



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
April 16, 2013

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 Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

Council agreed to add consideration of Resolution R-4975, relating to the EMS Levy, under New Business as item 11.c. on the agenda.

3. EXECUTIVE SESSION

Council agreed to move the Executive Session to the end of the agenda.

4. HONORS AND PROCLAMATIONS

None.

5. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Margaret Schwender  
Tania Scutt  
Janice Richardson  
Karin Ockerman  
James Gagne  
Nancy Peterson  
Scott Morris  
Alex Zimerman  
Will Knedlik  
Margaret Bull  
Ty Heim

c. Petitions

6. APPOINTMENT OF CITY COUNCILMEMBER POSITION 2

Motion to suspend Council rule of procedure 15 which provides that a tie vote on a matter requiring four affirmative votes for passage is deemed to table the matter until the next Council meeting at which seven Councilmembers are present.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

Motion to appoint Jon Pascal to fill Kirkland City Council position 2.

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet

Vote: Motion failed 3 - 3

Yes: Councilmember Dave Asher, Councilmember Toby Nixon, and Councilmember Penny Sweet.

No: Deputy Mayor Doreen Marchione, Mayor Joan McBride, and Councilmember Amy Walen.

Motion to appoint Shelley Kloba to Kirkland City Council Position 2.

Moved by Councilmember Amy Walen, seconded by Councilmember Dave Asher

Vote: Motion carried 6-0

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

Motion to make the appointment effective date May 1, 2013.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 6-0

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

7. SPECIAL PRESENTATIONS

a. Kirkland Youth Council and KTUB (Kirkland Teen Union Building) Update

Parks and Community Services Deputy Director Michael Cogle introduced Youth Council member Zach Oelsner, who shared information on Kirkland Youth Council initiatives, and KTUB Director Emily Smith, who informed Council about current program offerings and planned future development.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) March 26, 2013 Special Meeting

(2) April 2, 2013

- b. Audit of Accounts:  
Payroll \$2,582,563.76  
Bills \$3,133,415.65  
run #1195 checks #542397 - 542450  
run #1196 check #542451  
run #1197 checks #542474 - 542637  
run #1198 checks #542644 - 542676  
run #1199 checks #542677 - 542782

- c. General Correspondence

- d. Claims

Council acknowledged a claim received from Alexis Hancock.

- e. Award of Bids

- f. Acceptance of Public Improvements and Establishing Lien Period

(1) 2012 Street Preservation Program, Phase II Street Overlay Project, Lakeside Industries Company, Issaquah, WA

- g. Approval of Agreements

(1) Resolution R-4973, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE CITY OF BELLEVUE TO ALLOW KIRKLAND TO UTILIZE THE JOB ORDER CONTRACTING CONTRACT OF THE BERSCHAUER PHILLIPS CONTRACT AND THE GORDIAN AGREEMENT."

- h. Other Items of Business

(1) Ordinance O-4404, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND TEMPORARILY INCREASING THE NUMBER OF YOUTH MEMBERS ON THE KIRKLAND LIBRARY BOARD."

(2) Library Board Temporary Youth Seat Appointments

Council appointed Chaodi Blue and Teleya Pierce-Williams to the two newly created temporary youth seats on the Kirkland Library Board for terms ending March 31, 2015.

(3) Resolution R-4974, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE KIRKLAND PERFORMANCE CENTER REGARDING THE USE AND OCCUPANCY OF THE PERFORMING ARTS CENTER."

(4) Washington State Department of Ecology (DOE) Grant - Decant Upgrades

Council authorized the City Manager to sign a Department of Ecology (DOE) grant agreement and approved a \$317,000 grant match from surface water utility reserves in order to improve the City's surface water decant facility.

(5) O-4405, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING AND UPDATING THE KIRKLAND MUNICIPAL CODE RELATING TO TRAFFIC INFRACTIONS AND THE MODEL TRAFFIC ORDINANCE."

(6) Report on Procurement Activities

Motion to Approve the Consent Calendar, with the exception of item 8.h.(3). which was pulled for consideration under New Business as item 11.d.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. 2013 Legislative Update #6

Intergovernmental Relations Manager Lorrie McKay provided a status report on the City's legislative interests. Council agreed to send a letter to Washington State Legislators in support of transportation revenue.

11. NEW BUSINESS

a. 2013 Private Amendment Requests Threshold Determination

Senior Planner Joan Lieberman-Brill reviewed the process to date and three private amendment requests presented for consideration by the Council. Planning Commission Chair Mike Miller explained the Planning Commission recommendations. Evergreen Hospital representative Ty Heim also responded to Council questions.

Motion to accept the Planning Commission recommendation.

Moved by Councilmember Penny Sweet, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 6-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan

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

- b. Proposed Miscellaneous Kirkland Municipal Code and Kirkland Zoning Code Amendments

Development Review Manager Nancy Cox provided an overview of the revised roster of proposed amendments for Council consideration.

Motion to accept the revised roster of amendments.

Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Amy Walen

Vote: Motion carried 6-0

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

- c. Resolution R-4975, entitled "A RESOLUTION OF THE CITY OF KIRKLAND SUPPORTING THE COUNTY-WIDE 2014-2019 MEDIC ONE/EMERGENCY MEDICAL SERVICES (EMS) LEVY.

Motion to Approve Resolution R-4975, entitled "A RESOLUTION OF THE CITY OF KIRKLAND SUPPORTING THE COUNTY-WIDE 2014-2019 MEDIC ONE/EMERGENCY MEDICAL SERVICES (EMS) LEVY.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

- d. Resolution R-4974, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE KIRKLAND PERFORMANCE CENTER REGARDING THE USE AND OCCUPANCY OF THE PERFORMING ARTS CENTER."

This item was pulled from the Consent Calendar, item 8.h.(3). for consideration under New Business.

Deputy Mayor Marchione earlier disclosed her relationship with the Kirkland Performance Center as a board member and recused herself from the discussion and vote for the appearance of fairness.

Motion to Approve Resolution R-4974, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE KIRKLAND PERFORMANCE CENTER REGARDING THE USE AND

OCCUPANCY OF THE PERFORMING ARTS CENTER."

Moved by Councilmember Penny Sweet, seconded by Councilmember Dave Asher

Vote: Motion carried 5-0

Yes: Councilmember Dave Asher, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

12. REPORTS

a. City Council

(1) Finance and Administration Committee

Councilmember Walen shared information regarding admission tax rebate to the Kirkland Performance Center and solid waste direct billing.

(2) Public Safety Committee

No meeting

(3) Community Planning, Housing and Economic Development Committee

Deputy Mayor Marchione shared information regarding special events.

(4) Public Works, Parks and Human Services Committee

Deputy Mayor Marchione shared information on school support programs and summer feeding programs, English as a Second Language (ESL) counseling and academic tutoring; Parks Capital Improvement Program implementation; City of Bellevue's potential plan to locate a water tank in Watershed Park; Fats Oils and Grease (FOG) discharge from restaurants.

(5) Regional Issues

Councilmembers shared information regarding a recent Puget Sound Regional Council Policy Board meeting; Eastside Transportation Partnership meeting; Go Daddy business announcement; Sound Cities Association Public Issues Committee meeting; Tourism Development Committee meeting; Cascade Water Alliance Public Affairs meeting; Nourishing Networks program; Transportation Choices Coalition 20th Anniversary; Rail~Volution 2013 Conference to be held in Seattle; Kiwanis Park opening; Viva Volunteers Fair; review of letter in support of Mercer Island in regard to tolling and mitigation.

b. City Manager

(1) Calendar Update

City Manager Kurt Triplett made note of a future briefing on a King County Parks levy; Council requested the preparation of a draft resolution or letter

requesting ST3 plan for light rail or transit for City of Kirkland for the May 21 study session on Sound Transit.

13. ITEMS FROM THE AUDIENCE

None.

14. EXECUTIVE SESSION

a. To Discuss Potential Litigation

Mayor McBride announced that Council would enter into executive session to discuss potential litigation and would return at 10:15 p.m., which they did. City Attorney Robin Jenkinson was also in attendance.

15. ADJOURNMENT

The Kirkland City Council regular meeting of April 16, 2013 was adjourned at 10:23 p.m.

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City Clerk

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Mayor