



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
June 19, 2012

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. King County Emergency Medical Services (EMS) Levy and Strategic Plan

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Director of Fire and Building Fire Chief Kevin Nalder, and Fire Captain Mark Jung. Also in attendance was Jim Fogarty, Director, King County Emergency Medical Services Division.

4. EXECUTIVE SESSION

a. To Discuss Potential Litigation

At the conclusion of Council's study session, Mayor McBride announced at 6:45 p.m. that Council would enter into executive session, returning at 7:30 p.m. for their regular meeting. City Attorney Robin Jenkinson was also in attendance.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Margaret Carnegie
Alan Wallace
Linda Aldrich
Jay Arnold

Todd Woosley
Phil Megenhardt
Chris Worsley
TJ Woosley

c. Petitions

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

a. Approval of Minutes: June 5, 2012

- b. Audit of Accounts:
Payroll \$2,521,280.93
Bills \$3,286,599.41
run #1102 checks #535140 - 535179
run #1103 checks #535204 - 535375
run #1104 checks #535376 - 535419
run #1105 checks #535420 - 535480

c. General Correspondence

(1) A draft letter to King County Executive Dow Constantine regarding the Emergency Medical Services Levy was approved.

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) Resolution R-4925, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANIMAL SERVICES INTERLOCAL AGREEMENT WITH KING COUNTY."

h. Other Items of Business

(1) Tourism Development Committee Resignation and Appointment

The resignation of hotelier member Ryan Noel was accepted and hotelier Maxim Khoklov was appointed to the remainder of the term.

(2) Surplus Vehicles for Sale

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
BG-6	2006	J. Deere 1200A Field Rake	TC1200A150625	N/A	745 Hrs.
C-5	1999	Ford Taurus LX	1FAFP52U0XG247027	26140D	45,233
PU-13	2003	Chevrolet 1500 Pickup	1GCEC14V73Z240171	36185D	51,716
PU-35	2002	Ford F450 SD Pickup	1FDXX47F32EC81787	34413D	47,628
PU-37	2003	Chevrolet 1500 Pickup	1GCEC14V63Z285392	36366D	43,532
P09-05	2009	Ford Crown Victoria	2FAHP71V49X121703	49173D	83,018
P09-07	2009	Ford Crown Victoria	2FAHP71V69X121704	49176D	86,135
P09-09	2009	Ford Crown Victoria	2FAHP71V19X103921	49167D	104,282
P09-10	2009	Ford Crown Victoria	2FAHP71V09X135758	49782D	86,553
P10-03	2010	Ford Crown Victoria	2B3CA4CT3AH147712	50356D	84,102
T04-01	2004	Ford Crown Victoria	2FAHP71W94X158120	36164D	81,847

(3) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

- a. Ordinance O-4358, Extending a Moratorium on the Establishment of Medical Marijuana Collective Gardens, Defining "Medical Marijuana Collective Gardens;" Providing for a Public Hearing; Establishing an Effective Date, and Providing that the Moratorium, Unless Extended, Will Sunset Within Six (6) Months of the Date of Adoption.

Mayor McBride explained the parameters and opened the public hearing. Planning and Community Development Director Eric Shields gave a short presentation. No one from the public came forward to provide testimony and the Mayor closed the hearing.

Motion to Approve Ordinance O-4358, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS, DEFINING "MEDICAL MARIJUANA COLLECTIVE GARDENS"; PROVIDING FOR A PUBLIC HEARING; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION."

Moved by Councilmember Penny Sweet, seconded by Councilmember Amy Walen

Vote: Motion carried 6-1

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

McBride, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.
No: Councilmember Toby Nixon.

10. UNFINISHED BUSINESS

a. Parks Funding Exploratory Committee Recommendation

Parks and Community Services Deputy Director Michael Cogle provided an update on the activities of the Parks Funding Exploratory Committee (PFEC).

b. Events Funding Requests

Councilmember Sweet recused herself for the appearance of fairness.

City Manager Kurt Triplett provided background to the Council about the funding requests.

Motion to Confirm an allocation of \$7,000 from the City Council Special Project Reserve for the SummerFest event.

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

Vote: Motion carried 4-2

Yes: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, and Councilmember Amy Walen.

No: Councilmember Dave Asher, and Councilmember Toby Nixon.

Motion to Approve an allocation of \$7,000 from the City Council Special Project Reserve for the Celebrate Kirkland fourth of July fireworks event.

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

Vote: Motion carried 4-2

Yes: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, and Councilmember Amy Walen.

No: Councilmember Dave Asher, and Councilmember Toby Nixon.

11. NEW BUSINESS

a. Plaza at Yarrow Bay Proposed Settlement Agreement

Motion to Approve authorizing the City Manager to execute a proposed settlement agreement resolving the flooding claims of Kilroy Realty L.P. against the City.

Moved by Councilmember Amy Walen, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

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

- b. Ordinance O-4357 and its Summary, Relating to Zoning, Planning, and Land Use, Revising the City's Zoning Regulations in the Totem Lake Neighborhood, Amending Ordinance 3719 as Amended, the Kirkland Zoning Code and Approving a Summary Ordinance for Publication, File No. ZON11-00034.

Planning Commissioner Jay Arnold and Senior Planner Dorian Collins provided background on the proposed amendments to the Kirkland Zoning Code.

Motion to Approve Ordinance O-4357 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S ZONING REGULATIONS IN THE TOTEM LAKE NEIGHBORHOOD, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON11-00034."

Moved by Councilmember Bob Sternoff, seconded by Councilmember Toby Nixon
Vote: Motion carried 7-0

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

Council recessed for a short break

- c. Ordinance O-4359 and its Summary, Relating to Approval of a Preliminary and Final PUD, as Applied for by Camwest Development, LLC in Department of Planning and Community Development File No. ZON11-00026 and Setting Forth Conditions of Said Approval.

Councilmember Asher disclosed North Rose Hill Neighborhood Association members spoke to him in advance of his knowledge of the quasi-judicial nature of the issue. Councilmember Nixon disclosed that he and Councilmember Asher were at the May 16 Evergreen Hill Neighborhood Association meeting when a discussion occurred around this issue; they both excused themselves from the discussion. Councilmember Nixon also received an email on Dana Hall on June 18 calling attention to the information in the packet. Councilmembers Asher and Nixon assured the Council this would not affect their consideration of this matter.

Senior Planner Jon Regala provided an overview of the project and responded to Council questions.

Motion to suspend Council's rules of procedure so that Council may vote on the ordinance this evening.

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

Vote: Motion carried 7-0

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

Motion to Approve Ordinance O-4359 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY CAMWEST DEVELOPMENT, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON11-00026 AND SETTING FORTH CONDITIONS OF SAID APPROVAL."

Moved by Councilmember Amy Walen, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0

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

d. 2012 Mid-Year Budget Adjustments

(1) Ordinance O-4360, Amending the Biennial Budget for 2011-2012

Motion to Approve Ordinance O-4360, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2011-2012."

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

Vote: Motion carried 7-0

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

(2) Resolution R-4926, Adopting the Fiscal Policies for the City of Kirkland

Motion to Approve Resolution R-4926, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE FISCAL POLICIES FOR THE CITY OF KIRKLAND."

Moved by Councilmember Bob Sternoff, seconded by Councilmember Amy Walen

Vote: Motion carried 6-1

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

No: Councilmember Dave Asher.

e. Ordinance O-4361, Relating to SEPA Procedures and Amending Section 24.02.065 of the Kirkland Municipal Code, File No. PLN12-00493.

Motion to Approve Ordinance O-4361, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SEPA PROCEDURES AND AMENDING SECTION 24.02.065 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. PLN12-00493."

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0

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

f. Ordinance O-4362, Relating to Refuse and Garbage

Solid Waste Programs Lead John MacGillivray provided an overview of the proposed changes to Kirkland Municipal Code Title 16 and responded to Council questions and comments.

Vote to Approve Ordinance O-4362, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO REFUSE AND GARBAGE."

Vote: Motion carried 7-0

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

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Puget Sound Regional Council meeting that was a joint meeting with the Growth Management Policy Board and the Transportation Policy Board; Kaizen Institute training with Masaaki Imai at King County; Eastside Transportation Partnership; Greater Kirkland Chamber of Commerce panel discussion on the Totem Lake Business District; Relay for Life event; National Guard tour; Cascade Water Alliance; Emergency Management Advisory Committee meeting; Tourism Development Committee meeting; Tourism networking meeting; Eastside Human Services Forum; Alliance of Eastside Agencies Award Program; request to look into funding for the Kingsgate Library remodel; Councilmember Nixon's visit to AG Bell Elementary second/third grade class as part of their Classroom City program; students from AG Bell Elementary visit to City Hall; Economic Development Roundtable Marketing Committee meeting; King County Conservation District; Bloomberg Philanthropies Mayors Challenge which Council agreed to enter.

b. City Manager

(1) Calendar Update

Property transfer of 3.2 acres of park land from King County to the City of Kirkland that was supposed to be part of the Rose Hill Annexation in 1989.

Councilmember Walen proposed putting together a pedestrian safety summit with area stakeholders and received Council support.

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of June 19, 2012 was adjourned at 10:17 p.m.

City Clerk

Mayor