



CITY OF KIRKLAND

CITY COUNCIL

Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher
Shelley Kloba • Toby Nixon • 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 7, 2013

6:00 p.m. – Study Session

7:30 p.m. – Regular Meeting

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. Special Events
4. *EXECUTIVE SESSION*
5. *OATH OF OFFICE*
 - a. Councilmember Shelley Kloba
6. *HONORS AND PROCLAMATIONS*
 - a. May as Arts Education Month Proclamation
7. *COMMUNICATIONS*
 - a. *Announcements*
 - (1) Kirkland 2035 Community Planning Day
 - b. *Items from the Audience*
 - c. *Petitions*

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

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

QUASI-JUDICIAL MATTERS

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

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

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

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

- 8. *SPECIAL PRESENTATIONS*
 - a. Lake Washington School District " State of the District" - Traci Pierce, LWSD Superintendent
 - b. CERT (Community Emergency Response Team) Spring 2013 Graduation
 - c. Take Charge Green Power Challenge - Puget Sound Energy
- 9. *CONSENT CALENDAR*
 - a. *Approval of Minutes:* April 16, 2013
 - b. *Audit of Accounts:*
 - Payroll* \$
 - Bills* \$
 - c. *General Correspondence*
 - d. *Claims*
 - e. *Award of Bids*
 - (1) 6th Street Sidewalk Project, NPM Construction Company, Maple Valley, WA
 - f. *Acceptance of Public Improvements and Establishing Lien Period*
 - g. *Approval of Agreements*
 - h. *Other Items of Business*
 - (1) Resolution R-4976, Authorizing the City Manager to Sign an Easement on City Property to Provide for Electrical Service by Puget Sound Energy to the Future Public Safety Building.
 - (2) Acknowledging Park Board Member Resignation and Appointing New Park Board Member
 - (3) Report on Procurement Activities
- 10. *PUBLIC HEARINGS*
- 11. *UNFINISHED BUSINESS*
 - a. Kirkland 2035 Update #2 and CIP (Capital Improvement Program) Interactive Map Demonstration
 - b. 2013 Legislative Update #7
 - c. Awarding Public Safety Building Project Construction Contract to Cornerstone General Contractors, Inc., Bothell, Washington

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.

d. Ordinance O-4406 and its Summary, Amending and Updating Title 14 of the Kirkland Municipal Code Relating to Watercraft and the City Harbor.

12. *NEW BUSINESS*

a. Ordinance O-4407, Relating to Transportation, Park, and School Impact Fees and Amending the Kirkland Municipal Code to Allow for the Deferral of the Payment of Impact Fees to the Time of Closing of the Sale of the Lot or Single-Family Residential Unit.

13. *REPORTS*

a. *City Council*

(1) Finance and Administration Committee

(2) Public Safety Committee

(3) Community Planning, Housing and Economic Development Committee

(4) Public Works, Parks and Human Services Committee

(5) Regional Issues

b. *City Manager*

(1) Calendar Update

14. *ITEMS FROM THE AUDIENCE*

15. *ADJOURNMENT*

ITEMS FROM THE AUDIENCE

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



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Marilynne Beard, Deputy City Manager
Date: April 23, 2013
Subject: SPECIAL EVENTS UPDATE

RECOMMENDATION:

City Council receives an update on special events policy development and provides direction regarding intermediate steps.

BACKGROUND DISCUSSION:

In fall of 2012, the City Council asked staff to review the City's policies and practices with regard to special events. Council wanted to update policies and procedures to respond to concerns from event organizers about regulatory requirements and staff assistance.

The Council held a study session on January 2 and received a report from staff comparing Kirkland event regulations and permit costs as well as financial support for events compared to other cities in King County. The Council referred the topic to the Community Planning, Housing and Economic Development Committee (CPHED) for further review and requested frequent check-ins with the full Council. At that time, staff also expressed a concern about the number of new event requests and the need for clear policy guidance about whether and how to limit the number of events.

The City Council was next updated on special events at their February 5 study session. The Committee had focused on the types of events that should receive priority for scheduling and City Funding.

- Community Events – Events that are targeted primarily to Kirkland residents and that primarily benefit a Kirkland non-profit agency that serves the Kirkland community.
- Tourism Events – Events that are intended to attract out-of-town visitors to Kirkland.
- Fundraising Events – Events held as a fund-raiser for a non-profit agency.
- Private Events – Events that are hosted by an organization and/or organized by a professional events business (these events may also benefit a non-profit agency)

There was some discussion about needing to clarify the term “primarily benefits a Kirkland non-profit agency” and Council asked the committee to further define the intent. At that meeting, the Council also agreed to place a hold on selected new events pending an updated policy. Events placed on hold were primarily those in the downtown area and in Marina Park. The CPHEd Committee was asked to discuss the City’s scheduling policy that provides preference for repeat events, to consider the Tourism Development Committee’s criteria for event funding and to begin a community outreach process. Following the February 5 Study Session, the CPHEd Committee held a series of meetings in February, March and April:

February 11 – By the February 11 meeting, five of the events placed on hold had relocated to other venues outside of Kirkland. The Committee reviewed the Tourism Development Committee’s event funding criteria and discussed how General Fund support should be applied. The committee preferred to use General Fund sources for “Community Events” but felt that City sponsorship should be supplemental to fund raising for the event.

February 25 – Councilmember Penny Sweet, Chair of the Tourism Development Committee, attended the committee meeting and provided an historical perspective on Celebrate Kirkland and the evolution of the Kirkland Downtown Association with respect to events and other activities supporting downtown. She also discussed the potential role of the Kirkland Events Foundation. The Tourism Development Committee has adopted criteria that are used to evaluate applications for lodging tax funding. Previous grantees are invited to reapply each year along with new event organizers. The criteria gives priority to events with a demonstrated track record of attracting visitors and to new events targeted for the “shoulder seasons” in spring and fall.

The CPHEd Committee further discussed the City’s role in events. The City doesn’t produce events, but does manage the schedule of events in public facilities and rights of way and regulates events to assure public safety and to mitigate community impacts caused by events. The Committee also discussed how to define “Community Events” and considered the following criteria:

Community Events Criteria:

- City-sponsored events (i.e. receives funding) and intended primarily for Kirkland residents
- Organized and run by community volunteers
- Organized and run by a Kirkland non-profit agency (other than fund raising events)
- Celebrates an important community holiday or tradition
- Creates a sense of identity around Kirkland
- Uses primarily local vendors
- No admission charged to participate or attend

Events that should not be considered community events:

- Events held primarily as fund a raiser (12 K’s of Christmas; Shamrock Run)
- For-profit events (Tri-Freaks Run; Kirkland Uncorked)
- Events whose primary purpose is tourism (e.g. receives funding support from Tourism Development Committee)

- Events that have a targeted audience (e.g. Go Dog Go; Denny Fest; Little League)

The Committee did not reach consensus about which of the existing events should be considered “community events” and wanted to hear more from the public about what they see as “community events.”

March 6 – The Committee met with representatives from the Kirkland Downtown Association. The KDA discussed their challenge related managing events that are not income-producing for the KDA (e.g. 4th of July and Holiday Tree Lighting). If the City cannot provide more direct financial support to the KDA, then the City should support KDA by giving them priority for dates for events that are profitable (e.g. Oktoberfest).

At the time of the Committee’s meeting, the KDA did not have a contract for services in place with the City for 2013 since the scope had not been finalized. The previous scope had included management of events as well as other activities to promote and support downtown businesses. The following scope was agreed to by the KDA by the end of the meeting:

- Management of the 4th of July Celebration, Summer Concert Series, Wednesday Farmer’s Market and Holiday decorating and tree lighting.
- Maintenance of the Visitors’ Center
- Coordination of Clean Sweep
- Management of flower pot program including downtown merchant participation

March 25 – Staff presented an overview of the community outreach efforts including planned stakeholder interviews and an on-line survey that would be conducted over the following two week period.

Staff also presented policy considerations that would narrow the scope of subject matter for the Committee.

Special Events versus Parks Programs

Michael Cogle, Deputy Director of Parks and Community Services, provided background on the evolution of the farmer’s markets and the concert series. He suggested that these continuing activities be considered parks programs rather than special events. The reason that they had been included on the special events calendar was that a portion of the special events ordinance and policy was used to permit and manage the impact of these programs. The summer concert series was always a parks program until budget reductions eliminated City support and the series was adopted by local volunteers who conducted fund raising and became the organizers for the concerts. The Kirkland Wednesday Market has always been managed by the KDA and received initial seed funding from the City which was gradually phased out. Because both of these activities occur over a period of weeks and/or months, the special event ordinance is not entirely pertinent, staff suggested that separate policies be developed for these ongoing programs.

Procedures for Reserving Dates

Currently, event organizers can request that a date and venue be reserved at any time but no less than 12 months prior to a new event and 6 months prior to a repeat event. The six and

twelve month guidelines provide sufficient time for the event organizer to market, fund-raise and arrange logistics for the event (including compliance with permit requirements). There is currently no time limit for how early a date can be requested. The table below displays some of the options and the pros and cons discussed with the Committee.

Current Policy: On-going Scheduling	Option: Annual Scheduling	Option: Bi-Annual Scheduling
<p><u>New Events:</u> Application no less than 12 months prior.</p> <p><u>Repeat Events:</u> Application no less than 6 months prior</p>	<p><u>All Events:</u> All applications due by November 1 for following calendar year.</p>	<p><u>All Events:</u> Applications due by May 1 for January – June events. Applications due by November 1 for July – December events</p>
<p>Comments:</p> <p>Allows event permit review to occur throughout year.</p> <p>Provides event organizers with sufficient time for marketing and fund-raising.</p>	<p>Comments:</p> <p>Allows City to review all requests at one time.</p> <p>Easier to consider cumulative impact of community events</p> <p>Criteria need to be developed to select events competing for same date(s)</p> <p>May impact workload of Coordinator and SET (application workload not distributed throughout year)</p> <p>May impact ability of event organizers to seek sponsorships and begin marketing, particularly for events held early in calendar year.</p> <p>May cause organizers to “hold the date” for an event even if they’re unsure if it will happen.</p> <p>May disrupt scheduling for other venues (e.g. Pavilion and Heritage Hall weddings)</p>	<p>Comments:</p> <p>Allows City to review requests in batches.</p> <p>Bi-annual scheduling may be less impactful for event organizers than annual.</p>

A variation on the current policy would require that an event organizer be able to request a date and venue no sooner than one year in advance of the event. Dates and venues would be allocated based on a first-come, first-served basis, subject to any limitations the City may impose by policy on the number of consecutive weeks a venue could be reserved (future policy discussion forthcoming).

If more than one event organizer requests the same date and venue, an attempt would be made by staff to resolve the conflict by encouraging a change of venue and/or date. If the conflict cannot be resolved, then adopted criteria would be applied in priority order. For instance:

1. The event is produced and directly benefits a Kirkland non-profit organization
2. The event has been recommended for funding by the Tourism Development Committee
3. The event and the organizer have a demonstrated history of success in producing events in Kirkland
4. The event supports a City Council goal or work program initiative

The first-come, first-served model has served the City fairly well in the past with the exception of the current Oktoberfest conflict. It recognizes that events are conceived and developed throughout the year and occur throughout the year. By placing a limit on the lead time for securing a date, it puts all event organizers on even footing but supports early planning for the event. It allows for some diversity in event producers and supports the ability for well-known, popular events to continue.

Since there was only one committee member in attendance, no consensus was reached. However, the Committee member did agree to accept a meeting request from the KDA and Bold Hat Productions (separate meetings) to listen to their perspectives on events. The meeting was subsequently scheduled for April 15.

April 4 – In the meantime, staff attended the Tourism Development Committee (TDC) to update them on the Council and Committee's work on the events policy. The TDC was also asked to respond to the community outreach questions and their comments were incorporated in the stakeholder interview summary (see attachment).

April 15 – The Committee met with representations from the KDA and Kirkland Events Foundation and with a representative from Bold Hat Productions. The results of the community outreach were also provided.

Community Outreach Results

Linda Murphy, Recreation Program Manager, presented the results of the stakeholder interviews and on-line survey regarding events. A total of 537 individuals responded to the on-line survey. Twelve individuals and one group participated in the stakeholder interviews. Essentially the same questions were presented to stakeholders and survey respondents, although stakeholder interviews allowed for more conversation. The results of the stakeholder interviews and on-line survey were generally consistent. Overall, the community believes that events are of value to the community and to them personally. They also supported funding for some community events. When asked about their attendance at and support for individual events, the responses

were more varied. The full survey and stakeholder interview results are included as attachments A and B. Highlights include:

- 78% of respondents believe that events are very important to the community and 50% believe they are important to them personally.
- A question about which events respondents attended was dispersed fairly evenly across a variety of events with athletic events, the 4th of July Celebration and summer concert series mentioned slightly more often.
- When asked which events came to mind when the term "Kirkland Community Event" or "Signature Event" was used, respondents again had diverse responses although the 4th of July celebration and athletic events received the most responses.
- Most people believe that the number of events in Kirkland is either just right (64%) or not enough (24%).
- A majority of respondents supported providing City funding for the holiday tree lighting, 4th of July celebration and the summer concert series
- When asked how the City Council should limit events, the most frequent responses related to limiting events that cause road closures and that impact downtown parking

Meeting with KDA and KEF

The Committee met with representatives from the Kirkland Downtown Association and the Kirkland Events Foundation (KEF). The group again described their challenge of having events as their primary fund raising activity to accomplish their mission and to underwrite other events that do not make a profit. The KDA asked that the City Council create a policy that gives scheduling and venue preference to events organized by the KDA and other Kirkland non-profits. The group believes that Oktoberfest could realize a profit and would like the City Council to allow their Oktoberfest event to take place. The group was asked what their financial goal was for event fund raising profits and how much the Kirkland Oktoberfest was expected to net the KDA after expenses. No specific amount of net benefit from a KDA/KEF Oktoberfest was proposed, but the group said that fundraising was short approximately \$15,000 to meet the basic programs that they provide (e.g. flower pot program, event management, etc.).

Meeting with Bold Hat Productions

Phil Megenhardt representing of Bold Hat Productions described his firm's experience and approach to producing events. His company is generally hired by a non-profit entity to produce events for the benefit of the non-profit. He described his work to date on his proposed Oktoberfest event that was funded by the Tourism Development Committee. He also described the benefits of hiring an events firm over purely volunteer management including their experience and tight controls they use with alcohol-themed events. Bold Hat also used community volunteers. Bold Hat is currently "on hold" with marketing the event pending the Council's decision about which, if any, Oktoberfest events should take place in 2013.

Committee Discussion and Recommendation to City Council

Following the meeting with KDA and Bold Hat representatives, the Committee agreed on forwarding several recommendations to the City Council.

- The City should delineate parks programs from special events and create or update the KMC to create a permit type that can apply to these ongoing activities. Proposed "parks programs" would include the Wednesday and Friday Farmer's Markets and the Summer Concert Series.
- For 2013, the City should not permit either Oktoberfest event to take place in Marina Park until the important policy issues are deliberated and decided by the Council. The Committee felt that both Oktoberfest event organizers need a timely decision for 2013 and, since policies have not been developed, a short term decision was needed.
- The Committee recognized that the reason the KDA wanted to do an Oktoberfest was to help address some of its 2013 fundraising gap. In recognition of the KDA budget shortfall to accomplish the tasks the City has asked the KDA to perform, the Committee and staff are proposing that the City Council should allocate \$15,000 in one-time funds to the KDA from the Council Special Project Reserve. This funding should be used for contracted City tasks that do not generate profits for the KDA. These include the 4th of July, the Holiday Tree Lighting, the flower pot program and Clean Sweep. The Council might also consider an additional contribution to the 4th of July Fireworks from the Council Special Project Reserve to assist in fund raising for that event for 2013 only. In 2012, the City provided \$7,000 for the fireworks show. The total cost of the fireworks show is between \$25,000 and \$31,000 depending on the availability of funding a length of the show.

Staff will continue to develop policies that will be presented to the City Council later this quarter regarding:

- Final methodology for allocating dates and venues.
- Final criteria for resolving conflicts for dates and venues.
- Criteria for limiting the number and types of events (e.g. athletic events or parades that cause road closures).
- Modification of Tourism Development Committee grants application timelines and conditions of grants to align with date/venue reservation policies.
- Further definition of "Kirkland non-profit" and "benefitting Kirkland"
- Clarification of decision authority for applying adopted policies.
- A recommendation regarding the type of priority scheduling the KDA should receive to acknowledge their fund-raising needs.

Council had also asked for more information about the total cost of special events support including direct assistance and staff time and that information will also be prepared for Council.

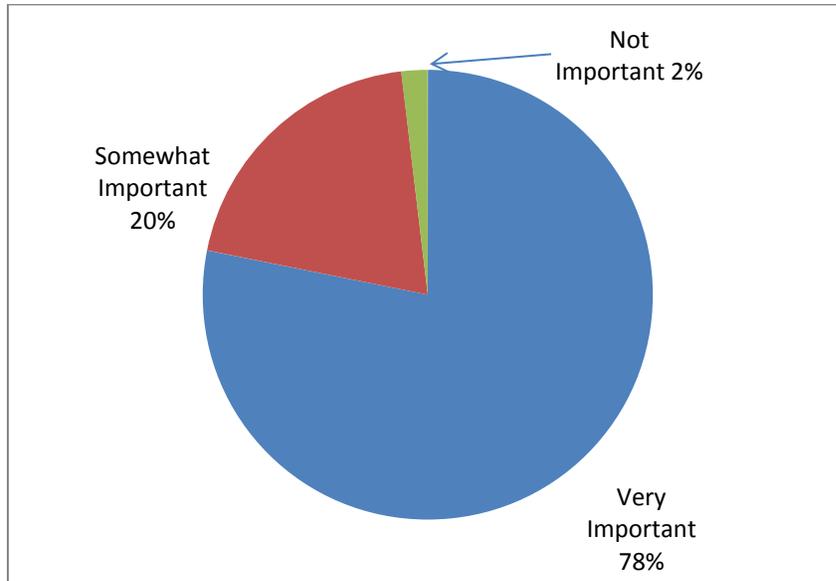
RECOMMENDATIONS AND NEXT STEPS

Staff recommends approval of the Committee's short term recommendation of \$15,000 for targeted KDA support to supplement the existing \$45,000 amount approved for the KDA in the 2013 budget. If the City Council concurs, staff will prepare an action for Council consideration at the next Council meeting using the Council Special Project Reserve. Direction is also needed on whether the Council would like to provide additional funding for the 4th of July fireworks display. Staff recommends a \$5,000 allocation for the 4th of July for 2013 only.

Special Events Online Survey Results

1. How important are events to our community?

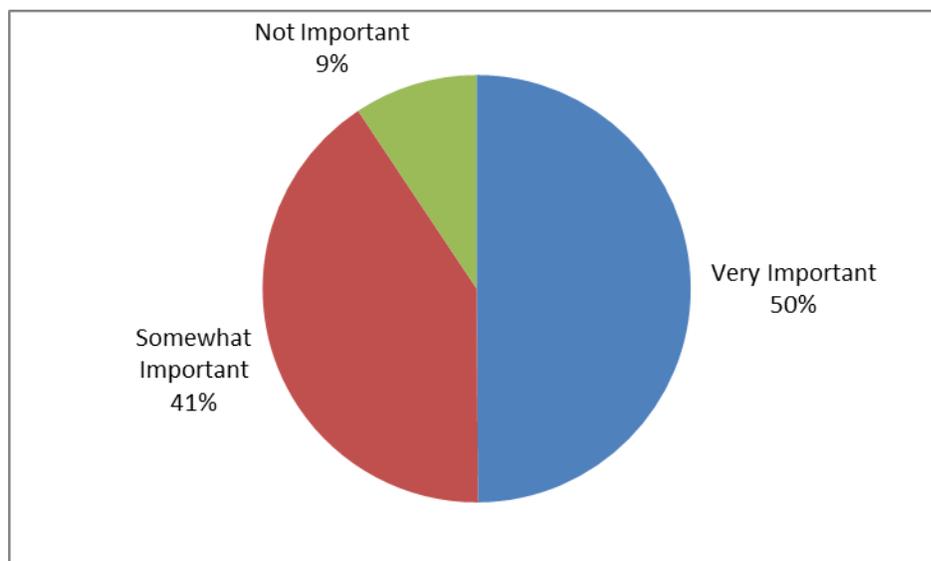
Answered question 531 Skipped question 6



Importance Level	Response Percent	Response Count
Not Important	2%	10
Somewhat important	20%	106
Very important	78%	415

2. How important are events to you personally?

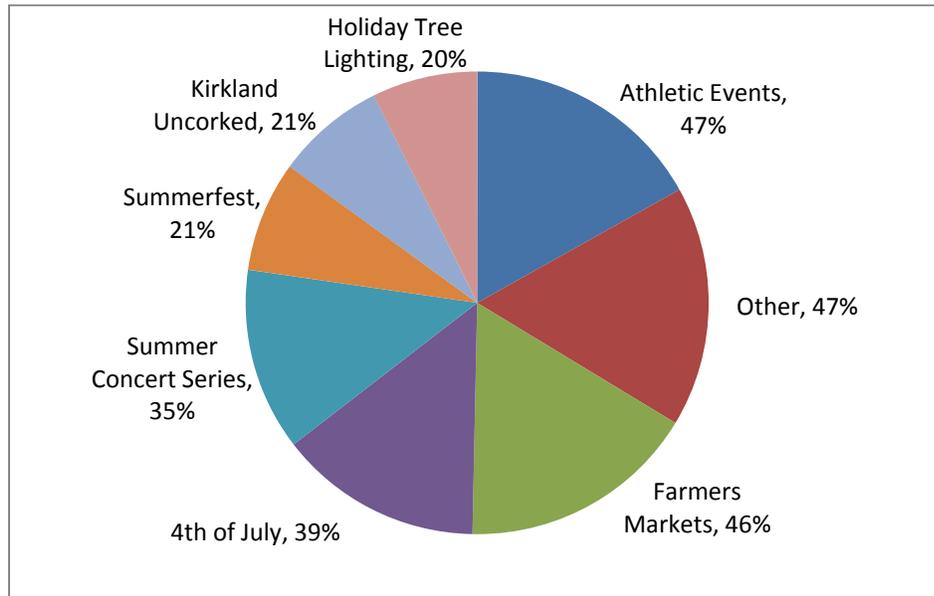
Answered question 535 Skipped question 2



Importance Level	Response Percent	Response Count
Not Important	9%	50
Somewhat important	41%	218
Very important	50%	267

3. Do you attend special events in Kirkland? If so, which ones?

Answered question 501 (many listed more than one event) Skipped question 36
 Open responses were hand tally into seven categories:

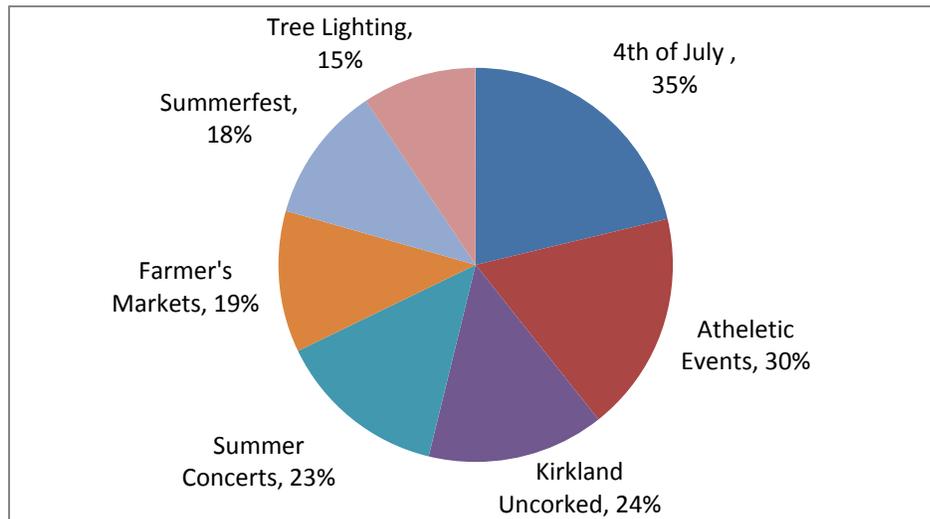


	Response Percent*	Response Count
Any Athletic Event (<i>Multiples including walks, runs, tri events, or any fitness emphasis</i>)	47%	234
Markets – Wed or Friday	46%	231
4th of July Celebration	39%	197
Summer Concerts	35%	177
Summerfest	21%	107
Uncorked – wine event	21%	106
Tree Lighting	20%	102
“Other” than the 7 listed here (<i>Multiples including rarely noted, garage sales, picnics, club or church events</i>)	47%	233
Total		1387

* Most responses gave multiple answers; percentage indicates the number of times the event was Mentioned..

4. When I say "Kirkland Community Event" or "Signature Event" which Kirkland events come to mind?

Answered question 464 (*many listed more than one event*) Skipped question 73
Open responses were hand tally into seven categories:



	Response Percent	Response Count
4th of July Celebration	35%	161
Any Athletic Event (Multiples)	30%	137
Uncorked – wine event	24%	110
Summer Concerts	23%	106
Market – Wed or Friday	19%	88
Summerfest	18%	85
Tree Lighting	15%	71
<i>Total</i>		901

*There were 143 responses identified as "Other" not included in the graph above. Many responses were in general terms and did not identify a specific event or mentioned a rarely noted, garage sale, picnics, or church events.

5. Please use your knowledge and the background information at the beginning of this survey to answer the following statement:

Answered question 528 Skipped question 9

Background Information

Kirkland presently has 31 special events scheduled for the 2013 calendar.

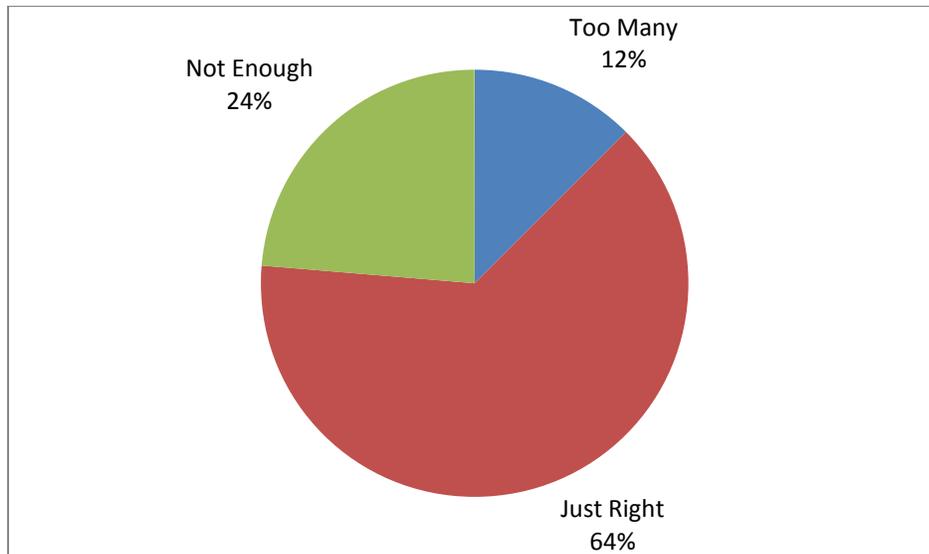
- *1st Quarter has 4 events*
- *2nd Quarter has a total of 9 events. Two of the events are held on multiple days such as Friday Market meeting for 22 Fridays.*
- *3rd Quarter has a total of 14 events. Five of the events are held on multiple days.*
- *4th Quarter has 4 events*

69 % of the events have impacts at Marina Park

21 % of the events have impacts at Juanita Beach Park

10 % of the events have impacts at other single locations in the City of Kirkland

I think the number of events in Kirkland community is _____.



	Response Percent	Response Count
Not enough	24%	125
Just right	64%	337
Too many	12%	66

6. If Kirkland City Council chooses to limit the number of events per year what factors should they take into consideration?

Answered question 447 Skipped question 90

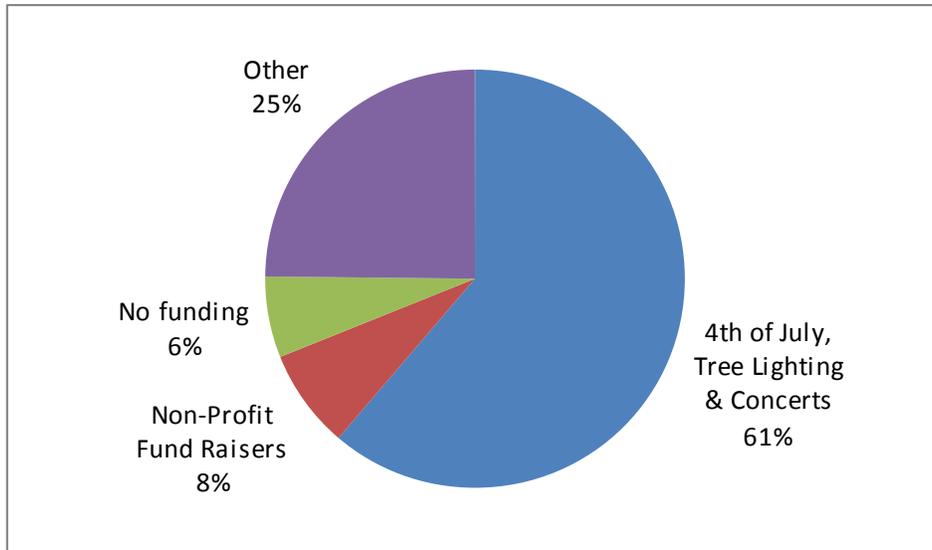
. The 447 individual responses are available by request.

Responses varied significantly. Analyzing the responses for this question there were some themes:

- Requests for Council to consider special event impacts on businesses and residents such as road closures and parking impacts
- Request for Council to determine the purpose of Special Events as they address the issues such as the number of participants attracted, events that are beneficial to Kirkland and/or local businesses
- Consider who the events are for (i.e. local or regional participants) and who benefits from possible funds raised.

7. The City Council provides limited funding for events. What type of events should the City Council provide funding for?

Answered question 431 Skipped question 106



	Percent of Total Response	Response Count
Favorable funding considerations for events listed by the events names: <i>(Most of the responses list all three or at least two of the three events)</i> <ul style="list-style-type: none"> • 4th of July Celebration • Tree Lighting • Summer Concerts 	82%	264
Favorable funding considerations for Non-Profit Fund Raisers	10%	33
Comments that supported “NO” Council funding for events:	8%	27
Other	25%	107

Other Notable comments:

- There was significant support for family-friendly and kid events with 77 responses supporting funding consideration for these types of events.
- There were 107 responses identified as “Other” Many responses spoke in general terms and did not identify a specific event or occasionally mentioned an activity such as a neighborhood garage sale or picnic, or church event.

8. Is there anything else you would like to share with us about special events?

Answered question 281 Skipped question 256

Responses varied significantly. Positive, Negative, and Neutral responses were hand tallied and reflected in the table below with a few examples. The 281 individual responses are available on request.

	Response Percent	Response Count
<p><u>Positive tone comments</u></p> <p>Example of comments:</p> <ul style="list-style-type: none"> • Special Events create a sense community • Events are good for business and necessary • Events can show how vibrant our city is • Special Events bring people together. 	52%	145
<p><u>Negative tone comments</u></p> <p>Example of comments:</p> <ul style="list-style-type: none"> • Concerns about street closures • Concerns about events around alcohol being not family friendly • Too many walks and runs • Not favorable impacts on businesses and residents 	22%	61
<p><u>Neutral or non-relevant comments</u></p> <p>Example of comments:</p> <ul style="list-style-type: none"> • Make it easier for event coordinators in the permitting process. • Better marketing may resolve many issues around Special Events. • Celebrate the baseball field. It's one of the gems of Kirkland. 	26%	75

SPECIAL EVENT STAKEHOLDER INTERVIEW RESPONSES

Stakeholder	Question 2: How important are events to our community?	Question 3: How important are events to you personally?	Question 4: Do you attend special events in Kirkland? If so, which ones?	Question 5: When I say Kirkland community event or signature event, which Kirkland events come to mind?	Question 6: Please fill in the blank with one of the following: not enough, just right, too many. I think the number of events in the Kirkland community is _____.	Question 7: If Council chooses to limit the number of events per year, what factors should they take into consideration?	Question 8: The City Council provides limited funding for events. What type of events should the City Council provide funding for?	Question 9: Is there anything else you would like to share with us about special events?
Lana Starr <ul style="list-style-type: none"> NKCC participant South Juanita Neighborhood resident Active in the community Resident for 36 years 	<ul style="list-style-type: none"> Very important Don't know why you would not participate 	<ul style="list-style-type: none"> Very important to her and husband Aware of event calendar and checks it often 	<ul style="list-style-type: none"> Concerts, Thursday night – yes Disappointed no more Tuesday night concerts Uncorked as a volunteer 4th of July – no, too many people Tree Lighting, Summerfest, Go Dog Go, Wed. & Fri. Markets – Yes Does not attend athletic runs 	<ul style="list-style-type: none"> Concerts Summerfest Uncorked Tree Lighting Tall Ships 	<ul style="list-style-type: none"> Just right 	<ul style="list-style-type: none"> We always find parking Loves the atmosphere I don't think there are issues People eat and spend money 	<ul style="list-style-type: none"> Children's concerts if needed It should just help out in general 	<ul style="list-style-type: none"> Events make you feel Kirkland small town, hometown Marina Park is her favorite spot in the whole world - loves to be there Very disappointed if anything changes
John Carpentier <ul style="list-style-type: none"> Moss Bay Neighborhood resident Single dad of age 12 daughter 	<ul style="list-style-type: none"> Important to get to know your neighbors Very busy world, need to be able to connect You should know your neighbors 	<ul style="list-style-type: none"> Takes daughter to events for family time 	<ul style="list-style-type: none"> 4th of July parade Library grand opening Wed. Market Children's Concerts Car Show 	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> Not enough Need to market events more 	<ul style="list-style-type: none"> Parking issues Good business practices Events help people know Kirkland 	<ul style="list-style-type: none"> In this economy it's not a reality to be self-sufficient for events Likes money going to parks and events 	<ul style="list-style-type: none"> No
Troy Longwith <ul style="list-style-type: none"> Heathman GM 	<ul style="list-style-type: none"> Very important It's positive for the business district and Kirkland's backyard 	<ul style="list-style-type: none"> Family man - it helps build traditions for his family Community events drive customers to the Heathman Hotel restaurant Restaurant benefits but not the hotel 	<ul style="list-style-type: none"> 4th of July Tree Lighting 	<ul style="list-style-type: none"> Polar Bear Dip – has participated more than once Uncorked 	<ul style="list-style-type: none"> Just right Struggled to narrow the answer 	<ul style="list-style-type: none"> They should look at peak and low seasons More event during slow times - 1st quarter Hotel concerns about street closures and doesn't want disruptions for guests 12K's caused delay for guest vehicle access 	<ul style="list-style-type: none"> Private vs. Public Support broader city citizens such as Tree Lighting and Summerfest At the Tree Lighting he felt uncomfortable with logos next to the tree 	<ul style="list-style-type: none"> People come to well-executed and well-motivated run events Marketing is very important People will return if we're doing the right thing 3rd party event organizers must represent the city well

SPECIAL EVENT STAKEHOLDER INTERVIEW RESPONSES

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Jennifer Gill <ul style="list-style-type: none"> • Kirkland Arts Center • Not a resident 	<ul style="list-style-type: none"> • Bring vitality and energy • Where people can connect and build community • Big crowds may not do it • It's all about the type of event 	<ul style="list-style-type: none"> • Events allow people to get to know others • Wants to be able to connect and engage • Likes Kirkland Artist Studio Tour 	<ul style="list-style-type: none"> • Walking Art Tours • Uncorked • Waterfront activities and events 	<ul style="list-style-type: none"> • Summerfest isn't right now, but it could be 	<ul style="list-style-type: none"> • Not a resident, but I've heard from others there are too many 	<ul style="list-style-type: none"> • When things happen during the year • Every weekend is too burdensome - we need ordinary weekends • Space out event weekends • Not as much concern for weekdays 	<ul style="list-style-type: none"> • Good events should get funding • Measure good events by value • Evaluate the value by who benefits • Where does the money go - Seattle vs. Kirkland? 	<ul style="list-style-type: none"> • You want a well-run event and a good organizer
Nancy & Mark Nelson <ul style="list-style-type: none"> • Market Neighborhood - Lake Ave W residents 	<ul style="list-style-type: none"> • Only if you can measure the contributions to Kirkland (Finances, sales tax) • Council needs to define what community means 	<ul style="list-style-type: none"> • I wish runs would go away • City/Organizers do not consider impacts to residents • Can't get out of driveway • Son could not reach his children (our grandchildren) • I have to be attentive to city activities to plan my life • Parked at City Hall and carry home weekly groceries • Better plans could resolve issues – allow volunteers to use their heads and let cars go through • Very frustrating • Are these events appropriate for Kirkland? • If they contribute to Kirkland's revenue – OK, but want proof 	<ul style="list-style-type: none"> • Used to but not so much anymore • Seems to be the same thing all the time 	<ul style="list-style-type: none"> • 4th of July – that is ok because it's nationwide and expected to have some impacts 	<ul style="list-style-type: none"> • Too many runs but just right for a community of 80,000 • City needs to spread them out location wise 	<ul style="list-style-type: none"> • Financially beneficial to Kirkland but need to prove it! • Does it benefit Kirkland citizens or outsiders? • Be careful of hard use of parks 	<ul style="list-style-type: none"> • Not ones with fences in parks / Uncorked • Not runs • Yes, 4th of July 	<ul style="list-style-type: none"> • Why are you doing this now? • No police parking enforcement on Sunday / event folks know that and take advantage • Make sure Kirkland gets share of sales tax from all vendors • Run organizers use Kirkland to make own money

SPECIAL EVENT STAKEHOLDER INTERVIEW RESPONSES

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David DeBois <ul style="list-style-type: none"> Banner Bank VP 	<ul style="list-style-type: none"> They bring exposure to Kirkland Need more people here for businesses 	<ul style="list-style-type: none"> Extremely 	<ul style="list-style-type: none"> Tree Lighting Summerfest Clean Sweep Shamrock Run 4th of July 	<ul style="list-style-type: none"> Christmas Tree lighting brings in 5-7,000 people Uncorked, 4th of July, Summerfest, Car Show – each one appeals to different people Tough question to ask for signature 	<ul style="list-style-type: none"> From economics, not enough Consider traffic patterns Good most in parks 	<ul style="list-style-type: none"> Not enough space Relationship with business and events Encourage businesses involvement – like incentives 	<ul style="list-style-type: none"> Clean Sweep and Flower Pots Christmas Tree 4th of July 	<ul style="list-style-type: none"> City needs to be a partner City should say, “What can we do?” Christmas/4th of July is about community, City should be all around them with support Police – different than other cities, organizers should pay city directly City should check on logistics, such as: electricity, restrooms, and make sure all is working
Joie Goodwin <ul style="list-style-type: none"> Market Neighborhood resident Active in KITH 	<ul style="list-style-type: none"> From 1-10: 9 is how important it is to our community 	<ul style="list-style-type: none"> From 1–10: 5 is right in the middle 	<ul style="list-style-type: none"> Wed. Market Friday Market Egg Hunt 4th of July Christmas Ships Concerts 	<ul style="list-style-type: none"> 4th of July Concerts Not run events 	<ul style="list-style-type: none"> Struggled to answer, too complex 	<ul style="list-style-type: none"> Brings people to Kirkland – only if high potential for revenue Spread though-out city to different parks Use a shuttle service for event parking Life still goes on in Kirkland 	<ul style="list-style-type: none"> Yes, for those that fund local non-profits only 4th of July because it’s a national holiday Christmas Ships (only Argosy – all other ships off the lake, they come by too often) 	<ul style="list-style-type: none"> State Street closures Many churches have issues Needs to be better signage on Market to give better directions
Christine Livingston <ul style="list-style-type: none"> Kirkland Library employee Non-resident 	<ul style="list-style-type: none"> Very important 	<ul style="list-style-type: none"> For her personally, not so much she lives in Ballard 	<ul style="list-style-type: none"> Summerfest 4th of July 	<ul style="list-style-type: none"> Long-term, 4th of July could be signature event Summerfest not, because it was not focused - too much going on and no theme For example, vinyl window vendor set up next to martial art vendor – not sure what they had in common 	<ul style="list-style-type: none"> Just right 	<ul style="list-style-type: none"> How does Kirkland want to be perceived What’s unique about Kirkland Hopes it’s family events like concerts which give a village feeling Street vendors not so much What makes sense for the community What size can the community handle 	<ul style="list-style-type: none"> Support unique events to Kirkland Family friendly Good example are the concerts – free to all income levels 	<ul style="list-style-type: none"> Events should not be just activities but should carry a theme throughout everything

SPECIAL EVENT STAKEHOLDER INTERVIEW RESPONSES

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Lance Carter <ul style="list-style-type: none"> Everyday Athlete Co-owner Seattle resident 	<ul style="list-style-type: none"> Very important Brings community together but need right blend to set the city's personality 	<ul style="list-style-type: none"> To the store, they're very important Personally, not that important 	<ul style="list-style-type: none"> Run events – Shamrock (sponsor), Half-marathon (sponsor), 12K's (sponsor), Triathlon (sponsor) 	<ul style="list-style-type: none"> Car Show 4th of July Shamrock run could be a great potential 	<ul style="list-style-type: none"> Not enough in low seasonal times Too many during summer Events should be more spread out but understands the weather 	<ul style="list-style-type: none"> Space them out Always have a higher number of events in July/August Silly to have one number for the whole year Break it down by quarter 	<ul style="list-style-type: none"> 4th of July, but be careful because it can be very political At times, it could be considered favoritism In favor of seed money to get an event off the ground 	<ul style="list-style-type: none"> Kirkland is difficult work with - Redmond is easier Someone in the city says to him 'we want events, we want events', and then someone else says 'here are your road blocks to put on the event' - at this point in time there's no way he would attempt to put on an event in Kirkland To consider putting on an event he would need 10,000 in sponsorships to break even
Gary Greenberg <ul style="list-style-type: none"> Houghton Neighborhood resident 	<ul style="list-style-type: none"> Events define a community's vitality 	<ul style="list-style-type: none"> Personally, very important Follows the events listing and loves music in the park 	<ul style="list-style-type: none"> Concerts 4th of July parade Summerfest Park Lane Wednesday Market Friday Market Uncorked is hard to participate – he will not pay for parking in an event in his own community Events like that should give residents discounts 	<ul style="list-style-type: none"> 4th of July parade – defines the city's community By community, for community 	<ul style="list-style-type: none"> Just right 	<ul style="list-style-type: none"> Economic impact to city – does it have a positive impact Appeal to Kirkland community vs. regional community Does not like it when Lake St. is closed When there are too many walks and runs it impacts the community with road closures 	<ul style="list-style-type: none"> Wants funding for events that benefit and impact the Kirkland community – quality of life and economic issues 	

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Daniel O'Malley <ul style="list-style-type: none"> • Epicurean Edge Owner 	<ul style="list-style-type: none"> • Not favorable for me or business • Only 3 businesses left since 2003 on my block • Events negatively impact businesses 	<ul style="list-style-type: none"> • Not – Council has to consider and recognize the impact on businesses • Please think through the impact to business, including disrupting traffic flow and parking two weekends before Christmas • Events disregard business needs 	<ul style="list-style-type: none"> • Markets, yes 	<ul style="list-style-type: none"> • Car Show • Uncorked 	<ul style="list-style-type: none"> • Too many, run courses – too many 	<ul style="list-style-type: none"> • Impact to churches and businesses 	<ul style="list-style-type: none"> • Good events will pay for themselves • Supports funding for Tree Lighting and 4th of July 	<ul style="list-style-type: none"> • Employees cannot get to their parking spots • Walking traffic not enough for businesses to survive • During events employees park 5 blocks away, carrying sharp knives on the street, need to get to the store after sharpening off site is a major safety issue • When there's an event my business is impacted by 1/3 of a normal day • Wants Lake Street and Central Way intersection left alone – no events • Christmas time events and businesses cannot co-exist positively • Leave the waterfront alone it brings its own vitality to Kirkland • Events are negative impacts

SPECIAL EVENT STAKEHOLDER INTERVIEW RESPONSES

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Tourism Development Committee (TDC)	<ul style="list-style-type: none"> • Very Important • Impacts of events bring pride in the community • Gives Kirkland a hometown feeling • Serves the local community, which equals quality of life • Events are a part of our portfolio • Gives a reason to come back to Kirkland • From hotels – may not create an atmosphere of stuff going on but creates exposure to hotels • From hotels - we don't have overnight stay business base like Bellevue so we need tourism • Great job promoting major events so Kirkland is perceived as a vibrant community. • Where they come for the event, they see what else we have to go to. 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Moss Bay Days = Summerfest (2 to 3 people) • Tree Lighting (1 person) • 4th of July (2 people) 	<ul style="list-style-type: none"> • Lots of interaction on this question, comments: • Too many in 2nd & 3rd quarters • Need to look at quantity and quarterly by type of event • Runs impact on streets but not on community • Farmers Markets = a lot of interaction 	<ul style="list-style-type: none"> • Needs variety that attracts different crowds • Do you partner with local organizations, businesses, and volunteers? • If established, repeats year after year? • Maybe increase small amounts each year • Want a variety of locations and timeframes, i.e. not 10-15 runs all through downtown • Does the event benefit a regional non-profit or a local non-profit? 	<ul style="list-style-type: none"> • None – too contentious/political • Cooling off period - allows groups to emerge • Tree Lighting funding • 4th of July funding • Whatever is a signature event • I support more money for general events 	<ul style="list-style-type: none"> • Can Summerfest sustain volunteer levels or become paid staff?



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Ellen Miller-Wolfe, Economic Development Manager

Date: May 1, 2013

Subject: May, 2013 Arts Education Month Proclamation

RECOMMENDATION:

That the Mayor proclaims May 2013 as Arts Education Month in Kirkland

BACKGROUND DISCUSSION:

Arts Education Month is a state-wide celebration of the creative endeavors taking place in our schools and community arts organizations. It is sponsored by ArtsED Washington. ArtsED Washington is a non-profit that works to ensure that all students in Washington State have access to a complete education that includes the arts. ArtsED Washington has invited the City of Kirkland and the Cultural Arts Commission to participate in the celebration to show how arts are making a difference in education.

The Cultural Arts Commission would like the City to proclaim the month of May as "Arts Education Month," to bring awareness to the value of arts education and show support to Kirkland's outstanding art organizations and art educators.

Kirkland is pleased to have many stellar art organizations that have youth education programs. These include the Kirkland Arts Center, the Kirkland Performance Center, Studio East, the International Ballet Academy, and many more.

Melissa Nelson, art educator and newly elected Chair of the Cultural Arts Commission, will be present at the May 7, 2013 Council meeting to receive the proclamation.



A PROCLAMATION OF THE CITY OF KIRKLAND

Designating May, 2013 as Arts Education Month in Kirkland, Washington

WHEREAS, the arts, including dance, music, theatre, and visual arts, are defined as a core subject in Washington State's definition of basic education, and considered an essential component of the complete and balanced education for all students; and

WHEREAS, learning in and through the arts enables students to develop critical thinking and problem solving skills, imagination and creativity, discipline, alternative ways to communicate and express feelings and ideas, and cross-cultural understanding, which supports academic success across the curriculum as well as personal growth outside the classroom; and

WHEREAS, imagination and creativity are increasingly understood as critical capacities needed for success in the 21st century workforce; and

WHEREAS, the arts can transform our schools into havens of creativity and exploration – places where students want to learn, teachers want to teach, and all members of the learning community are more engaged and motivated; and

WHEREAS, high quality school-based arts education involves a wide range of partners, including School Boards, district administrators, educators, parents, artists and arts organizations, community members, and local businesses and organizations, whose collective endeavors toward equitable provision of arts learning for all students we celebrate and promote; and

WHEREAS, we support art education initiatives and applaud the dedication of Kirkland-based art educators and organizations such as the Kirkland Arts Center, the Kirkland Performance Center, Studio East, the International Ballet Academy and many more;

NOW, THEREFORE, I, Joan McBride, Mayor of Kirkland, do hereby proclaim the month of May, 2013 as Arts Education Month and call on all citizens to join us in recognizing the important role of the arts in education for all students.

Signed this 7th day of May, 2013

Joan McBride, Mayor

**CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3650
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: J Kevin Nalder Director Fire and Building Department
Jack Henderson, Deputy Fire Chief, City Emergency Manager

Date: April, 22 2013

Subject: CERT class graduation

Recommendation:

That the Council recognizes the graduates of our Community Emergency Response Team course with a brief explanation of the program and awards them Certificates of Completion.

Background Discussion:

The Community Emergency Response Team (CERT) program teaches citizens how to be prepared and trains them to be able to help others after a disaster. The 26-hour CERT course is taught by a trained team of first responders and other professionals. Training covers the Incident Command System, disaster preparedness, fire suppression, basic medical assessment and first aid, light search & rescue operations, and disaster psychology.

CERT members understand the risks disasters pose to people and property. They have taken steps to reduce hazards and lessen the impact of disasters once they have occurred. When disasters overwhelm local response capability, they are trained to take care of themselves and give critical support to their family members, neighbors, and others in their immediate area until professionals arrive. When first responders arrive, CERT's will be able to provide them with useful information and support. Later, they will be able to help City reestablish stability to the community. CERTs may also help with non-emergency projects that help improve the safety of their community.

Kirkland's 15th CERT course was made possible in partnership with the Kirkland Seventh-Day Adventist Church, the church donated use of their building for the 8 weeks of class. This CERT class completed their final simulated drill on April 28th and come before Council for recognition of their success. The next course will be held in fall of 2013. Residents and people who work, or attend school in the City of Kirkland are welcome to participate. Residents outside this area will be accepted on a space-available basis.

Deputy Fire Chief Jack Henderson will give an overview of the program and introduce the CERT Graduates.

The students graduating from current class (CERT 15):

STUDENT
Adams, Margaret
Balke, Madalin
Brock, Thomas
Doherty, Patricia
Eagle, Lori
Edwards, Bethany
Gabriel, Nick
Griswold, Aubrey
Gupta, Pradeep
Huth, Peter
Hyman, Amanda
Kuchera, Anne
Marinkovich, Rita
Pollock, Pamela
Prill, Evelyn
Roberts, Cos
Solaimani, Lauri
Vincent, Kelly
Wiggins, Ed
Winter, Constance
Winter, Michael

Students graduating from previous class (CERT 14):

STUDENT
Pruitt, Janet
Quedado, Lourdes
Whalen, Caroline
Yonemitsu, Lori



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: Van Sheth, Management Analyst
Donna Burris, Internal Services Manager
Ray Steiger, P.E., Public Works Deputy Director
Pam Bissonnette, Interim Public Works Director

Date: April 9, 2013

Subject: 2013 TAKE CHARGE GREEN POWER CHALLENGE – Presentation by Puget Sound Energy

RECOMMENDATION:

It is recommended that Council receives Puget Sound Energy's (PSE) presentation regarding Kirkland's participation in the Take Charge Green Power Challenge. Heather Mulligan and Nathaniel Caminos from PSE will be delivering the presentation. The presentation is a follow-up to the attached concurrency memo signed on February 21st, which describes the Green Power program in much more detail. Also attached is PSE's Letter of Intent regarding the Challenge.

BACKGROUND:

2013 Take Charge Green Power Challenge

PSE sponsors a competition among five cities – Tumwater, Snoqualmie, Bainbridge Island, Anacortes, and Kirkland. Each of the five challenge cities will set an individual goal for net new Green Power Program enrollments in 2013 and will compete against the other challenge cities for the highest percentage increase in participation over the previous year. Kirkland must enroll 400 new subscribers to Green Power by December 31, 2013 to meet its goal.

Challenge Prize(s)

Each city that reaches and/or surpasses its goal will receive a grant of \$20,000 to purchase and install a solar photovoltaic system on a municipal facility in their community. The community that realizes the greatest percentage of new participants out of their available accounts (those not already enrolled in the program) will receive an additional \$20,000 toward the cost of their solar project.

Please direct any questions to Donna Burris at x3931 or Van Sheth at x3907.

Attachment A: Concurrency Memo dated Feb 21, 2013
Attachment B: Kirkland Letter of Intent



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: Van Sheth, Management Analyst
Donna Burris, Internal Services Manager
Ray Steiger, P.E., Deputy Public Works Director
Pam Bissonnette, Interim Public Works Director

Date: February 21, 2013

Subject: 2013 TAKE CHARGE GREEN POWER CHALLENGE

RECOMMENDATION:

This memo provides details regarding the solar challenge that Ray Steiger, Deputy Public Works Director, referred to during the Public Safety Building update at the February 19th Council meeting. It is recommended that per the Council's urging at the meeting you authorize Kirkland's participation in Puget Sound Energy's 2013 Take Charge Green Power Challenge.

BACKGROUND AND DISCUSSION:

Puget Sound Energy (PSE) has successfully partnered separately with Vashon Island, Olympia, Whidbey Island, Mercer Island and Bellingham to enroll predetermined number of new residents and businesses in the Green Power Program. In return for meeting the challenge, the cities received grant money from PSE to be used to purchase and install a solar photovoltaic system on a municipal facility in their community.

2013 Take Charge Green Power Challenge

The 2013 Take Charge Green Power Challenge is a competition among five cities – Tumwater, Snoqualmie, Bainbridge Island, Anacortes, and potentially Kirkland. Each of the five challenge cities will set an individual goal for net new enrollments in 2013 and will compete against the other challenge cities for the highest percentage increase in participation over the previous year. Kirkland is currently purchasing Green Power from PSE in an amount which equals to 2.2 percent of community-wide energy. If accepted, the Challenge for Kirkland would be to increase net enrollments by 400 users over January 1, 2013 participation. The marketing launch for the Challenge would take place on Earth Day, April 22, 2013.

Challenge Prize(s)

Each city that reaches and/or surpasses its goal will receive a grant of \$20,000 to purchase and install a solar photovoltaic system on a municipal facility in their community at the location of their choice. The community that realizes the greatest percentage of new participants out of

their available accounts (those not already enrolled in the program) will receive an additional \$20,000 toward the cost of their solar project.

What is the Green Power Program?

The Green Power Program is funded by voluntary ratepayers that want to support clean energy from renewable sources like wind, biogas, and sun. The Program also purchases renewable energy generated by wind, landfill gas, and agricultural waste. PSE does not make a profit from the Program, and all revenue goes back to further support independent resource projects and grow voluntary demand for cleaner energy options.

At a minimum, participation costs \$4 per month to offset a portion of the electricity, and \$10-12 to offset 100 percent of the average homes' usage. With the contribution, PSE buys clean energy on the participant's behalf from independent producers in our region. The commitment to purchase green power makes it possible for these energy innovators to secure funding, sustain their businesses, and create jobs—making a brighter, cleaner future for everyone.

What benefits exist from Kirkland participating in the Take Charge Green Power Challenge?

- Green Power purchase represents investment in clean and renewable energy for our future.
- Kirkland has the potential to receive \$20,000 to \$40,000 in grant money.
- The grant money would allow us to purchase a small solar photovoltaic array for the Public Safety Building.
- Having solar energy at the Public Safety building would provide for LEED points and demonstration project for the community.
- Utilizing solar for energy would result in a reduction of energy usage from the grid.
- Kirkland would be setting an example for the community.
- Increased participation in the community in the Green Power Program assists with our community greenhouse gas emissions reduction targets as committed to in our Climate Protection Action Plan.

Please direct any questions to Donna Burris at x3931 or Van Sheth at x3907.

ACTION REQUESTED:

The City Manager authorizing participation in PSE's Take Charge Green Power Challenge.

Approve: ✓ Deny: _____

Concurrence: Kurt Triplett
Kurt Triplett, City Manager

Date: 2/21/13



Puget Sound Energy
P.O. Box 97034
Bellevue, WA 98009-9734
PSE.com

February 20, 2013

Kurt Triplett
City Manager
City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033

Dear Mr. Triplett:

Thank you for your interest in participating in the 2013 *Take Charge Green Power Challenge*. Puget Sound Energy (PSE) has successfully partnered with Vashon Island, Olympia, Lacey, Whidbey Island, Mercer Island and Bellingham over the years in order to enroll residents and businesses in its Green Power Program. We enthusiastically welcome the City of Kirkland as a Green Power "Challenge City" in 2013, and feel that your city is a strong fit for the challenge because of your community's demonstrated interest in issues related to sustainability. The information below outlines the terms of the challenge including the responsibilities of the "Challenge City" and of PSE.

The Take Charge Green Power Challenge

The Kirkland community is currently purchasing Green Power from PSE in an amount equal to two-percent of community-wide energy use. On April 22, 2013, Earth Day, PSE and the City of Kirkland will formally challenge residents and businesses to "Take Charge" by signing up for PSE's Green Power Program, and increasing community-wide enrollments to 2,000 – or 400 net new enrollments over January 1, 2013 participation. Up to five cities are expected to participate in the Challenge. Each city will set an individual goal for net new enrollments in 2013; and will compete against other cities for the highest percentage increase in participation over the previous year.

Challenge Prize(s)

Each city that reaches and/or surpasses its goal will receive a grant of \$20,000 to purchase and install a solar photovoltaic system on a municipal facility in their community, at the location of their choice. The community that realizes the greatest percentage of new participants out of their available accounts (those not already enrolled in the program) will receive an additional \$20,000 toward the cost of their solar project.

Challenge Partner Requirements

Being a Challenge partner means that the "Challenge City" endorses and helps promote the *Take Charge Green Power Challenge* to city residents and businesses. Actions City Partners may take to participate in the campaign include:

1. Support PSE efforts to bring together active community members and reach out to different community groups (including online). Groups might include Chambers of Commerce; other business groups; environmental groups; etc.
2. Recommend well attended or targeted events throughout the challenge
3. Consider Greening City Hall
4. Donate advertising or article space in City newsletters and on the City Homepage
5. Provide free booth and/or speaking slots at City sponsored events
6. Insert a Challenge fact sheet in City correspondence to area businesses
7. Identify locations for Green Power banners
8. Announce the challenge at City Council meetings
9. Participate in kick-off and end-of-challenge events
10. Sign a mayoral letter to the editor and/or letter to citizens through direct mail
11. Collaborate with PSE on press releases related to the campaign
12. Facilitate promotion via city resources like cable access and water bills.
13. Allow the city name and logo to be used in conjunction with promotional material designed by PSE for the Challenge. (The City will have the opportunity to review and approve any materials with its logo.)

In exchange for this commitment, PSE's Green Power Program will increase awareness and garner enrollments for the Challenge as follows:

1. To create awareness:
 1. Create and place Challenge Posters at local retail stores
 2. Write and place article in *EnergyWise*, the PSE newsletter, directed to both residential and business customers
 3. Write and pitch an article to local publications
 4. Issue press releases at the Challenge launch and conclusion
 5. Design and place local newspaper ads recognizing 100% and Leader level purchases from local businesses or governments
 6. Promote the challenge on PSE.com and on PSE Green Power Facebook page
 7. Use social media to raise awareness of events and other challenge activities through regular Facebook and Blog posts including placing paid ads to raise awareness at community events.
 8. Help identify local non-profits and other groups to engage in the Challenge
2. To capture enrollments:
 1. Write, design and produce a Direct Mail piece to be sent to Challenge City residents and businesses

2. Participate in multiple local events with a dedicated Green Power staff. Most event opportunities occur between April – October, but PSE will provide staff all year long
3. Reach out to residential and business neighborhoods by going door to door to make customers aware of and enrollment them in the program
4. Reach out to local businesses to join the program (outreach to businesses starts in early 2013 to offer profiles in marketing materials and ads)
5. Present the Green Power program to local groups, including business groups

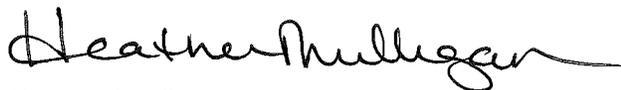
In addition, PSE will provide a Challenge logo and branding that includes the Challenge City's name. This logo will be used in all marketing materials. PSE will provide design, writing and production services for the above listed items.

Timeframe

The Challenge officially begins in January 2013, but the marketing launch will take place on Earth Day, 2013, with the majority of the marketing, advertising and outreach happening between Earth Day and running through September. The Challenge will officially end on December 31st 2013.

We look forward to the opportunity to work with the City of Kirkland in 2013 for the Take Charge Green Power Challenge.

Sincerely,



Heather Mulligan
PSE Green Power Market Manager



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.

City Clerk

Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: April 25, 2013
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

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

POLICY IMPLICATIONS

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

BACKGROUND DISCUSSION

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

- (1) Todd Brink
12104 NE 141st Street
Kirkland, WA 98034

Amount: \$602.90

Nature of Claim: Claimant states damage resulted when his property fell from the roof of a city vehicle.

- (2) Kathryn Perez
8825 113th Place NE
Kirkland, WA 98033

Amount: \$1,362.41

Nature of Claim: Claimant states damage to property resulted from a water main break.

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



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

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: April 25, 2013

Subject: 6th Street Sidewalk Project – Award Contract

RECOMMENDATION:

It is recommended that City Council:

- award the contract for construction of the 6th Street Sidewalk Project to NPM Construction Company of Maple Valley, WA, in the amount of \$150,895.60,
- approve a budget modification between funding sources, and
- increase the City's level of funding participation using REET and Surface Water Transportation Reserve funds.

BACKGROUND DISCUSSION:

The 6th Street Sidewalk Project completes missing sidewalk gaps in an east section of the Moss Bay neighborhood, bordering the central business district at 6th Street near Kirkland Avenue (Attachment A). The Project also completes related storm water improvements and builds new wheelchair ramps to meet ADA requirements at the existing crossing of 6th Street at Kirkland Avenue, and at a new crossing of Kirkland Avenue, immediately west of 6th Street.

The total Project budget is \$265,000 and originally included grant funding from the Transportation Improvement Board (TIB), under its Urban Sidewalk Program, for an amount "up to" \$181,800, plus City matching funds in the amount of \$83,200. The Project was first advertised with Supplemental Bidder Criteria identified within the contract documents on March 26. A total of six bids were received on April 9, 2013, with NPM Construction Company being the lowest responsive bidder, as shown below:

Contractor	Bid Amount (\$)
NPM Construction Company	\$150,895.60
Westcoast Construction Co.	\$157,507.00
<i>Engineer's Estimate</i>	<i>\$162,365.00</i>
Rodarte Construction, Inc.	\$170,871.50
Pacific Northwest Earthworks	\$172,998.50
Kamins Construction	\$175,315.56
Westwater Construction Co.	\$228,349.00

The total Project budget of \$265,000, with the original construction cost estimate of \$164,070 resulted in an initial grant award amount of \$181,800. As a reimbursement grant, the TIB considers total project costs with reimbursement ratios spread across the design and construction phases. Based on an actual construction bid amount received, the TIB back-calculates the Project's *eligible* design engineering and construction engineering costs. As per TIB grant funding requirements, the lower than estimated contractor bid price received has resulted in a reduction of available TIB grant funds for all costs, including those already expended. As a result of this back-calculation, the revised TIB participation has been reduced from \$181,800 to \$153,500 (a reduction of \$28,300) across design, construction engineering and construction.

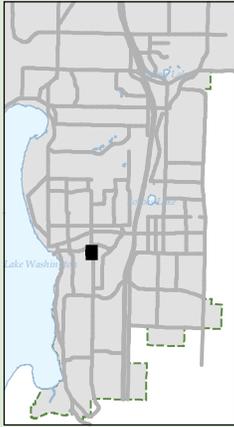
The currently estimated engineering phase costs are also anticipated to increase \$16,300 due to additional coordination with adjacent property owners and general public outreach, as well as extra engineering for the design of storm facilities, right-of-way improvements and traffic control plans. In the event actual construction costs exceed the current bid amount, TIB funding rules do allow additional participation towards unforeseen construction cost increases, with the possibility of reinstating some to all of the original grant commitment.

At this time the total project budget remains at \$265,000; however, to fill the gap caused by the reduced TIB funding, staff is recommending the use of REET funds in the amount of \$3,045 and Surface Water Transportation Reserve funds in the amount of \$25,255 (Attachments B & C).

With a City Council award of the construction contract at the May 7 meeting, construction would begin in June, with completion expected by late summer. Project information will be provided to the residents and businesses in the immediate vicinity of the Project, together with a regularly updated construction schedule posted on the City's project web site. Since the Project includes construction through an arterial corridor with significant pedestrian connections, the Project documents require the contractor to maintain safe travel for pedestrians throughout the work areas at all times.

Attachment A – Vicinity Map
Attachment B – PBR
Attachment C – Fiscal Note

City of Kirkland - 6th Street Sidewalk

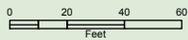
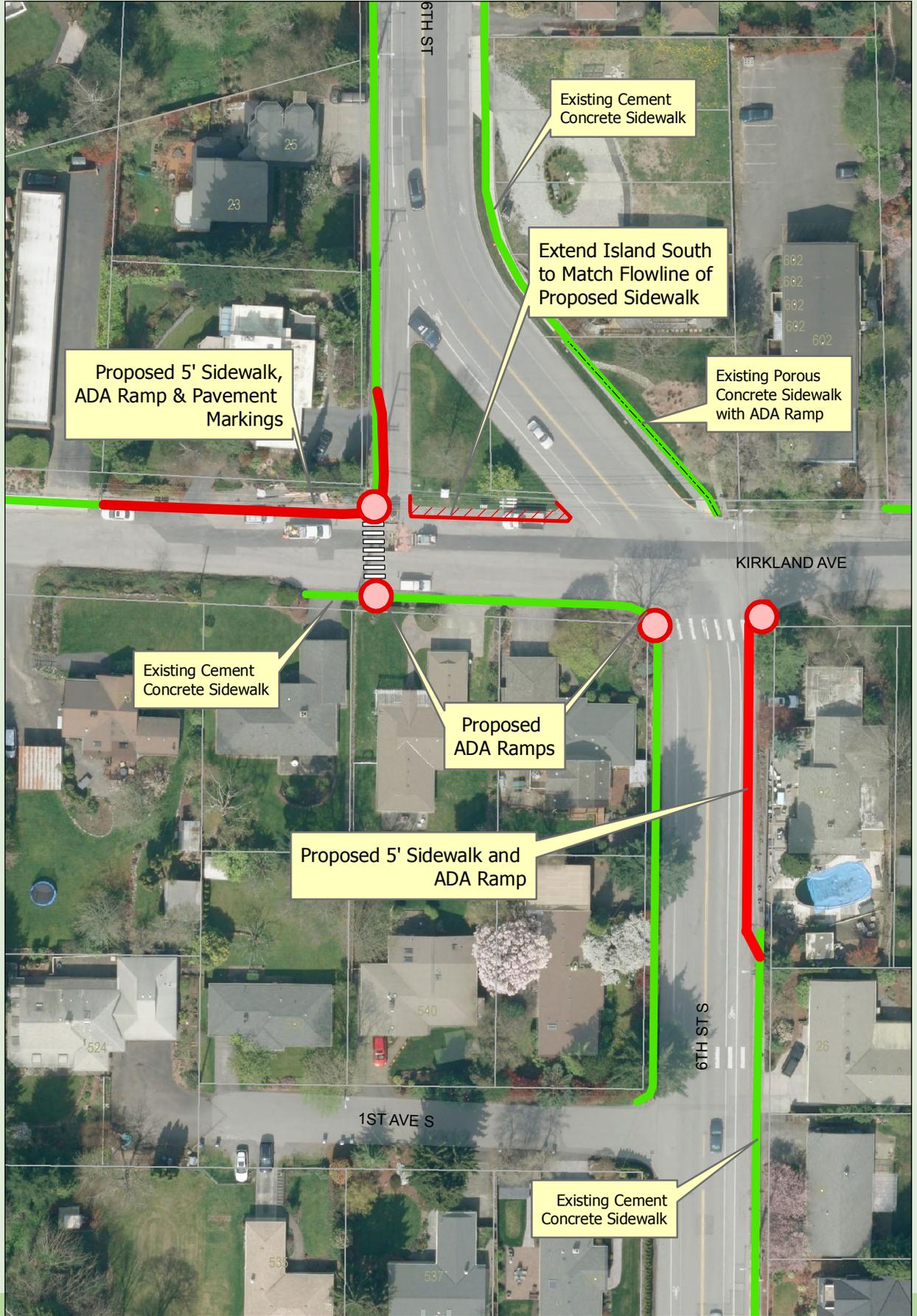


Vicinity Map



Map Legend

-  Proposed Ramps
-  Proposed Sidewalk
-  Existing Sidewalk
-  Tax Parcels



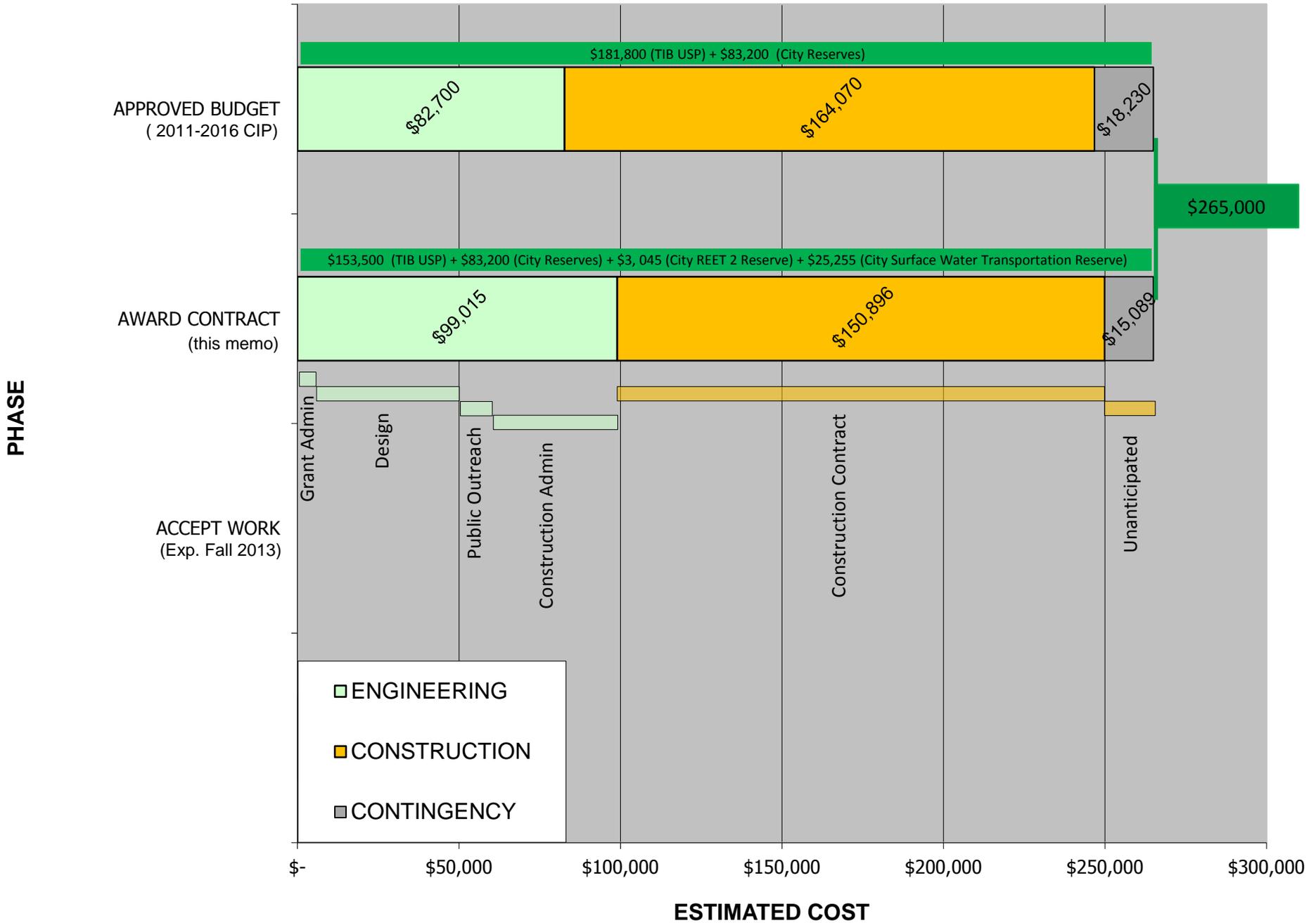
Produced by the City of Kirkland.
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No warranties of any sort, including but not limited to accuracy,
fitness or merchantability, accompany this product.

-Map Date: 4/12/2013

6th STREET SIDEWALKS PROJECT
(CNM -0059)

Attachment B

PROJECT BUDGET REPORT



Attachment B

FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Pam Bissonnette, Interim Public Works Director							
Description of Request							
Request for total funding of \$28,288 for the 6th Street Sidewalk Project CNM 0059 (\$25,243 from the Surface Water Transportation Reserve and \$3,045 from REET 2 Reserve) due to reduced external funding source.							
Legality/City Policy Basis							
Fiscal Impact							
One-time use of \$25,243 from Surface Water Transportation Reserve and \$3,045 from REET 2 Reserve. These reserves are able to fully fund this request.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2014 Est End Balance	Prior Auth. 2013-14 Uses	Prior Auth. 2013-14 Additions	Amount Request	Revised 2014 End Balance	2014 Target
	Surface Wtr. Transportation	3,092,276	0	21,000	25,243	3,088,033	N/A
	REET 2 Reserve	2,294,806	264,000	0	3,045	2,027,761	1,071,000
Prior Authorized Addition of Surface Water Transportation Reserve: Central Way Sidewalk (\$21,000). Prior Authorize Use of REET 2 Reserve: NE 112th Street Sidewalk (\$214,000) and Central Way Sidewalk (\$50,000).							
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							
Prepared By	Neil Kruse, Senior Financial Analyst				Date	April 17, 2013	



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Oskar Rey, Assistant City Attorney
Date: April 24, 2013
Subject: PSE Easement—Public Safety Building

RECOMMENDATION:

That the City Council passes a resolution authorizing the City Manager to sign an easement granting Puget Sound Energy an electrical utility easement for the Public Safety Building.

BACKGROUND DISCUSSION:

PSE is requesting an easement for the buried power line that will serve the Public Safety Building. PSE has requested documentation showing that the City signatory has authority to grant the utility easement. This requires Council authorization because the Kirkland Municipal Code ("KMC") does not explicitly authorize the City Manager to sign documents conveying an interest in City real estate. A utility easement falls into that category.

For the future, this office will prepare an ordinance for Council consideration amending the KMC to give the City Manager authority to sign routine utility easements without prior Council authorization. In the meantime, City staff recommends that the City Council authorize the City Manager to execute the PSE Utility Easement for the Public Safety Building.

RESOLUTION R-4976

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN AN EASEMENT ON CITY PROPERTY TO PROVIDE FOR ELECTRICAL SERVICE BY PUGET SOUND ENERGY TO THE FUTURE PUBLIC SAFETY BUILDING.

WHEREAS, Puget Sound Energy (PSE) has requested that the City grant an easement for underground electrical facilities on City-owned property that will serve the City's Public Safety Building; and

WHEREAS, recognizing that any specific plan of installation will be subject to City and State environmental and construction regulations, the Council finds that granting the easement is in the public interest.

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

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an Easement to PSE substantially similar to that easement attached hereto as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

RETURN ADDRESS:

Puget Sound Energy, Inc.
Attn: R/W Department (HMP)
PO Box 90868 / EST-06W
Bellevue, WA 98009

EASEMENT

REFERENCE #:

GRANTOR: **THE CITY OF KIRKLAND, a Washington municipal Corporation**
 GRANTEE: **PUGET SOUND ENERGY, INC.**
 SHORT LEGAL: **LOT 1 & TRACT X, CITY OF KIRKLAND SP NO. SS-90-29, REC. NO. 9104169001**
 ASSESSOR'S PROPERTY TAX PARCEL: **620930-0010**

For and in consideration of One Dollar (\$1.00) and other valuable consideration in hand paid, **THE CITY OF KIRKLAND**, a Washington municipal Corporation ("Grantor" herein), hereby conveys and warrants to **PUGET SOUND ENERGY, INC.**, a Washington Corporation ("Grantee" herein), for the purposes hereinafter set forth, a nonexclusive perpetual easement over, under, along, across, and through the following described real property ("Property" herein) in King County, Washington:

LOT 1 AND TRACT X, CITY OF KIRKLAND (TOTEM HILL PLAZA) SHORT PLAT NUMBER SS-90-29, RECORDED UNDER RECORDING NUMBER 9104169001, RECORDS OF KING COUNTY, WASHINGTON.

Except as may be otherwise set forth herein Grantee's rights shall be exercised upon that portion of the Property ("Easement Area" herein) described as follows:

An Easement Area **TEN (10)** feet in width having **FIVE (5)** feet of such width on each side of a centerline described as follows:

THE CENTERLINE OF GRANTEE'S FACILITIES AS NOW CONSTRUCTED, TO BE CONSTRUCTED, EXTENDED OR RELOCATED LYING WITHIN THE ABOVE DESCRIBED PROPERTY.

1. Purpose. Grantee shall have the right to use the Easement Area to construct, operate, maintain, repair, replace, improve, remove, and enlarge one or more utility systems for purposes of transmission, distribution and sale of electricity. Such systems may include, but are not limited to:

Underground facilities. Conduits, lines, cables, vaults, switches and transformers for electricity; fiber optic cable and other lines, cables and facilities for communications; semi-buried or ground-mounted facilities and pads, manholes, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing.

Following the initial construction of all or a portion of its systems, Grantee may, from time to time, construct such additional facilities as it may require for such systems. Grantee shall have the right of access to the Easement Area over and across the Property to enable Grantee to exercise its rights hereunder. Grantee shall compensate Grantor for any damage to the Property caused by the exercise of such right of access by Grantee.

2. Easement Area Clearing and Maintenance. Grantee shall have the right to cut, remove and dispose of any and all brush, trees or other vegetation in the Easement Area. Grantee shall also have the right to control, on a continuing basis and by any prudent and reasonable means, the establishment and growth of brush, trees or other vegetation in the Easement Area.

3. Grantor's Use of Easement Area. Grantor reserves the right to use the Easement Area for any purpose not inconsistent with the rights herein granted, provided, however, Grantor shall not construct or maintain any buildings, structures or other objects on the Easement Area and Grantor shall do no blasting within 300 feet of Grantee's facilities without Grantee's prior written consent.

4. Indemnity. Grantee agrees to indemnify Grantor from and against liability incurred by Grantor as a result of Grantee's negligence in the exercise of the rights herein granted to Grantee, but nothing herein shall require Grantee to indemnify Grantor for that portion of any such liability attributable to the negligence of Grantor or the negligence of others.

5. Abandonment. The rights herein granted shall continue until such time as Grantee ceases to use the Easement Area for a period of five (5) successive years, in which event, this easement shall terminate and all rights hereunder, and any improvements remaining in the Easement Area, shall revert to or otherwise become the property of Grantor; provided, however, that no abandonment shall be deemed to have occurred by reason of Grantee's failure to initially install its systems on the Easement Area within any period of time from the date hereof.



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Tracey Dunlap, Finance and Administration Director

Date: April 25, 2013

Subject: Park Board Member Resignation and Appointment

RECOMMENDATION:

That Council acknowledges receipt of Shelley Kloba's resignation from the Kirkland Park Board, approves the attached draft response, and approves a motion to appoint P. Kevin Quille as the new member to the remainder of the unexpired term, which ends March 31, 2017.

BACKGROUND DISCUSSION:

At Council's regular meeting on April 16, 2013, Ms. Kloba was appointed to fill the vacant position 2 on the Kirkland City Council and therefore is unable to complete her term as a member of the Park Board.

At Council's special meeting on March 26, 2013, Council interviewed and selected P. Kevin Quille as the alternate appointee should a vacancy occur on the Park Board within the six month period following that meeting. Mr. Quille has confirmed his interest in the appointment. Approving the May 7, 2013 consent calendar will approve the draft response and appoint Mr. Quille to the Park Board.

April 19, 2012

Kirkland City Council
123 Fifth Ave
Kirkland, WA 98033

Dear City Council members,

It is with mixed feelings that I hereby tender my resignation from the Kirkland Park Board. I have enjoyed the work as well as the collaboration with my fellow members and staff on the Park Board, and I will miss meeting with them on a regular basis. On the other hand, it is with great excitement that I begin a new chapter of civic engagement by serving on the City Council.

Respectfully submitted,



Shelley Kloba

member, Kirkland Park Board



DRAFT

May 8, 2013

Shelley Kloba
12525 93rd Avenue NE
Kirkland, Washington 98034

Dear Shelley:

We have received your letter of resignation from the Kirkland Park Board.

The City Council appreciates your contributions to the Board, and we thank you for volunteering your time and talent to serve our community, both as a Park Board member and in your new role as a Kirkland City Councilmember.

Sincerely,
KIRKLAND CITY COUNCIL

Joan McBride
Mayor



CITY OF KIRKLAND

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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: April 25, 2013

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF MAY 7, 2013

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 4, 2013, are as follows:

	Project	Process	Estimate/Price	Status
1.	Ford Fusion Hybrid (2)	Cooperative Purchasing	\$53,863.08	Purchased using WA State Contract with Legacy Ford.
2.	2013 Street Overlay Project	Invitation for Bids	\$2,650,000	Advertised on 4/18 with bids due on 5/1.
3.	2013 Annual Striping Program	Invitation for Bids	\$250,000	To be advertised during week of 5/5. Bids due date yet to be determined.

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



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Marilynne Beard, Deputy City Manager

Date: April 19, 2013

Subject: KIRKLAND 2035 UPDATE #2 AND DEMONSTRATION OF INTERACTIVE CIP MAP

RECOMMENDATION:

City Council receives a short staff presentation on the status of major plan updates and projects.

BACKGROUND DISCUSSION:

This is the second in a series of monthly updates to the City Council on major plan updates, projects and outreach activities. The most current information will be provided at the meeting and will include a description of recent activities related to:

- Development of an overarching outreach plan for all related studies taking place in 2013 and 2014
- Update on the Kirkland 2035 webpage and email
- Preliminary results of surveys related to the comprehensive plan update process
- A summary of presentations made to advisory groups, neighborhood associations and other community groups
- Scheduled dates for outreach activities
- Status of selected studies
- New communication materials developed and in development (see attached materials related to various elements of the Comprehensive Plan)

Interactive CIP Map

During the Capital Improvement Program (CIP) update process last fall, the City Council asked staff to develop an online/interactive map application for easy access to information on funded and unfunded CIP projects. In November, staff presented a draft of the interactive map to Council and received feedback. The purposes of the map are:

- To provide easy access to the City's CIP project information such as locations, project funding details, project status, construction impacts, etc.;
- To provide direct contact information for the Project Manager and Outreach Coordinator;

- To encourage citizen engagement by sharing ideas with city staff through the “suggest a project” tool;
- To replace the old CIP web site with new technology architecture, improved functionality, and regular database maintenance;
- To enable GPS geo-locator for easy searching and navigation on mobile devices; and
- To achieve measurable efficiency gains by reducing the amount of telephone and e-mail responses that most departments regularly handle as routine public inquiries.

Outreach

Several staff members, consultants, and volunteers from the Kirkland Alliance of Neighborhoods have tested and provided feedback on the map. Changes were made where possible and other items were added to the “wish list” for future application updates. Staff has a vigorous outreach program scheduled to promote and publicize the use of the interactive map. The timing is opportune for the many public outreach/planning initiatives taking place this year and next. The following is a listing of scheduled outreach activities to promote, publicize and use the new map.

Public uses in planning and outreach activities: residents can use the map to determine where current funded and unfunded CIP projects are located, to identify specific locations of concern, and submit ideas for future improvements. The studies and plans to use the map include:

- Juanita Drive Corridor Study
- Surface Water Master Plan
- Walk and Roll Safety Fair
- Lakeview Elementary School year end barbeque
- Transportation Master Plan
- Cross Kirkland Corridor Master Plan
- Parks, Recreation, and Open Space Plan
- Capital Improvement Program update process
- Street levy requests for pedestrian and bicycle safety improvements

Meetings and Events: The map will be on display at these upcoming meetings and events.

- Cross Kirkland Corridor Business Roundtable: May 14th
- Kirkland’s Walk ‘n’ Roll Safety Fair: June 7
- Planning Day Event: June 8
- Juanita Drive Corridor Study public workshop: June 12
- Farmers Markets: Summer 2013 and Summer 2014
- Kirkland Alliance of Neighborhoods: May Meeting
- Chamber of Commerce: Spring or summer meeting
- Neighborhood Associations: May or September 2013 meetings

Written material and flyers: The map will be promoted in the following publications.

- Articles in City Update
- News release (w/video)
- On Track Newsletter for Totem Lake

Online: Online notices will be sent and posted on the City's web site to publicize the map.

- May Hot Sheet
- Information on *Twitter*
- Kirkland Reporter and community blogs
- City List Serves (Neighborhood News, CIP, other related lists)
- QR Codes to direct people to web site
- Announcement on the City's home page

Staff will demonstrate the interactive map at the May 7 Council meeting.

TO LEARN MORE, VISIT
kirklandwa.gov/kirkland2035

ABOUT GROWTH



A CONTINUING REPORT ON THE 2035 COMPREHENSIVE PLAN



Summer at Marina Park: Kirkland’s small-town charm has been a priority since City leaders drafted its first comprehensive plan 50 years ago. **BELOW:** Harry Cummings, 88, reviews the Comprehensive Plan he authored in 1963.

For the greatest benefit ...

This year, Kirkland’s leaders and citizens will be discussing the City’s future

TO LEARN MORE

■ Contact Teresa Swan, senior planner: 587-3258; tswan@kirklandwa.gov

■ Or Paul Stewart, deputy planning director: 587-3227; pstewart@kirklandwa.gov

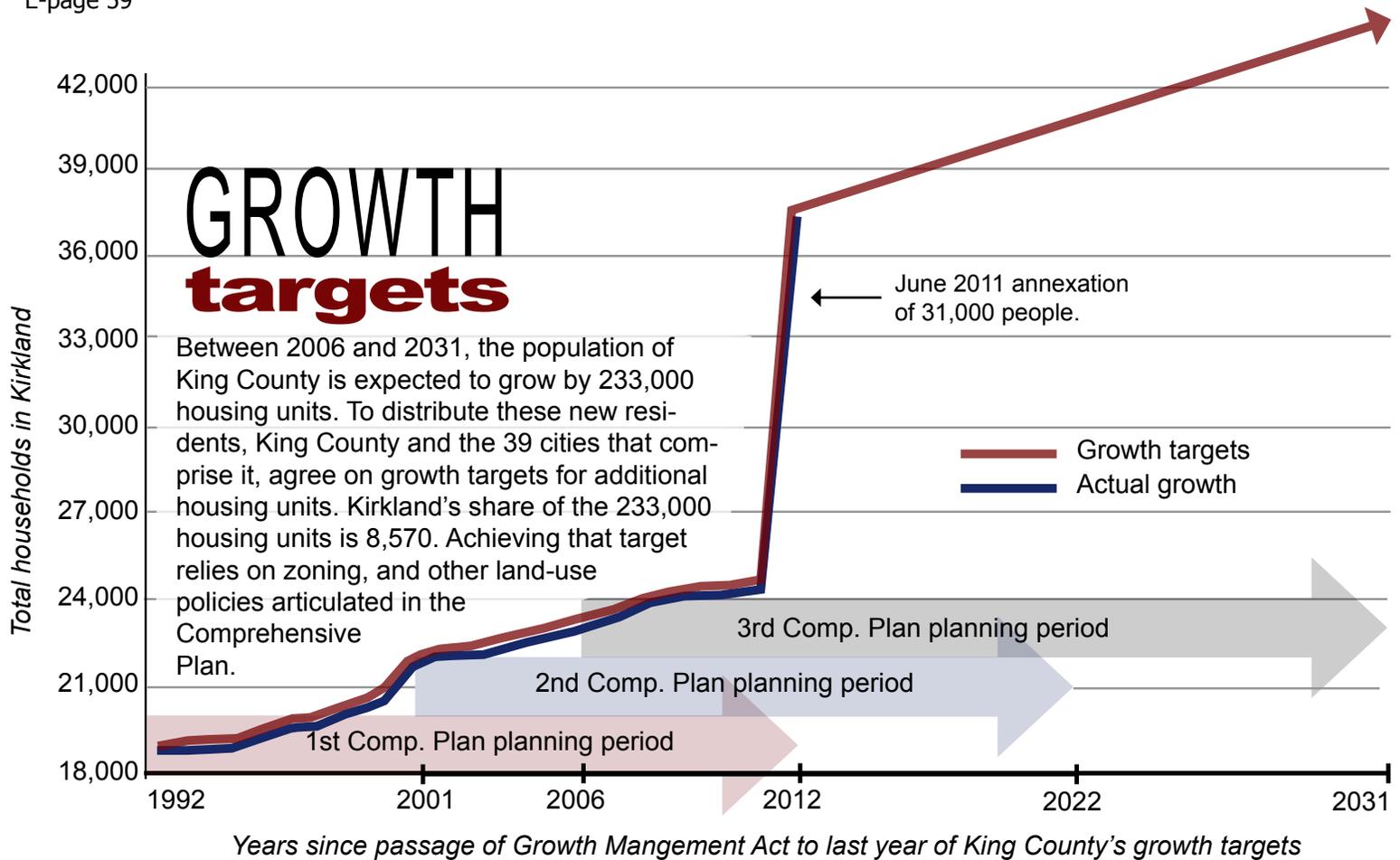
In 1959, Kirkland had 6,400 residents and three elementary schools. Its entire downtown offered less retail space than today’s Parkplace. But Kirkland was about to change. The state, you see, was building a bridge that would connect Kirkland to Seattle at a time when Seattle was preparing for the 1962 World’s Fair, and the 10 million people who’d be venturing there to experience it. And Kirkland’s local leaders were still talking about a possible merger



with the town of Houghton.

To prepare for the change, Kirkland’s leaders wrote a manifesto of sorts—37 pages of maps, visions

and recommendations that translated the community’s values into a general plan. That document became Kirkland’s first Comprehensive Plan.



What's in a Comp Plan?

- Community Vision
- Natural Environment
- Land-Use
- Housing
- Econ. Development
- Transportation
- Parks/Rec/Open space
- Utilities
- Public Services
- Human Services
- Capital Facilities
- Neighborhoods
- Shorelines
- Methodologies
- Visit http://kirkland-code.ecitygov.net/CK_comp_Search.html for the Comprehensive Plan

FUTURE

continued from Page 1

The author was a consultant—an ambitious architect from Michigan's Cranbrook College named Harry Cummings. Cummings would eventually design some of Kirkland's most iconic spaces, including Doris Cooper Houghton Beach Park.

And in the 1963 Comprehensive Plan, he recommended a variety of improvements that have helped define Kirkland's modern identity.

"I drive through town everyday and I can see the effects everywhere I look," he says.

Along the waterfront, for example, he saw a string of parks, and admonished the City to acquire as much lakefront land as possible. Around the

downtown business district, he saw a ring road that would increase traffic flow. He wanted Sixth Street to extend south, down the hill and to the floating bridge.

To such a small town, these were ambitious plans. Cummings knew it. Which is why, in a 1959 *Eastside Journal* article, however, he presented his argument:

"[We could] 1. Let the growth come and then attempt to solve the problems that come with the growth as they arise."

Or "2. Anticipate the problems as well as the growth, and by study and long-range planning, prepare the way for orderly development of a nature that will benefit the greatest number of people over the longest period of time."

FUTURE

continued from Page 1

Kirkland, today

Fifty years later, Kirkland is beginning its fifth significant iteration of the Comprehensive Plan. The plan will build on the ones that precede it. And it'll look 20 years into the future, when leaders expect to add another 8,570 households and 20,850 new jobs.

"This is our blueprint for the future," says Paul Stewart, Kirkland's deputy planning director. "It tells us what we want to do, where we want to go and how we are going to get there."

The Growth Management Act

To some extent, some of the direction for the Comprehensive Plan is provided by the Growth Management Act—passed by the state legislature in 1990 and reinforced with three hearings boards in 1991.

Perhaps more than any other land use law in the state, the



David Bricklin, 60, while hiking the Pollalie Ridge in the Snoqualmie Valley.

"Green hillsides all of a sudden were stripped bare and covered with homes and roads. Forests were being mowed down, and there was a lot of clear cutting. And there were traffic jams where people had never before had traffic jams."

—David Bricklin,
lead advocate for the
Growth Management Act

Growth Management Act is influencing where and how Puget Sounders live, work and play. It is helping to make downtowns more attractive, more expensive and more livable, say several peer-reviewed journal articles.

By preventing developers from building up excessive stocks of homes, experts say it blunted the blow of the 2008 housing crisis to Puget Sound. It also helped create 10 new Puget Sound cities—Woodinville, SeaTac, Shoreline, Kenmore and Sammamish,

among them—and contributed to Kirkland's annexation of Finn Hill, Kingsgate and North Juanita. Above all, its purpose is to harness rural sprawl—that tendency for unplanned development to devour farmlands and forestlands, while demanding huge public investments of infrastructure.

It does this by requiring cities to create 20-year plans and to update them at least once every eight years.

Where did it come from?

COMPREHENSIVE PLANNING IN KIRKLAND

1963

At 37 pages, Kirkland's first Comprehensive Plan provides a "general design" for future growth. Neighborhood land-use is driven by the City's three elementary schools. Transforming the industrial waterfront into a shoreline of parks is a major focus.



1977

Kirkland adopts the Land Use Policies Plan. The 489-page document serves as the City's first detailed long-range plan. It includes Kirkland's first neighborhood plans.

1990 & 1991

Motivated by the environmental and eco-

nomics impacts of rural sprawl, the state legislature passes the Growth Management Act. The sweeping land-use law requires jurisdictions to create land-use comprehensive plans that confront issues, such as land-use, transportation, housing. Jurisdictions can update their plans annually, but must do so every eight years.

1995

After three years of

public involvement and study, Kirkland issues its first Comprehensive Plan required by the Growth Management Act. The plan details a 20-year vision of Kirkland, ending in 2012.

2004

Two years after beginning its second major Comprehensive Plan revision, Kirkland finishes its first major update of the Comprehensive Plan. This one articu-

lates residents' visions for the City through 2022.

2013

City leaders begin Kirkland's third significant update of the Growth Management Act-influenced Comprehensive Plan, which will articulate the community's vision for the City through 2035. One of the issues: How to grow by more than 8,500 households, and 20,000 jobs.

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FUTURE

continued from Page 1

In the decade before its passage, a Washington state population boom was encouraging sprawl. The state's population ballooned by nearly 600,000 people; King County's by nearly 200,000.

"And with that came a lot of new problems," says David Bricklin, one of the state's most active advocates for managed land use, in a 2005 interview with Washington state archivist Diane Wiatr. "There was a loss of lots of open space in communities all around the state. Green hillsides all of a sudden were stripped bare and covered with homes and roads. Forests were being mowed down, and

there was a lot of clear cutting. And there were traffic jams where people had never before had traffic jams."

1.3 million

The number of additional people state population forecasters expect central Puget Sound by 2031.

In 1990, Bricklin and the Washing-

ton Environmental Council that he led lobbied the state legislature to pass a land-use law that would require cities and counties to plan for population growth.

"We threatened if they didn't pass a strong law, we'd pursue an initiative," Bricklin said.

Over the next two years, the legislature did pass a law it called the Growth Management Act. Oregon



Photo courtesy of Astronics

Astronics, pictured here, moved into a 14-acre Totem Lake facility in January 2013. Totem Lake is Kirkland's only Urban Center and one of 17 throughout King County. Urban centers are planning districts intended to provide a mix of housing, employment, commercial, and cultural amenities in a compact form.

passed the nation's first growth management legislation in 1973. Florida followed Oregon 12 years later.

Florida's law served as the model for the one Washington state would adopt in 1990 and 1991.

How does it work?

Under Washington's law, the state forecasts population growth for each of Washington's 39 counties. The counties, then, distribute the population to their cities. And the cities become responsible for attracting and accommodating their share of those populations.

Kirkland's share of the 1.3 million people and one million jobs forecasters expect for the central Puget Sound region by 2031 is 8,570 households and nearly 20,850 new jobs.

"That's a hefty number," says Chandler Felt, King County's demographer, who specializes in growth management. "But it's in

line with the way Kirkland has been growing. Additional space will have to be found—either through rezoning ... or in this case, planning the city's designated Urban Center. You can't be passive. The City will have to act positively to make space for this growth that is coming."

This process has already started with Kirkland's Geographic Information Systems analysts. They are preparing a report that will determine how much space the City has, what kind of space and where it is.

If the resulting analysis shows Kirkland does not have the space necessary to accommodate the forecasted population, its leaders will re-examine how the City uses its space.

Meanwhile, the City's leaders will be engaging in a continuous conversation with its residents about what kind of community they want—now and in the future.

ABOUT GROWTH



A CONTINUING REPORT ON THE 2035 COMPREHENSIVE PLAN



Image courtesy of GGLO

An early drawing of Juanita Village featured a plaza at the mixed-use development's northern entrance.

Vision. Plan. Zone.

Twenty-five years ago, Juanita Village was a concept—inspired by a community's vision and zoning crafted to achieve it. Today it is a model for small-scale urban redevelopment.

For years, the 11-acre block at 98th Avenue Northeast and Juanita Drive had been short-changing its neighbors. Littered amongst a dental office, barber shop and bank, were a vacant Chevron station, a vacant Market Place grocery, and weeds. Lots of weeds.

But the site had something its neighboring residents considered invaluable: Through the billboards and the wafting heaps of landscaping bark, was a view of Juanita Bay. Residents wanted to keep that view, scrap

almost everything else and exchange it for a neighborhood center—a neighborhood living room—where, by walking, they could do business, do lunch or coffee. They sketched out this vision in their neighborhood plan. And when the City Council adopted it into Kirkland's Comprehensive Plan, it became the basis for a customized zone, tailored specifically to the topography and geography of those 11 acres.

Authority to zone

Kirkland has 145 total zones spanning

TO LEARN MORE

■ Contact Teresa Swan, senior planner: 587-3258; tswan@kirklandwa.gov

■ Or Paul Stewart, deputy planning director: 587-3227; pstewart@kirklandwa.gov

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Staying flexible

All developments require building permits. Some, however, require zoning permits that rely on decision-makers to evaluate the development proposal against City codes. Depending on the type of permit, the decision-maker may be the planning director, hearing examiner, design review board, or City Council. Below are common examples of zoning permits:

VARIANCE

When it's used: When an applicant hopes to develop land in a way that is inconsistent with the zoning code, but compatible with the Comprehensive Plan. Usually applies to individual properties or small developments

An example: Resident wanting to decrease setbacks

Requires: Proof of hardship

Decision-maker: Planning Director

PLANNED UNIT DEVELOPMENT

When it's used: When a developer wants to apply unique rules to an entire development

An example: Lake Washington Institute of Technology

Requires: Public benefits from the developer to off-set impacts

Decision-maker: City Council, after a public hearing administered by hearing examiner

DESIGN REVIEW

When it's used: Used in design review districts, which are typically the City's more intensive commercial area

An example: Bank of America's mixed-use building on Kirkland Avenue and Lake Street

Requires: Consistency with the design guidelines adopted in the Municipal Code

Decision-maker: Design Review Board

seven broad categories: institutions, parks, housing, industrial, office, transit-oriented development and, of course commercial. These zones are law. Their purpose is to help manifest the community's vision as articulated in its Comprehensive Plan. Without a Comprehensive Plan to implement, the zones have little legitimacy.

This was the ruling in 1958 by King County Superior Court Judge Malcom Douglas, who invalidated all of the zones King County had established up to that point.

"You cannot have enforceable zoning regulation until you have a proper Comprehensive Plan adopted in compliance with the statutes," he said in his July 23, 1958, oral opinion in the State of Washington vs. King County.

That decision spurred cities throughout King County to draft their own Comprehensive Plans, says Harry Cummings, the author of Kirkland's first Comprehensive Plan.

"Everyone was scrambling to get one," he says.

Private Amendment Requests

The spirit of Douglas' decision persists today in Kirkland. If a developer wants to shape land in a way that differs from the City's zoning and the Comprehensive Plan upon which that zoning is based, the developer must submit a Private Amendment Request. This is no small matter. Private Amendment Requests are proposals to amend some aspect of the Comprehensive Plan and the zoning code.

"Private Amendment Requests acknowledge that circumstances might change over the life of a Comprehensive Plan," says Marilynne Beard, deputy city manager for the City of Kirkland. "Maybe the community didn't think of something back when we were doing the Comprehensive Plan, that today, really would be a good thing for Kirkland. Private Amendment Requests create a process for those ideas to become reality."

For this reason, the Growth Management Act requires cities to consider them. It does not, however, guarantee their approval. To win approval, a Private Amendment Request must pass the scrutiny of City planners, the Planning Commission, and ultimately the City Council (see "*Staying Flexible*").

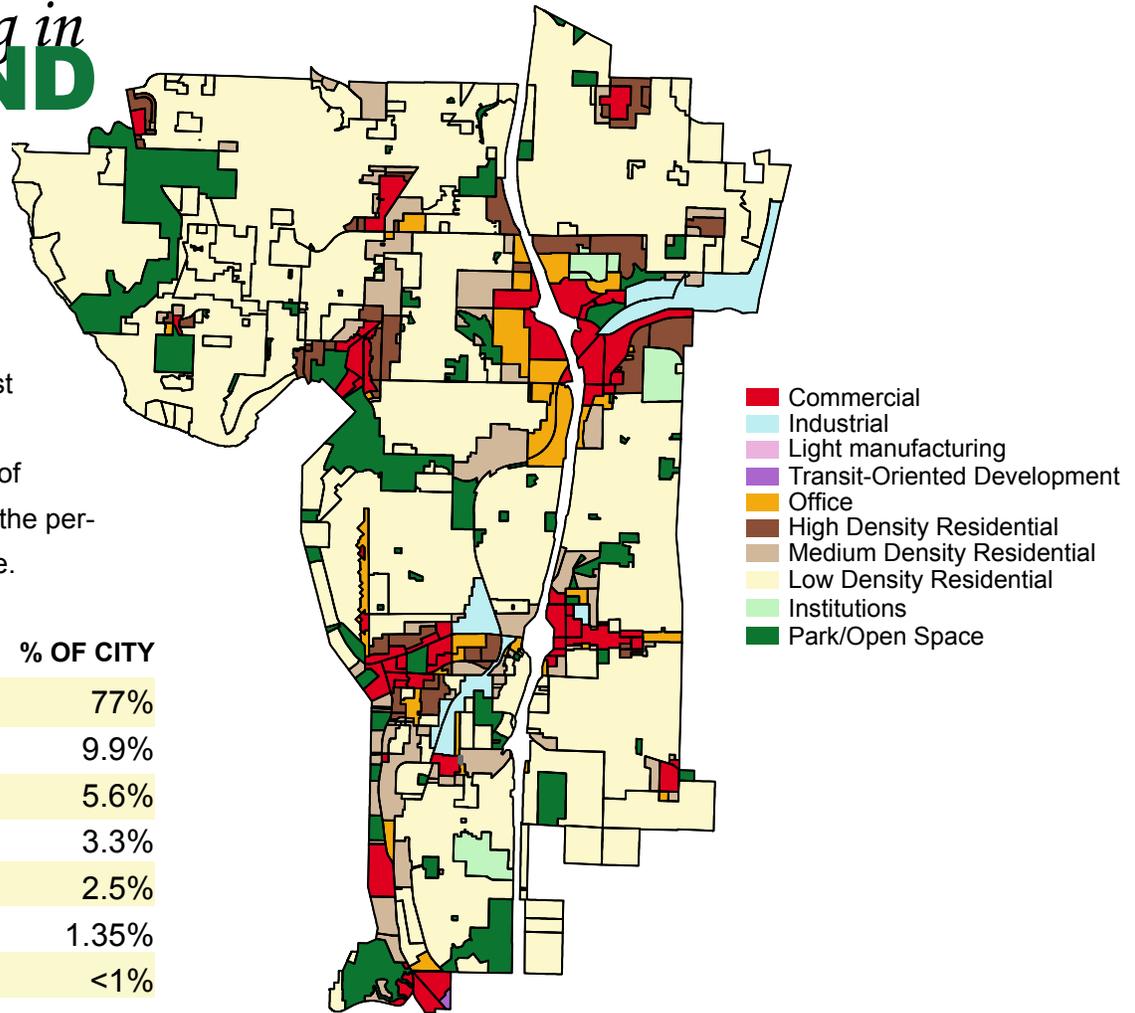
The City Council typically considers three to four every two

"You cannot have enforceable zoning regulation until you have a proper Comprehensive Plan ..."
—Malcom Douglas,
Superior Court judge of King County, in his 1958 oral opinion, which invalidated all of King County's zoning

zoning in KIRKLAND

More than three-quarters of the City is zoned as some form of residential—high-, medium- or low-density. The rest of Kirkland's 17.63 square-miles are divided amongst six other zoning types. Below is a list of those types, the number of zones associated with them and the percentage of the City they comprise.

CATEGORY	# OF ZONES	% OF CITY
Residential	56	77%
Park/Open Space	1	9.9%
Commercial	47	5.6%
Office	30	3.3%
High-tech/industry	4	2.5%
Institutions	6	1.35%
Transit-oriented	1	<1%



years, says Joan Lieberman-Brill, the City of Kirkland planner who deals with Private Amendment Requests. On average, the Council approves about half of them. This year, the City Council received three. Among them: Evergreen Health, which wants to rezone one of its properties from High-Density Residential to Institutional to match the zoning on the rest of its properties.

30 feet

The maximum building height allowed without a public hearing process under the Juanita Business District zones

“Pretty simple,” says Lieberman-Brill. “But it would amend the Comprehensive Plan. And that’s a big deal.”

Juanita Business District

Through the new zoning, the 11-acre block at 98th Avenue Northeast and Juanita Drive

became the Juanita Business District. The zoning required three public paths that would break up the super-block, provide views of the lake and offer

pedestrian access throughout the development and to Juanita Beach Park. To protect pedestrians from the rain, the zone required awnings. To reduce the development’s perceived size, the zoning said building-size and style should vary. Their roofs should be sloped. Their walls should offer walkers something to look at, such as windows and balconies.

“We were getting a lot of ‘Let’s put an AM/PM on the corner there’ from prospective developers,” says Angela Ruggeri, the Kirkland planner who co-drafted the Juanita Business District zoning. “We saw it as a unique situation. We realized it could be the center of the neighborhood.”

Process IIA

The zone also had a stipulation built into it: “If the development exceeds 30 feet above average building elevation, then Process IIA,” the Juanita Business District zone says. In planning speak, Process IIA is a form of a conditional use permit, which requires a



Pedestrians cross the Juanita Village plaza while crews build the final 200-unit apartment building on the villages' west edge. High-density, mixed-use developments, such as Juanita Village, are the model for future land-use in Kirkland.

quasi-judicial public hearing process, complete with expert testimony, public comment and a hearing examiner.

“People expect 30 feet in height,” Ruggeri says. “But this was a much bigger project. We wanted people involved in the decision.”

The zoning created a paradox, of sorts—a neighborhood center that had to be walkable for residents, profitable for developers and supportive to the collective vision of neighborhood.

The zoning gets implemented

The solution—drafted by Alan Grainger’s Seattle-based GGLO architectural team—called for 459

homes, 70,000 square feet of commercial space, 900 parking stalls and two acres of landscaped plazas and courtyards. To break up the super block and protect the view, the design included a multi-purpose street, lined with small shops and culminating with a public plaza.

When taken together, the development would look and function like a village. Grainger knew, however, it could not function with 30-foot-high buildings. So he designed them to be taller—up to 78 feet tall.

The public hearing

That detail triggered Process IIA, a public hearing that, on July 31, 2000, was administered by the City’s hearing examiner. Residents filled the City Council Chambers and spilled into the lobby. Kevin Hanefeld, the co-chair of Juanita Neighborhood Association, was one of them. “It was full and lively,” he says. “The public process drew people out—right, wrong or indifferent.”

They came to participate in a decision about their community’s vision and the zone crafted to protect that vision. Residents wanted a neighborhood living room with a view. The developer wanted at least 400 apartments, 70,000 square feet of commercial space and 78 feet in height.

The hearing would determine whether the two were compatible with Kirkland’s comprehensive plan and the zoning code its residents, staff and leaders had drafted to manifest it.

Twenty-seven residents spoke that evening; 22 in favor of the village’s design. Those closest to the process spoke too: The planners. The architects. The developers. The traffic engineers. They talked about concurrency and scale; multi-mobility and storm water drainage.

In the end, all of that talk—from the residents and the experts—was intended to answer one question: Does the vision of the architect match the vision of the community? And it did.

ABOUT GROWTH



A CONTINUING REPORT ON THE 2035 COMPREHENSIVE PLAN

Bikes, buses and automobiles



A cyclist commutes north on Market Street. Balancing the City's transportation choices, while reducing the number of people who commute alone in automobiles, is one of the City Council's 10 goals. Achieving that goal relies, in part, on providing the types of infrastructure that makes cycling, walking and bus riding safer and more efficient.

Kirkland's Transportation Master Plan will map out City's future in mobility

Four years ago, the City's transportation commissioners peered into the future of Kirkland's traffic. They saw climate change and population growth, dwindling supplies of land and money.

They realized the way Kirkland had thought about traffic in the previous seven decades wouldn't work for the next five decades. Kirkland, they concluded in their resulting 12-page vision-statement, *Transportation Conversations*, would have to plan more deliberately to move people, not just cars.

"Capital project spending is not currently balanced across modes," the commission said in their report. "Only a small fraction directly benefits cyclists and pedestrians."

TO LEARN MORE

- Contact Teresa Swan, senior planner: 587-3258; tswan@kirklandwa.gov
- Or David Godfrey, transportation engineering manager: 587-3865; dgodfrey@kirklandwa.gov

“Growth is not something being imposed on Kirkland by itself.”

— **Chandler Felt**, King County demographer



Photo courtesy of Chuck Taylor

Walkers participate in the National Alliance on Mental Illness walk in October 2012.

The ‘small fraction’ of funding dedicated to cyclists and pedestrians might make sense for the Kirkland of 2013—a time when 85 percent of its residents

15%

of Kirkland residents, who rely on carpools, buses, bikes or walking to commute to work.

use automobiles to get to work. For the Kirkland of 2032, however, it might not make as much sense. By then, Kirkland’s leaders expect the City to have grown by more than 20,850 jobs and 8,570 households. Development, by then, will have made the City more dense, and therefore more efficient to navigate by foot, bike and bus—yet more frustrating to

navigate by automobile.

To prepare for that future, Kirkland’s leaders could continue to prioritize automotive travel by squeezing any remaining vehicular capacity out of the City’s shrinking land-supply. Or, they could go another route: They could steer more of the City’s transportation infrastructure to accommodate a blend of automotive, bike, pedestrian and bus travel.

The first option focuses on supply—the supply of roads. The second option focuses on demand—the public’s demand for travel.

More than likely, says Joel Pfundt, chair of Kirkland’s Transportation Commission, leaders will pursue both options—maximizing vehicular capac-

What’s in a Transportation Master Plan?

- Financing plan
- Regional policies
- Use analysis
- Concurrency
- Level of Service (LOS)
- Multi-modal LOS
- Active Transportation
- Transit
- Pedestrian safety
- Bicycle Greenways
- Project Prioritization

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ity where possible while continuing to build infrastructure that accommodates bus, bike and foot travel.

Doing that, however, is a complex exercise that requires leaders to consider a series of variables and sometimes conflicting City goals, such as land use, funding, sustainability, concurrency, and the community’s preferred level of service.

To make these kinds of decisions now, City leaders have relied on an array of guides: The City’s Active Transportation Plan, its safe school walk route plan, its Intelligent Transportation Systems Plan and the City Council’s official goal of reducing motorists’ reliance on single occupancy vehicles and improving connectivity and multi-mobility.

“What we don’t have now is an integrated list of projects,” says David Godfrey, Kirkland’s manager



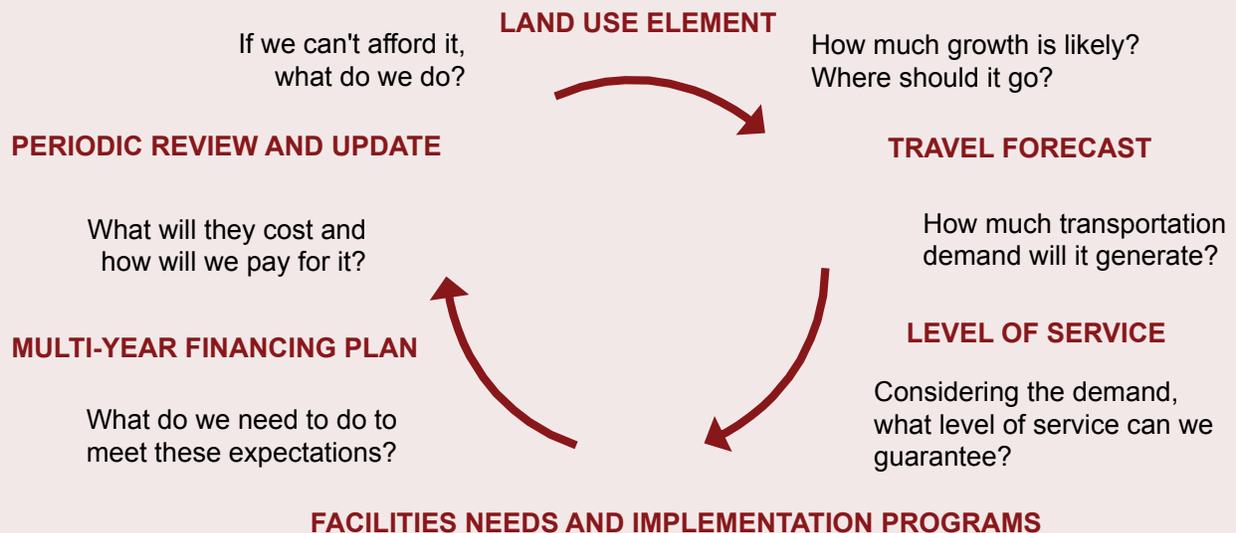
Photo courtesy of Will Christiansen

Sound Transit worked with the City of Kirkland in 2010 to make Kirkland’s downtown transit center (pictured here) safer and more efficient. It now accommodates more than 13,000 buses and 2,000 transit riders daily.

of transportation engineering. “For every project, we need to be able to describe where it came from, what its purpose is and how it will benefit the City.”

By 2015, Kirkland will have that unifying plan, its first-ever Transportation Master Plan. This plan will

THE PLANNING CYCLE



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comprise one part of the City's Comprehensive Plan, which is due in 2015.

The plan will examine the ways people move throughout Kirkland and project the ways they'll move in the future. It'll consider school walk routes, bike lanes, medians and street lights. Park and rides and parking lots will come under its review. As will intelligent transportation systems and traffic signal timing.

And the Transportation Master Plan will identify the funding sources of each resulting project, whether they be state and federal grants or gas taxes and local levies.

To devise the plan, Kirkland's leaders will be collaborating with its public through a variety of forums, such as workshops, public hearings, and surveys.

"[The master plan and the public participation process] will give the community a clear vision," Pfundt says.

"It will give us an opportunity to have a conversation with the public about what transportation will look like."

Those are fundamental questions. And their answers rely on several variables, such as the public's preferences, the resources available to the city and projections of population and development.

One of the most influential variables in this process is a law the state legislature passed in 1990 and reinforced in 1991: the Growth Management Act.

The Act requires cities to accommodate population growth by using space more efficiently within devel-

oped areas, rather than sprawling outward.

Using space, of course, requires some change. And change is not always popular or immediately understood—especially when the changes—at first glance—seem counter intuitive and counter-productive.

"Designating more bike lanes while traffic contin-



Photo courtesy of Caron Lemay

Members of Kirkland Greenways use markers to designate the neighborhood streets that would make safe and efficient "Greenways" for cycling, walking and other forms of active transportation.

ues to worsen might not seem like a good investment," says Godfrey, Kirkland's transportation engineering manager. "But as we continue to grow, and grow more dense, those active transportation modes are going to become more efficient."

Collaborating with the public to plan for this change is a goal of the Transportation Master Plan and the 20-year Comprehensive Plan of which transportation is a part.

"Growth is not something being imposed on Kirkland by itself," says King County demographer Chandler Felt. The state requires Kirkland to accept growth and to plan for it, Felt says.

The role of the Transportation Management Plan is to determine how the City's transportation infrastructure will respond to the growth.

254

The total mileage of Kirkland's streets.

ABOUT GROWTH

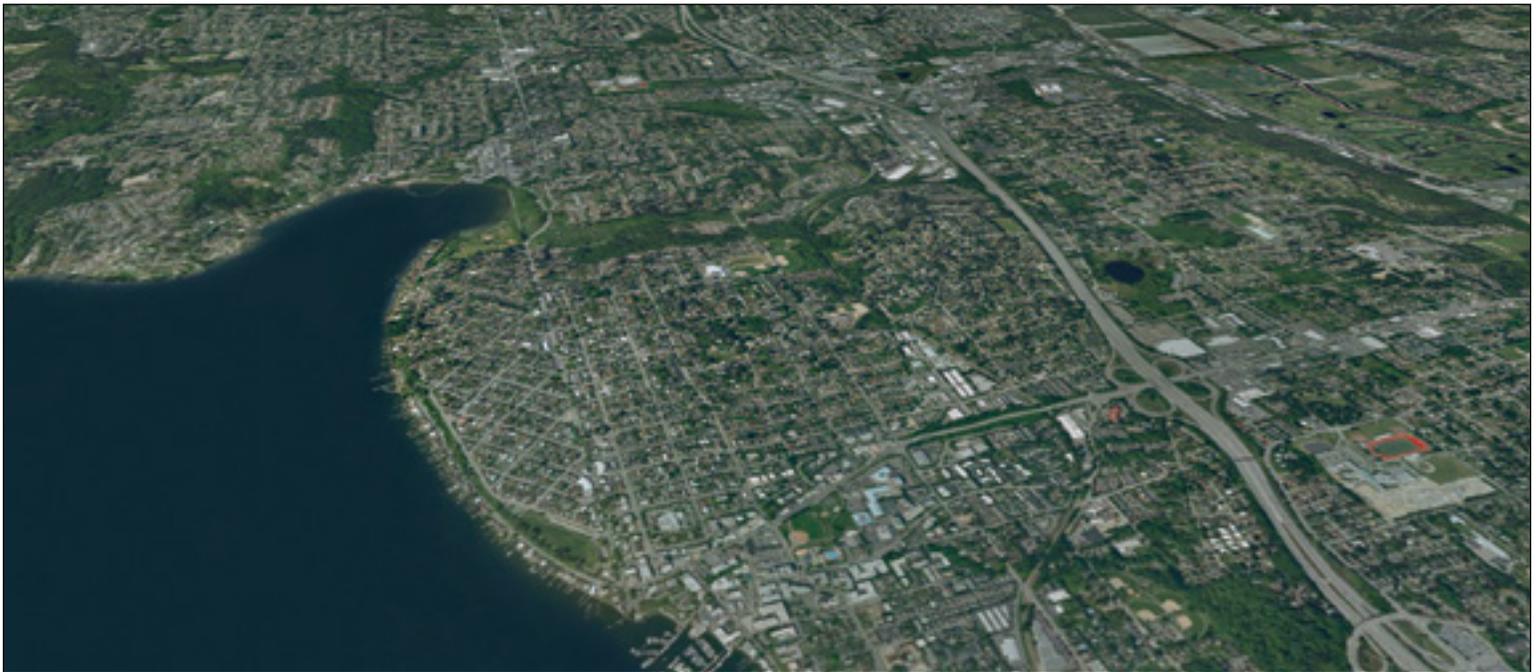


A CONTINUING REPORT ON THE 2035 COMPREHENSIVE PLAN

“With limited resources, it becomes a question of how much can you tolerate and how much can you afford.”

—THANG NGUYEN, *City of Kirkland Transportation Engineer*

Do we concur?



An aerial view (looking northeast) of Kirkland shows the basics of the City: land-use and transportation. Concurrency is what defines and describes the relationship between these two basic responsibilities of the City of Kirkland.

Back in 2004, Kirkland’s transportation commission had to pick a number. The number they chose would define one of the City’s most fundamental relationships: The relationship between development and transportation infrastructure; between the places where people go—housing, shopping centers, work sites—and the infrastructure that helps get them there—roads, turn lanes, traffic signals.

The Growth Management Act has a word for that relationship: “concurrency.”

Maintaining concurrency is one of the

Growth Management Act’s 13 goals.

Defining it, however, is up to the individual City. The way Kirkland defines it accounts almost exclusively for automobile traffic at signalized intersections. The number of people riding bikes or walking doesn’t figure in.

This, however, will likely change by 2015.

Kirkland’s Transportation Commission is currently devising a proposal for a concurrency metric that would include all of the City’s traffic—including bicycles, buses and pedestrians. This could influence the type of transportation projects Kirkland funds

TO LEARN MORE

■ Contact Paul Stewart, deputy planning director: 587-3227; pstewart@kirklandwa.gov

■ Or David Godfrey, transportation engineering manager: 587-3865; dgodfrey@kirklandwa.gov

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in the future. It could also improve travel efficiency for bikes, buses and pedestrians, which is part of the City Council's official goal for balancing Kirkland's transportation choices.

Concurrency, the Kirkland way

Goals, of course, need measures. And in 1992, when the Growth Management Act required cities throughout the state to come up with their own goals for concurrency and the methods of measuring it, Kirkland's leaders devised a rather simple metric: The number of automobiles intending to move through an intersection during rush hour—the volume—divided by the number of vehicles that intersection is designed to move—the capacity. Engineers refer to this as the Volume over Capacity ratio.

“An easy way to think about that is a

glass filled with water,” says David Godfrey, Kirkland's manager of transportation engineering. “The glass is the number of vehicles that can move through the intersection. And water is the cars. If the glass is partially full that's good

but if you pour so many cars through the intersection that they are spilling all over the place, that's a V over C ratio greater than one.”

Things that increase the V over C ratio are things that increase traffic volume: shopping centers, apartment complexes, office parks. Things that reduce the ratio are things that increase the intersection's

capacity, such as additional turn lanes or Intelligent Transportation System technology. Adding sidewalks, bike lanes and bus routes doesn't help much since, remember, the City's measurement accounts primarily for automobiles at signalized intersections.



Photo courtesy of Oran Viriyincy

A familiar sight: Congestion on Interstate 405 in Kirkland. Interstates and state highways are exempt from state and local concurrency requirements.

600,000

The number of trips Kirkland engineers estimate residents make on the City's streets every day.

Level of Service

The Growth Management Act also required Kirkland to establish ceilings on how much congestion it will allow. This is the level of service component of concurrency.

Once a city has committed to a level of service, it must adhere to that service level until the city council officially changes it.

So, if a developer proposes an office park that would exceed the city's established ceiling on volume over capacity, state law requires that city to reject the proposal.

“... [U]nless transportation improvements and strategies are implemented to accommodate the de-

THE ISSAQUAH EXAMPLE: Why we can't just stop growth

In response to the public's demand for less traffic congestion, the Issaquah City Council in 1995, established a high level of service for its streets. This slowed the pace of in-city development. Development outside the city, however, continued. With it, came traffic, which “tripped”

Issaquah's concurrency threshold in many areas. This resulted in a seven-year halt to development throughout most of the city, which slowed the rate of congestion. Even that wasn't enough, however. To become compliant with its concurrency standard, says Mark Hinthorne, special proj-

ects director for Issaquah's mayor, the City Council knew it had to build more capacity, including an estimated \$24 million project to widen a section of Issaquah-Pine Lake Road to five lanes. It also changed the way it measures concurrency and established a high level of service.

E-page 72

velopment within six years,” says the 2005 Puget Sound Regional Council report, *Options for Making Concurrency More Multi-Modal*.

Two decades ago, Redmond, Bellevue and Issaquah all chose high levels of service—that is they chose to ensure efficient traffic flow through their streets. To achieve that, however, they’d have to

achieve one of two feats: Harness local and regional development, over which they had some, but not total control. Or continue to increase the vehicular capacity of its streets.

By 2002, researchers from the Washington State Transportation

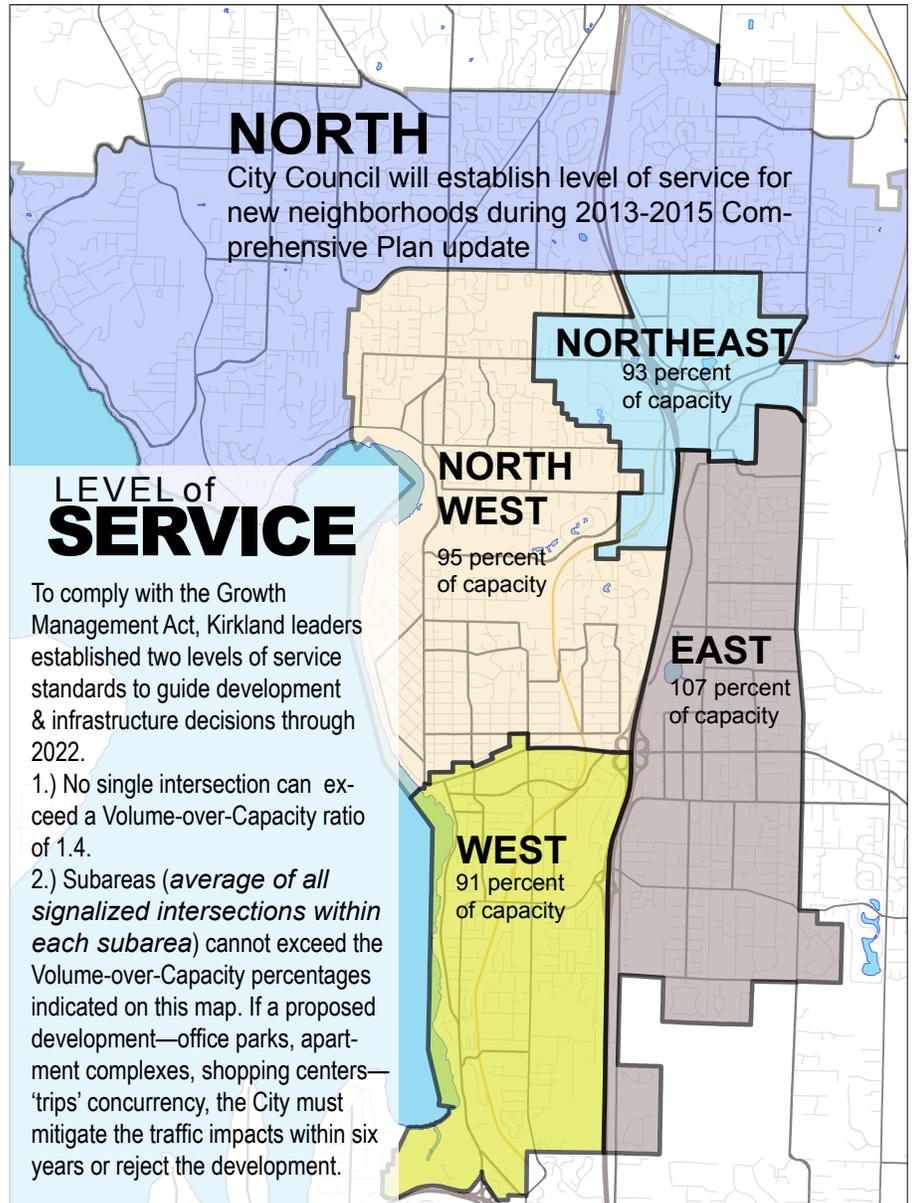
Center, found perils in all three cities.

“Under this measurement system, Issaquah is currently out of compliance with concurrency requirements,” their resulting November 2002 report *East-side Transportation Concurrency Study* said. “In Redmond, two of seven zones are out of compliance. Bellevue is currently in compliance, but further development likely will raise compliance issues.”

Back to the number

Kirkland chose a different path. Unlike Bellevue, or Redmond or Issaquah, Kirkland’s leaders established a different level of service that would allow significant congestion. And the number they used to describe that level of service was 1.4.

“We figured out what the V over C would be like in 20 years as a result of development and zoning,” says David Godfrey,



The City of Kirkland currently measures concurrency at signalized intersections with the following formula: The volume of automobiles intending to move through an intersection at rush hour, divided by the number of vehicles that intersection is designed to usher. To include other forms of travel, such as bike-commuting, transit ridership and walking, leaders are working on a new formula, which will be included in Kirkland’s first-ever Transportation Master Plan.

Kirkland’s manager of transportation engineering. “And then we set it high to ensure it would always be realistic.”

By doing so, City leaders said, we, as a City are willing to grow, to transform from a bedroom community into a place where people can live, work and play. But we don’t want to build five-lane arterials that will attract overflowing freeway traffic. We don’t want to continue investing all of our transportation resources into one form of travel—automotive. And to be this kind of a community, we recognize we will either have to



Northeast 130th Street and 120th Avenue Northeast, left photo, has a Volume-over-Capacity ratio of .39, lowest of the 52 intersections Kirkland tested in 2013. The intersection of Juanita Drive and Holmes Point Drive had a ratio of 1.10, the highest. The difference? Lanes vs. signal phases, says Thang Nguyen, Kirkland's transportation engineer in

tolerate more traffic congestion or continue investing in infrastructure, such as the Cross Kirkland Corridor, which expands transportation choices.

"You don't want gridlock," says Thang Nguyen, Kirkland's transportation engineer responsible for testing concurrency. "With limited resources, it becomes a question of how much can you tolerate and how much can you afford."

What about now?

The intersection with the City's worst Volume-over-Capacity ratio is at North Holmes Point Drive Northeast and Juanita Drive Northeast. That ratio is 1.1.

It is comprised of two three-way intersections, separated by a few hundred yards.

"But they work as one system," says Nguyen.

More signal phases means fewer vehicles get through. Despite this, traffic congestion is a problem "only when there's an accident," says Bach Tram, owner of Family Cuts, a hair salon, which sits on the corner. Meanwhile, over at Northeast 130th Street and 120th Avenue Northeast, the City's best intersection, the 32-year owner of Compound Pharmacy, says traffic outside her window is a daily reality.

"From early in the afternoon, it's backed all the way up the hill," says Cathy Devine. So what explains the discrepancy between the intersections' Volume-over-Capacity ratio and their neighbors' experiences with them? "Perception," Nguyen says.

CONCURRENCY TEST

Fifty-two of Kirkland's intersections function systemically to regulate the City's entire traffic flow. These are called "Concurrency Intersections." Whenever a proposed development requires a State Environmental Policy Act review, engineers test all of the City's Concurrency Intersections for their Volume-over-Capacity ratios. The intersections with the highest ratios are listed below.

Intersection	Volume	Capacity	V/C ratio
North Holmes Pt/ Juanita Dr NE	1,506	1,375	1.10
Juan.-Wood. Way/ 100th Ave. NE	1,414	1,375	1.03
NE 85th St/ 132nd Ave NE	1,381	1,375	1.00
NE 124th St/ Slater Ave NE	1,378	1,375	1.00
NE 85th St/ 122 Ave NE	1,382	1,425	.97
NE 145th St/ Juan.-Wood. Way	1,324	1,375	.96
116th Way NE/ NE 132nd St	1,292	1,375	.94
NE 124th St/ 116th Ave. NE	1,246	1,375	.91
Simonds Road/ 100th Ave. NE	1,781	1,500	.90
NE 70th St/ 116th Ave. NE	1,224	1,375	.89

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: April 29, 2013

Subject: 2013 LEGISLATIVE UPDATE #7

RECOMMENDATION:

Council should receive its seventh update on the 2013 legislative session.

BACKGROUND DISCUSSION:

At the writing of this memo, the legislature has completed its fifteenth and final week of the regular legislative session for 2013, with sine die (adjournment) on April 28. The legislature did not complete its budget work. As anticipated, the Governor has said that he will convene a special session beginning May 13th. Assuming he does that, then by law the special session can run up to 30 consecutive days, ending on June 11. The end of the state fiscal year is June 30th.

While the legislature did not pass either an operating or capital budget, it did pass a 'no new revenue' transportation budget. The primary focus of the special session will be on these fiscal matters including a transportation revenue package that is still in play. There is no doubt attempts will be made to also pass legislation of interest to members and/or leadership.

It is expected the budget negotiators will continue to meet between now and May 13th.

COUNCIL LEGISLATIVE COMMITTEE:

The Council's Legislative Committee (Mayor McBride, Deputy Mayor Marchione and Council Member Asher) meets weekly on Friday's at 3:30pm. However, the Council's Legislative Committee did not meet on April 26.

The status of the city's 2013 legislative priorities (Attachment A) and the status of other bills of interest to the City (Attachment B) as of April 26 are included.

Week 13 (4/6 – 4/12)

The primary focus in week 13

1. Drafted and published Open Letter to legislators in support of Transportation Revenue. (Attachment C)
2. Letters sent to all six of Kirkland's House delegation members requesting support of Capital Budget project included in Senate version (Attachment D).
3. Letter sent to the Governor urging that he sign ESSB 5110 into law (Attachment E)

Week 14 (4/13 – 4/19)

The primary focus in week 14

1. Reviewed transportation 'new revenue' proposal released by the House Transportation Chair (Attachment F)
2. Arranged meetings with six legislators for April 19 and prepared materials.
3. Lobbied for Kirkland's legislative priorities on April 19.
4. Mayor McBride testified (Attachment G) before the House Transportation Committee on April 19 in support of the Transportation Revenue Package and specifically in support of an amendment offered by Rep. Moscoso (Attachment H).

Week 15 (4/20 – 4/26)

The primary focus in week 15

1. Attended Governor's signing ceremony of ESSB 5110, Local Purchasing bill
2. Council member calls to House delegation in support of the Transportation Revenue Package

2013 LEGISLATIVE PRIORITIES:

As mentioned above, a detailed matrix tracking the status of Kirkland's legislative priorities (as of April 29) is attached to this memorandum. Below is an at a glance summary:

2013 Legislative Priority	Bill Number	Hearing Status
Support state and local transportation revenue to maintain infrastructure investments and complete projects that enhance economic vitality.	HB 1954 HB 1955 HB 1956 HB 1957 HB 1953 SB 5773 HB 1959 HB 1898	4/22 – Executive Action Taken in committee (NTIB) 4/22 – Executive Action Taken in committee (NTIB) 4/24 – Passed to Rules (NTIB) 4/9 – Passed to Rules (NTIB) 3/13 – Returned to Rules for second reading 4/5 – Senate "X" file 3/13 – Returned to Rules for second reading 3/13 – Returned to Rules for second reading
Support retaining the State Annexation Sales Tax Credit and defend against state revenue reductions or legislation that impact completion of the Finn Hill, Juanita & Kingsgate-area annexation.		Left intact in the Senate proposed Operating Budget. Left intact in the Governor's priorities that were released week 11. Monitoring.
Support \$5 million in funding for the next phase of the NE 132nd Interchange ramp design and for the NE 132nd Interchange to be included in any statewide transportation package.		Listed (unfunded) in the Senate and House proposed 'no new revenue' Transportation Budgets. 4/22 – Rep. Moscoso included this funding in an amendment to HB 1955 as part of the new revenue package.
Support eliminating the \$10 million ongoing diversion of liquor taxes and reinstating local share of excess liquor profits.		Senate proposed Operating Budget reduces liquor shared revenue by half.
Support the development of the Cross-Kirkland Corridor including support of continued state financial assistance (WWRP) and other tools to implement multiple uses including recreation and transportation.		The Cross Kirkland Corridor ranked #2 among the WWRP Proposed Trail Projects to be funded in 2013. \$500,000 with a \$500,000 match. Included in both proposed Capital Budgets.
Support providing cities with financing options to support public/private partnerships.	HB 1967	This bill is technically 'dead'
Support allowing local governments the option to award contracts to vendors whose pre-tax bid unit price is lowest.	SB 5110 HB 1268	4/22 – Signed by Governor Inslee. This bill is technically 'dead'
Capital Budget Request: \$1M for completion of the Park Lane Pedestrian Corridor		House proposed Capital Budget may be released 4/10.
Capital Budget Request: \$1.3M for phase one of a Pedestrian Span from SK-TOD to CKC		Included by Senator Tom in the Senate's proposed Capital Budget.

HEARINGS AND CORRESPONDENCE:

Bill	Cmte	Dt/Time	City Rep.	SME
Transportation Revenue Package	HTr	4/22 1:30	Mayor McBride	

Cmte (Committee) Legend

HTr = House Committee on Transportation

Transportation Proposals:

As mentioned, the legislature did pass a 'no new revenue' transportation budget prior to Sine Die. The budget itself includes no new projects. It includes provision that SR 520 must be "fully funded" before westside construction can begin. I-90 tolling – to fund SR 520 – is delayed another year. Because the I-405/NE 132nd Street Interchange Ramp project is not a new project - originally identified in the approved 2007-2009 Transportation budget with a commitment of funding via the Transportation Partnership Account (TPA) - this budget did include the project but without any funding until 2023. State's original project funding commitment was defrayed by the recession.

Also mentioned, on April 16, the House Transportation Chair released a proposal containing potential 'new revenue' and heard testimony on the proposal April 19. At the hearing, many member amendments were proposed including one from Representative Lias that proposed \$300 million in funding toward pedestrian and bicycle projects as well as one from Representative Moscoso that specifically addressed the City's priority of \$5M toward the planning and design phase of the I-405/NE 132nd Street Interchange Ramps. Mayor McBride testified in support of the Transportation Revenue Package and in support of Representative Moscoso's amendment.

On April 22, the House Transportation Committee passed a Transportation Revenue Package out of committee where it currently sits in the Rules Committee and is still in play when the legislature convenes for Special Session on May 13. The House transportation revenue package includes:

- \$8.4 billion in new revenue through:
 - Fuel tax (5 cents/2 cents/2 cents/1 cent)
 - Gross weight fee increase
 - Vehicle registration fee increase
 - Title transfer fee
 - Also includes 3 cent "contingency" gas tax increase for SR 520 if project is not fully funded by 2015.
 - Some local use of money, namely in Complete Streets program, stormwater funding, and 1/2 cent to counties, 1/2 cent to cities.
- Includes local revenue options that impact Kirkland and King Co.:
 - TBD councilmanic authority to move motor vehicle fee from \$20 to \$40.
 - 1.5% MVET for King Co. Metro (public voted required)
- House budget includes Kirkland-area and eastside projects as part of 12-year budget/funding cycle (funding priority not yet established):
 - 132nd Street ramps/I-405
 - 4 pedestrian/bicycle projects (Kirkland)
 - I-405 Renton to Lynnwood widening
 - SR 520 work
 - Complete SR 522 improvements (Kenmore)

- Attachments:
- A. Status of City's 2013 legislative priorities
 - B. List of bills the City is tracking and positions
 - C. Open Letter to legislators in support of transportation revenue
 - D. City letter in support of \$1.3M project included in senate version capital budget
 - E. City letter to the Governor urging that he sign ESSB 5110
 - F. Mayor McBride's testimony in support of the transportation revenue package
 - G. Amendment to HB 1955 offered by Rep. Moscoso
 - H. House Transportation Chair's initial new revenue proposal

	Legislative Priority	Bill #	Prime Sponsor	Status	
1	Support state & local transportation revenue	HB 1954 HB 1955 HB 1956 HB 1957 HB 1953 HB 5773 HB 1959 HB 1898	Rep. Clibborn Rep. Clibborn Rep. Clibborn Rep. Clibborn Rep. Lias Sen. Harper Rep. Farrell Rep. Fey	<u>Statewide Package</u> 4/22 – Exec Action Taken (NTIB) 4/22 – Exec Action Taken (NTIB) 4/24 – Passed to Rules (NTIB) 4/9 – Passed to Rules Committee (NTIB) <u>Local Revenue</u> 3/13 – Rtrnd to Rules for second reading 4/5 – Senate Rules “X” file 3/13 – Rtrnd to Rules for second reading 3/13 – Rtrnd to Rules for second reading	Includes: \$675 million for local government assistance; \$897 million for storm water cleanup; \$61 million for Complete Streets. Includes: Sno Co. Community Transit Authorizes TBD increase plus voter approved 1.5% MVET Authorizes Pierce Co. to create smaller TIZ
2	Retain the State Annexation Sales Tax Credit			Monitoring. 4/3 – Left intact in Senate Operating Budget	
3	\$5M for the next phase of the NE 132nd Interchange ramp design and for it to be included in any statewide transportation pkg			4/16 – Listed (unfunded) in Senate and House Transportation Budgets 4/22 – Rep. Moscoso amendment included in HB 1955	
4	Eliminate the \$10 million ongoing diversion of liquor taxes and reinstate local share of excess liquor profits	HB 2019	Rep Tharinger	This bill is ‘dead’. Senate Operating budget proposes reducing liquor shared revenue by half	
5	The development of the Cross-Kirkland Corridor including support of continued state financial assistance (WWRP) and other tools to implement multiple uses including recreation and transportation			The Cross Kirkland Corridor ranked #2 among the WWRP Proposed Trail Projects to be funded in 2013. \$500,000 with a \$500,000 match. WWRP part of Capital Budget negotiations. 4/9 – Included in Senate CB. 4/10 - Included in House CB	
6	Provide cities with financing options to support public/private partnerships	HB 1967	Rep. Springer	This bill is ‘dead’.	
7	Allow local governments the option to award contracts to vendors whose pre-tax bid unit price is lowest	SB 5110	Sen Tom	2/8 – Amended by Tom on floor. ESSB Passed Yeas, 48; Nays, 0; Excsd, 1 4/12 – Passed House Yeas, 57; Nays, 37; Excsd, 4. 4/22 – Signed by the Governor	
•	Capital Budget Request: \$1.3M for Ped Span from SK-TOD to CKC		Sen Tom	4/9 – Included in Senate Capital Budget.	

Bill	Title	Position	Status
Support			
SB 5053	Modifying vehicle prowling provisions	Support	2/25 - Passed by Senate (48 yeas, 1 xcscd) 4/11 - passed by House (96yeas, 1nay, 1 xcscd)
SB 5103	Grants for community outdoor and indoor athletic facilities	Support	1/30 - Heard in Ways & Means
SB 5110	Local government purchasing	Support	2/8 - Passed by Senate (48 yeas, 1 xcscd) 4/12 - passed House (57yeas, 34nay)
SB 5113	Concerning the enforcement of speed limits on roads within condominium asscs	Support	2/8 - Passed by Senate (49 yeas) 4/15 - Passed; yeas, 92; nays, 5; xcscd, 1
SB 5349	Revising alternative public works contracting procedures	Support "strongly"	2/26 - Passed by Senate (49 yeas, 0 nays) 4/9 - Spassed to Rules
SB 5606	Fire suppression water facilities and services provided by municipal & other purveyors	Support	3/5 - Passed by Senate (45 yeas, 2 nays) 4/17 - Returned to Rules
SB 5703	Distribution of state liquor revenues to cities and counties	Support	2/11 - First Read into Ways & Means
Neutral			
Oppose			
SB 5532	Requiring crisis intervention training for peace officers	Oppose	2/22 - referred to Ways & Means
SB 5895	Funding education	Oppose	4/23 - Passed Senate 25 yeas, 23 nays, 1 xcscd 4/25 - Read into House Appropriations

Bill	Title	Position	Status
Support			
HB 1009	Prohibiting certain liquor self-checkout machines	Support	2/25 - Passed yeas, 92; nays, 0; abs, 0; excsd, 6 4/17 - Passed; yeas, 48; nays, 0; xcscd, 1
HB 1016	Designating facilities and infrastructure of water purveyors as essential public facilities under GMP	Support	2/18 - Passed yeas, 87; nays, 9; abs, 0; excsd, 2 4/24 - Senate "X" file
HB 1045	Authorizing certain local authorities to establish maximum speed limits	Support	2/18 - Passed yeas, 86; nays, 10; abs, 0; excsd, 2 4/17 - Passed; yeas, 45; nays, 2; xcscd, 2
HB 1090	Increasing \$ amount for dock construction that does not qualify as a substantial dev under SMA	Support	3/9 - Passed yeas, 95; nays, 0; abs, 0; excsd, 3 4/24 - Senate "X" file
HB 1183	Wireless communications	Support	2/25 - Passed yeas, 92; nays, 0; abs, 0; excsd, 6 4/17 - Passed; yeas, 37; nays, 11; xcscd, 1
HB 1187	Grants for community outdoor/indoor athletic facil	Support	2/7 - Referred to Appropriations
HB 1253	Concerning the lodging tax	Support	3/13 - Passed yeas, 71; nays, 26; abs, 0; excsd, 1 4/17 - Passed; yeas, 47; nays, 1; xcscd, 1
HB 1274	local government practices and procedures	Support	2/27 - Passed yeas, 88; nays, 9; abs, 0; excsd, 1 4/10 - Made eligible to be placed on 2nd reading
HB 1275	Regarding water discharge fees	Support	2/22 - Referred to Appropriations
HB 1306	Extending the expiration dates of the local infrastructure financing tool program	Support	3/9 - Passed yeas, 81; nays, 16; abs, 0; excsd, 1 4/26 - Placed on 2nd reading by Rules
HB 1315	Criminal justice training funding	Support	First read 1/23 in Appropriations
HB 1368	Distribution of state liquor revenues to cities and counties	Support	2/19 - Heard in Appropriations
HB 1401	Timing of penalties under the GMA	Support	3/8 - Passed yeas, 89; nays, 9; abs, 0; excsd, 0 4/2 - Passed to Rules
HB 1512	Fire suppression water facilities and services provided by municipal & other purveyors	Support	3/4 - Passed yeas, 97; nays, 0; abs, 0; excsd, 1 4/17 - Passed; yeas, 45; nays, 3; xcscd, 1
SHB 1898	Concerning funding enhanced public transportation zones for public transportation systems	Support	3/13 - Returned to Rules for second reading
HB 1953	Concerning local option transportation revenue.	Support	3/13 - Returned to Rules for second reading
HB 1954	Concerning transportation revenue	Support	4/22 - Exec Action Taken
HB 1955	Concerning additive transportation funding	Support	4/22 - Exec Action Taken
HB 1959	Concerning local transportation revenue	Support	3/13 - Returned to Rules for second reading
Neutral			
HB 1919	Allowing county sales and use tax by ordinance		
Oppose			
HB 1232	rental vouchers to a registered sex offender	Oppose	2/22 - Referred to Appropriations
HB 1440	Ensuring fairness to employers by protecting employees	Oppose	3/13 - Returned to Rules for second reading
HB 1559	Requiring crisis intervention training for peace officers	Oppose (w/conditions)	2/22 - Referred to Appropriations
SHB 1652	Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants.	Oppose/amend	3/6 - Passed yeas, 73; nays, 24; abs, 0; excsd, 1 4/17 - Passed; yeas, 34; nays, 14; xcscd, 1

April 17, 2013

An Open Letter to the Washington State Legislators in Support of Transportation Revenue

Honorable State Senators and Representatives:

Let us begin by expressing our sincere appreciation for your service to the public and for your consideration and support of priorities important to local government and our residents.

We are concerned about the serious and unmet need for local transportation funding and urge the legislature to take action this session to address this need. Local option financing tools are desperately needed to allow cities such as Kirkland address our growing transportation issues.

Your consideration and your actions are vitally important to our community's quality of life and economic development; which, in turn, contributes to the state's quality of life.

Neglecting to take action now will only cause transportation costs to multiply, increase congestion, and reduce competitiveness for Washington businesses regionally and in international markets.

Cities are the economic engines of the state and Washington's transportation system is the backbone of our economy, providing the vital connections that link our homes to our work places and carry products to market. A strong state and local transportation system is necessary to create and maintain jobs in our region.

This is why transportation revenue is a high priority for the City of Kirkland and others across the state.

While Kirkland maintained and even increased our transportation funding over the past four years despite the Great Recession, that is not true for many Washington cities. In November of 2012, Kirkland's citizens recognized the need for additional local transportation funding and they stepped-up to approve Proposition 1, a permanent property tax levy to address city street maintenance and pedestrian safety needs. Beginning in 2013, the Streets Levy will raise approximately \$2.9 million annually to fund street maintenance (\$2.6 million/year) and safety improvements for neighborhood streets and arterials, (\$150,000/year) for Safe Walk Routes to School and (\$150,000/year) for Pedestrian and Bicycle Safety.

Notwithstanding these actions, we still have several hundred million dollars of unmet transportation needs. If the legislature authorizes local options, we will use them. All the options before you for consideration, in even the most generous combination, will account for less than a quarter of the needs of local governments.

Examples of Kirkland projects to which funding could be allocated immediately:

6th Street & Central Way Intersection Improvements

\$1,867,000 is needed to complete the final construction of phased upgrades at the intersection of 6th Street & Central Way. Kirkland's Central Way corridor provides access for approximately 18,000 vehicles per day between I-405, the City of Redmond, and Kirkland's Downtown.

The Project has been designed specifically to:

- maintain traffic flow into Downtown
- provide bike lane connectivity with the surrounding bike network
- Improve pedestrian safety by reducing vehicular speeds and adding lighting
- Attract and support future private sector investment in the vicinity
- Improve access to support the redevelopment of adjacent large-scale retail/commercial redevelopment of Park Place (an increase of 1.5 M square feet over existing)
- Support the 4500 additional jobs anticipated to be created from redevelopment
- support the vibrant Main Street retail environment that is envisioned along Central Way

Project's total Cost – \$3,925,000
 Local Funding Commitment – \$2,058,000
Funding needed to complete the project – \$1,867,000

124th Avenue NE (in the Totem Lake designated urban center) Improvement Project

\$5,000,000 is needed to match the City's contribution toward this improvement project that will help attain the 2022 level of service standard established in the Kirkland Comprehensive plan. 124th Avenue NE provides access to and through Kirkland's designated Urban Center for approximately 19,000 vehicles per day.

The Project has been designed specifically to:

- Increase vehicular capacity and improve congestion
- Reduce vehicular accidents caused by high traffic volumes and substandard pavement conditions
- Improve non-motorized access and safety by improving bike lanes, sidewalks, pedestrian crossings, and bus facilities
- encourage use of alternative modes of transportation
- Improve access to support the redevelopment of the Totem Lake Mall

Project's total Cost – \$10,050,000
 Local Funding Commitment – \$5,050,000
Additional funding needed for the project – \$5,000,000

Kirkland could also use these revenues as a local match for state projects, such as the NE 132nd Street ramps to I-405, which were submitted as part of the statewide package.

Transportation is a bipartisan issue. We recognize the transportation proposals being considered by the legislature do not completely address the billions needed for all of our transportation needs.

We are committed to working with you to focus on our shared critical transportation needs. This is the future of our economic development, the future of job creation, the future of our quality of life.

Respectfully,

KIRKLAND CITY COUNCIL



By Joan McBride, Mayor



April 16, 2013

The Honorable Ross Hunter
Washington State House of Representatives
48th Legislative District
PO Box 40600
Olympia, WA 98504-0600

RE: \$1.3 Million for the South Kirkland TOD/Cross Kirkland Corridor in the Capital Budget

Dear Representative Hunter,

The Senate Capital Budget includes \$1.3M for the South Kirkland TOD/Cross Kirkland Corridor. We respectfully request your support of this project and ask that you talk to the budget writers in the House about this project and ask that they accept the Senate position in the final budget.

This funding is being sought to design and construct an ADA accessible enclosed elevator structure and covered pedestrian bridge that will be incorporated into the new South Kirkland Transit Oriented Development (TOD) public parking garage. If designed and constructed as envisioned, multi-modal access between transit operations, the parking garage, and the Cross Kirkland Corridor (aka the Eastside Rail Corridor -- the former BNSF Rail-line) will be dramatically improved.

Severe elevation differences of 30-60 feet between the new public parking garage and the Cross Kirkland Corridor (CKC), owned by the City of Kirkland, prevent easy access between these two facilities. The new CKC is currently being master planned for a multi-modal transit corridor between Bellevue and Kirkland's Totem Lake Urban Center and in order to maximize access between these two facilities, a connection span between the garage and CKC is critical.

The South Kirkland TOD is a seven acre site is located in both the City of Kirkland and the City of Bellevue. It is a collaboration between the federal government, the state of Washington, King County, the Cities of Kirkland and Bellevue, and Polygon Northwest and is located immediately southwest of the CKC. In addition to the 239 residential units and ground floor commercial space, the TOD will include a 295 stall parking garage for tenants and customers, and a public open space. All components of the TOD will include green building techniques. The federal government provided a \$6M grant for the TOD as well as \$41M for bus transit across the SR 520 Bridge.

The multi-partner collaboration is also providing a new 530 stall public parking garage that will be located on the south east portion of the TOD site. In addition to the public parking garage, King County METRO's portion of the project includes the redesign of

the surface parking lot and upgraded more efficient transit loading area. At completion, the Park and Ride facility will provide an increase of parking stalls from the existing 603 to approximately 850.

We hope the final Capital Budget negotiated between both chambers will include funding for this project.

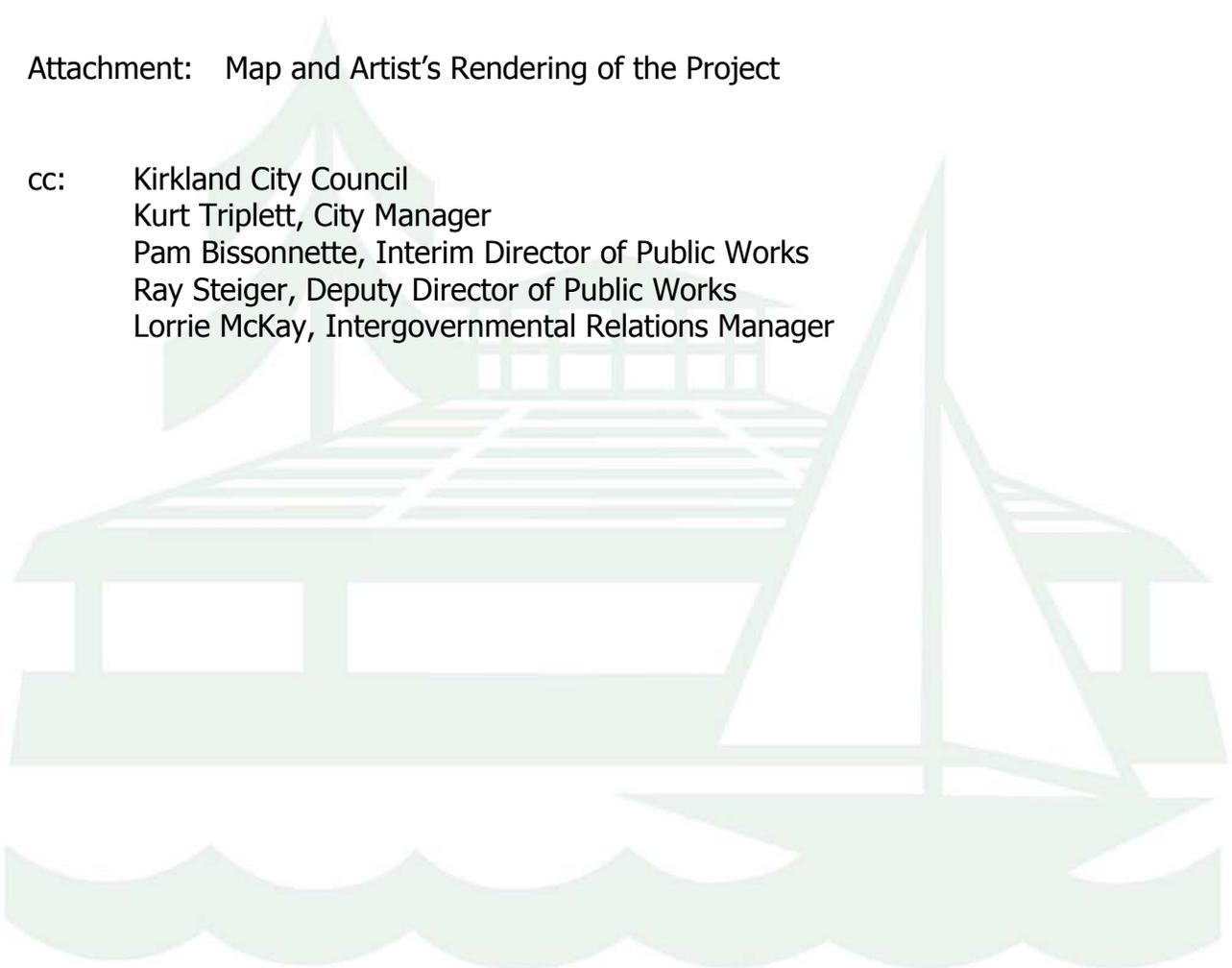
Sincerely,



Joan McBride, Mayor
City of Kirkland

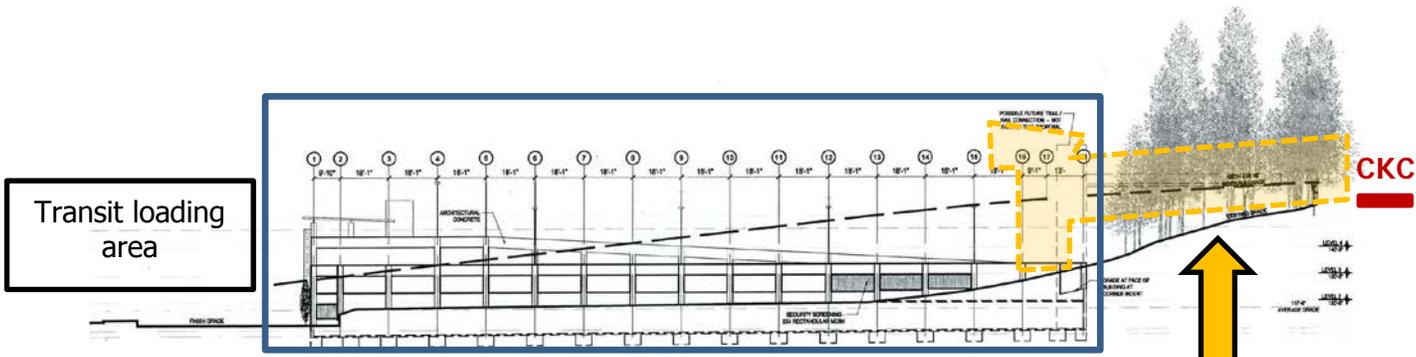
Attachment: Map and Artist's Rendering of the Project

cc: Kirkland City Council
Kurt Triplett, City Manager
Pam Bissonnette, Interim Director of Public Works
Ray Steiger, Deputy Director of Public Works
Lorrie McKay, Intergovernmental Relations Manager





South Kirkland Transit Oriented Development
(Cross Kirkland Corridor Multi-modal Connection)



Cross section of TOD garage and proposed span



Representation of proposed span



April 16, 2013

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

RE: Support of ESSB 5110 - Concerning local government purchasing of supplies, materials, or equipment.

Dear Governor Inslee,

On behalf of the City of Kirkland, I am writing to express our full support for Engrossed Substitute Senate Bill 5110 and urge you to sign it into law.

This measure will allow an optional alternative bidding process if notice is given in advance, enabling a local jurisdiction to consider the pre-tax bid.

Kirkland has wanted to buy locally on occasion, but the current bidding process requires that we take the low bid, including taxes. This creates some disadvantage for businesses in some parts of quite a number of counties including King, Pierce and Thurston.

For example, we estimate that Kirkland buys about \$1 million per year in vehicles. Under current law, none of those vehicles are ever purchased in the Puget Sound area. If Kirkland could award bids to local vendors in Kirkland or in King County, we could help create and sustain jobs locally. The impact to the state would be neutral, since the same state rate applies in all areas.

This bill allows this as an option, not a requirement. Cities can still choose to take the lowest after-tax bid. This bill simply provides some flexibility for local governments to utilize vendors within their own jurisdiction. We urge you to sign ESSB 5110.

Thank you for your consideration. Should you have any questions, please don't hesitate to contact Kurt Triplett, Kirkland City Manager at 206-587-3020.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink, which appears to read "Joan McBride". The signature is written in a cursive style.

By Joan McBride, Mayor

2013 Transportation Funding Package

(Dollars in Millions)

New Revenue	12 Years, 2013-2025	2012 Fees (2015-25)	Totals
Fuel tax (5/2/2/1)	3,430	-	3,430
Gross weight fee - commercial (15%) (12k lbs+)	123	-	123
Passenger weight fee (increases of \$15-\$35)	1,037	-	1,037
\$5 vehicle registration fee (Morris bill)	148	-	148
\$12 title transfer fee (Morris bill)	97	-	97
Programming of 2012 Fees	-	600	600
Subtotal	4,836	600	5,436
Bonds	3,000		
Total Resources	7,836	600	8,436

Spending	12 Years, 2013-2025	2012 Fees (2015-25)	Totals
Maintenance, operations, & preservation*	911	-	911
Bonded projects	3,000	-	3,000
Pay as you go projects	1,000	-	1,000
Ferries operating/capital maint. & preservation**	436	175	611
Cities, counties: 1 cent of fuel tax	343	-	343
Seattle & Mukilteo terminals (2/3, debt service)	161	-	161
Transit support	120	-	120
Complete Streets program	100	-	100
Passenger rail (capital/slope improvements)	100	-	100
3rd 144-car ferry (debt service)	84	-	84
Freight rail projects (FRAP)	13	-	13
Debt service on \$3 billion in bonds issued for projects	1,500	-	1,500
Miscellaneous/contingency	67	-	67
State Patrol**	-	140	140
Fish culverts	-	140	140
Freight Mobility Strategic Investment Board (FMSIB)	-	45	45
Transportation Improvement Board (TIB)	-	50	50
County Road Administration Board (CRAB)	-	50	50
Total Spending	7,836	600	8,436

Total available for projects 4,000

Local Options

1. Up to 0.3% sales tax increase for Community Transit, public vote required.
2. Up to 1.5% MVET for King County Metro, public vote required.
3. Increase in the TBD vehicle fee from \$20 to \$40, councilmanic authority only.
4. Allows the creation of a transit sub-district to increase sales tax rate up to 0.9% with a public vote.

*WSDOT shall use stormwater retrofit priority in selecting maintenance and preservation projects.

**Part or all of 2012 Fee Bill amounts is for addressing account deficits, rather than increased spending.

Project List -- April 16, 2013

Project Title	Amount (thousands)
SR 167/SR 509 Puget Sound Gateway	\$1,270,000
I-405 Renton to Lynnwood - Widening	\$675,000
Columbia River Crossing	\$450,000
US 395 North Spokane Corridor	\$420,000
JBLM	\$175,000
Snoqualmie Pass	\$135,000
US 12/Walla Walla	\$126,000
SR 9 Snohomish River Bridge	\$109,000
SR 520	\$100,000
Belfair Bypass	\$63,000
Yelm Loop	\$54,000
I-82 Yakima-Union Gap	\$45,000
I-5 Marysville Interchanges - 116th St.	\$42,000
Federal Way Triangle	\$34,995
I-5/NB Marine View Dr to SR 528 - Peak use shoulder lane	\$34,380
I-90 to SR 902	\$30,000
I-82 West Richland/Red Mountain	\$27,500
US Hwy 2 Safety	\$15,000
SR 518/Des Moines Memorial Dr	\$10,000
Complete SR 522 improvements - Kenmore	\$8,500
Hwy 16 Frontage Rd - Gig Harbor	\$3,000
SR 302 Corridor Study and EIS	\$2,400
SR 529/I-5 Interchange project	\$1,800
41st to W. Marine View Dr. Freight Corridor Improvements	\$1,500
Schouweiler Road Improvements	\$1,350
SR 305 Construction - safety improvements	\$1,000
Lake Forest Park hwy corridor planning study	\$500
Subtotal	\$3,835,925
Bike/Ped/Transit	
AWV Transit Mitigation	\$17,000
Bellevue Mountain to Sound Greenway	\$7,500
Guemes Channel Trail	\$3,500
Pacific Ave bike overpass	\$3,000
Sunset Ave (Edmonds) Walkway project	\$700
I-90 Golf Course Rd (Park and Ride)	\$285
Subtotal	\$31,985
Rail	
Port of Moses Lake	\$3,500
SR 432/SR 433 Rail and Highway Modernization	\$2,000
West Vancouver Freight Access	\$1,900
Port of Warden Rail Infrastructure Expansion	\$1,000
South Kelso Railroad Crossing EIS	\$900
Port of Quincy	\$900
Bingen Rail Study	\$300
Subtotal	\$10,500
Grand Total	\$3,878,410

Mega-Project Financing Plans

(dollars in millions)

SR 167/Puget Sound Gateway

Fund Source	Amount
Rev. Package/Gas Tax	\$1,270
Tolling	\$330
Private/Federal	\$130
Total	\$1,730

I-405 Renton to Lynnwood

Fund Source	Amount
Rev. Package/Gas Tax	\$675
Tolling	\$500
Total	\$1,175

SR 520 Corridor Improvements - West End

Fund Source	Amount
Rev. Package/Gas Tax	\$100
Tolling	\$1,300
Total	\$1,400

Columbia River Crossing

Fund Source	Amount
Rev. Package/Gas Tax	\$450
Oregon contribution	\$450
Tolling	\$900 - \$1,300
FTA Grant	\$850
FHWA funds	\$400
Total	\$3,100 - \$3,500

Public Testimony

Transportation Funding

April 19, 2013

House Committee on Transportation

Joan McBride, Mayor, City of Kirkland

Thank you, Chair Clibborn and members of the Committee. My name is Joan McBride and I am the Mayor of the City of Kirkland.

I am here today on behalf of Kirkland in support of House Bills 1954 and 1955, concerning transportation revenue.

As you know, our state's transportation infrastructure - whether maintained by the state, counties or municipalities - is the backbone of our economy. And cities such Kirkland rely not just on city streets, but county and state routes, and interstates such as I-405 and I-90 to ensure our citizens can get to work, and that our businesses can provide and receive the goods and services they need to employ our residents.

We believe the revenue package before you is a good start to funding not only the mega-projects necessary to the state, but also to the upkeep of existing infrastructure, our storm water system, and local government transportation needs.

Do we need more? Yes. And we hope you will be able to pass local transportation revenue options that help cities like ours begin to address the backlog of crucial transportation projects we face. In particular for Kirkland, we hope you will pass an amendment from Representative Moscoso that will allow us to begin work on the 132nd Street ramps off I-405 - a project that will revitalize a major portion of our city.

We realize the difficult decisions you face. However, we believe making an investment now is the prudent and economical thing to do - these projects will only get more expensive as time goes by.

That's why the City of Kirkland joins the diverse group of stakeholders here today to support House Bills 1954 and 1955.

Thank you. I'd be happy to answer any questions.

1955-PS AMH TR BALL 041

By Representative Moscoso

PSHB 1955 - H COMM AMD (TO H-2462.3/13)

By Committee on Transportation

1 On page 2, line 14 of the proposed substitute, after "2013" insert
2 ", and for planning, environmental, and design work on the NE 132nd
3 Street Interchange/I-405 project"

4

EFFECT: Adds planning, environmental, and design work on the
NE 132nd Street Interchange/I-405 project to the projects for which
appropriations from the Connecting Washington Account are provided.

FISCAL IMPACT: No net fiscal impact in the 2013-15 biennium.

Increases the spending plan in LEAP Transportation Document 2013-4
as follows: \$5 million for planning, environmental, and design work
on the NE 132nd Street Interchange/I-405 project.

--- END ---

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3809

www.kirklandwa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Public Safety Building Executive Steering Committee

Date: April 25, 2013

Subject: Public Safety Building Project – Award Construction Contract

RECOMMENDATION:

It is recommended that the City Council awards the Public Safety Building Project construction contract to Cornerstone General Contractors Inc. of Bothell, WA in the amount of \$23,401,027 and authorize an increase in the project budget of \$451,619 to fund the base scope of work.

The Council may also wish to consider authorizing an additional increase of \$77,473 from REET 1 reserves to fund the expanded ceiling paint alternate in the construction contract.

BACKGROUND AND DISCUSSION:

The design phase of the Public Safety Building (PSB) project was complete at the end of February, 2013. The PSB project was first advertised for bids on March 6, 2013 complete with Supplemental Bidder Responsibility Criteria specific to completion of projects of similar size and scope. At this time of bid advertisement, the engineer's estimated total project cost was \$41,543,107 including a construction estimate of \$22,940,250. With previously approved funding of \$41,552,265, there was a remaining budget balance of \$9,158 left.

The bid opening was held April 5, 2013 with five bids received. The low bid was determined by the base bid amount; however heating, ventilation and air conditioning (HVAC) controls were bid separately as Alternates 5a, 5b and 5c; one of these three alternates must be included in the contract.

Current City facilities use Delta brand HVAC controls. In order to provide a competitive bid and maintain the ability to select a preferred supplier, the bids for HVAC controls were separated from the base bid. Three HVAC suppliers were identified to provide bids and the preferred supplier (Delta) provided the low bid. The base bid combined with the selected bid for HVAC controls (Contract Amount) is as follows:

Contractor	Base Bid	HVAC Control	Contract Amount
<i>Construction Estimate</i>	<i>\$22,512,047.00</i>	<i>\$428,203.00</i>	<i>\$22,940,250.00</i>
Cornerstone General Contractors Inc.	\$22,805,566.00	\$595,461.00	\$23,401,027.00
Construction Services Inc.	\$23,022,375.00	\$492,750.00	\$23,515,125.00
Berschauer Phillips	\$23,245,918.00	\$612,036.02	\$23,857,954.02
Allied Construction	\$23,323,500.00	\$657,000.00	\$23,980,500.00
Pease Construction	\$24,288,096.00	\$603,498.30	\$24,891,594.30

The low bid contract amount for the construction contract is \$23,401,027 and exceeds the engineer's estimate by \$460,777. With a total budget surplus of \$9,158 prior to opening bids a budget shortfall of \$451,619 now exists.

Staff recommends the following funding options to re-balance the budget:

The design and engineering phase is nearing completion, so it is appropriate to reduce the contingency for this phase from \$189,508 to \$50,000, offsetting \$139,508 of the professional services overage.	\$139,508
Interest earnings on the unspent Build America Bond proceeds have exceeded the projected amount. An additional \$130,553 is available to be used toward the project.	\$130,553
After the changes described above, a balance of \$181,558 remains, which is proposed to be funded using REET 1 reserves.	\$181,558
Total	\$451,619

At the April 18th Public Safety Committee meeting, interest was expressed in exploring options for funding the increased jail capacity alternate and the expanded ceiling paint alternate. The most logical funding source for these two alternatives is from the REET 1 reserve, which does have a healthy fund balance of over \$3 million. Staff does not recommend pursuing either one of these alternates as they were originally only intended to be funded if bids came in lower than the engineer's estimate. Additionally, analysis shows that there is no immediate Kirkland need to expand the jail size beyond 55 beds. The attached memo explains the current demand for jail beds in the region. (Attachment A).

At the same April 18th Public Safety Committee meeting, the question of how much more will it cost to construct the jail expansion at a later date was raised. Staff has reviewed the scope of work to complete the jail expansion at a later date. All work below the concrete slab is included in the current base scope of work for the project and the electrical and HVAC systems are sized to accommodate the jail expansion. This limits the amount of additional demolition and coordination with the buildings existing systems. The main cost increase to complete the work at a later date is the re-mobilization cost. 15% of the current construction cost of \$561,516 is estimated for re-mobilization.

The table below summarizes the cost to complete the jail expansion work at a later date in today's dollars.

Current bid amount for the jail expansion alternate	\$561,516
15% for re-mobilization	\$84,230
Total	\$645,746

Depending on when the work is completed additional cost associated with price escalation are expected. Including escalation, the jail expansion cost is expected to range from \$645,746 to \$730,000 if the work is completed within the next five years. Despite these potential cost increases, staff is not recommending completing the jail expansion at this time, given the lack of immediate need, the many jail bed options in the region and the potential opportunity cost of using significant REET 1 reserves while the City is implementing many capital projects.

However, the \$77,473 expanded ceiling paint alternative is substantially less than the jail alternative. If Council should choose to include this alternate in the construction contract, the funding requirement from REET 1 reserves would increase by \$77,473. Adequate funds within the REET 1 reserve exist to accomplish this alternate. A separate fiscal note is attached for Council consideration.

With an award of the contract by City Council at their May 7, 2013 meeting, construction will begin in May, 2013. A ground breaking ceremony is scheduled for Friday May 17th. An eleven month construction period is anticipated with an additional two months to complete punchlist items, close out and move in. Occupancy is expected at the end of June, 2014.

With design and bidding complete, staff has the design information to begin the procurement of furnishings and equipment for the building. To the extent possible, existing furnishings from Court and Police will be used. A list of required equipment and furnishings is currently being developed that identifies long lead items for early procurement.

The public art process is also underway. Staff has hired Perri Howard and Leslie Bain to coordinate the public art process. City representatives from the Police Department and Court, as well as representatives from the Kirkland Arts Commission, have met, toured local facilities with public art and are in the process of selecting artists. Staff will report back to Council this summer with an update to introduce the artists and their concepts.

Attachment A: Jail Capacity Memo

Attachment B: Fiscal Note – Base scope of work

Attachment C: Fiscal Note – Including Ceiling Paint Alternate





CITY OF KIRKLAND
Police Department
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3400
 www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Olsen, Chief of Police
 Robert Balkema, Jail Manager

Date: April 24, 2013

Subject: Kirkland Jail Future Bed Needs Update

Purpose

The purpose of this memo is to provide the City Manager and Council with the latest data and trends on the size of the jail that will be needed to house Kirkland inmates until the year 2020.

BACKGROUND

The Kirkland Police Department has done extensive studies of incarceration rates and the projected number of beds needed for the future. The studies include reviewing National Standards, Washington State, King County, and Kirkland trends and how changes in mandatory sentencing requirements affect the number of jail beds the City of Kirkland would require. The City has gone through an annexation where it has, in essence, doubled the size of Kirkland. After almost 2 years of post-annexation experience, the Kirkland Jail now has data to provide a clearer picture of what the annexation requirements currently are, as well as local and state wide trends. The Kirkland Jail has taken a very aggressive approach to alternative sentencing and has worked closely with the Court, probation, and prosecutors to help slow the pace of the number of jail beds needed. This has worked very successfully and as an example the last 3 years Average Daily Population is noted below:

2010- 55 ADP
 2011- 41 ADP
 2012- 44 ADP (First full year of annexation)

This shows that even with doubling the size of the City, the Kirkland Jail has been able to significantly reduce the number of jail beds required.

In the September 20, 2012 memo on Jail Costs Analysis the following chart was provided that illustrated the actual and projected ADP with annexation, less an allowance for populations that have alternate sentencing and populations with special needs.

Year	Estimated ADP (2011 estimate)	Revised ADP
2011-12	54	49
2014	58	53
2016	64	58
2018	68	62
2020	75	68

Currently the Kirkland Jail uses Electronic Home Detention, Trans-Dermal Alcohol Device, Jail Work Release, Work Crew and the Court has just started a Day Reporting System for alternatives to using jail secure beds. While there are costs to the programs listed above, they are significantly less expensive than jail beds.

In the near future the Kirkland Jail will be discussing and trying to implement some additional programs to help keep jail bed requirements to the minimum. These programs are;

HOPE Probation (Hawaii Model) –this program calls for immediate sanctions for probation violations however they are short sanctions and then released back to probation for continued supervision.

Lengthy Jail Time- work with the Court and those inmates that receive lengthy jail time, 90 days or above, and allow the last portion of the jail time to be done on alternative sentence with a much higher supervision level. I.E. 120 day sentence last 30 days can be done on Electronic Home Detention and during the last 30 days they must have x amount of job interviews or attend classes for Alcohol treatment etc.

Video Court- Once the new facility is open the jail will be able to use video and because of this some inmates may be able to get through the process that come to jail just prior to Court. Currently we are unable to do this because of the transportation required.

Another significant piece of these alternatives will not show up until the new facility is up and running. These programs are designed to decrease the rate of recidivism by implementing the programs that were outlined in the July 28, 2011 Memo to Council. These programs include **Help Classes, Internal Work Programs, and Mentoring.**

Contract Jail Beds-Currently the various jails that the City of Kirkland has contracts for “as needed” beds have sufficient supply of empty beds to satisfy the needs for Kirkland inmates.

Conclusion

With the implementation of the programs listed above and the constant review of what is happening in the justice system the following revised projection was prepared.

Year	Estimated ADP	Revised ADP
2012	54	44
2014	58	48
2016	64	48
2018	68	53
2020	75	58

This would allow the City to build the 55 bed jail and put off the expansion to 85 beds for at least 5 years. Strategic use of other jurisdiction’s jail bed capacity along with Kirkland’s initial 55 beds may allow expansion to be put off even longer. Staff therefore does not recommend completing the 85 beds at this time.

Note: All of these numbers continue to assume approximately 20% of the inmates will need to be taken to outside jails for medical and special needs.

FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Public Safety Building Executive Steering Committee							
Description of Request							
The low bid contract amount for the construction contract of the Public Safety Building is \$23,401,027.00 and exceeds the engineer's estimate by \$460,777. The funding sources to offset this amount are: 1) prior project budget surplus of \$9,158; 2) reduction in design & engineering contingency of \$139,000; 3) additional interest earnings on the BABs balance of \$130,553; and 4) use of REET 1 Reserves in the amount of \$181,558.							
Legality/City Policy Basis							
Fiscal Impact							
One-time use of \$181,558 from REET 1 Reserve for the construction phase of the Public Safety Building Phase III (GG 0013 103). The reserve is able to fully fund this request.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2014 Est End Balance	Prior Auth. 2013-14 Uses	Prior Auth. 2013-14 Additions	Amount Request	Revised 2014 End Balance	2014 Target
	REET 1 Reserves	3,395,489	0	0	219,558	3,175,931	1,071,000
	2013-14 Authorized Use of REET 1 Reserve: \$38,000 for a master plan for Totem Lake Park.						
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							
Prepared By	Sri Krishnan, Financial Planning Manager				Date	April 25, 2013	

FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Public Safety Building Executive Steering Committee							
Description of Request							
Funding to add the expanded ceiling painting alternate to the low bid contract amount for the construction of the Public Safety Building of \$23,401,027.00 with the use of REET 1 Reserves in the amount of \$77,473.							
Legality/City Policy Basis							
Fiscal Impact							
One-time use of \$77,473 from REET 1 Reserve to add the expanded ceiling painting alternate to the construction phase of the Public Safety Building Phase III (GG 0013 103). The reserve is able to fully fund this request.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2014 Est End Balance	Prior Auth. 2013-14 Uses	Prior Auth. 2013-14 Additions	Amount Request	Revised 2014 End Balance	2014 Target
	REET 1 Reserves	3,395,489	0	0	297,031	3,098,458	1,071,000
	2013-14 Authorized Use of REET 1 Reserve: \$38,000 for a master plan for Totem Lake Park and \$181,558 for the construction phase of the Public Safety Building.						
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							
Prepared By	Sri Krishnan, Financial Planning Manager				Date	April 25, 2013	

**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: Capt. Bill Hamilton, Police Department
Oskar Rey, City Attorney's Office
Marie Stake, City Manager's Office

Date: April 30, 2013

Subject: Title 14 Watercraft Update Ordinance and Phase II Public Involvement Update

RECOMMENDATION:

That Council adopts the attached Ordinance amending and updating Title 14 of the Kirkland Municipal Code ("KMC") relating to Watercraft.

BACKGROUND:**Phase I—Watercraft Noise Ordinance**

In 2012, the city initiated public involvement efforts to help define how the City could best address concerns regarding noise associated with boating, particularly in Juanita Bay. Following a well-attended stakeholder meeting in May 2012, the City Council accepted the proposal to amend the City's public disturbance regulations to include a provision regarding boat noise. The law prohibits noise such as frequent, repetitive or continuous sounds from a horn or siren; excessive engine noise; and audio sound system noise audible from 300 feet or more.

During the 2012 boating season, the King County Sheriff's Office Marine/Dive/Rescue Unit increased its visibility and interaction with boaters. During the season, boaters reported positive interactions with the marine police. Only three noise related citations were issued and residents have commented to the City that boat noise has decreased and boating safety has improved.

Phase II: Public Involvement Plan*Watercraft webpage*

The [Watercraft Safety webpage](http://www.kirklandwa.gov/Community/WatercraftSafety) (www.kirklandwa.gov/Community/WatercraftSafety) was updated March 15, 2013 to reflect what experiences law enforcement had during last year's boating season and to announce the online survey. There are a little over 100 subscribers to the webpage. Subscribers receive an email when the page is updated.

Online Survey

An online survey was made public on March 19, 2013 and was intended to understand the impacts of the noise ordinance enacted last year and what current concerns residents, boaters, and others may have.

The survey was promoted in the following ways:

- [News release](#) issued March 19
 - Emailed to TV, radio, newspaper and local blogs
 - Link added from City homepage
 - Link added to watercraft webpage
 - Distributed to the News Room list serv (800 subscribers), Neighborhood News List Serv (1,100 subscribers), Watercraft list serv (100 subscribers)
 - City Twitter account (233 followers)
- Announcement in [City Update newsletter](#) (1st Quarter 2013)
 - List serv (1,590 subscribers)
 - Hard copies at City Hall, Police Lobby, Community Centers, Libraries
- Contact with key stakeholders
 - Police Capt. Hamilton contacted the Government Affairs Director of Northwest Marine Trade Association, a local Eastside Audubon Society member, and a member of the Ad-Hoc Boating Committee/Market Neighborhood Association

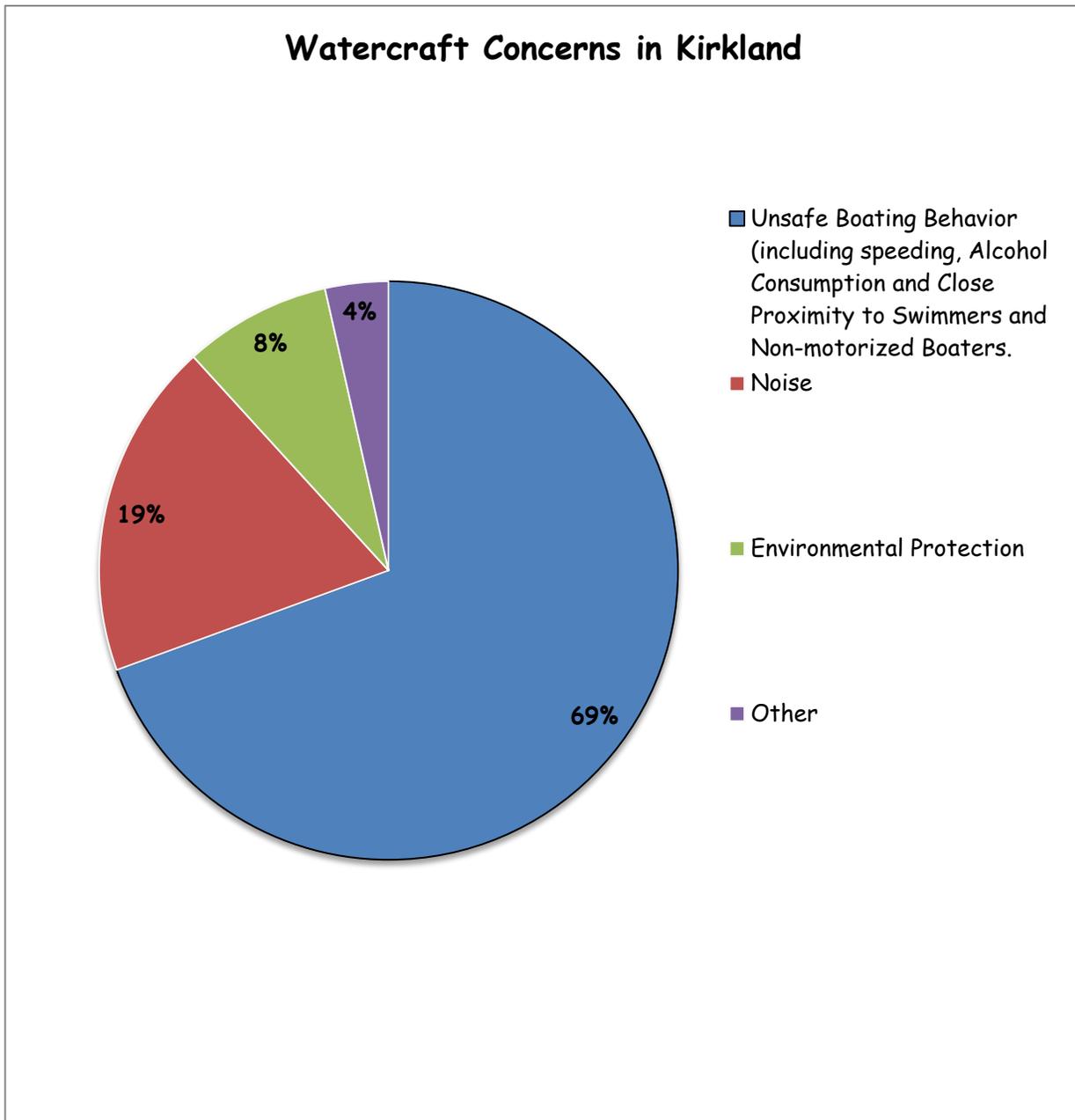
The survey asked respondents to identify themselves as a resident, business, boater, water enthusiast, park visitor or other. The questionnaire asked their opinion whether the boat ordinance enacted in 2012 has had a positive impact and asked their satisfaction level with the King County Sheriff's Office Marine/Dive/Rescue Unit (in Kirkland waters). Respondents were asked to identify their top three (3) concerns.

As of April 15, 2013 (5:30 p.m.) there were 94 responses. The survey results are not scientifically valid but provide overall themes. Some respondents did not answer all of the questions.

- Most respondents identified themselves as residents. Boater, park visitor, other were the next common responses (respectively). Most of those who selected other identified themselves as being most a combination of most of the other categories (e.g. "I am a resident and a boater.")
- Most respondents strongly agree/agree that the boat noise ordinance has made a positive impact
 - Reasons for disagreeing: boaters don't come to Kirkland anymore and not spending money here; regulation is overreaching; regulation does not address noise from speeding boats
- Sixty percent of the respondents rated their satisfaction with the King County Sheriff's Office Marine/Dive/Rescue Unit as very satisfied/satisfied.
 - Reasons for dissatisfaction: Unresponsive when violations reported; need to patrol more on weekends; KCSO is understaffed; not visible enough; contacted on Lake by KCSO and told was in violation for loud music but none was playing from boat.
- Respondents were asked to identify their top three (3) concerns:

- Unsafe boating behavior was identified most commonly as the top concern for respondents
- Speeding was identified as the second top concern.
- Speeding, unsafe behavior and alcohol consumption rated about equally as the third top concern.

The pie chart below reflects the overall concerns respondents continue to have about boating. Sixty-nine percent of survey participants expressed concern about various types of unsafe boating behavior.



Attachment A is a summary of existing provisions of the Kirkland Municipal Code (KMC) that address unsafe boating behavior, alcohol consumption, speeding, environmental protection, noise, and rafting.

Internal Review of Title 14

A review of Title 14 began in February 2013. City departments were requested to submit suggested edits to the existing regulation which were reviewed by Oskar Rey, Assistant City Attorney.

Based on the public and staff input received, the City Attorney's Office prepared the attached ordinance that will do the following:

- Updates references to RCWs, WACs and other citations and deletes antiquated references;
- Ensures that all desired RCWs are adopted by reference. Local provisions have been retained where they differ from state provisions;
- Updates definitions (KMC Chapter 14.08);
- Updates Port Warden provisions (KMC Chapter 14.12) and makes them consistent with current City practices;
- Updates provisions relating to restricted areas and obstructions (KMC Chapter 14.16) and swimming, diving and waterskiing (KMC Chapter 14.20);
- Updates provisions relating to operation of watercraft (KMC Chapter 14.24);
- Repeals provisions relating to watercraft equipment requirements (KMC Chapter 14.28); because those provisions are already covered under state law;
- Updates provisions relating to piers and marinas (KMC Chapter 14.32);
- Certain chapters are up to date and do not require changes. For example, KMC Chapter 14.36—"City Floats, Moorages and Tour Boat Facilities" was updated in 2007.
- Repeals several sections of KMC Chapters 14.48 ("Accidents and Enforcement") because those provisions are adequately covered under state law or other portions of the KMCs.

It is important to note that under KMC Title 14, all Kirkland waters are defined as the "harbor" and the use of the word "harbor" does not indicate a separate portion or subsection of Kirkland waters (See KMC Section 14.04.010). "Harbor" is used throughout Title 14, including sections that are not being amended, so City staff elected to continue using "harbor" to describe Kirkland waters. This usage is common in the codes of other cities as well.

It should also be noted that Title 14 penalty provisions are not shown in the attached Ordinance because those provisions aren't being amended. In a number of instances, Title 14 specifies specific penalties for certain violations. For example, there are specific monetary penalties for moorage violations at the City Marina (KMC Section 14.36.070). In cases where a specific penalty is not specified, the penalty amount is \$150 (KMC Section 14.04.080).

The intent of the Ordinance is to bring KMC Title 14 into conformance with current City practices. It does not contain any significant policy changes because staff has determined that existing regulations are sufficient to address the identified concerns.

Summary

The adoption of the public disturbance regulations relating to boat noise and the cooperative education and enforcement efforts from the City and King County Sheriff's Office seem to be having a

positive impact. Although the online survey results reflect continued concern by boaters, residents, and others, regarding unsafe behavior, there are existing laws that provide for the appropriate enforcement of violations.

Education and outreach about the noise ordinance and safe boating will continue through the City's communications programs (newsletter, Currently Kirkland news program, and printed materials). The King County Marine Unit will be supplied with the "Have Fun. Have Respect." informational cards to provide to boaters.

Attachment

A: List of existing KMC provisions for unsafe boating behavior



The following ordinances are in place and address
the primary concerns identified in the
Watercraft Safety Survey.

"Unsafe Boating Behavior"

14.24.010 Negligent operation

Any person who operates any watercraft in a manner so as to endanger or be likely to endanger any person or property, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead, is guilty of negligent operation and a violation of this title. (Ord. 800 § 5, 1960)

14.24.020 Reckless operation

No person shall operate a boat in a reckless manner, or at an excessive rate of speed so as to endanger, or be likely to endanger, the life or property of any person, having due regard for the presence of other boats, or persons, or other objects in or on a waterway. Nor shall any such person operate any boat at a rate of speed which causes waves to damage docks, wharves, seawalls, or boats moored to docks or wharves along a waterway. (Ord. 800 § 6, 1960)

"Alcohol"

14.24.050 Intoxication

(a) It is unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft.

(b) It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs. (Ord. 800 § 12, 1960)

14.24.060 Incapacity of operator

It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances. (Ord. 800 § 13, 1960)

"Speeding"

14.24.030 Speed regulations on waters within city jurisdiction

It is unlawful for any person to operate any watercraft or vessel at a speed of in excess of seven nautical miles per hour within one hundred yards of any shoreline, pier, restricted area or shore installation, except as provided in Section 14.20.030. (Ord. 2052 § 1, 1969; Ord. 800 § 7, 1960)

"Environment Protection"

14.16.050 Juanita Bay Park wildlife habitat area.

The waters that comprise Juanita Bay Park and the waters adjacent to Juanita Bay Park are a wildlife habitat area. The boundaries of Juanita Bay Park wildlife habitat area shall be marked by warning signs posted on buoys that restrict access to the area. Any person entering the Juanita Bay Park wildlife habitat area, whether by boat (whether motorized or non-motorized), personal watercraft, raft, flotation device or swimming, shall be guilty of a misdemeanor; provided, that city employees and volunteers may, with the authorization of the parks director, enter the wildlife habitat area for maintenance, inspection of habitat and similar purposes. (Ord. 4192 § 1, 2009)



The following ordinances are in place and address
the primary concerns identified in the
Watercraft Safety Survey.

"Noise"

14.24.140 Public disturbance noises in Kirkland waters

For noise regulations applicable to city of Kirkland waters, please see Section 11.84A.070. (Ord. 4356 § 1, 2012)

11.84A.070 Public disturbance noises

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

- (1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle or watercraft, except as a warning of danger or as specifically permitted or required by law;
- (2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (3) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, condominium or watercraft, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;
- (5) Sound from any motor vehicle or watercraft audio sound systems, such as tape players, radios, docking stations and compact disc players, operated at a volume so as to be audible greater than fifty feet from the vehicle or three hundred feet from the watercraft itself;
- (6) Sound from portable audio equipment, such as tape players, radios, docking stations and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator;
- (7) The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

Provided, that the foregoing enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace. And provided further, that vessels or watercraft participating in city sponsored or permitted events in which boat participation is a planned element of the event shall not be in violation of this section. (Ord. 4356 § 2, 2012; Ord. 4334 § 6 (part), 2011)



The following ordinances are in place and address the primary concerns identified in the Watercraft Safety Survey.

"Rafting"

14.24.040 Interference with navigation or disturbing other boats.

(a) No person shall operate any watercraft or vessel in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation of the waterways of the city. Anchoring or mooring under bridges or in heavily travelled channels shall constitute such interference if unreasonable under the prevailing circumstances.

(b) No person shall operate a boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat, or throw up a dangerous wake when approaching another boat. (Ord. 800 § 8, 1960)

14.16.040 Obstructions—Moving

(a) No master or person having charge of any vessel, watercraft or obstruction shall anchor the same in any anchorage or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority and control of the city without obtaining permission therefor from the port warden and/or police department, of the city.

(b) No master, owner or other person in charge of any towboat shall while towing any vessel, watercraft or obstruction, obstruct any channel or fairway.

(c) The port warden shall have the power to order:

(1) Any vessel, watercraft or obstruction anchored in anchorage or fairway or made fast to any buoy, pier or other structure owned by or under the authority and control of the city;

(2) Any towboat and/or its tow obstructing navigation in any channel or fairway; and

(3) Any vessel, watercraft or obstruction lying at any pier in the harbor which is obstructing any slip, fairway or other vessel or watercraft, to be removed and it is unlawful to fail, neglect or refuse to do so. (Ord. 800 § 9, 1960)

ORDINANCE O-4406

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING AND UPDATING TITLE 14 OF THE KIRKLAND MUNICIPAL CODE RELATING TO WATERCRAFT AND THE CITY HARBOR.

The City Council of the City of Kirkland ordains as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 14.04.010 is hereby amended to read as follows:

14.04.010 Authorization.

The city in the exercise of its police power hereby assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this title, be known as "the harbor." This title shall be known and may be cited as the Kirkland Harbor Codeboat control ordinance.

Section 2. KMC Section 14.04.020 is amended to read as follows:

14.04.020 Application and justification.

The provisions of this title shall be applicable to all vessels and watercraft operating in the harbor of the city. As authorized by RCW 35A.21.290, the powers and jurisdiction of the city with boundaries adjacent to or fronting on any lake, or other navigable waters, shall extend into and over such waters to the middle of such lake or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city limits. The provisions of this title shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith in the harbor where such United States and state laws and regulations are applicable.

Section 3. KMC Section 14.04.050 is amended to read as follows:

14.04.050 Authorized emergency vessels and watercraft exempt.

The provisions of this title shall be applicable to the operation of any and all vessels or watercraft in the harbor of the city, except that they shall not apply in the following cases:

To any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of any actual or suspected violator of the law, ~~within the purpose for which such emergency vessel or watercraft has been authorized;~~ provided, that the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the city harbor, ~~nor shall it protect the operator of such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others;~~ provided, further, ~~the provisions of this section shall in no event extend any special privilege or immunity in operation of any authorized~~

~~emergency vessel or watercraft for any purpose other than for which the same has been authorized.~~

Section 4. KMC Sections 14.04.060 and 14.04.070 are hereby repealed.

Section 5. A new KMC Section 14.04.090 is hereby adopted to read as follows:

14.04.090 Statutes adopted by reference.

The following statutes of the state of Washington, including those statutes, rules and/or regulations referenced within them, as presently constituted or hereafter amended or recodified, are hereby adopted by reference and shall be given the same force and effect as if fully set forth herein:

- RCW 7.80.120 Monetary penalties – Restitution.
- RCW 7.84.100 Monetary penalties.
- RCW 79A.60.010 Definitions.
- RCW 79A.60.020 Violations of chapter punishable as misdemeanor – Circumstances – Violations designated as civil infractions.
- RCW 79A.60.030 Operation of vessel in a negligent manner – Penalty.
- RCW 79A.60.040 Operation of vessel in a reckless manner – Operation of a vessel under the influence of intoxicating liquor – Penalty.
- RCW 79A.60.080 Failure to stop for law enforcement vessel.
- RCW 79A.60.100 Enforcement – Chapter to supplement federal law.
- RCW 79A.60.110 Equipment standards – Rules – Penalty.
- RCW 79A.60.120 Tampering with vessel lights or signals – Exhibiting false lights or signals – Penalty.
- RCW 79A.60.130 Muffler or underwater exhaust system required – Exemptions – Enforcement – Penalty.
- RCW 79A.60.140 Personal flotation devices – Inspection and approval – Rules.
- RCW 79A.60.150 Failure of vessel to contain required equipment – Liability of operator or owner – Penalty.
- RCW 79A.60.160 Personal flotation devices required – Penalty.
- RCW 79A.60.170 Waterskiing safety – Requirements.
- RCW 79A.60.180 Loading or powering vessel beyond safe operating ability – Penalties.
- RCW 79A.60.190 Operation of personal watercraft – Prohibited activities – Penalties.
- RCW 79A.60.200 Duty of operator involved in collision, accident, or other casualty – Immunity from liability of persons rendering assistance – Penalties.
- RCW 79A.60.640 Requirements to operate motor driven boats/vessels – Exemptions – Penalty.
- RCW 79A.60.660 Operating motor driven boat or vessel for teak surfing, platform dragging, bodysurfing – Prohibition – Exceptions – Penalty.
- RCW 88.02.310 Definitions.

- RCW 88.02.340 Inspection of registration – Violation of chapter.
- RCW 88.02.380 Penalties – Disposition of moneys collected – Enforcement authority.
- RCW 88.02.400 Evasive registration – Penalty.
- RCW 88.02.510 Application – When, by whom.
- RCW 88.02.550 Registration and display of registration number and decal prerequisite to ownership or operation of vessel – Exceptions.
- RCW 88.02.560 Application – Registration fee and excise tax – Registration number and decal – Registration periods – Renewals – Marine oil refuse dump and holding tank information – Transfer of registrations.
- RCW 88.02.570 Exceptions from vessel registration.
- RCW 88.02.650 Issuance of registrations – Agents – Deposit of fees in general fund – Allocation for boating safety and education and law enforcement.
- RCW 88.02.655 Allocation of funds under RCW 88.02.040 to counties – Deposit to account for boating safety programs.
- RCW 88.02.790 Vessel dealer display decals – Use.
- RCW 88.02.795 Additional penalties for unauthorized or personal use of dealer display decals.

Section 6. KMC Section 14.08.040 is hereby amended to read as follows:

14.08.040 Authorized emergency vessel.

“Authorized emergency vessel” means any authorized vessel or watercraft of the ~~city harbor department, city police department, city fire department, King County Sheriff’s department~~ Office, the United States Government, and state of Washington authorized patrol vessels or watercraft.

Section 7. KMC Section 14.08.090 is hereby amended to read as follows:

14.08.090 Obstruction.

“Obstruction” means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation, ~~or which cannot comply with the “Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico.” (C.F. 236479)~~

Section 8. KMC Section 14.08.110 is hereby amended to read as follows:

14.08.110 Owner.

“Owner” means ~~the a~~ a person who has lawful possession of a vessel or watercraft or obstruction by purchase, exchange, gift, lease, inheritance, or legal action, whether or not the vessel is subject to a security interest ~~virtue of legal title or equitable interest therein which entitles him to such possession.~~

Section 9. KMC Section 14.08.140 is hereby amended to read as follows:

14.08.140 Port warden.

"Port warden" means the chief of police or his or her designee~~any individual or individuals so designated by the mayor with approval of the city council.~~

Section 10. KMC Section 14.08.150 is hereby amended to read as follows:

14.08.150 Restricted area.

"Restricted area" means an area that is closed to all water traffic or where water traffic is regulated for the health, safety and welfare of the public~~has been marked in accordance with and as authorized by the laws or regulations of the city to be used for, or closed to, certain designated purposes such as swimming, skin diving, ferry landings, and aquatic events, the method of marking and designation of which shall have been made by the port warden in accordance with the provisions of this title.~~

Section 11. KMC Section 14.08.170 is hereby amended to read as follows:

14.08.170 Vessel.

"Vessel" means ~~any contrivance one hundred fifty feet or more in length overall,~~ every watercraft used or capable of being used as a means of transportation on water, other than a seaplane.

Section 12. KMC Section 14.08.180 is hereby amended to read as follows:

14.08.180 Watercraft.

"Watercraft" means any contrivance ~~less than one hundred fifty feet in length overall,~~ used or capable or being used as a means of transportation on water. Cribbs or piles, shinglebolts, booms or logs, rafts of logs, and rafts of lumber are not included within the terms "watercraft" or "vessel," but are included within the term "obstruction" when they are floating loose and not under control or when under control and obstructing any navigable channel.

Section 13. KMC Section 14.08.180 is hereby amended to read as follows:

14.12.010 Duties.

The duties of the port warden ~~as head of the harbor department~~ shall be to:

- (1) ~~Enforce~~ Provide for the enforcement of the ordinances and regulations of the city upon the waters of the harbor and adjacent thereto when the harbor is affected;
- (2) Maintain or provide for regular patrols ~~in~~ of the harbor for the protection of life and property including, but not limited to, the removal and disposition of oil pollution, drifting debris and nuisances from the waters of the harbor;

- (3) Investigate and report Provide for the investigation and reporting upon of marine and maritime accidents in the harbor;
- (4) Perform all necessary functions in connection with search and rescue in the harbor;
- (5) Cooperate with the authorities of the United States, the state of Washington and its political subdivisions in the enforcement of the laws and regulations of the United States, the state of Washington and its political subdivisions;
- (6) Designate, indicate the location of, and to patrol anchorage locations for watercraft or vessels within areas set forth by the ordinances of the city;
- (74) Establish, maintain and regulate Provide for the establishment, maintenance and regulation of the use of moorage buoys in the harbor for the convenience of watercraft and vessels;
- (85) Designate restricted areas.

Section 14. KMC Sections 14.12.020, 14.12.030 and 14.12.040 are hereby repealed.

Section 15. The Title of KMC Chapter 14.16 is hereby changed to "Restricted Areas and Obstructions."

Section 16. KMC Sections 14.16.010, 14.16.020, 14.16.030 and 14.16.040 are hereby repealed.

Section 17. A new KMC Section 14.16.010 is hereby created to read as follows:

14.16.010 Restricted areas.

In interests of safe navigation, public safety and the protection of property, the port warden may designate restricted areas, stating the purposes for which (if any) the restricted area shall be used; provided, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency.

Section 18. A new KMC Section 14.16.020 is hereby created to read as follows:

14.16.020 Obstruction – Moving of same.

- (1) No master or person having charge of any vessel, watercraft or obstruction shall anchor the same in any anchorage or fairway, nor make the same fast to any buoy, pier or other structure owned by or under the authority and control of the city without first obtaining permission therefor from the port warden.
- (2) No master, owner or other person in charge of any towboat shall, while towing any vessel, watercraft or obstruction, obstruct any channel or fairway.
- (3) The port warden shall have the power to cause or arrange for the removal of any:
- (a) Vessel, watercraft or obstruction anchored in any channel or fairway or made fast to any buoy, pier or other structure owned by or under the authority and control of the city;
 - (b) Towboat and/or its tow which is obstructing navigation in any channel or fairway;

(c) Vessel, watercraft or obstruction lying at any pier in the harbor, which is obstructing any slip, fairway or other vessel or watercraft.

(4) It shall be unlawful to fail to remove or refuse to remove any vessel, watercraft or obstruction after being directed to do so by the port warden.

Section 19. KMC Section 14.20.020 is hereby amended to read as follows:

14.20.020 Skin diving and scuba diving.

Skin diving and scuba diving are is prohibited in the harbor within three hundred feet of any public pier, boat launch dock or ferry slip, ~~except pursuant to permit therefor issued by the port warden and~~ except for commercial diving. Whenever any diver is in the water more than 100 feet from shore or a dock, he or she shall be accompanied by a watercraft or the area in which he or she is diving shall be marked by an adequately displayed diver's flag.

Section 20. KMC Section 14.20.030 is hereby amended to read as follows:

14.20.030 Water skiing.

(a) No watercraft which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane, surfboard or similar contrivances shall be operated or propelled in the waters of the city unless such watercraft shall be occupied by at least two competent persons; ~~provided, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trial therefor.~~

(b) Water skiing on waters of the city shall be regulated as follows:

(1) It is unlawful to ski parallel to the shoreline, within one hundred yards of any shoreline pier, restricted area or shore installation. Skiing within one hundred yards of any shoreline, pier restricted area or shore installation, except for return to the shore, must be in a direction headed away from the shoreline. The return to shore must be at an angle of not less than forty-five degrees to the shoreline. Watercraft complying with this regulation may exceed speed regulations provided in Section 14.24.030;

(2) No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aquaplane, surfboard or similar contrivance from one-half hour after sunset to sunrise;

(3) All persons being towed by watercraft shall wear an adequate floatation device;

(4) All watercraft having in tow or otherwise assisting a person on water skis, aquaplane, surfboard or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

~~(c) Regulations stated in this section shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trials therefor, which have been duly authorized by the appropriate governmental agency, the city.~~

Section 21. KMC Section 14.24.010 is hereby amended to read as follows:

14.24.010 Negligent operation of a watercraft.

Any person who operates any watercraft in a manner so as to endanger or be likely to endanger any person or property, or at a rate of speed greater than will permit ~~him~~ the operator, in the exercise of reasonable care, to bring the watercraft to a stop within the assured clear distance ahead, is guilty of negligent operation of a watercraft ~~and a is in violation of this title.~~

Section 22. KMC Section 14.24.020 is hereby amended to read as follows:

14.24.020 Reckless operation of a watercraft.

No person shall operate a ~~boat~~ watercraft in a reckless manner, or at an excessive rate of speed so as to endanger, or be likely to endanger, the life or property of any person, having due regard for the presence of other ~~boats~~ watercraft, or persons, or other objects in or on a ~~waterway~~ the Kirkland harbor. Nor shall any such person operate any ~~boat~~ watercraft at a rate of speed which causes waves to damage docks, wharves, ~~seawalls~~ bulkheads, or ~~boats~~ watercraft moored to docks or wharves ~~along a waterway~~ in the Kirkland harbor.

Section 23. KMC Section 14.24.050 is hereby amended to read as follows:

14.24.050 Intoxication.

(a) It is unlawful for any person who is under the influence of ~~intoxicating liquor or narcotic or habit-forming~~ alcohol or drugs to operate or be in actual physical control of any vessel or watercraft.

(b) It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of ~~intoxicating liquor, narcotic or habit-forming~~ alcohol or drugs.

Section 24. KMC Chapter 14.28 is hereby repealed.

Section 25. KMC Section 14.32.010 is hereby amended to read as follows:

14.32.010 Unsafe piers.

Whenever any pier or gangway devoted to ~~passenger traffic~~ public use ~~appears to be dangerous for such use is damaged or appears to the port warden to become unsafe so as to render the same or any portion thereof unsafe for life or property~~, the port warden shall report the matter to the city building official ~~superintendent~~ who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs ~~thereto~~ shall be made, ~~and if~~ If the owner, agent or lessee of such pier or gangway fails to comply with the orders of the city building inspector immediately, the city building official ~~inspector~~ shall prohibit the use of

the unsafe portion of such pier or gangway and may erect the necessary fencing or barricade and the expense thereof of which shall be paid by and recoverable from the owner, agent or lessee of such pier. It is unlawful for any person to allow any such pier or gangway to be used or open to use.

Section 26. KMC Sections 14.32.020, 14.32.030, 14.32.040, 14.32.050 and 14.32.070 are hereby repealed.

Section 27. KMC Section 14.40.040 is hereby amended to read as follows:

14.40.040 Nuisances.

Sunken or swamped vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances. ~~and it~~ It is unlawful for any person to ~~throw or place in, or cause or permit to be thrown or placed in~~ put any of the above named articles or substances in the Kirkland Harbor, or upon the shores thereof, or in such position that the same may or can be washed into the harbor, either by high ~~tides~~waters, storms, floods or otherwise. Any person causing or permitting the such nuisances ~~to be placed as aforesaid~~ shall remove the same and upon his failure so to do, the same may be removed by the port warden and the expense thereof shall be paid by and recoverable from the person creating the nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible ~~therefor~~ from prosecution hereunder.

Section 28. A new KMC Section 14.44.050 is hereby adopted to read as follows:

14.44.050 Impound.

Whenever it appears reasonably necessary to protect property, an arresting officer may impound a watercraft or vessel when it cannot be otherwise secured or released. The arresting officer, in lieu of impound may release the watercraft to a person who, in the officer's opinion, can safely operate the watercraft or vessel or secure said watercraft or vessel to a moorage facility when same has been approved for such purpose. The owner or operator of the watercraft or vessel must sign a waiver of impound to allow the arresting officer an option other than impounding the watercraft or vessel.

Section 29. KMC Sections 14.48.010, 14.48.020, 14.48.040 and 14.48.060 are hereby repealed.

Section 30. KMC Section 14.48.030 is hereby amended to read as follows:

14.48.030 Enforcement.

The port warden and any of his or her authorized deputies or employees and authorized personnel of the governments of the United

States, the state of Washington or its political subdivisions, by virtue of their election or appointment, shall have authority to enter upon and inspect any vessel or watercraft in the harbor and are hereby charged with the enforcement of the provisions of this title ~~except as the enforcement thereof is otherwise specified. In addition, the city may contract with other agencies, including but not limited to the King County Sheriff's Office, for enforcement of the provisions of this title and all other applicable laws. Any agency that the city contracts with for enforcement of the provisions of this title shall have authority to the same extent as the City with respect to enforcement of the provisions of this title and all other applicable laws. It shall be the duty of the port warden to make complaints for the violation of the same, or any part hereof, in the name of the city; provided, that this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.~~

Section 31. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 32. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4406

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING AND UPDATING TITLE 14 OF THE KIRKLAND MUNICIPAL CODE RELATING TO WATERCRAFT AND THE CITY HARBOR.

SECTION 1. Amends KMC Section 14.04.010 relating to authorization and provides that KMC Title 14 shall be known as the Kirkland Harbor Code.

SECTION 2. Amends KMC Section 14.04.020 relating to applicability of KMC Title 14 to all vessels and watercraft operating in the harbor of the city.

SECTION 3. Amends KMC Section 14.04.050 relating to authorized emergency vessels and exempt watercraft.

SECTION 4. Repeals KMC Sections 14.04.060 and 14.04.070.

SECTION 5. Adds a new KMC Section 14.04.090 relating to statutes adopted by reference.

SECTION 6. Amends KMC Section 14.08.040 relating to the definition of "authorized emergency vessel."

SECTION 7. Amends KMC Section 14.08.090 relating to the definition of "obstruction."

SECTION 8. Amends KMC Section 14.08.110 relating to the definition of "owner."

SECTION 9. Amends KMC Section 14.08.140 relating to the definition of "port warden."

SECTION 10. Amends KMC Section 14.08.150 relating to the definition of "restricted area."

SECTION 11. Amends KMC Section 14.08.170 relating to the definition of "vessel."

SECTION 12. Amends KMC Section 14.08.180 relating to the definition of "watercraft."

SECTION 13. Amends KMC Section 14.12.010 relating to the duties of the port warden.

SECTION 14. Repeals KMC Sections 14.12.020, 14.12.030 and 14.12.040.

SECTION 15. Changes the title of KMC Chapter 14.16 to "Restricted Areas and Obstructions."

SECTION 16. Repeals KMC Sections 14.16.010, 14.16.020, 14.16.030 and 14.16.040.

SECTION 17. Adds a new KMC Section 14.16.010 relating to restricted areas.

SECTION 18. Adds a new KMC Section 14.16.020 relating to obstructions and the moving of same.

SECTION 19. Amends KMC Section 14.20.020 relating to skin diving and scuba diving.

SECTION 20. Amends KMC Section 14.20.030 relating to water skiing.

SECTION 21. Amends KMC Section 14.24.010 relating to negligent operation of a watercraft.

SECTION 22. Amends KMC Section 14.24.020 relating to the reckless operation of a watercraft.

SECTION 23. Amends KMC Section 14.24.050 relating to the unlawful operation or physical control of any vessel or watercraft while under the influence of alcohol or drugs.

SECTION 24. Repeals KMC Chapter 14.28.

SECTION 25. Amends KMC Section 14.32.010 relating to unsafe piers.

SECTION 26. Repeals KMC Sections 14.32.020, 14.32.030, 14.32.040, 14.32.050 and 14.32.070.

SECTION 27. Amends KMC Section 14.40.040 related to public nuisances in the Kirkland Harbor, or upon the shores thereof, or in such a position that the same may be or can be washed into the harbor.

SECTION 28. Adds a new KMC Section 14.44.050 relating to impounding of watercraft or vessels.

SECTION 29. Repeals KMC Sections 14.48.010, 14.48.020, 14.48.040 and 14.48.060.

SECTION 30. Amends KMC Section 14.48.030 relating to enforcement by the port warden, his or her authorized deputies or employees and authorized personnel.

SECTION 31. Provides a severability clause for the ordinance.

SECTION 32. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

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

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

City Clerk



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Rob Jammerman, Development Engineering Manager
Pam Bissonnette, Public Works Director

Date: April 25, 2013

Subject: TRAFFIC, PARK, AND SCHOOL IMPACT FEE PERMANENT EXTENSION OF DEFERRED PAYMENTS FOR SINGLE FAMILY RESIDENTIAL BUILDINGS

RECOMMENDATION:

It is recommended that the City Council adopts the attached ordinance amending the City's traffic, park, and school impact fees codes (KMC Chapter 27.04, 27.06 and 27.08).

BACKGROUND DISCUSSION:

Staff has prepared an ordinance that will permanently codify the Single-Family Residential Building Permit Impact Fee Deferral Program. The interim ordinance is set to expire on May 31st, 2013.

The City has been administering an impact fee payment deferral program for single-family residential building permits via an interim ordinance for the past three years. The program was established to assist with economic development by allowing developers to pay the impact fees at the time the new house is sold rather than at Building Permit issuance. Since the ordinance was first implemented, 18 new single-family Building Permit applicants have used the program and staff expects to see an increase in the use of this program as development activity continues to increase.

There is pending state legislation that will require all municipalities that collect impact fees to offer an impact fee deferral program for both single-family and condominium Building Permits. If this legislation is enacted, municipalities must adopt a deferment program by December 1, 2013. This will require Kirkland to draft an amendment to the program to allow for the deferment of impact fees for condominium Building Permits. To date, Kirkland has never received a request to defer the impact fees for condominiums and to do so would be logistically challenging. Therefore no proposal to add condominiums is included at this time. Staff will monitor the state legislation and bring forward any necessary changes if it passes.

Attachment

ORDINANCE O-4407

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TRANSPORTATION, PARK, AND SCHOOL IMPACT FEES AND AMENDING THE KIRKLAND MUNICIPAL CODE TO ALLOW FOR THE DEFERRAL OF THE PAYMENT OF IMPACT FEES TO THE TIME OF CLOSING OF THE SALE OF THE LOT OR SINGLE-FAMILY RESIDENTIAL UNIT.

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

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

27.04.030 Assessment of impact fees.

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

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

27.06.030 Assessment of impact fees.

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

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

27.08.030 Assessment of impact fees.

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

electing to use this process shall pay a two hundred forty dollar administration fee for each individual lien filed.

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

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

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney