



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
April 19, 2016

1. CALL TO ORDER

Motion to Approve remote attendance by Councilmember Marchione for the duration of the study session and regular meeting, in accordance with Kirkland City Council Policy 3.24.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

2. ROLL CALL

ROLL CALL:

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

Members Absent: Mayor Amy Walen.

Motion to Excuse Mayor Walen as she is out of town.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

3. STUDY SESSION

a. Joint Meeting with the Transportation Commission

Joining Councilmembers for this discussion was City Manager Kurt Triplett, Deputy City Manager Tracey Dunlap, Deputy City Manager Marilynne Beard, Transportation Commissioners Kurt Ahrensfield, Ken Dueker, Lisa McConnell, Tom Pendergrass, Vice Chair John Perlic and Chair Tom Neir.

4. EXECUTIVE SESSION

a. To Discuss Potential Litigation

Deputy Mayor Arnold announced that Council would enter into executive session to discuss potential litigation and would return to regular meeting at 7:30 p.m., which they did. Also attending were City Attorney Kevin Raymond, City Manager

Kurt Triplett, Assistant City Managers Marilynne Beard and Tracey Dunlap, Interim Fire Chief Joe Sanford, Assistant City Attorney Oskar Rey, and Facility Services Manager Chris Dodd.

5. HONORS AND PROCLAMATIONS

- a. Police Chief Oath of Office – Captain Cherie Harris

Kirkland Municipal Court Judge, the honorable Michael J. Lambo, administered the oath of office to Police Chief Cherie Harris.

- b. Sexual Assault Awareness Month Proclamation

King County Sexual Assault Resource Center Executive Director Mary Ellen Stone accepted the proclamation from Deputy Mayor Arnold and Councilmember Kloba.

- c. Stand Against Racism Proclamation

Councilmember Asher read the proclamation into the record, which will be forwarded to the YWCA representatives.

6. COMMUNICATIONS

- a. Announcements

- b. Items from the Audience

Gary Greenberg
Cynthia Kedrik
Peter Allender
John Reynolds
Brian Marshall
Heidi Schor
Judy Schor
Caleb Perkins

- c. Petitions

7. SPECIAL PRESENTATIONS

- a. 2016 Legislative Session

State Representative Joan McBride provided a review of the work done in the recent legislative session.

- b. Community Emergency Response Team (CERT) Spring 2016 Graduation

Emergency Manager Pattijeau Hooper reviewed the Community Emergency Response Team (CERT) training and introduced the class participants, who were thanked and congratulated by the City Council.

8. CONSENT CALENDAR

- a. Approval of Minutes: April 5, 2016

- b. Audit of Accounts:

Payroll \$3,070,097.92

Bills \$2,117,413.30

run #1510 checks #601012 - 601022

run #1511 checks #601049 - 601210

run #1512 checks #601211 - 601250

run #1513 checks #601251 - 601421

- c. General Correspondence

- d. Claims

Claims received from Larry Chambers, Charles DeBow and Don Guerlin were acknowledged via approval of the consent calendar.

- e. Award of Bids

- f. Acceptance of Public Improvements and Establishing Lien Period

- (1) Accept Public Improvements for N.E. 85th Street Overlay Project, CEMEX, Inc., Lynnwood, WA, and Approve Remaining Project Funds Towards Purchase of Milling Machine

Contracted work for the NE 85th Street Overlay Project was accepted, the lien period established, and the use of the remainder of the project budgeted funds in the amount of \$151,222 towards the previously approved (3/15/16) purchase of a new milling machine were approved via approval of the consent calendar.

- g. Approval of Agreements

- h. Other Items of Business

- (1) Resolution R-5193, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF MARINWOOD BEING DEPARTMENT OF PLANNING AND BUILDING FILE NO. SUB14-01891 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT."

- (2) Resolution R-5194, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE 2012 KING COUNTY COUNTYWIDE PLANNING POLICIES."
- (3) Resolution R-5195, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING APPLICATION(S) FOR FUNDING ASSISTANCE FOR WASHINGTON WILDLIFE AND RECREATION PROGRAM (WWRP) PROJECTS TO THE RECREATION AND CONSERVATION FUNDING BOARD AS PROVIDED IN CHAPTER 79A.15 AND 79A.25 REVISED CODE OF WASHINGTON, WASHINGTON ADMINISTRATIVE CODE TITLE 286, AND OTHER APPLICABLE AUTHORITIES."

Motion to Approve the Consent Calendar, with the exception of item 8.h.(1)., which was pulled for consideration under unfinished business 10.c.

Moved by Councilmember Dave Asher, seconded by Councilmember Shelley Kloba

Vote: Motion carried 6-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Sound Transit 3 Update

Public Works Director Kathy Brown facilitated a review of the draft response.

Motion to Approve the draft letter to the Sound Transit Board of Directors representing the City of Kirkland's public comment on the ST3 Draft System Plan and responding to a March 24, 2016 letter from Chair Constantine and three Eastside Board Members, as amended.

Moved by Councilmember Penny Sweet, seconded by Councilmember Shelley Kloba

Vote: Motion carried 5-1

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

No: Councilmember Toby Nixon.

Motion to Amend the second paragraph of the draft letter to the Sound Transit Board of Directors by adding "or shared use" after the phrase, "Bus Rapid Transit."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion failed 2 - 4

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

Motion to Amend the fifth paragraph of the draft letter to the Sound Transit Board of Directors by adding "Light Rail or" before the phrase, "High Capacity Transit," and by eliminating "with flexibility" in the phrase "light rail with flexibility."

Moved by Councilmember Shelley Kloba, seconded by Deputy Mayor Jay Arnold
Vote: Motion failed 3 - 3

Yes: Deputy Mayor Jay Arnold, Councilmember Shelley Kloba, and
Councilmember Doreen Marchione.

No: Councilmember Dave Asher, Councilmember Toby Nixon, and
Councilmember Penny Sweet.

Motion to Amend the eleventh paragraph of the draft letter to the Sound Transit Board of Directors by adding "128th Freeway Station and the" before the phrase "Kingsgate Park and Ride."

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon
Vote: Motion carried 6-0

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

Motion to Amend the twelfth paragraph of the draft letter to the Sound Transit Board of Directors by eliminating the phrase, "but the value of this potential link must be understood before either Kirkland or the Sound Transit Board can decide whether to support this investment."

Moved by Councilmember Shelley Kloba, seconded by Deputy Mayor Jay Arnold
Vote: Motion failed 3 - 3

Yes: Deputy Mayor Jay Arnold, Councilmember Shelley Kloba, and
Councilmember Doreen Marchione.

No: Councilmember Dave Asher, Councilmember Toby Nixon, and
Councilmember Penny Sweet.

Council recessed for a short break.

- b. Ordinance O-4515, Relating to Retail Carryout Bags Adding New Kirkland Municipal Code Section 16.05.050 Suspending for a Period of One Year the Requirement that Certain Retail Establishments in the City Collect a Pass-Through Charge for Recyclable Paper Carryout Bags.

Solid Waste Programs Lead John MacGillivray provided background and an overview of recent feedback on the policy and the proposed revised ordinance for Council consideration.

Motion to Approve Ordinance O-4515, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RETAIL CARRYOUT BAGS ADDING NEW KIRKLAND

MUNICIPAL CODE SECTION 16.05.050 SUSPENDING FOR A PERIOD OF ONE YEAR THE REQUIREMENT THAT CERTAIN RETAIL ESTABLISHMENTS IN THE CITY COLLECT A PASS-THROUGH CHARGE FOR RECYCLABLE PAPER CARRYOUT BAGS."

Moved by Councilmember Penny Sweet, seconded by Councilmember Doreen Marchione

Vote: Motion carried 4-2

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

No: Councilmember Shelley Kloba, and Councilmember Toby Nixon.

- c. Resolution R-5193, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF MARINWOOD BEING DEPARTMENT OF PLANNING AND BUILDING FILE NO. SUB14-01891 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT."

Motion to refer the proposal of developing an approach for measuring public benefit and private benefit to the Economic Development Committee for review and consideration.

Moved by Councilmember Toby Nixon, seconded by Councilmember Shelley Kloba

Vote: Motion carried 6-0

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

Motion to Approve Resolution R-5193, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF MARINWOOD BEING DEPARTMENT OF PLANNING AND BUILDING FILE NO. SUB14-01891 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT."

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

11. NEW BUSINESS

- a. Ordinance O-4514 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Section 30.30 of the Kirkland Zoning Code Regarding Building Height in Portions of the PR 1.8 Zone and Approving a Summary Ordinance for Publication, File No. CAM16-00218.

Motion to Approve Ordinance O-4514 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING SECTION 30.30 OF THE KIRKLAND ZONING CODE REGARDING

BUILDING HEIGHT IN PORTIONS OF THE PR 1.8 ZONE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM16-00218. "

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

- b. Cascadia Rising 2016 Full Functional Exercise Briefing and Continuity of Operations/Continuity of Government Plan Update

Emergency Management Manager Pattijean Hooper provided an update on the upcoming exercise.

12. REPORTS

- a. City Council Reports

- (1) Finance and Administration Committee

Did not meet.

- (2) Legislative Committee

Did not meet.

- (3) Planning, and Economic Development Committee

Chair Arnold reported on the special event policy for small events; an update on the sign code; an upcoming meeting with the Cultural Arts Commission; and a recommendation to refer a request for capital funding for the Kirkland Arts Center to the Planning and Economic and Development Committee.

- (4) Public Safety Committee

Did not meet.

- (5) Public Works, Parks and Human Services Committee

Chair Kloba reported that she would be forwarding the meeting notes to Council via email.

- (6) Tourism Development Committee

Did not meet.

(7) Regional Issues

Councilmembers shared information regarding the most recent Sound Cities Association Public Issues Committee meeting; a tour of the Factoria transfer center; the King County-Cities Climate Collaboration (K4C) event and award; a City of Kirkland Volunteer appreciation event; a presentation of the King County Metro Transit long range plan; the North East King County Regional Public Safety Communication Agency (NORCOM) Principals Assembly; a Cascade Water Alliance meeting; a King County Metropolitan Solid Waste Advisory Committee meeting; a King County Regional Water Quality Committee meeting; the Greater Kirkland Chamber of Commerce Public Policy Committee meeting; the Celebrate Community Solar Solarize Kirkland event at Friends of Youth; a Puget Sound Regional Council Regional Centers Framework Update Board Work Session; the Puget Sound Regional Council Transit Oriented Development Advisory Council meeting; the Community Elementary School presentation on Government 101; and City Manager Triplett and Councilmembers Nixon and Kloba's attendance at a dinner at the IMAN Center.

b. City Manager Reports

Deputy City Manager Marilynne Beard requested and received Council permission to nominate Representative Joan McBride for the Association of Washington Cities City Champion award. Deputy City Manager Tracey Dunlap reported on the ARCH Shelter Project; and Kirkland Urban has requested to use the Peter Kirk name for their internal street names.

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of April 19, 2016 was adjourned at 10:33 p.m.

City Clerk

Mayor