAKE WASHINGTON BOULEVARD, TO DORIS COOPER - HOUGHTON BEACH PARK.

WHEREAS, Doris Cooper served for 20 years as a member of the Kirkland City Council; and

WHEREAS, Doris Cooper contributed significantly to the support of parks planning, acquisition, development, and renovation and improvement of the quality of life in Kirkland; and

WHEREAS; the memory of Doris Cooper will provide a shining example of community involvement, stewardship, loyalty and the best qualities of the neighborhood; and

WHEREAS, Resolution R-3215 sets forth policies and procedures relating to the naming of public property and facilities based upon several criteria, including naming after an individual who has given outstanding civic service to the park system, or who has been instrumental in the acquisition of development of critical park acreage, and

WHEREAS, both the Kirkland Park Board and the Houghton Community Council have recommended to the City Council the renaming of Houghton Beach Park to Doris Cooper – Houghton Beach Park in honor of her commitment to the City of Kirkland and it's residents; and

WHEREAS, the City Council finds that the recommendation of the Kirkland Park Board and Houghton Community Council meets the criteria established by Resolution R-3215 and that renaming Houghton Beach Park to Doris Cooper – Houghton Beach Park is an appropriate way for the City of Kirkland to honor the contributions and efforts of Doris Cooper while serving the citizens of Kirkland.

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

Section 1. That certain park now known as Houghton Beach Park located at 5811 Lake Washington Boulevard is hereby renamed Doris Cooper – Houghton Beach Park in honor of Doris Cooper former Kirkland City Council Member.

Section 2. The Department of Parks and Community Services is directed, pursuant to Resolution R-3215, to install signage on the park site identifying the new name of the park.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this ____ day of _____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

Council Meeting: 04/17/2012
Agenda: New Business
Item #: 11. b.

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

Date: April 10, 2012

Subject: Authorization to apply for grant funding assistance from the Washington Wildlife and Recreation Program for the Cross Kirkland Corridor

RECOMMENDATION:
For the City Council to review and approve the attached Resolution, authorizing the City to apply for grant funds from the Washington Wildlife and Recreation Program for the acquisition of the Cross Kirkland Corridor.

BACKGROUND DISCUSSION:
The Washington Wildlife and Recreation Program (WWRP) provides funding for a broad range of land protection and outdoor recreation activities, including park acquisition and development, habitat conservation, farmland preservation, and construction of outdoor recreation facilities. There are 11 grant categories within this program. The Washington State Recreation and Conservation Office administers this program.

To remain eligible to apply for a WWRP grant in the trail category, staff submitted for a Waiver of Retroactivity for the Cross Kirkland Corridor acquisition project with the Recreation Conservation Office. The waiver allows an agency to proceed with acquisition prior to receiving final grant approval. The waiver has been granted, and the deadline to submit a grant application is May 1st. A resolution authorizing the application must be submitted by May 1st.

A grant award under the trail category for acquisition is limited to a 50/50 match.

Grant timeline

Grant application deadline	May 1, 2012
Presentation to advisory Committee	June/July 2012
Recreation Conservation Office announces preliminary project ranking	August 2012
Recreation Conservation Funding Board approves grant list	October 2012
Recreation Conservation Funding Board approves grant funding	June 2013

Attachment: Resolution

RESOLUTION R-4917

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDING ASSISTANCE FOR THE CROSS KIRKLAND CORRIDOR AS A WASHINGTON WILDLIFE AND RECREATION PROGRAM PROJECT TO THE RECREATION AND CONSERVATION OFFICE AS PROVIDED IN CHAPTER 79A.15 RCW, ACQUISITION OF HABITAT CONSERVATION AND OUTDOOR RECREATION LANDS, WAC 286 AND SUBSEQUENT LEGISLATIVE ACTION.

WHEREAS, the City of Kirkland has entered into a purchase and sale agreement with the Port of Seattle for the acquisition of the Cross Kirkland Corridor, a 5.75 mile segment of the Eastside Rail Corridor; and

WHEREAS, the Cross Kirkland Corridor traverses Kirkland from the South Kirkland Park and Ride to the City's northern boundary in the Totem Lake Business District; and

WHEREAS, the Cross Kirkland Corridor will provide multi-modal transportation and recreation opportunities to schools, parks, open spaces and recreational services; and

WHEREAS, acquisition of the Cross Kirkland Corridor ("the project") is consistent with the City's commitment to a healthy environment and healthy lifestyles; and

WHEREAS, the City has approved a comprehensive parks and recreation or habitat conservation plan that includes this project; and

WHEREAS, under the provisions of the Washington Wildlife and Recreation Program (WWRP), state grant assistance is requested to aid in financing the cost of land acquisition; and

WHEREAS, the City considers it in the best public interest to complete the project described in the application authorized by this Resolution;

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

Section 1. The City Manager is hereby authorized and directed to make formal application to the Recreation and Conservation Office for grant assistance.

Section 2. The City acknowledges or certifies as follows:

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

2. The City hereby certifies that our matching share of project funding will be derived from a interfund loan from the City of Kirkland's Utility Fund and that the City is responsible for supporting all non-cash commitments to this project should they not materialize.

3. 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 City vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.

4. The City acknowledges that any property acquired and/or facility developed through grant assistance from the Recreation and Conservation Funding Board must be reasonably maintained and made available to the general public at reasonable hours and times of the year according to the type of area or facility unless other restrictions have been agreed to by the Recreation and Conservation Office Director or the Recreation and Conservation Funding Board.

5. The City acknowledges that any property acquired and/or facility developed with grant assistance from the Recreation and Conservation Funding Board must be dedicated for public outdoor recreation purposes, and be retained and maintained for such use for perpetuity unless otherwise provided and agreed to by the City and the Recreation and Conservation Funding Board.

6. The City acknowledges that any property acquired using Recreation and Conservation Funding Board assistance must be developed within five years of the acquisition closing.

7. This resolution will become part of a formal application to the Recreation and Conservation Office for grant assistance; and

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 _____, 2012.

Signed in authentication thereof this ____ day of _____, 2012.

_____
MAYOR

Attest:

_____
City Clerk

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: Ellen Miller-Wolfe, Economic Development Manager

Date: April 10, 2012

Subject: Recommended Tourism Funding for SIFF, Summerfest and Tall Ships

RECOMMENDATION:

The Tourism Development Committee (former Lodging Tax Advisory Committee or LTAC) recommends that the Seattle International Film Festival (SIFF) and Summerfest each receive $3,000 in tourism funding for a total of $6,000 from the Unforeseen Circumstances Fund established by City Council as part of the 2012 Budget. Also, the Committee recommends that the City Council approve $4,800 from Tourism reserves for a 'Tall Ships' event. If Council votes to approve the recommendation, the budget adjustment will be reflected as part of the Mid-Year Adjustments to the 2011-2012 Biennial Budget in June.

BACKGROUND DISCUSSION:

The Tourism Development Committee (TDC) oversees tourism funding collected from a tax on hotels and motels in Kirkland. These funds are by law available to activities, operations and expenditures designed to increase tourism, develop strategies to expand tourism, operate tourism promotion agencies, and fund the marketing of or operation of special events and festivals designed to attract tourists.

The TDC manages an annual application process that usually occurs in July, August and September, to fund events that bring visitors to Kirkland. This past year, the City Council accepted the recommendation of the TDC and approved $45,000 for tourism events. The $45,000 included funding for an Unforeseen Circumstances Fund totaling $6,000 from repurposed Concours funds. The Fund provides an opportunity for applications to be received outside the normal funding cycle for those events or activities unable to wait for the next funding cycle.

The TDC met on March 3, 2011 and voted unanimously to recommend Unforeseen Circumstances funding for Summerfest and SIFF. At the meeting, the Committee heard presentations from SIFF and Summerfest regarding these events and their plans for the use of tourism funds. Both events indicated that they would be bringing visitors from outside of Kirkland in accordance with tourism goals. Summerfest will sponsor Shakespeare in the Park, which will likely bring visitors from outside of Kirkland. Summerfest also is developing a strategy that will position it as the umbrella and culminating event for other summer festivals in Kirkland. SIFF, in its third year in Kirkland, has historically brought people from all over the Eastside to attend its films and also to visit other retail and restaurant venues in the downtown.

On April 3, 2012, the TDC recommended $4,800 in funding from its reserves for one day of a week-long visit by the Tall Ships. The Woodmark Hotel will sponsor this event the last week of August, and, together with other businesses, will cover the costs of the other days that the ship(s) is moored in Kirkland. The City will have the flexibility of deciding the moorage location and programming of the boat for the day it funds. The Tall Ships are an attraction that normally nets visitors from around the region.

ATTACHMENT A

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Ellen Miller-Wolfe, Economic Development Manager

Description of Request

Request for one-time use of $4,800 of Lodging Tax Fund operating reserve to fund a Tall Ships event.

Legality/City Policy Basis

Fiscal Impact

One-time use of up to $4,800 of the Lodging Tax Fund Operating Reserve. The reserve is able to fully fund this request.

Recommended Funding Source(s)

	Description	2012 Est End Balance	Prior Auth. 2011-12 Uses	Prior Auth. 2011-12 Additions	Amount This Request	Revised 2012 End Balance	2012 Target
Reserve	Lodging Tax Fund Operating Rsv	123,239	15,000		4,800	103,439	N/A
	Prior 2011-12 Authorized Uses of this reserve: $15,000 for the Downtown Visitor's Center						
Revenue/Exp Savings							
Other Source							

Other Information

Use of Lodging Tax funds is restricted to tourism promotion and acquisition and/or operation of tourism-related facilities. City policy requires a mininum balance of $50,000 for this reserve.

Prepared By	Neil Kruse, Senior Financial Analyst	Date	April 11, 2012

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 5, 2012

Subject: 2012 LEGISLATIVE UPDATE No. 6

RECOMMENDATION:

Council receives its sixth update on the 2012 legislative session – Special Session.

BACKGROUND DISCUSSION:

The first special session of 2012 State Legislature commenced on Monday, March 12 and concludes on Tuesday, April 10, 2012.

As of the writing of this memo, the House and Senate remain at an impasse on completing the 2012 Supplemental Operating Budget.

2012 LEGISLATIVE PRIORITIES:

Of the City of Kirkland's priority bills that passed during the regular session of the legislature, both EHB 1398 - creating an exemption from impact fees for low-income housing, and ESSB 6470 - authorizing benefit charges for the enhancement of fire protection services, were signed into law by Governor Gregoire.

Interestingly, ESSB 6470 appears to have been the only local options bill passed by the legislature this session. This is both a source of pride for the City and a sad commentary for all of the intense work by many this session to establish more flexibility and local options for cities in the face of serious cuts in State shared revenue.

SPECIAL SESSION UPDATE:

Operating Budget
As of the writing of this memo, no budget resolution has been announced between the House, Senate and the Governor on the Operating Budget. The issues in play continue to be revenues, government reforms which will dictate the ultimate size of the operating budget and any related bills they would need to pass in conjunction with a budget agreement.

On Tuesday, April 3, the House introduced 9 bills associated with the budget. Both Senate and House members were called back to Olympia on Wednesday, April 4 to get briefings from their respective leaders on the status of budget negotiations and policy bills. On Thursday afternoon, in an effort to break the impasse, the House passed an amended supplemental budget (2ESHB 2127) with all but two Democrats voting yes and all Republicans voting no. The mostly party line vote was 54-43 with two Democrats – Reps. Deb Eddy of Kirkland and Mark Miloscia of Federal Way – voting against it.

On Saturday (April 7) several bills passed Senate but not the full list of "reforms" that the Republican members want. The bill was tabled and members adjourned until Monday.

Senate Ways & Means did move versions of the capital and operating budgets out declaring that they would not be "perfecting" the bills, meaning they just moved the vehicles but acknowledged that final agreement versions of these bills were not being done now.

Among the 9 bills introduced by the House on Tuesday, one of them was HB 2823 which would determine how liquor proceeds are distributed. According to the AWC, this bill:

- (Beginning 7/1/12) Diverts the Liquor excise tax to the state's general fund for the remainder of 2011-13 biennium. And beginning 7/1/13, it diverts $10 M/year to the state's general fund permanently.

- It diverts the Liquor revolving fund that which is not guaranteed under I-1183, to the state's general fund permanently (beginning 7/1/12).

Kirkland staff estimated the City's 2012 liquor excise tax revenue to be about $400k. Assuming the diversion of the liquor excise tax would start in July 2012 for state fiscal year 2013, it would mean a loss of about $200k in 2012. Staff will continue to analyze the potential impacts of this proposal to the City. Calls or e-mails urging legislators to avoid permanent cuts or fund shifts impacting cities remains invaluable.

Capital Budget
The Capital is tied to agreement on the Operating Budget. Operating Budget decisions will have a major impact on the size of the Capital Budget, which typically is resolved after agreement has been reached on the operating budget.

A version of the capital budget was moved on Saturday which has $2 million in it for the Cross Kirkland Corridor but we also understand that legislators negotiated another version that was to move on to the floor. As of the writing of this memo that version has not yet been made public.

Transportation Revenue
SB 6582, the local transportation revenue options bill, is still stuck in debate. This bill is in good standing in the House but it remains precarious in the Senate.

Challenging issues include some legislators wanting to see language allowing more discretion for local governments in how they might use any money generated by the 1 percent MVET (or any other source of revenue), while others want to see strong transit language.

While the AWC and others are working hard with legislators to find a path forward, the primary focus is on completing the budget.

ACKNOWLEDGEMENTS AND APPRECIATION:

This Council's unified concern and steadfast focus on preserving the State Annexation Sales Tax Credit since just before last November's special session was critical to the overall success in achieving its preservation this year. And while the coalition of cities along with their staff and lobbyists worked extremely hard on this since November as well, Mayor McBride in particular was unrelenting in carrying the message to legislators, to other cities and to anyone who came within ear-shot.

The Council's Legislative Committee (Mayor McBride, Deputy Mayor Marchione and Council Member Asher) and the City Manager testified in Olympia at 10 committee hearings this session, made phone calls and sent letters and emails to legislators, continuously advancing the City's legislative priorities.

The City's department directors and their key staff reviewed and commented on over 175 bills this session, 75 more bills than what they reviewed last session, which was a long session. Staff is enormously grateful for the help and expertise provided by the departments in this regard.

Waypoint Consulting (Majken Ryherd and Jim Richards) served as the City's eyes, ears and advocates in Olympia's trenches, day-in and day-out ensuring the City's interests were being understood and protected.

Finally, the City acknowledges and honors the 25 legislators who signed onto a letter in December calling for the preservation of the State Annexation Sales Tax Credit. The City is thankful for the support of our elected delegation in Olympia, particularly Senator Rosemary McAuliffe and Representatives Roger Goodman and Larry Springer who led the effort in Olympia to secure support for ESSB 6470 - authorizing benefit charges for the enhancement of fire protection services. And to Senators Maralyn Chase, Steve Litzow and Andy Hill, who were critical to the success of EHB 1398 - creating an exemption from impact fees for low-income housing.

LITIGATION UPDATE - INITIATIVE 1183 CONCERING LIQUOR:

At the April 3 Council meeting, Council inquired about the status of the ruling on Initiative 1183, concerning liquor: beer, wine, and spirits. In response, staff offers the following update, excerpted primarily from the Stoel Rives Alcohol Beverage Blog and the Seattle Times.

The Washington State Supreme Court accepted review of the challenge to I-1183. The briefing schedule has been posted, and the arguments are set for May 17th. An opinion is expected to be issued before the June 1st implementation date for retail spirits sales.

On March 19, the Cowlitz County Superior Court granted the Costco-led intervenors' and the State's motion for reconsideration and, in turn, granted summary judgment upholding I-1183 in its entirety

After the trial court entered final judgment, the plaintiffs filed a notice of appeal. On March 28, they filed with the Washington Supreme Court a "statement of grounds for direct review", which is a motion for the State Supreme Court to address the validity of I-1183 directly, bypassing the usual process of appealing first to the State Court of Appeals. At the same time, the plaintiffs filed a motion for injunctive relief seeking to halt the implementation of I-1183 until final resolution on appeal, as well as a request for an expedited briefing schedule. On April 7, the Supreme Court, through its Commissioner (which is a court officer empowered to rule on procedural matters) denied the motion to delay implementation of Initiative 1183, which will privatize the liquor business in the state beginning June 1.

The Supreme Court's Commissioner argued in his denial of the motion that the court could well issue a decision before June 1. To stop implementation of I-1183 now, he said, likely would cost the state money and hurt retailers, distributors and others who are making changes in anticipation of the new law. The Commissioner's ruling can be appealed, with all filings in such an appeal due next week.

There is also a parallel challenge to I-1183 pending in King County Superior Court. The plaintiffs in this action are unionized employees of the Liquor Control Board who stand to lose their jobs upon the full implementation of I-1183. The court entered an order staying proceedings in this case pending resolution of WASAVP v. State, and the Court of Appeals rejected the plaintiffs' motion for discretionary review of that ruling.

The plaintiffs now have moved to lift the stay on the ground that the Cowlitz County Superior Court has entered final judgment. Costco and the State have urged the court to maintain the stay in favor of waiting for a decision by the State Supreme Court.