



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 Chamber
Tuesday, May 1, 2012
6:00 p.m. – Study Session – City Council Chamber
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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION, City Council Chamber*
 - a. Code of Ethics Training
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
 - a. Drinking Water Week Proclamation
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. State of the District – Dr. Chip Kimball, Superintendent of Lake Washington School District
 - b. Proclamation Honoring Dr. Chip Kimball

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

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

QUASI-JUDICIAL MATTERS

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

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 They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance.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

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

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

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

8. *CONSENT CALENDAR*

a. *Approval of Minutes:* April 17, 2012

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

c. *General Correspondence*

d. *Claims*

e. *Award of Bids*

(1) Aging/Failing Infrastructure –Juanita Tributary (Billy Creek) Culvert Slip Lining Project 2012 Replacement Schedules B and C, Pacific Northwest Earthworks, LLC, Fall City, Washington

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

g. *Approval of Agreements*

(1) Resolution R-4918, Approving Participation by the City in an Interlocal Cooperative Purchasing Agreement with Clallam County Fire Protection District #1 and Authorizing the City Manager to Execute Said Agreement on Behalf of the City of Kirkland.

h. *Other Items of Business*

(1) NE 68th Street and 108th Avenue NE Intersection Improvements Project Update/Budget Adjustment

(2) Resolution R-4919, Adopting the 2012–2014 Planning Work Program

(3) Surplus Vehicles for Sale

(4) Report on Procurement Activities

9. *PUBLIC HEARINGS*

a. Ordinance O-4355, Imposing and Extending a Moratorium Within Neighborhood Business (BN) Zones on the Acceptance of Applications for the Review and/or Issuance of Development Permits for Any New Development, Addition or Alteration as Such Terms are Defined in This Ordinance.

10. *UNFINISHED BUSINESS*

11. *NEW BUSINESS*

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.

12. *REPORTS*
 - a. *City Council*
 - (1) Regional Issues
 - b. *City Manager*
 - (1) Calendar Update
13. *ITEMS FROM THE AUDIENCE*
14. *ADJOURNMENT*



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: Marilynne Beard, Assistant City Manager
Robin Jenkinson, City Attorney

Date: April 25, 2012

Subject: CODE OF ETHICS TRAINING

RECOMMENDATION:

The City Council receive a training presentation on the Code of Ethics.

BACKGROUND DISCUSSION:

In January 2012, the City of Kirkland entered into an interlocal agreement with the City of Seattle to have the Seattle Ethics and Elections Commission serve as an independent external party to administer the Kirkland Code of Ethics. As one of its duties under the interlocal agreement, the Seattle Ethics and Elections Commission agreed to develop and deliver a comprehensive training program for Kirkland. As an element of the training program, ethics training for the City Council will be presented at the May 1 Study Session. The Study Session will be held in the Council Chamber so that there will be room for members of boards and commissions who wish to attend. The training will be primarily addressed to the City Council, but there will be an opportunity for board and commission members to ask questions separately at the conclusion of the Study Session.

The training will be presented by Gary Keese, a former Seattle Assistant City Attorney who now provides ethics advice and training for the Seattle Ethics and Elections Commission.

**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: Julie Elsom, Sr. Operations and Financial Analyst
Ray Steiger, P.E., Public Works Director

Date: April 19, 2012

Subject: DRINKING WATER WEEK PROCLAMATION – May 7-11, 2012

RECOMMENDATION

It is recommended that Council authorize the Mayor to present a proclamation for Drinking Water Week.

BACKGROUND DISCUSSION:

For more than 30 years the American Water Works Association (AWWA) and its members have celebrated Drinking Water Week. For the first time Kirkland will join in the celebration by issuing a proclamation declaring May 7-11 Drinking Water Week. This is an opportunity for Kirkland's water professionals and the neighborhoods they serve to recognize our drinking water, and the vital role safe water plays in our daily lives.

Access to safe and reliable water is crucial for the health and economic vitality of every community. As a member of Cascade Water Alliance, Kirkland is part of a regional system and a member of the Water Supply Forum. The Water Supply Forum serves Snohomish, King and Pierce Counties; its members work together to solve current and future water supply challenges; including, supply planning, environmental stewardship, and other water supply related issues currently facing the region. As a result of these efforts, the Water Supply Forum will kick off Nation Drinking Water Week on May 7, 2012, by announcing that the Puget Sound Region is blessed with an abundance of high quality water for people, fish, fun and the economy for the next 50 years. Dramatic changes in water use have resulted in a decrease in average water use per household. This is a result of increased water use efficiency, savings from conservation, changes in landscaping, efficient household appliances, and enhanced building and plumbing codes as well as improved irrigation. Kirkland achieved a savings of 40,117 gallons of water per day (gpd) in 2010, and 23,194 gpd in 2011. Saving water helps to preserve the environment for us and future generations.

In celebration of Drinking Water Week Kirkland's water quality report will be delivered to residents and Cascade will advertise Water Week in the Kirkland Reporter.

Enclosed within this packet is a proclamation for designating May 7-11, 2012 as Drinking Water Week in the City of Kirkland. Greg Neumann, Water Division Manager for the City of Kirkland will be on hand to receive the proclamation at the Tuesday, May 1st City Council meeting.



A PROCLAMATION OF THE CITY OF KIRKLAND

Proclaiming May 7 – 11, 2012 as “Drinking Water Week” in Kirkland, Washington

WHEREAS, for more than 30 years, the American Water Works Association and its members have celebrated “Drinking Water Week” as a unique opportunity for both water professionals and the communities they serve to join together to recognize the vital role water plays in our daily lives; and

WHEREAS, access to safe and reliable water is crucial for the health and economic vitality of every community and water is an increasingly precious local and global commodity; and

WHEREAS, a water future that is reliable, safe, and secure gives this region an economic advantage over other parts of the country and according to the Water Supply Forum, the Central Puget Sound Region is uniquely blessed with sufficient, high quality, and good tasting water for the next 50 years; and

WHEREAS, regional planning, foresight, and a diverse portfolio of supply options has resulted in flexibility to respond to job and population growth, provide value to consumers, and protect the environment; and

WHEREAS, the City of Kirkland is an active member of the Cascade Water Alliance, a non-profit corporation comprised of eight municipalities in the Puget Sound region that joined together to provide a safe, clean, and reliable water source to its almost 400,000 residents and more than 22,000 businesses;

WHEREAS, Kirkland’s drinking water is safe, clean and refreshing and meets or exceeds all state and federal drinking water quality standards;

NOW, THEREFORE, I, Joan McBride, Mayor of Kirkland, do hereby proclaim the week of May 7 through 11, 2012 as “Drinking Water Week” in Kirkland, Washington and call upon citizens to help protect our source waters, to practice water conservation, and to get involved in local water issues.

Signed this 1st day of May, 2012

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: Marie Stake, Communications Program Manager

Date: April 23, 2012

Subject: Proclamation honoring Dr. Chip Kimball, Superintendent of Lake Washington School District

RECOMMENDATION:

Council authorizes the Mayor to sign the proclamation honoring Dr. Chip Kimball, Superintendent of Lake Washington School District.

BACKGROUND DISCUSSION:

At the May 1 City Council meeting Dr. Chip Kimball Superintendent of the Lake Washington School District will present the "State of the District." Dr. Kimball has been the Superintendent since June 2007 and is leaving the District on June 30, 2012 to become the Superintendent of the Singapore American School.

Under Dr. Kimball's leadership, Lake Washington School District has been the highest performing large school district in the state. Dr. Kimball has enthusiastically articulated and promoted the District's vision of all students to be "Future Ready."

The Kirkland City Council would like to formally recognize Dr. Kimball with a proclamation.



A PROCLAMATION OF THE CITY OF KIRKLAND

Honoring Dr. Chip Kimball as a Visionary and Champion of Education in the Kirkland Community

WHEREAS, since June 2007, Dr. Chip Kimball has served as Superintendent for Lake Washington School District, leading the District toward its goal of having every student graduate prepared to lead a rewarding, responsible life as a contributing member of our community and greater society; and

WHEREAS, Dr. Kimball will leave the District on June 30, 2012 to become Superintendent of the Singapore American School; and

WHEREAS, Dr. Kimball has ensured fiscal stability of an agency with a budget over \$215 million, despite repeated budget cuts in K-12 education by the state legislature, and has focused expenditures on the classroom; and

WHEREAS, Dr. Kimball has been a champion of the use of technology in education, ensuring students gain the 21st century skills needed for careers in technology, an industry that is increasingly important to the economy of Kirkland; and

WHEREAS, Dr. Kimball articulated and promoted the district's vision of all students "Future Ready," prepared for college, prepared for the global workplace and prepared for personal success; and

WHEREAS, under Dr. Kimball's leadership, the District passed a modernization bond in 2006 that has or will provide eight new school buildings in Kirkland, ensuring that students in those schools will have excellent facilities for years to come; and

WHEREAS, under Dr. Kimball's leadership, Lake Washington School District has been the highest performing large school district in the state; and

NOW, THEREFORE, I, Joan McBride, Mayor of Kirkland, on behalf of the Kirkland City Council and community, do hereby honor Dr. Chip Kimball for his years of exceptional leadership, vision, and service to the students and families of Kirkland.

Signed this 1st day of May 2012

Joan McBride, Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
April 17, 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. Planning Work Program

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Director of Planning and Community Development Eric Shields, Deputy Director Paul Stewart, and Planning Commission Vice Chair Mike Miller.

4. EXECUTIVE SESSION

- a. To Discuss Potential Litigation

Mayor McBride announced at 6:31 p.m. that Council would be entering executive session to discuss potential litigation and would return to the regular meeting at 7:30 p.m. City Attorney Robin Jenkinson was also in attendance.

The Council agreed to remove agenda item 10.a, Planning Commission Briefing on Commercial Codes and BN (Neighborhood Business) Zones, from the agenda. Council also agreed to consider agenda item 11.a, Resolution R-4916, Renaming Houghton Beach Park, earlier on the agenda, prior to agenda item 10.a.

5. HONORS AND PROCLAMATIONS

- a. International Institute of Municipal Clerks Week Proclamation

City of Kirkland City Clerk Kathi Anderson accepted the proclamation from Mayor McBride and Councilmember Nixon.

- b. Records and Information Management Month Proclamation

City of Kirkland City Clerk Kathi Anderson accepted the proclamation from Mayor McBride and Councilmember Nixon.

6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience

Michelle Sailor
Scott Becker
Kathy Feek
Debra Grant
Cynthia Glaser
Charles Loomis
Allison Law
Bonnie McLeod
Brian Staples
John Murphy
Duana Kolouskova
Justin Stewart
John Staples
Jeff Marshall
Jessica Greenway
John Gilday

- c. Petitions

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

- a. Approval of Minutes:
 - (1) March 29, 2012 Special Meeting
 - (2) April 3, 2012
- b. Audit of Accounts:
 - Payroll \$2,133,457.03
 - Bills \$7,174,068.12
 - run #1086 checks #533729 - 533905
 - run #1087 checks #533907
 - run #1088 checks #533908 - 534046
 - run #1089 checks #534047 - 534060
- 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, entitled "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."

(2) Ordinance O-4353, entitled "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)."

(3) Resolution R-4915, entitled "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."

(4) Cultural Council Resignation

Council acknowledges the resignation of Cultural Council member Leah Klinger.

(5) Library Board Resignation

Council acknowledges the resignation of Library Board youth member Camille Worsech.

(6) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Penny Sweet, seconded by Councilmember Dave Asher

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

a. Ordinance O-4354, Relating to Land Use and Zoning, Providing Interim Official

Controls Regarding Land Use Permit Extensions, File No. MIS09-00022 (type permits), as Adopted by Ordinance 4300, and Extending Ordinance 4300 through November 1, 2012.

Mayor McBride described the parameters of the hearing and declared it open. Planning and Community Development Director Eric Shields provided a brief presentation. No testimony was offered and the Mayor closed the hearing.

Motion to Approve Ordinance O-4354, entitled "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 (type permits), AS ADOPTED BY ORDINANCE 4300, AND EXTENDING ORDINANCE 4300 THROUGH NOVEMBER 1, 2012."

Moved by Councilmember Amy Walen, seconded by Councilmember Dave Asher
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.

10. UNFINISHED BUSINESS

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

This item was pulled from the evening's agenda.

Council recessed for a short break.

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

Public Works Capital Projects Manager Dave Snider reviewed the measures taken to alleviate flooding in the vicinity of Totem Lake and requested funding approval as well as responded to council questions. Director of Finance and Administration Tracey Dunlap contributed to the discussion.

Motion to Approve fund CSD 0075 in the amount of \$922,600 from the CSD 9999 2012 Annual Storm Drain Replacement Program for replacement of a series of twin 42-inch culverts that serve as outlets to Totem Lake as part of Phase II flooding projects in the Work Program.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet
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.

- c. Special Events Funding

Councilmember Sternoff recused himself for the appearance of fairness and left the chamber, returning following the discussion and vote.

Motion to direct staff to identify specific services and public benefits that the city needs to have performed on our behalf in relation to Summerfest, and to negotiate a contract with the Summerfest organization, through the Kirkland Downtown Association as fiscal agent, to perform those services for an amount not to exceed \$7,000 from the Council Special Projects Reserve, and to include specific and measurable performance objectives and accountability measures, and to bring that contract to the council for consideration and approval at a future meeting.

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

Yes: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Dave Asher.

d. Downtown Pay Parking Update

Public Works Director Ray Steiger reviewed pay parking and enforcement options for Council consideration and answered council questions.

Motion to Approve Mayor's proposal of options E (Enhanced Enforcement) and F (No Changes) and a call for a proposal from staff for option D (Move to Evade Ordinance).

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher
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

a. Resolution R-4916, Renaming Houghton Beach Park, Located at 5811 Lake Washington Boulevard, to Doris Cooper - Houghton Beach Park

Motion to Approve Resolution R-4916, entitled "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."

Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Bob Sternoff

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. 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.

Motion to Approve Resolution R-4917, entitled "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."
Moved by Councilmember Amy Walen, 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.

c. Tourism Development Committee Recommendations

Motion to Approve the Tourism Development Committee recommendation to award grants of \$3,000 to Summerfest, \$3,000 to the Seattle International Film Festival, and \$4,000 from reserves for the Tall Ships event.

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.

d. 2012 Legislative Update #6

Intergovernmental Relations Manager Lorrie McKay provided the final update for the 2012 Washington State legislative session.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Suburban Cities Public Issues Committee meeting; King County Judge presentation on the proposed levy for the King County Juvenile Justice Center; Regional Transit Committee meeting on the METRO alternative services five-year implementation plan; Puget Sound Regional Council Transportation Policy Board meeting; Emergency Management Advisory Committee; Cascade Water Alliance Public Affairs Committee retreat; Greater Kirkland Chamber of Commerce Public Policy Committee meeting and Planning and Community Services Department Director Shields' presentation on Totem Lake Code Amendments; Eastside Time Bank Brown Bag event on April 27; Day of Peace event on September 21 & 22 to be sponsored by Fostering Interfaith Relationships on the Eastside (FIRE); Councilmember Nixon's selection for induction into the "Heroes of the Fifty States: The State Open Government Hall of Fame" for

2012 by the National Freedom of Information Coalition and the Society for Professional Journalists; The Sophia Way homeless women's agency and shelter; Metropolitan Solid Waste Management Advisory Committee meeting; Cross Kirkland Corridor dedication.

b. City Manager

(1) Calendar Update

City Manager Kurt Triplett shared feedback from Board and Commission members regarding the financial disclosure form in connection with the ethics ordinance. Council agreed that the Council ethics committee should meet to review possible revisions needed to the form.

The Council was also informed that Director of Finance and Administration Tracey Dunlap will be serving as the interim director of NORCOM for the month of May.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of April 17, 2012 was adjourned at 10:37 p.m.

City Clerk

Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: May 1, 2012
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

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

POLICY IMPLICATIONS

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

BACKGROUND DISCUSSION

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

- (1) Aimee Meats
2130 96th Place SE
Everett, WA 98208

Amount: Unspecified Amount

Nature of Claim: Claimant states injuries resulted from being a passenger in a vehicle which was struck by a City vehicle.

- (2) Michelle Roberts
108 2nd Avenue S #309
Kirkland, WA 98033

Amount: \$300.00

Nature of Claim: Claimant states damage to vehicle due to road construction on Kirkland Way.

- (3) Kimberly Wuchter
8408 NE 142nd Street
Kirkland, WA 98034

Amount: \$300.00

Nature of Claim: Claimant states damage to vehicle due to road construction on 100th Avenue NE.

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: David Snider, P.E., Capital Projects Manager
Ray Steiger, P.E., Public Works Director

Date: April 19, 2012

Subject: 2012 REPLACEMENT OF AGING / FAILING INFRASTRUCTURE
JUANITA TRIBUTARY (BILLY CREEK) CULVERT SLIP LINING PROJECT
AWARD CONTRACT

RECOMMENDATION:

It is recommended that City Council award a contract to Pacific Northwest Earthworks, LLC, Fall City, Washington, in the amount of \$151,251.26 for Schedules B and C on the 2012 Replacement of Aging / Failing Infrastructure –Juanita Tributary (Billy Creek) Culvert Slip Lining Project.

BACKGROUND DISCUSSION:

This Project will improve an existing 30-inch corrugated metal pipe (CMP) culvert that is showing significant structural deficiencies and has surpassed its useful life. The Project is located in the North Juanita Neighborhood where Billy Creek, a tributary of Juanita Creek, enters the existing CMP at a cul-de-sac on NE 124th Place, west of 98th Avenue NE (Attachment A). The flow of Billy Creek continues through the culvert before out-falling into Juanita Creek, near NE 124th Street. The Annual Replacement of aging/failing infrastructure program receives \$200,000 per year in funding.

As designed in 2011, the entire project consists of three Schedules involving a combination of culvert replacement through open-cut trenching methods together with a form of culvert repair known as slip-lining. Slip-lining installs a plastic liner within existing CMP.

The Washington Department of Fish and Wildlife issued a Hydraulic Project Approval (HPA) permit in 2011 which covered last year's efforts as well as this season's work on schedules B and C. The work on schedules B and C must be performed during the HPA approved "fish-window" of July 1 through August 31, 2012.

At their regular meeting of May 17, 2011, and at staff's recommendation, City Council opted to award Schedule A (as shown in Attachment A) and authorized a re-bid for Schedules B and C under the 2012 Program. Schedule A was completed during the summer of 2011.

With an engineer's estimate of \$169,123 for both schedules B and C, staff advertised for contractor bids on March 21. On April 12, 2012 six bids were received with Pacific Northwest Earthworks being determined to be the lowest responsive bidder, based on the Total Bid, as shown in the summary below:

Contractor (with tax)	Schedule B	Schedule C	Total Bid
Pacific Northwest Earthworks	\$55,506	\$95,746	\$151,251
<i>Engineer's Estimate</i>	<i>\$63,335</i>	<i>\$105,788</i>	<i>\$169,123</i>
NW New Construction & Excavating	\$70,945	\$80,581	\$151,526
Buno Construction	\$76,212	\$103,603	\$179,815
Award Construction Inc.	\$81,972	\$147,862	\$229,834
Westwater Construction Co.	\$110,058	\$120,598	\$230,657
Road Construction Northwest	\$97,225	\$152,608	\$249,833

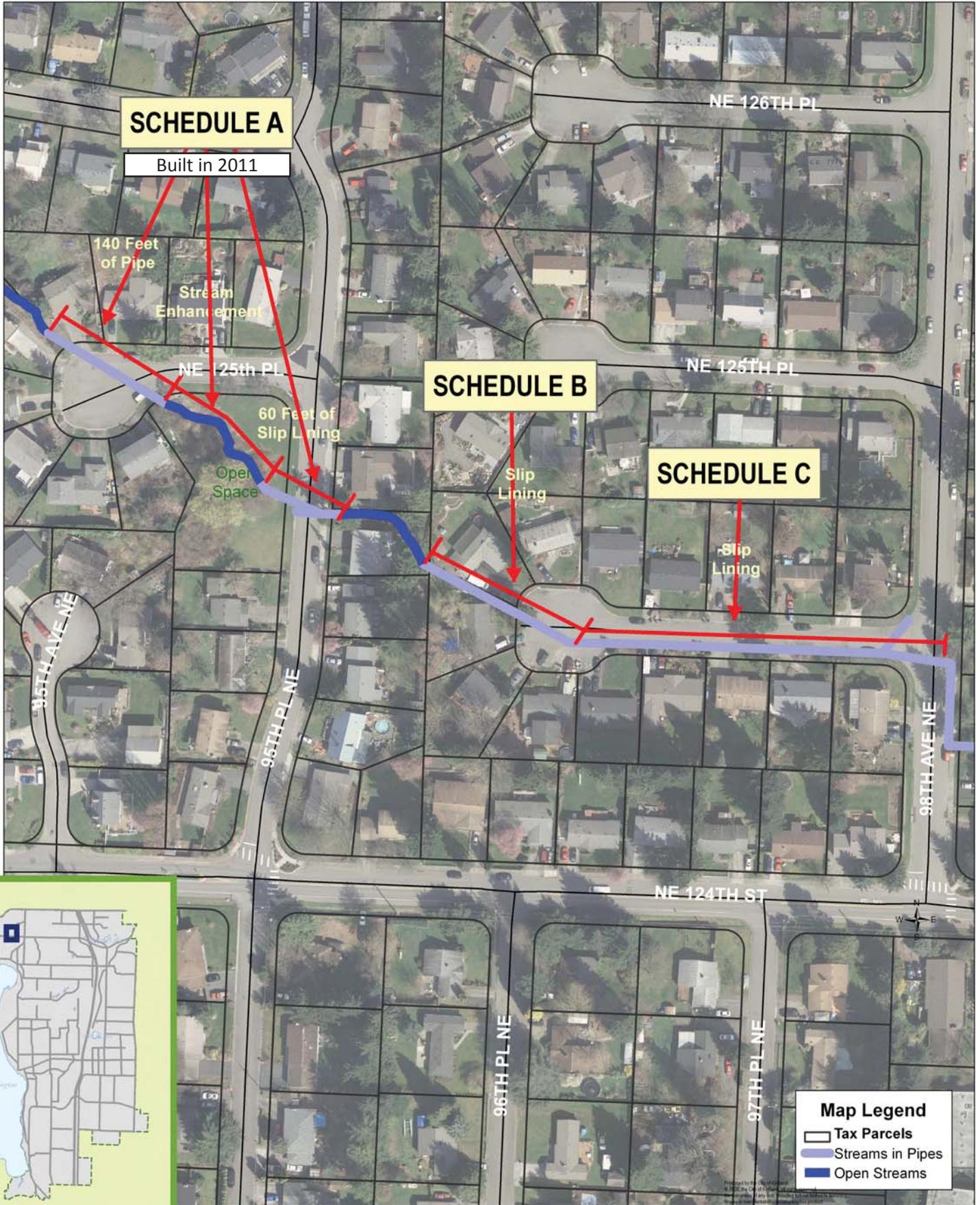
Including the funds remaining from the 2011 Project, the available funding for the 2012 Project is \$278,230 (Attachment B).

With City Council's award of Schedules B and C for the 2012 Replacement of Aging Infrastructure Project, work will begin in July and be complete by the end of August, 2012. In advance of construction Public Works staff will notify adjacent property owners through contacts with the North Juanita Neighborhood Association. Staff will also send a construction informational mailer directly to nearby residents providing Project timelines and pertinent contact information.

Attachments: (2)



2012 Replacement of Aging Infrastructure CSD-1247 Billy Creek Culvert Slip Lining Vicinity Map



SCHEDULE A

Built in 2011

140 Feet of Pipe
Stream Enhancement

NE 25th PL

60 Feet of Slip Lining

Open Space

SCHEDULE B

Slip Lining

SCHEDULE C

Slip Lining

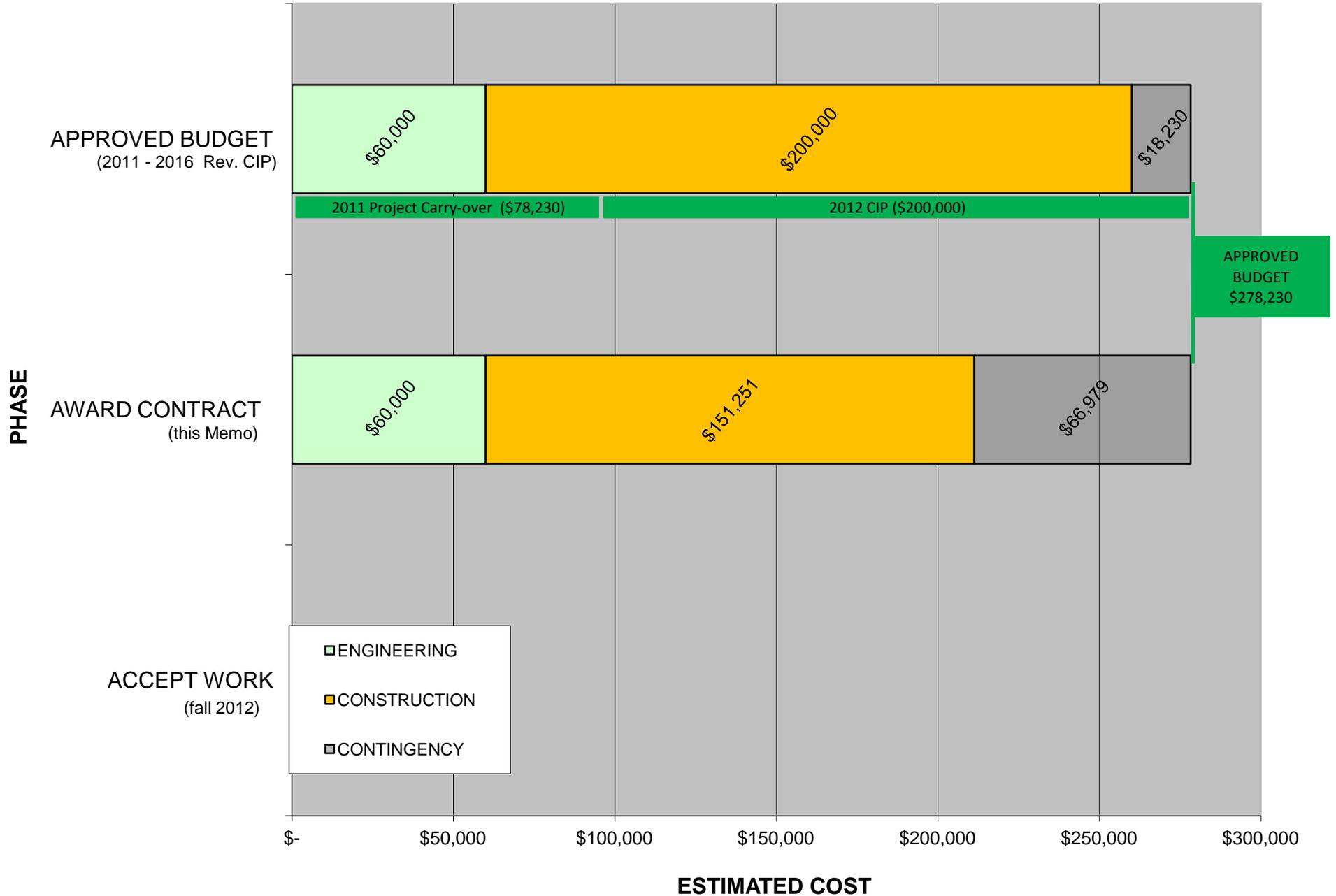


Map Legend

- Tax Parcels
- Streams in Pipes
- Open Streams

2012 Aging Infrastructure Replacement Juanita Tributary (Billy Creek) Culvert Slip Lining Project

Project Budget Report





CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance & Administration
Barry Scott, Purchasing Agent

Date: April 19, 2012

Subject: INTERLOCAL PROCUREMENT AGREEMENT WITH CLALLAM COUNTY FIRE PROTECTION DISTRICT #1

RECOMMENDATION:

It is recommended that the City execute an Interlocal Procurement Agreement with Clallam County Fire Protection District #1.

BACKGROUND AND DISCUSSION:

One of the City's Type 1 fire pumpers is scheduled for replacement in 2013. It takes approximately one year to complete the production of a fire pumper after the supplier receives the order. H & W Emergency Vehicles has advised the City that Clallam County Fire Protection District #1 (Fire District) completed a bid process in November of 2010 for a pumper that meets our specifications and we are eligible to purchase off of the resulting contract at this time, if we choose to do so.

The proposal that H & W Emergency Vehicles submitted to the Fire District provided a number of equipment options available to agencies considering making a purchase using the district's contract. With the options being considered by the City, our purchase price would be \$528,340.00 plus sales tax. (A recent survey of cities participating in the Pacific Northwest Public Purchasing Association revealed that currently the price of a new custom fire engine can range from approximately \$550,000 to \$590,000 depending on the quantity of fire pumpers being ordered and the selected options.)

With the current sales tax for vehicles being at 9.8%, the total purchase price for the City would be \$580,117.32. Our Fleet Supervisor, Tim Llewellyn, has informed us that the funding for this fire pumper is available.

By itself, this interlocal purchasing agreement places no financial obligation on the City. The placement of an order for the pumper is contingent upon a review of the available funding by the Director of Finance and Administration.

This interlocal agreement complies with the intergovernmental cooperative purchasing requirements set forth in KMC 3.85.180 and RCW 39.34. The agreement is reciprocal and would allow the Fire District to purchase off of contracts competitively bid by the City of Kirkland if they determine it is in their best interest to do so.

RESOLUTION R-4918

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH CLALLAM COUNTY FIRE PROTECTION DISTRICT #1 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

WHEREAS, the City of Kirkland and Clallam County Fire Protection District #1 seek to enter into an intergovernmental agreement enabling the City of Kirkland to purchase goods and services through Clallam County Fire Protection District #1 purchase contracts and also enabling the Clallam County Fire Protection District #1 to purchase goods and services through City of Kirkland purchase contracts to the extent permitted by law; and

WHEREAS, the City Council has determined it to be in the best interest of the City of Kirkland to enter into such an interlocal cooperative purchasing agreement; and

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

Section 1. Participation by the City of Kirkland in the Interlocal Procurement Agreement attached to the original of this resolution as Exhibit A and by this reference incorporated herein is approved. The Kirkland City Manager is hereby authorized to execute said agreement on behalf of the City of Kirkland.

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

Signed in authentication thereof this ____ day of May, 2012.

MAYOR

ATTEST:

City Clerk

INTERLOCAL COOPERATIVE PURCHASING AGREEMENT

THIS AGREEMENT is between CLALLAM COUNTY FIRE DISTRICT #1, a Washington State political subdivision, and the CITY of KIRKLAND, a municipal corporation of the State of Washington.

WITNESSETH:

WHEREAS, the Interlocal Cooperation Act, as amended, and codified in Chapter 39.34 of the Revised Code of Washington provides for interlocal cooperation between governmental agencies; and

WHEREAS, Chapter 39.33 of the Revised Code of Washington provides for the intergovernmental disposition of property; and

WHEREAS, the parties desire to utilize each other's procurement agreements when it is in their mutual interest;

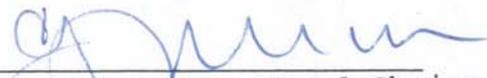
NOW, THEREFORE, the parties agree as follows:

1. PURPOSE: The purpose of this agreement is to acknowledge the parties' mutual interest to jointly bid the acquisition of goods and services and to dispose of property where such mutual effort can be planned in advance and to authorize the acquisition of goods and services and the purchase or acquisition of goods and services under contract where a price is extended by either party's bidder to other governmental agencies.
2. ADMINISTRATION: No new or separate legal or administrative entity is created to administer the provisions of this agreement.
3. SCOPE: This agreement shall allow the following activities:
 - A. Purchase or acquisition of goods and services by each party acting as agent for either or both parties when agreed to in advance, in writing;
 - B. Purchase or acquisition of goods and services by each party where provision has been provided in contracts for other governmental agencies to avail themselves of goods and services offered under the contract.
 - C. Disposal of goods by each party acting as agent for either, or both parties when agreed to in advance, in writing.
4. DURATION AGREEMENT – TERMINATION: This agreement shall remain in force until canceled by either party in writing.
5. RIGHT TO CONTRACT INDEPENDENT ACTION PRESERVED: Each party reserves the right to contract independently for the acquisition of goods or services or disposal of any property without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity.
6. COMPLIANCE WITH LEGAL REQUIREMENTS: Each party accepts responsibility for compliance with federal, state or local laws and regulations including, in particular, bidding requirements applicable to its acquisition of goods and services or disposal of property.
7. FINANCING: The method of financing of payment shall be through budgeted funds or other available funds of the party for whose use the property is actually acquired or disposed. Each party accepts no responsibility for the payment of the acquisition price of any goods or services intended for use by the other party.

- 8. FILING: Executed copies of this agreement shall be filed or posted on a website as required by Section 39.34.040 of the Revised Code of Washington prior to this agreement becoming effective.
- 9. INTERLOCAL COOPERATION DISCLOSURE: Each party may insert in its solicitations for goods a provision disclosing that other authorized governmental agencies may also wish to procure the goods being offered to the party and allowing the bidder the option of extending its bid to other agencies at the same bid price, terms and conditions.
- 10. NON-DELEGATION/NON-ASSIGNMENT. Neither party may delegate the performance of any contractual obligation, to a third party, unless mutually agreed in writing. Neither party may assign this agreement without the written consent of the other party.
- 11. HOLD-HARMLESS: Each party shall be liable and responsible for the consequence of any negligent or wrongful act or failure to act on the part of itself and its employees. Neither party assumes responsibility to the other party for the consequences of any act or omission of any person, firm or corporation not a party to this agreement.
- 12. SEVERABILITY: Any provision of this agreement, which is prohibited or unenforceable, shall be ineffective to the extent of such prohibition or enforceability, without involving the remaining provisions or affecting the validity or enforcement of such provisions.

CLALLAM COUNTY FRE DISTRICT #1

CITY OF KIRKLAND

By: 
Gerald Morris, Board Chairman

By: _____
Kurt Triplett, City Manager

Approved as to form:

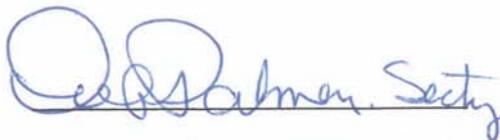
Approved as to form:

By: _____

By: _____
Kirkland City Attorney

ATTEST:

ATTEST:


City Clerk

City Clerk

DATE April 8, 2012

DATE _____

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

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov**MEMORANDUM**

To: Kurt Triplett, City Manager

From: David Snider, P.E., Capital Projects Manager
Ray Steiger, P.E., Public Works Director

Date: April 19, 2012

Subject: NE 68th STREET & 108th AVE NE INTERSECTION IMPROVEMENTS
PROJECT UPDATE / BUDGET ADJUSTMENT

RECOMMENDATION:

It is recommended that City Council receive an update on the NE 68th Street & 108th Avenue NE Intersection Improvement Project. It is also recommended that City Council authorize an increase of the overall Project budget.

BACKGROUND DISCUSSION:

The NE 68th Street & 108th Avenue NE intersection improvements are currently under construction, providing significant modifications to this heavily traveled intersection (Attachment A). The construction activities include work on all four corners of the intersection with an all-new traffic signal and signal equipment, new Intelligent Transportation System (ITS) components, new video detection elements and a new westbound to northbound right turn lane. The Project also includes pedestrian enhancements with wider sidewalks and new crosswalk amenities.

At their meeting of June 21, 2011, City Council awarded the construction contract to Sanders Construction of Maple Valley, WA, in the amount of \$541,254; a 10% construction contingency was included in the budget. The physical work was anticipated to begin in the summer of 2011. However, relocation of overhead utilities by Puget Sound Energy was needed prior to the start of the contractor's full operations. After experiencing delays in pre-construction activities by Puget Sound Energy and various communications companies jointly located on the existing utility poles, Sanders Construction began work on January 3, 2012.

As construction progressed, design modifications, differing site conditions, and a significant increase in staff resources necessary to manage the Project has led to increased costs. As a result, it is now anticipated that the existing Project contingency will not be sufficient to cover those added costs. While some of the added costs are reimbursable to the City, specifically from the design consulting firm, Puget Sound Energy and Shell Oil, others will be borne by the Project. The current negotiations for proportionate shares of increased costs will not be completed in time to allow construction to proceed unhindered. Additional funding will be required to complete the Project, as envisioned, thus staff is seeking City Council concurrence on a recommended budget increase.

Examples of differing site conditions leading to cost impacts include encountering subsurface contaminated soils from petroleum products originating from the Shell Gas Station, field design changes related to signal pole and pedestrian push button field requirements, a field change need for a new electrical service, PSE power line conflicts (encountered after relocation efforts by PSE crews), and ongoing work efforts associated with a new driveway that was part of an earlier property settlement agreement.

The contaminated soils issue is the responsibility of Shell Oil Company. Staff has been in close and frequent contact with representatives from Shell, and these discussions have been productive with Shell representatives being very cooperative in assisting staff in dealing with the contaminated materials and the associated Project impacts. Shell representatives have assured City staff of their intentions to reimburse the City for increased Project costs due to the release of its petroleum product. With regard to design changes, staff is in discussions with Puget Sound Energy and the Project's design consultant to arrive at reasonable reimbursement for utility conflicts and design deficiency costs.

In July, 2009, the City entered into an agreement (Agreement) with Sound Transit for the construction of the Kirkland Transit Center. As associated transit route improvements were also being planned, the City negotiated a lump sum financial participation by Sound Transit for improving four Kirkland intersections (see Table 1 below). As stated in the Agreement, Sound Transit "shall reimburse the City a total amount not to exceed One Million, Three Hundred Thirty-eight Thousand Three Hundred Four Dollars (\$1,338,304) for the design and construction" of the four intersections. The Agreement gives the City full control over individual project scopes while also providing considerable flexibility in how and when reimbursement is sought; there are no specific Sound Transit intersection improvement requirements identified within the Agreement and there is also no established deadline for when the Sound Transit money must be spent. Sound Transit staff has indicated verbally, however, their preference for the City to perform improvements and invoice Sound Transit "sooner as opposed to later".

At the time of contract award, and based on anticipated costs, staff proposed utilizing \$353,000 of the total \$1,338,000 amount identified in the Agreement. Including staff time for project management and consultant inspection services, it is anticipated that up to an additional \$100,000 may be needed to complete all elements of the Project, prior to receipt of any/all construction related reimbursable expenses from Shell Oil, PSE and the design consultant. Therefore, due to the currently projected costs, it is recommended that the Sound Transit participation be increased to \$453,000, as shown below:

Table 1 - Current Sound Transit Contribution to Kirkland Intersection Improvements

Intersection	% Complete	Original Proposed	Billed to-date	Est. to be Invoiced	TOTAL PROPOSED
3 rd Street S & Kirkland Way	90	\$600,000	\$420,000	\$230,000	\$650,000
3 rd Street S & Central Way	N/A	\$0	\$0	\$0	\$0
NE 68th Street & 108th Avenue NE	90	*\$353,000	\$0	\$453,000	**\$453,000
6 th Street S & Central Way	100	\$0	\$0	\$32,000	\$32,000
Total Proposed					\$1,135,000
Agreement Amount					\$1,338,000
<i>Remaining Available as of 4/19/12</i>					<i>\$203,000</i>

* Recommended at award of construction

** Current recommended contribution

As shown in Table 1 above, three of the four identified intersections are currently being worked on or have been completed. The 6th Street S & Central Way project is complete, improvements associated with 3rd Street S & Kirkland Way are currently being finalized and this memo addresses the NE 68th Street & 108th Avenue NE Project. The last of the four projects listed, 3rd Avenue S & Central Way, has received a few recent minor upgrades through other external funding sources and will be further improved through existing grant funding for the Kirkland Intelligent Transportation System (ITS) Improvement Project. There is no other currently funded or unfunded CIP project planned for this intersection. However, staff will continue to investigate future opportunities to fully utilize the entire Sound Transit contribution.

As per the Agreement with Sound Transit, the City's actual costs are billed after the work is complete. As a result, with construction on the NE 68th Street & 108th Avenue NE Project moving towards completion, now anticipated in May, staff will continue to negotiate on all directly reimbursable expenses associated with the contaminated soils, PSE conflicts and design deficiencies. Staff will then return to City Council at the time of construction work acceptance with a summary of those reimbursable costs. Once all Project costs are known and City Council has accepted the work, staff will present Sound Transit an invoice for its contribution towards the improvements.

Attachments: (2)

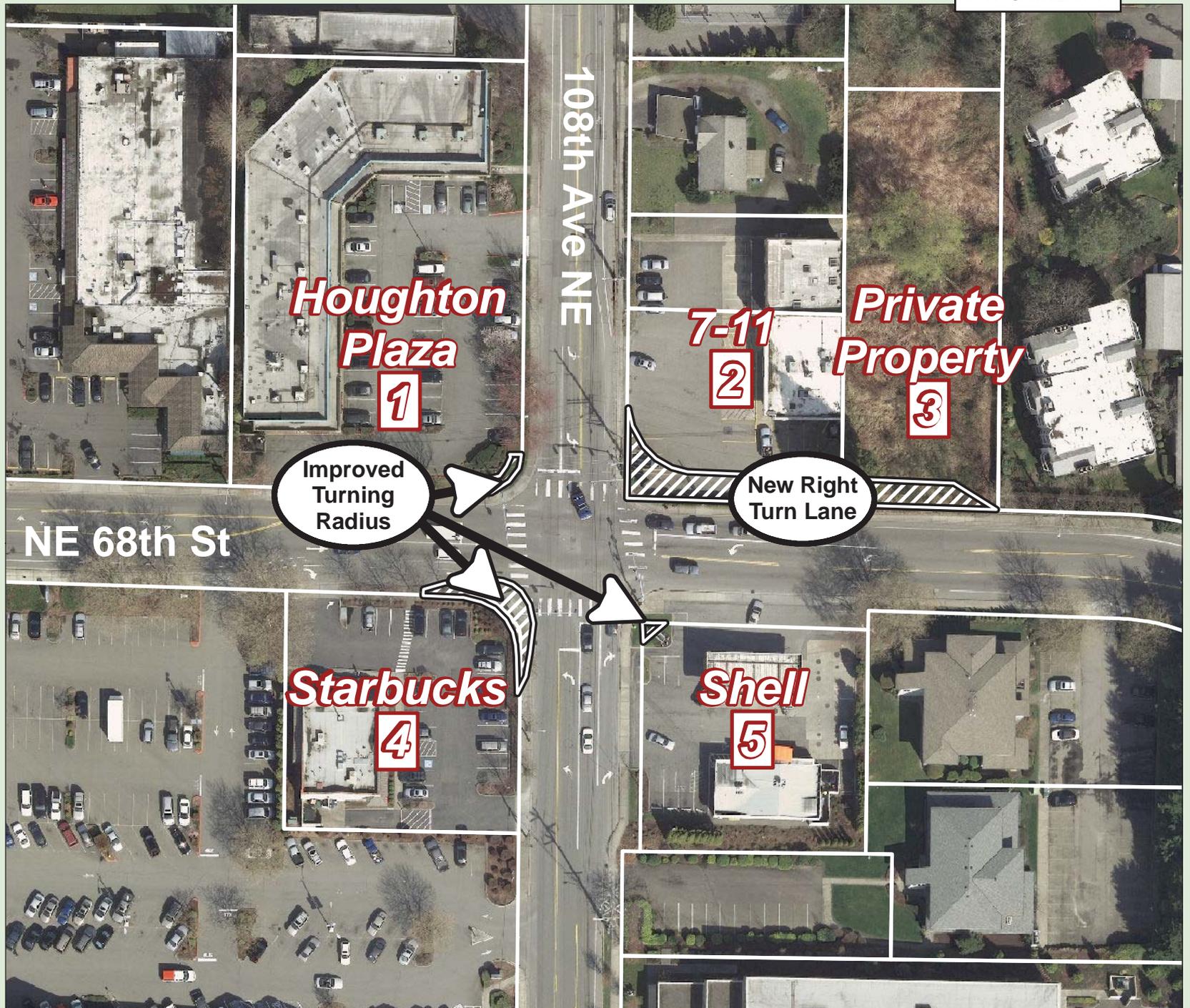


Vicinity Map



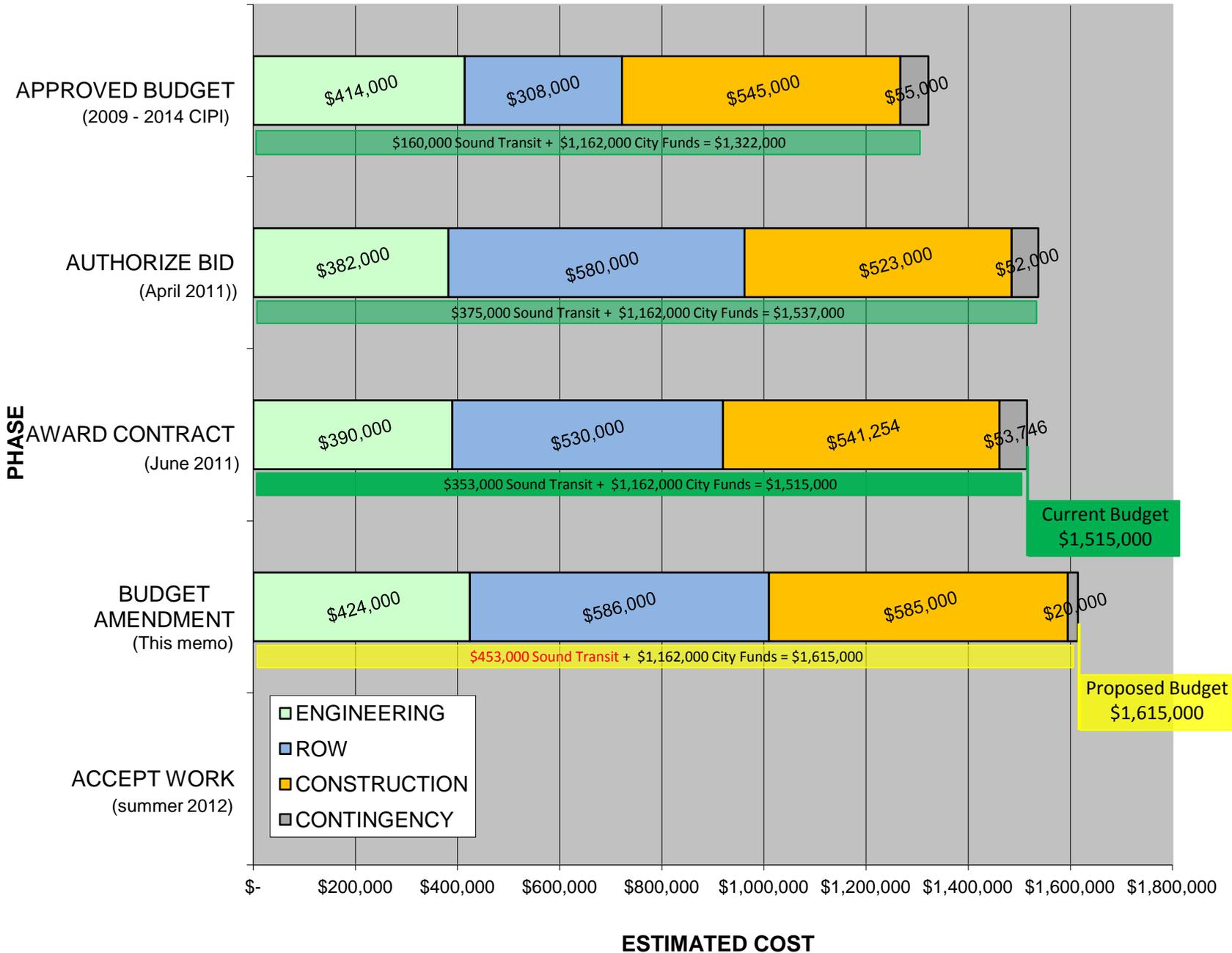
Legend

Map Reference Number



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

**NE 68th Street & 108th Avenue NE Intersection Improvements
PROJECT BUDGET REPORT**





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

MEMORANDUM

Date: April 19, 2012

To: Kurt Triplett, City Manager

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

Subject: Adoption of the 2012-2014 Planning Work Program (File No. MIS12-0008)

Recommendation

Staff recommends the City Council approve the attached resolution adopting the 2012-2014 Planning Work Program (Exhibit A).

Background

The City Council and the Planning Commission met at a joint meeting on April 3, 2012 to review the proposed 2012-2014 as recommended by the Planning Commission. The Council continued the discussion to the April 17 study session and provided direction to staff on the tasks, schedule and priorities for the work program. The work program has been revised to reflect that direction as noted below.

Private Amendment Requests (PAR's)

The Council agreed to move forward with the Howard (1.2) and MRM (1.3) tasks with the understanding that the decision to proceed was simply to develop options to bring back to the Council and was not a decision to grant specific changes. The Council also discussed possible funding from the applicant for the staff time necessary to complete the tasks. Under the current adopted fee structure, PAR applicants are charged an initial fee of \$319 to submit an application. Following a determination by the Council that the PAR should be studied, the applicant is charged an additional \$319. Both the Howard and MRM would be required to pay this fee to continue.

In the case of MRM, it may require significant staff time and environmental review (SEPA). If an EIS is required staff would recommend that at a minimum the applicant pay for any appropriate expenses for consulting services necessary to prepare the EIS.

The Council also received a letter from Associated Earth Sciences requesting the Council consider establishing no density limits on their property in PLA 5C (see attached letter – Attachment 1). Typically this request would normally follow a PAR application process and be considered under the threshold review process. In response to the letter, the Council agreed to study this request as part of this year's work program. Staff would

recommend that the applicant complete the PAR application form and submit the appropriate fees. This has been added to the work program as Task 1.4.

Additional Work Program Items

The Council agreed to the following revisions:

- The Council agreed to revisit the ground floor commercial uses in the CBD. This would be incorporated into Phase II of the Commercial Codes project (Task 3.2) in the latter part of 2012 and the schedule has been slightly revised.
- Totem Lake Plan (new Task 3.5) – The Council agreed to undertake a comprehensive update to the Totem Lake Neighborhood Plan. This will begin in mid-summer and will carry over to 2013. It may involve further traffic and environmental analysis.
- Neighborhood Plan Assessment (Task 4.1) – While not assigned a specific target date or priority, the Council agreed that the Planning Commission can continue to discuss alternative approaches as time permits and possibly prior to or as part of the GMA Comprehensive Plan update.
- Houghton/Everest Business District (Task 4.2) – The Council agreed that this could be undertaken in 2013 following completion of the work on the PAR's.
- Single Room Occupancy Standards or SRO's – The Council received a request from Robert Pantley to consider zoning standards – particularly parking – for SRO development. This issue has been incorporated into Task 5.1 – Miscellaneous Code Amendments - and the 2012 schedule has been slightly extended.
- Traffic Impact Standards (Task 5.2) – The Council agreed to this task and requested the Transportation Commission be consulted on this effort.

Three tasks were removed from the draft work program as a result of the revisions noted above. These include tasks involving the Finn Hill Business District, the Bridle Trails Business District or other sub-area plans. The Council also deferred work on Collective Gardens (5.3). This shows up on the work program as a placeholder due to the moratorium currently in effect. There was interest in looking at the sign regulations as some point. This has also been added on the work program as a placeholder to be considered at a future date (Task 5.4).

Staff also incorporated work on the Cross Kirkland Corridor (Task 4.3) since a corridor planning effort will be underway in 2012 involving planning staff.

Associated Earth Sciences, Inc.



Serving the Pacific Northwest Since 1981

April 11, 2012

Kirkland City Council
City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033

Attention: Joan McBride, Doreen Marchione, Bob Sternoff, Penny Sweet, Toby Nixon, Amy Walen, Dave Asher

Subject: Multi-family Zoning
911-5th Avenue
Kirkland, Washington

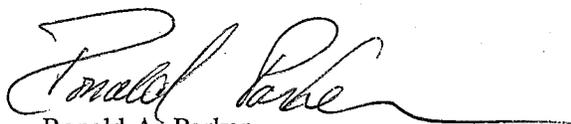
Dear City Council Members:

In the spring of 2009, our property was granted a request to modify the current zoning to allow for office use. This was completed under File Number ZON07-00012, Orni Rezone. The reason for our rezone request was that the multi-family zoning for our property only allowed for our current office use under a legal non-conforming designation. The proposed zoning for the Orni Rezone was PLA-5C and this new zoning would allow office use and multi-family use. Our property was approved for the PLA-5C zoning in 2009. However, what we did not realize during or immediately after the 2009 rezone process was that our new PLA-5C zoning did not upgrade the multi-family to the same height and density as the new office designation. The result is that the allowed building size and density under the new PLA-5C for the multi-family designation was substantially less than that for the new office zoning designation.

It is our understanding that Council will be considering the Planning Work Program for the coming year and we would like to be on the work program. It is our request that the City please review our current multi-family zoning designation and that they approve a modification to our zoning that is consistent with the central business district (CBD) zoning and consistent with the Altom Property located just beyond the Post Office to our west. The Altom Property was part of the 2009 private amendment request (PAR) process and it is within our current PLA-5C zone area. We understand that soon after the 2009 PAR process that the owner of the Altom Property requested and was granted a modification to the restrictive multi-family zoning, and that they are now regulated the same as in the CBD.

We thank you for your time and consideration.

Sincerely,
NINE ELEVEN ASSOCIATES, LLC.


Ronald A. Parker


Bruce L. Blyton

RESOLUTION R-4919

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2012-2014 PLANNING WORK PROGRAM.

WHEREAS, the Kirkland City Council and the Kirkland Planning Commission met at a joint meeting on April 3, 2012 to discuss the proposed Planning Work Program tasks and to set priorities; and

WHEREAS, the Kirkland City Council has adopted a 2012 City Work Program that focuses on the Goal of Economic Development as one of the top City priorities and evaluated the Planning Work Program with this priority as the framework; and

WHEREAS, the Kirkland City Council reviewed the planning work program at the April 19, 2012 study session and provided direction to staff for revisions; and

WHEREAS, the Kirkland City Council reviewed the revised work program at the May 1, 2012 regular meeting;

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

Section 1. The 2012-2014 Planning Work Program for the City of Kirkland, attached hereto as Exhibit A, is hereby adopted.

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

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

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

Signed in authentication thereof this ____ day of May, 2012.

Mayor

Attest:

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: Tim Llewellyn, Fleet Supervisor
David Godfrey, Acting Public Works Director

Date: April 19, 2012

Subject: SURPLUS EQUIPMENT RENTAL VEHICLES/EQUIPMENT FOR SALE

RECOMMENDATION:

It is recommended that the City Council approve the surplusing of the Equipment Rental vehicle/equipment identified in this memo.

BACKGROUND DISCUSSION:

The surplusing of vehicles or equipment which have been replaced with new vehicles or equipment, or no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy. The following equipment has been replaced by new equipment, and if approved by City Council, will be sold in accordance with the purchasing guidelines at public auction or to public agencies.

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
PU-26X	1999	GMC Sierra 3/4 Ton Pickup	1GTGC24R5XF093499	28102D	52,551
S06-01	2006	Chevrolet Express Van	1GCGG25U161198950	41155D	139,843

For clarification purposes, PU-26X, a 1999 GMC Sierra ³/₄ Ton Pickup, originally completed its 8 years assigned to Parks O&M, and was retained an additional 5 years for use by seasonals for Public Works (Public Grounds).

S06-01, a 2006 Chevrolet Express Van, was assigned to Police (Detention & Corrections). The van achieved its anticipated useful life of 5 years. The van will be held after surplusing as a potential vehicle for animal control services. It will not go to auction until a final decision about animal services provision is reached.

Cc: Donna Burris, Internal Services Manager



CITY OF KIRKLAND

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: April 19, 2012

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF MAY 1, 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 April 5, 2012, are as follows:

	Project	Process	Estimate/Price	Status
1.	2012 Slurry Seal Project	Invitation for Bids	\$230,000 - \$260,000	Advertised on 4/17 with bids due on 5/1.
2.	Animal Control (Field) Services	RFP	\$70,000 - \$85,000/yr	RFP issued on 4/16 with proposals due on 5/7.

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
Date: April 19, 2012
Subject: Extension of BN Zone Moratorium

RECOMMENDATION

If the City Council wishes to extend the existing moratorium on development within Neighborhood Business (BN) zones, adopt the attached ordinance.

BACKGROUND DISCUSSION

On November 15, 2011, the City Council adopted Ordinance 4335A establishing a development moratorium in the City's BN zones. On January 3, 2012, the City Council conducted a hearing on the moratorium and adopted Ordinance 4343 which revised and extended the moratorium for a total of six months. Unless it is extended, the moratorium will expire on May 15, 2012.

The moratorium was enacted to temporarily preclude new development in BN zones while the City reviews and potential amends BN zoning regulations and associated provisions of the Comprehensive Plan. The objective is to assure that the regulations and Plan are consistent with each other and reflect the City's intentions for development in the BN zones.

The Planning Commission was directed to review the Comprehensive Plan and zoning regulations and recommend amendments to the City Council. The Commission has incorporated this task into a broader review of regulations for a larger group of commercial zones. To date, the Commission has held several study meetings during which opportunities for interested parties to speak have been provided. The Commission reported its initial findings to the City Council on April 3, 2012. Another Planning Commission study session is scheduled for May 10, with a hearing likely to be held on either May 31 or June 7. Recommended code amendments will be presented to the City Council in July.

ORDINANCE O-4355

AN ORDINANCE OF THE CITY OF KIRKLAND IMPOSING AND EXTENDING A MORATORIUM WITHIN NEIGHBORHOOD BUSINESS (BN) ZONES ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF DEVELOPMENT PERMITS FOR ANY NEW DEVELOPMENT, ADDITION OR ALTERATION AS SUCH TERMS ARE DEFINED IN THIS ORDINANCE.

WHEREAS, the Neighborhood Business (BN) Zone in the Kirkland Zoning Code currently contains no residential density limit whatsoever; and

WHEREAS, the City has a compelling interest in ensuring that the goals and policies contained in the Comprehensive Plan and other policy/planning documents are fulfilled; and

WHEREAS, amendments to the Comprehensive Plan and/or Zoning Code may be necessary; and

WHEREAS, a moratorium on acceptance of development permit applications for any new development, additions or alterations to existing developments in the BN Zones is required in order to allow sufficient time to consider Comprehensive Plan and/or Zoning Code amendments; and

WHEREAS, the City has established a work plan to study and develop Comprehensive Plan and/or Zoning Code amendments that address the concerns identified above; and

WHEREAS, the City has made substantial progress on the work plan but needs additional time to bring a proposed ordinance to the City Council for adoption of the necessary Comprehensive Plan and/or Zoning Code amendments; and

WHEREAS, the City is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to adopt a moratorium for the purpose of preserving the status quo while Comprehensive Plan and/or Zoning Code amendments are considered, prepared and enacted; and

WHEREAS, on November 15, 2011, the City Council passed Ordinance 4335A establishing an immediate moratorium on the acceptance of development permit applications in the BN Zones, which ordinance required a public hearing on the moratorium be held no later than January 14, 2012; and

WHEREAS, on January 3, 2012, the City Council held a public hearing and adopted Ordinance 4343 revising the moratorium and extending it through May 15, 2012; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 allow the City to extend a moratorium for up to six months following a public hearing and the adoption of findings of fact; and

WHEREAS, a public hearing regarding the moratorium was held on May 1, 2012;

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

Section 1. Imposition of Moratorium. A moratorium is hereby imposed in the Neighborhood Business (BN) Zones on the application for, intake of, review of, or issuance of any subdivision, short subdivision, land use approval, land use permit, building permit, variance, license, and/or other approval for any new use, change in use, new development, or additions or alterations to existing development (collectively such approvals and permits are referred to herein as "Development Permits"), except as provided in Section 2.

Section 2. Scope of Moratorium. The moratorium established in Section 1 of this Ordinance shall not apply to:

- A. Development Permits that became vested on or before the effective date of this Ordinance in accordance with RCW 19.27.095 and/or RCW 58.17.033 and/or any other applicable law.
- B. Those Development Permits necessary to correct existing life/safety issues that pose a threat to property or residents or occupants of an existing structure.
- C. Building permits, including electrical, mechanical, plumbing and sign permits, for the repair, maintenance or alteration of existing structures, provided, no new floor area is created.

Section 3. Duration of Moratorium. The moratorium imposed by this Ordinance shall continue in effect for a period of six months from the effective date in Section 7, unless repealed, extended or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Definition. As used in this Ordinance "Development Permit" shall have the meaning set forth in Kirkland Zoning Code 5.10.215.

Section 5. Findings of Fact.

- A. The above recitals are hereby incorporated as findings of fact;
- B. While mixed used development with residential and commercial uses is encouraged in the City's commercial districts, development should also be compatible in scale and character so as to fit well with surrounding uses;
- C. Existing Neighborhood Business (BN) zoning regulations are perceived as being inadequate to the scale and density of development consistent with Comprehensive Plan policies;
- D. Under the Growth Management Act, Ch. 36.70A RCW, development regulations must be consistent with and implement the Comprehensive Plan;
- E. New development or the investment in existing development represented by additions or alterations to existing development, and

uses within the BN Zones prior to review of the Comprehensive Plan and Zoning Code and possible amendments thereto compromises the ability to ensure consistency;

- F. New development, or the investment in existing development represented by the additions or alterations to existing development, and uses within the BN Zones prior to completion of such review would be detrimental to the health and safety of the citizens of the City of Kirkland, and would allow the establishment of vested rights potentially contrary to and inconsistent with those amendments to the Comprehensive Plan and Zoning Code that the City may adopt; and
- G. The City has made substantial progress in its work plan for adoption of regulations and Comprehensive Plan provisions for BN Zones. The City's Planning Commission has held several study meetings during which opportunities for interested parties to speak have been provided. The Commission reported its initial findings to the City Council on April 3, 2012. Another Planning Commission study session is scheduled for May 10, with a hearing likely to be held on either May 31 or June 7.

Section 6. 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 7. Effective Date. 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