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# CITY OF KIRKLAND

## CITY COUNCIL



Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway  
Doreen Marchione • Bob Sternoff • 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.*

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### AGENDA

#### KIRKLAND CITY COUNCIL SPECIAL MEETING

#### City Council Chambers

#### Wednesday, September 1, 2010

#### 6:00 p.m. – Special Study Session – Peter Kirk Room

#### 7:30 p.m. – Special Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us), or at the Public Resource Area at City Hall on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (587-3190) or the City Manager's Office (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 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. 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, Peter Kirk Room*
  - a. Parkplace Comprehensive Plan and Zoning Amendments
4. *EXECUTIVE SESSION*
  - a. To Discuss Property Acquisition
5. *HONORS AND PROCLAMATIONS*
  - a. Constitution Week Proclamation
  - b. Recovery Month Proclamation
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - (1) Green Tips

**EXECUTIVE SESSIONS** may be held by the City Council to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

**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.

P - denotes a presentation from staff or consultant

8. *CONSENT CALENDAR*

- a. *Approval of Minutes:* (1) August 3, 2010  
(2) August 4, 2010

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

c. *General Correspondence*

d. *Claims*

- (1) John G. Bettinger
- (2) Deborah A. Johnson
- (3) Jill E. Lane
- (4) Raid Tirhi
- (5) Linda Wilson

e. *Award of Bids*

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

- (1) Accepting 116th Ave NE Sidewalk Project, Kamins Construction, Bothell, WA and Authorizing the Use of \$120,000 From the Water/Sewer Capital Contingency

g. *Approval of Agreements*

- (1) Resolution R-4830, Approving a Sewer Facility Agreement with Lawrence and Brenda Andrew and Authorizing the City Manager to Sign Said Agreement on Behalf of the City of Kirkland
- (2) Resolution R-4831, Approving a Sewer Facility Agreement with Samira Samimi and Authorizing the City Manager to Sign Said Agreement on Behalf of the City of Kirkland
- (3) Resolution R-4832, Approving the Interlocal Agreement Between the City of Kirkland and Chelan County for the Housing of Inmates in the Chelan County Regional Justice Center

h. *Other Items of Business*

- (1) Ordinance No. 4255, Relating to Utility Services Due Date and Amending KMC Section 15.20.020

**GENERAL CORRESPONDENCE**

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation. Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

**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.

- (2) Ordinance No. 4256, Relating to Procurement Standards and the Small Works Roster Process
- (3) Resolution R-4833, Relinquishing Any Interest the City May Have in an Unopened Right-of-Way as Described Herein and Requested by Property Owner Bruce M. Hawes
- (4) Resolution R-4834, Relinquishing Any Interest the City May Have in an Unopened Right-of-Way as Described Herein and Requested by Property Owners Thad and Gail Pound
- (5) Resolution R-4835, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owners John T. Hoffman and Tracy L. Rockwell
- (6) Surplus Equipment Rental Vehicles/Equipment For Sale

**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.

9. *PUBLIC HEARINGS*

- a. Resolution R-4836, Approving and Adopting the Annual Update for the Six-Year Transportation and Street Construction and Improvement Program in Accordance with Section 19.08.051, Kirkland Municipal Code

10. *UNFINISHED BUSINESS*

- a. Proposed 2011-2012 Utility Rates – Final Briefing

11. *NEW BUSINESS*

12. *REPORTS*

a. *City Council*

- (1) Regional Issues

b. *City Manager*

- (1) Calendar Update

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*

**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.

**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**123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3249

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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Angela Ruggeri, AICP, Senior Planner  
Eric Shields, AICP, Director  
Paul Stewart, AICP, Deputy Director

**Date:** August 20, 2010

**Subject:** Parkplace Comprehensive Plan and Zoning Amendments  
File Number ZON07-00016

**RECOMMENDATION**

Receive Planning Commission recommendation and brief background on the Supplemental Environmental Impact Statement (SEIS) findings for the Touchstone (Parkplace) project.

**BACKGROUND DISCUSSION**

The City Council adopted Ordinance Nos. 4170 and 4171 which amended the Comprehensive Plan and Zoning Code for the Parkplace property in December of 2008. The City's decision was challenged by a petition to the Central Puget Sound Growth Management Hearings Board. The Board issued its decision in October of 2009. The ordinances were not invalidated, but the Board remanded them to the City to correct the following issues: 1) the Final Environmental Impact Statement failed to include reasonable alternatives to the Touchstone proposal, including offsite alternatives; and 2) amendments were required to the Capital Facilities and Transportation Elements of the Comprehensive Plan to include all necessary capital improvements and a multi-year financing plan based on the ten-year transportation needs identified in the Comprehensive Plan.

The City has completed the SEIS which reviews additional alternatives in response to the first issue listed above and has crafted amendments to the Capital Facilities and Transportation Elements of the Comprehensive Plan to address the Board's second group of concerns. Paper copies of both the draft and final SEIS were supplied to the City Council on their issue dates.

The Planning Commission has had a number of meetings to discuss these issues. The links to the information for those meetings have been included below:

August 24, 2010

Page 2

- Public Hearing on June 24, 2010 – link includes copies of the ordinances that were passed by the City Council in 2008 and additional amendments to the Comprehensive Plan proposed by staff to comply with the Hearings Board's order.

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Park+Place+PC+06242010+!23.pdf>

- Planning Commission Study session on July, 22, 2010 - gave the Planning Commission background on the original process for Parkplace. The 2008 Planning Commission recommendation to the City Council is included as an attachment.

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Park+Place+PC+07222010+web.pdf>

At its meeting on August 26, the Planning Commission will make a recommendation to the City Council on the following ordinances:

1. Re-adoption of Ordinances 4170 and 4171, which adopted changes to the Comprehensive Plan and Zoning for the Parkplace property; and
2. Adoption of proposed amendments to the Introduction, Land Use, Transportation and Capital Facilities Elements of the Comprehensive Plan.

A link to the packet for this meeting is included below:

<http://www.ci.kirkland.wa.us/Assets/Planning/Planning+PDFs/Parkplace+PC+08262010+Print+!26+Web.pdf>

The Planning Commission's recommendation will be brought to the Council at the September 1 study session and the City's SEIS consultant will also be available to answer questions. An additional study session has been scheduled for September 21 if needed.

The Hearings Board initially gave the City six months to comply; however, the Board later agreed to the City's request to extend the compliance deadline to October 5, 2010. Therefore, the City Council will need to take action on this matter no later than the October 5 Council meeting.

cc: ZON07-00016  
Planning Commission  
A-P Hurd, 2025 First Avenue, Suite 1212, Seattle, WA 98121



**CITY OF KIRKLAND**

**City Manager's Office**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**

**www.ci.kirkland.wa.us**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Marie Stake, Communications Program Manager

**Date:** August 16, 2010

**Subject:** Constitution Week Proclamation

RECOMMENDATION:

It is recommended that Mayor Joan McBride proclaim September 17-23, 2010 as Constitution Week as requested by the Daughters of the American Revolution.

BACKGROUND DISCUSSION:

Alice Stenstrom, Regent with the David Douglas Chapter of the Daughters of the American Revolution (D.A.R.), requested a proclamation to celebrate Constitution Week.

The weeklong commemoration of America's most important document could be considered one of our country's least known official observances. The tradition of celebrating the Constitution was started the D.A.R. In 1955, D.A.R. petitioned the U.S. Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower.

The aims of the celebration are to (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and (3) encourage the study of the historical events which led to the framing of the Constitution in September 1787. This year marks the 223<sup>rd</sup> anniversary of the actual signing of the Constitution.

Ms. Stenstrom, will be attending the September 1<sup>st</sup> Council meeting to accept the Constitution Week proclamation on the behalf of the D.A.R.



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Designating the September 17-23, 2010 as "Constitution Week" in Kirkland, Washington

**WHEREAS**, The Constitution of the United States of America is the guardian of our liberties and embodies the principles of limited government in a Republic dedicated to rule by law, not by people; and

**WHEREAS**, September 17, 2010 marks the two hundred twentieth-third anniversary of the signing of the Constitution of the United States of America by the 1787 Constitutional Convention; and

**WHEREAS**, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate this grand occasion; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of this great country designating September 17 through 23 as "Constitution Week;"

**NOW, THEREFORE**, I, Joan McBride, Mayor of the City of Kirkland, do proclaim the week of September 17 through 23, 2010 as "Constitution Week" in the City of Kirkland and ask our citizens to reaffirm the ideals the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Signed this 1<sup>st</sup> day of September, 2010

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Joan McBride, Mayor



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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Marie Stake, Communications Program Manager

**Date:** August 19, 2010

**Subject:** Recovery Month Proclamation

### RECOMMENDATION:

It is recommended that Mayor Joan McBride proclaim September, 2010 as "Recovery Month" as requested by Fairfax Hospital, Residence XII Treatment Center for Women and Lakeside-Milam Recovery Centers.

### BACKGROUND DISCUSSION:

The mission of Recovery Month is to improve the lives of those suffering from addiction, to celebrate individuals and families in long-term recovery and to acknowledge those working in the field that provides recovery services.

Recovery Month is sponsored by the Substance Abuse and Mental Health Services Administration's (SAMHSA's) Center for Substance Abuse Treatment, within the U.S. Department of Health and Human Services. Recovery Month is an essential element of SAMHSA's strategic initiatives that focuses on public awareness and support.

Thousands of people across the United States are living happy, healthy and productive lives in recovery from substance abuse disorders. Educating our community about substance abuse disorders is essential to combat the misconceptions associated with addiction.

For more than 20 years, Recovery Month has worked to improve the lives of those individuals suffering from addiction—by raising awareness of the disease and educating communities about the treatment and recovery resources available.

Coming to the September 1 City Council Meeting to accept the Recovery Month proclamation on the behalf of the hospitals will be: Judi Bixby, Senior Vice President Patient Services, Lakeside-Milam Recovery Centers, Sharon Chambers, Executive Director, Residence XII, Nicci Noteboom, Marketing Communications Director, Residence XII, William Adams, MD, Medical Director, Fairfax Hospital and Suzanne Wietting, Community Resource Liaison, Fairfax Hospital.



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Proclaiming September 2010 as "National Alcohol and Drug Addiction Recovery Month" in Kirkland, Washington

**WHEREAS**, recovery from substance use disorders is possible through a variety of treatment resources and recovery support programs; and

**WHEREAS**, thousands of people across the United States are living happy, healthy, and productive lives in recovery; and

**WHEREAS**, stress can contribute to substance use disorders, and finding a positive outlet for dealing with stress is crucial as people continue to face stressful situations in their lives; and

**WHEREAS**, in 2008, an estimated 23.1 million people of every age, race, ethnicity, and socio-economic status needed treatment for substance dependence or abuse in the United States; and

**WHEREAS**, substance use disorders are a treatable, yet serious health care problem, and our community must take steps to address it; and

**WHEREAS**, educating our community about how substance use disorders affect all people in the community, including public safety officials, the workforce, older adults, and families, therefore is essential to combat misconceptions associated with addiction; and

**WHEREAS**, Fairfax Hospital, Lakeside-Milam Recovery Center, and Residence XII Treatment Center for Women, all located in the Kirkland community, provide services to improve the lives of those suffering from addiction; and

**WHEREAS**, to help more people enter a path of recovery, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the City of Kirkland invite all residents to recognize *National Alcohol and Drug Addiction Recovery Month (Recovery Month)*;

**NOW, THEREFORE**, I, Joan McBride, Mayor of the City of Kirkland, do proclaim the September 2010 as "*Recovery Month*" in the City of Kirkland and call upon the people of Kirkland to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "*Join the Voices for Recovery: Now More Than Ever!*"

Signed this 1<sup>st</sup> day of September, 2010

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Joan McBride, Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
August 03, 2010

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Washington Cities Insurance Authority (WCIA)

Joining Council for the presentation by WCIA Executive Director Lewis Leigh  
were City Manager Kurt Triplett and Human Resources Director Bill Kenny.

4. EXECUTIVE SESSION

a. To Discuss Labor Negotiations

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Bob Kamuda

c. Petitions

7. SPECIAL PRESENTATIONS

a. Introduction of Frontier Communications to the City of Kirkland

Dan Clark, General Manager for Frontier Communications in South Snohomish  
County, provided the Council with an introduction and status of the transition from  
Verizon.

8. CONSENT CALENDAR

- a. Approval of Minutes: July 20, 2010
- b. Audit of Accounts:
  - Payroll \$ 2,192,945.89
  - Bills \$ 1,497,995.60
  - run # 932 checks # 518867 - 518876
  - run # 933 checks # 518902 - 519055
  - run # 934 checks # 519057 - 519064
  - run # 935 checks # 519065 - 519166
- c. General Correspondence
  - (1) Members of United States Congress, Regarding Support of the Complete Streets Act of 2009
- d. Claims
  - (1) Susan K. Miller
  - (2) Angela E. Niles
- e. Award of Bids
  - (1) The Heronfield Wetlands Bank Stabilization Project was awarded to Laser Underground of Snohomish, Washington, in the amount of \$211,631.75.
- f. Acceptance of Public Improvements and Establishing Lien Period
- g. Approval of Agreements
- h. Other Items of Business
  - (1) Resolution R-4826, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PROVIDING AN EASEMENT TO PUGET SOUND ENERGY FOR EXISTING INFRASTRUCTURE."
  - (2) September 1, 2010 was established as the date to hold a public hearing for the Six Year Transportation Improvement Plan (TIP).
  - (3) A Cabaret Music License was approved for the Urban Coffee Lounge.
  - (4) Summer Youth Employment Program revenues and expenditures were authorized per Federal guidelines.

Motion to approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

- a. Resolution R-4827, Expressing an Intent to Vacate a Portion of a Right-of-Way Filed by Eric Drivdahl, File Number VAC10-00001

Mayor McBride opened the public hearing. Project Planner Susan Greene reviewed the issues for consideration. Eric Drivdahl of Gelotte Hommas Architecture, representing the property owner, then addressed the Council. No further testimony was offered and the Mayor closed the hearing.

Motion to approve Resolution R-4827, entitled "A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY ERIC DRIVDAHL, FILE NUMBER VAC10-00001."

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

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

10. UNFINISHED BUSINESS

- a. Public Safety Building Feasibility and Due Diligence - Update

Interim Public Works Director Ray Steiger provided an update on the status of this element of the proposed property acquisition.

- b. Resolution R-4828, Relating to Finance and Authorizing an Interfund Loan From the Water Sewer Utility and Surface Water Utility Funds to the Capital Fund in an Amount Not to Exceed \$12,000,000

Motion to approve Resolution R-4828, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO FINANCE AND AUTHORIZING AN INTERFUND LOAN FROM THE WATER SEWER UTILITY AND SURFACE WATER UTILITY FUNDS TO THE CAPITAL FUND IN AN AMOUNT NOT TO EXCEED \$12,000,000."

Moved by Councilmember Bob Sternoff, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

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

c. Shoreline Master Program:

Planning and Community Development Deputy Director Paul Stewart reviewed the background and content of the program and proposed ordinances and correspondence.

(1) Ordinance No. 4251 and its Summary, Adopting the Department of Ecology Approved Kirkland Shoreline Master Program Update, Including the New Shoreline Environment Designations Map, Comprehensive Plan Amendments, Zoning Code Amendments, and the New Restoration Plan, and Repealing the Existing Shoreline Master Program, Chapters 24.05 and 24.06 of the Kirkland Municipal Code. File ZON06-00017

Motion to approve Ordinance No. 4251 and its Summary, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE DEPARTMENT OF ECOLOGY APPROVED KIRKLAND SHORELINE MASTER PROGRAM UPDATE, INCLUDING THE NEW SHORELINE ENVIRONMENT DESIGNATIONS MAP, COMPREHENSIVE PLAN AMENDMENTS, ZONING CODE AMENDMENTS, AND THE NEW RESTORATION PLAN, AND REPEALING THE EXISTING SHORELINE MASTER PROGRAM, CHAPTERS 24.05 AND 24.06 OF THE KIRKLAND MUNICIPAL CODE. FILE ZON06-00017."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

(2) Ordinance No. 4252 and its Summary, Adopting Miscellaneous Amendments to Ordinance No. 3719, the Kirkland Zoning Ordinance, and Making the Zoning Ordinance Compatible With the Newly Adopted Shoreline Master Program. File ZON06-00017

Motion to approve Ordinance No. 4252 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING MISCELLANEOUS AMENDMENTS TO ORDINANCE NO. 3719, THE KIRKLAND ZONING ORDINANCE, AND MAKING THE ZONING ORDINANCE COMPATIBLE WITH THE NEWLY ADOPTED SHORELINE MASTER PROGRAM. File ZON06-00017."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Penny Sweet

Vote: Motion carried 7-0

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

(3) Ordinance No. 4253 and its Summary, Adopting Miscellaneous Amendments to the Kirkland Municipal Code to Make the Kirkland Municipal Code Compatible With the Newly Adopted Shoreline Master Program Update. File ZON06-00017

Motion to approve Ordinance No. 4253 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING MISCELLANEOUS AMENDMENTS TO THE KIRKLAND MUNICIPAL CODE TO MAKE THE KIRKLAND MUNICIPAL CODE COMPATIBLE WITH THE NEWLY ADOPTED SHORELINE MASTER PROGRAM UPDATE. FILE ZON06-00017."

Moved by Councilmember Doreen Marchione, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

(4) Ordinance No. 4254, Relating to Planning Department Fees and Amending KMC 5.74.070 by Adding Fees for Shoreline Exemptions and Alternative for Shoreline Tree Replacement and Vegetation, and Revising the Term for General Moorage Facility Relating to the Newly Adopted Shoreline Master Program Update. File ZON06-00017

Motion to approve Ordinance No. 4254, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY ADDING FEES FOR SHORELINE EXEMPTIONS AND ALTERNATIVE FOR SHORELINE TREE REPLACEMENT AND VEGETATION, AND REVISING THE TERM FOR GENERAL MOORAGE FACILITY RELATING TO THE NEWLY ADOPTED SHORELINE MASTER PROGRAM UPDATE. FILE ZON06-00017."

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

(5) Letter to the State of Washington Department of Ecology Accepting Amendments to the Shoreline Master Program Update

Motion to approve sending the letter to the State of Washington Department of Ecology accepting amendments to the Shoreline Master Program update. Moved by Councilmember Dave Asher, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

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

d. Emergency Medical Transport Fee Study

Fire Chief Kevin Nalder reviewed the issues for consideration and responded to Council questions and comment. Council directed staff to prepare an implementation plan for their further consideration.

e. Proposed 2011-2012 Utility Rates

Interim Public Works Director Ray Steiger presented background for Council review and received Council feedback for the purpose of developing a final utility rate proposal for Council adoption in September.

11. NEW BUSINESS

a. Resolution R-4829, Adopting an Updated Comprehensive Parks, Recreation, and Open Space Plan for the City of Kirkland

Motion to approve Resolution R-4829, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING AN UPDATED COMPREHENSIVE PARKS, RECREATION, AND OPEN SPACE PLAN FOR THE CITY OF KIRKLAND."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Regional Transit Committee meeting; Go Dog Go event; Suburban Cities Association Finance Committee meeting; Nancy Guthrie memorial; Council agreement to request Public Safety to propose activities for National Night Out in 2011; Regional Law, Safety and Justice Committee meeting; Council agreement to consider taking a position on Initiative 1033; South Rose Hill/Bridle Trails neighborhood picnic; Metropolitan Solid Waste Advisory Committee activities; Cascade Water Alliance meeting; Lodging Tax Advisory

Committee meeting; Girls Softball World Series; meeting with King County Councilmember Jane Hague; and the upcoming Totem Lake Symposium.

b. City Manager

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

Max Kvidera

14. ADJOURNMENT

The Kirkland City Council regular meeting of August 3, 2010 was adjourned at 9:49 p.m.

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City Clerk

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Mayor



KIRKLAND CITY COUNCIL SPECIAL STUDY SESSION MINUTES  
August 04, 2010

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Budget Update and Core Services Discussion

Joining Councilmembers for this discussion in addition to City Manager Kurt  
Triplett were Director of Finance and Administration Tracey Dunlap and Financial  
Planning Manager Sri Krishnan.

4. ADJOURNMENT

The Kirkland City Council Special Study Session of August 4, 2010 was adjourned at  
7:25 p.m.

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City Clerk

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Mayor



**CITY OF KIRKLAND**  
Department of Finance and Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.ci.kirkland.wa.us

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** August 26, 2010  
**Subject:** CLAIM(S) FOR DAMAGES

**RECOMMENDATION**

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

**POLICY IMPLICATIONS**

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.(040).

**BACKGROUND DISCUSSION**

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

- (1) John G. Bettinger  
1915 3<sup>rd</sup> Street  
Kirkland, WA 98033

**Amount:** \$2639.76

**Nature of Claim:** Claimant states damage to vehicle resulted from being struck by a City vehicle.

- (2) Deborah A. Johnson  
12433 E 75<sup>th</sup>  
Kirkland, WA 98033

**Amount:** Unspecified amount

**Nature of Claim:** Claimant states damage resulted from a faulty water main connector/gasket.

- (3) Jill E. Lane  
P.O. Box 3424  
Bellevue, WA 98009

**Amount:** Unspecified amount

**Nature of Claim:** Claimant states damage resulted from a wrongful arrest.

- (4) Raid Tirhi  
17121 NE 130<sup>th</sup> Street  
Redmond, WA 98052

**Amount:** \$669.93

**Nature of Claim:** Claimant states damage to vehicle resulted from striking loose pieces of c-curbing in the roadway.

- (5) Linda Wilson  
12800 NE 135<sup>th</sup> Street  
Kirkland, WA

**Amount:** Unspecified amount

**Nature of Claim:** Claimant states injury resulted from tripping on a raised area of the sidewalk and consequently tripping on construction equipment.



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.ci.kirkland.wa.us

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Dave Snider, P.E., Interim Capital Projects Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 23, 2010

**Subject:** 116<sup>th</sup> AVE NE (HIGHLANDS) SIDEWALK PROJECT – ACCEPT WORK

**RECOMMENDATION:**

It is recommended that City Council accept the construction of the 116th Ave NE Sidewalk Project, as constructed by Kamins Construction, Bothell, WA, and establish the statutory 45 day lien period. It is also recommended that Council authorize the use of \$120,000 from the water/sewer capital contingency to pay for water system upgrades installed with the Project.

**BACKGROUND DISCUSSION:**

The 116th Ave NE (Highlands) Sidewalk Project, identified as a part of the City’s continued focus on improving school walk routes, resulted in the construction of approximately 1,900 feet of new concrete sidewalk, curb and gutter, planter strip and street trees between approximately NE 94<sup>th</sup> Street and NE 100<sup>th</sup> Street (Attachment A). This new sidewalk provides another connection to the NE 100<sup>th</sup> St. / I-405 pedestrian overpass linking the Highlands and the North Rose Hill Neighborhoods; it also helps to provide a continuous pedestrian connection from the NE 100<sup>th</sup> Street pedestrian overpass to downtown Kirkland and serves as a walk route for Peter Kirk Elementary School.



**Before**  
**(looking north)**



**After**

The primary focus of the Project was to provide non-motorized improvements for pedestrians and bicyclists. The Project also included all required surface water components (i.e. catch basins, storm pipe and on-site water quality facilities). Approved funding for the Project was from the surface water utility and transportation revenue sources. In addition, minor water line relocation work was included in the Project due to conflicts with the existing water system from the installation of a surface water detention pipe and relocation of one fire hydrant to the new planter strip. During construction, a number of unknown water system deficiencies were uncovered, and, once exposed, required additional water system improvements in order to maintain the reliability of the supply system and minimize water "shut-downs" (turning water off for construction activities) for the neighborhood.



Added north bound bike lane

The Engineer's Estimate for the construction of the Project was \$638,200, and on December 16, 2009, the City received a total of 24 bids on for the project. At their regular meeting of January 19, 2010, Council awarded the construction contract to Kamins Construction in the amount of \$424,139.58. The total amount actually paid to the contractor was \$586,544.92, including six change orders.

The Contractor's original bid for the water line and fire hydrant relocation work was \$29,100; the engineer's estimate was \$25,000 for this "incidental" work. The water line improvements that were required, however, due to the changed field conditions once the existing water main and existing appurtenances were exposed, added nearly \$91,000 to the Project. These significant increases were due to a number of issues including the following:

- 50 feet of new 8-inch DI pipe including three new valves (\$46,000) – *additional storm conflicts with the existing asbestos cement (AC) watermain prevented the storm system from being installed per the original plan; this watermain needed to be relocated.*
- 7 water meter adjustments were required in order to match the new sidewalk/planter-strip grade (\$10,000) – *the final elevation/location of the sidewalk prevented the meters from being installed per the contract plans – this was a design oversight;*
- 12 additional service lines were replaced (\$20,000) – *since a number of the existing service lines were connected to the existing AC watermain with obsolete connections prone to failure, storm trenching work adjacent to them disturbed backfill, as a precaution against future failure, they were replaced.*
- 3 additional tie-ins between the new mainline and the existing system (\$5,000) – *there are limited watermain feeds into this area of Highlands, and in order to minimize the impact of water shut-downs on customers, this approach was required.*
- sales tax (\$10,000)

While the original relocation of the water line and fire hydrant were relatively minor components of the sidewalk project and were to be funded within the overall cost of the project, the final costs of the water system improvements now represent a significant element and are more appropriately funded through the use of water/sewer utility funds. Staff is recommending Council authorize the use of \$120,000 from the water/sewer capital contingency to fund this element of the project (Attachments C).

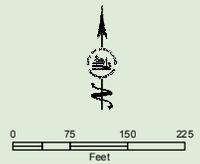
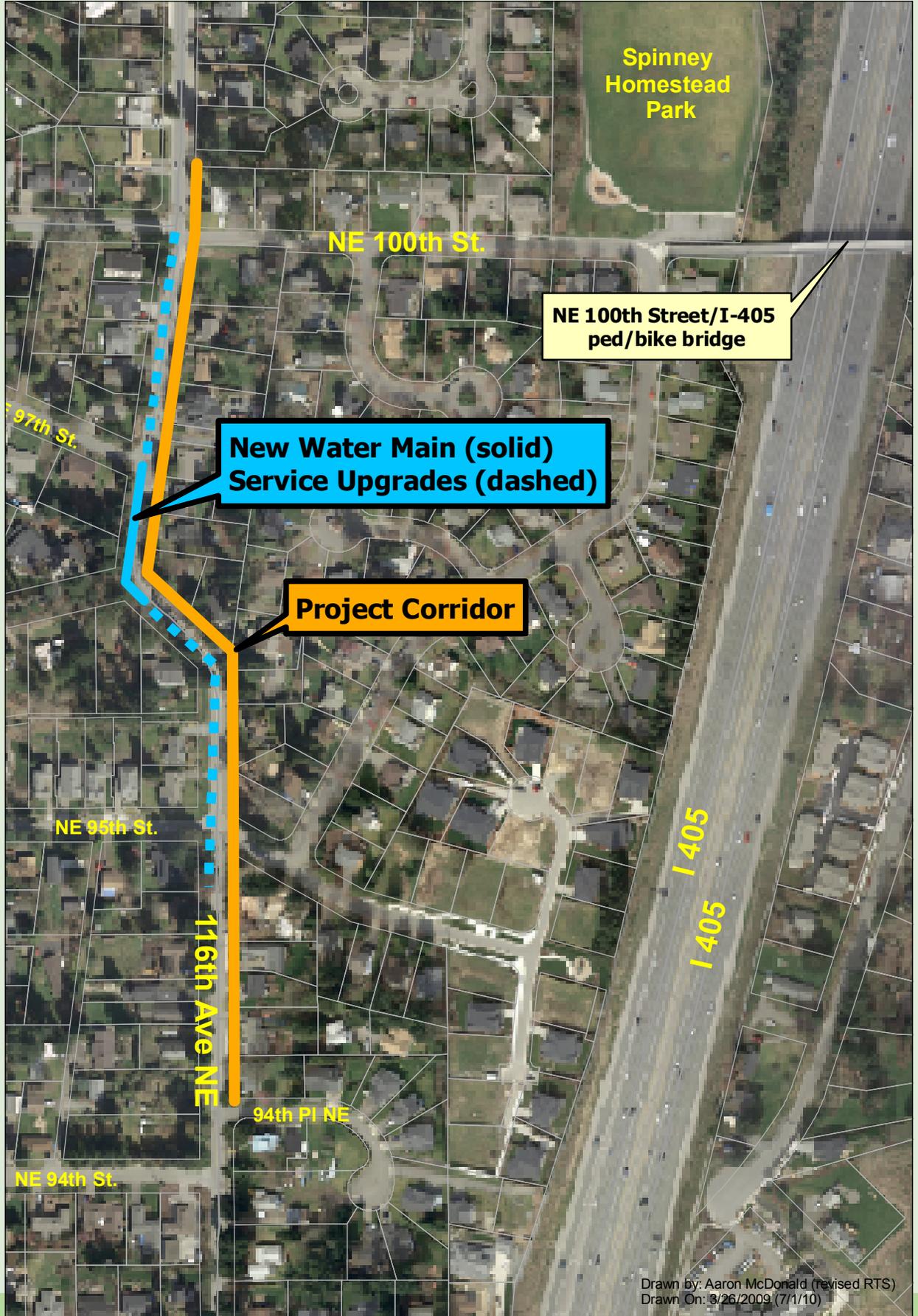
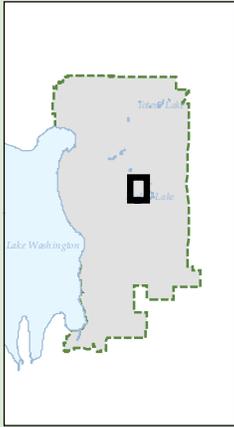
E-Page 2  
Memorandum to Kurt Triplett  
116th Ave NE Sidewalk  
August 23, 2010

In addition to the final construction costs associated with the six change orders, there were other direct costs on the Project due to additional material quantities and additional time by the contract administration and inspection team to negotiate the many Contractor originated extra work claims. The large number of bidders now bidding on Public Works projects has resulted in exceptionally low bids, but it has also forced contractors in general to more aggressively pursue field changed conditions when they occur. On this Project, a combination of discrepancies in the plans and specifications, unknown water system components, and the Contractor's pursuit of additional funds, led to nearly one dozen potential claims against the City; detailed and assertive negotiations by the Project team has lead to resolution of these issues and compensation through a series of change orders has avoided the Contractor's potential legal recourse. In addition, a "lessons learned" critique has been assembled and distributed to the Project staff and their consultants.

The total project costs, including the additional watermain work, are approximately \$986,000. With \$120,000 of water/sewer capital contingency being added to the Project for the watermain, the surplus surface water and transportation funds will be returned on a proportionate share basis to the original transportation and surface water funding sources for the Project.

Attachments (3)

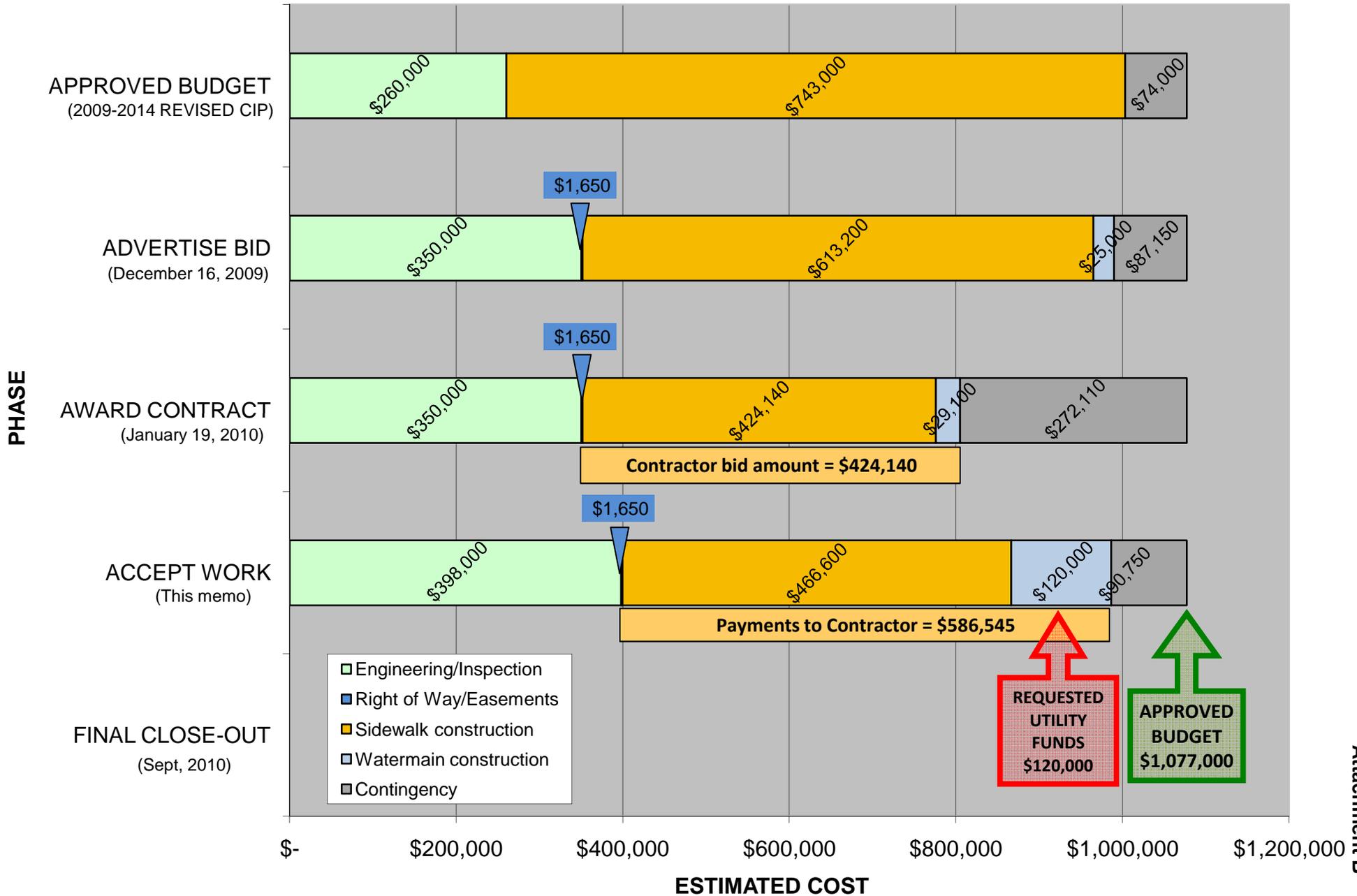
# 116th Avenue NE (Highlands) Sidewalk Project



Produced by the City of Kirkland.  
© 2009, the City of Kirkland. All rights reserved.  
No warranties of any sort, including but not limited to accuracy,  
fitness or merchantability, accompany this product.

Drawn by: Aaron McDonald (revised RTS)  
Drawn On: 3/26/2009 (7/1/10)

### 116th Ave NE (Highlands) Sidewalk Project (CNM 0044) PROJECT BUDGET REPORT



**FISCAL NOTE**

Source of Request							
Ray Steiger, Interim Public Works Director							
Description of Request							
Request for City Council to approve the use of \$120,000 from the Water/Sewer Capital Contingency to pay for water system upgrades included in the 116th Ave NE (Highlands) Sidewalk Project CNM 0044.							
Legality/City Policy Basis							
Fiscal Impact							
<b>One-time use of \$120,000 of the Water/Sewer Capital Contingency.</b> The contingency is able to fully fund this request.							
Recommended Funding Source(s)							
<b>Reserve</b>	Description	2010 Est End Balance	Prior Auth. 2009-10 Uses	Prior Auth. 2009-10 Additions	Amount This Request	Revised 2010 End Balance	2010 Target
	Water/Sewer Capital Contingency	2,779,040	239,200	0	120,000	2,419,840	N/A
	2009-10 Prior Authorized Uses include \$54,000 for the Supply Station #2 Improvements project, \$128,000 for the 2009 Water Systems Improvement project, \$17,200 for water main replacement related to the NE 73rd Street Sidewalk project, and \$40,000 for watermain replacement related to the Downtown Transit Center project.						
<b>Revenue/Exp Savings</b>							
<b>Other Source</b>							
Other Information							

Prepared By	Neil Kruse, Senior Financial Analyst	Date	August 16, 2010
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**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Phillip Vartanian, Development Engineer  
Rob Jammerman, Development Engineering Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 19, 2010

**Subject:** RESOLUTION APPROVING A SEWER FACILITY AGREEMENT WITH LAWRENCE AND BRENDA ANDREW

**RECOMMENDATION:**

It is recommended that the City Council approve the attached resolution authorizing the City Manager to execute a Sewer Facility Agreement with Lawrence and Brenda Andrew.

**BACKGROUND DISCUSSION:**

Lawrence and Brenda Andrew installed approximately 520 lineal feet of 8 inch sewer main line extension north of NE 65<sup>th</sup> St. and east of 128<sup>th</sup> Ave NE. in a public easement (Exhibit 1). This now public sewer main extension provides sewer service to their two-lot short plat as well as other neighboring properties. A Sewer Facility Agreement has been filed with the Department of Public Works to receive reimbursement for a portion of the costs of the sewer main extension (Exhibit A). Property owners listed in this agreement applying for connection to the sewer main will be required to pay \$.79 per square foot of their lot plus City of Kirkland sewer connection fees; the average assessment is \$11,000 per parcel.

The City of Kirkland is authorized pursuant to Chapter 35.91 RCW to enter into a Sewer Facility Agreement (also known as a Sewer Latecomers' Agreement) allowing developers to receive compensation for the installation of public sewer main line extensions, i.e. persons connecting to the extensions are required to pay a portion of the total costs as a condition of connection. Latecomers' fees are calculated based on the square footage of the property being served; dividing the total square footage of the properties being served into the total cost of the sewer extension yields the latecomers' charge per square foot. Fifteen percent (15%) of the sewer latecomers' fee is retained by the City of Kirkland for tracking and administering the agreement, and eighty-five percent (85%) of the fee is returned to the developer. The agreement is valid for 20 years and is administered by the Department of Public Works.

Upon approval of the resolution and subsequent signing by the City Manager, the agreement will be sent to King County for recording. Finally, notice of latecomers' connection charges will be sent to each property owner included in the agreement.

Cc: City Attorney

RESOLUTION R-4830

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A SEWER FACILITY AGREEMENT WITH LAWRENCE AND BRENDA ANDREW AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

WHEREAS, the improvement of public health is furthered by adequate wastewater systems; and

WHEREAS, the Washington State Legislature enacted the Municipal Water and Sewer Facilities Act (RCW 35.91.010 et seq.) in furtherance of this goal and authorized municipalities to enter into agreements of this nature; and

WHEREAS, the City of Kirkland concludes entering into this agreement will promote this goal;

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 the Sewer Facility Agreement between the City and Lawrence and Brenda Andrew. A copy of this Agreement is attached as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk



## SEWER FACILITIES AGREEMENT PURSUANT TO CHAPTER 35.91 REVISED CODE OF WASHINGTON

THIS AGREEMENT made and entered into this day, pursuant to RCW Chapter 35.91, between the City of Kirkland, a non-charter optional code city, hereinafter referred to as "City" and Lawrence and Brenda Andrew hereinafter referred to as "Developer":

WITNESSETH

Section 1. Developer does hereby agree to construct, at its sole expense, the SEWER FACILITIES described in EXHIBIT 1, attached hereto and by this reference incorporated herein, all in accordance with the specifications and standards of the City of Kirkland pertaining to sewer construction and installation.

Section 2. Upon completion of said sewer facilities to the satisfaction of the Kirkland Director of Public Works, and acceptance thereof by the City of Kirkland, said facility shall become the property of the City of Kirkland and a part of its sewer system with full power of the City of Kirkland to charge for its use such sewer connection and service rates and charges as the City of Kirkland may be authorized by law to establish, and all further maintenance operation costs of said facility shall be borne by the City of Kirkland.

Section 3. The benefit area to be served by said facility is described and designated on EXHIBIT 1 attached to this agreement and by this reference incorporated herein. Said Exhibit is a map showing the total benefit area and delineating thereon that portion of the benefit area owned by Developer. EXHIBIT 2 attached to this agreement and by this reference incorporated herein is a listing of each lot or parcel within the benefit area including the lot or parcel legal description and the lot of parcel's "pro rata share" of the cost of construction of the sewer facilities. EXHIBIT 3 identifies those lots or parcels owned by Developer and not subject to the provisions of Section 4 of this agreement.

Section 4. Any owner of any real property located within the benefit area (other than those properties designated in EXHIBIT 3 as Developer's properties) who shall hereafter tap into or use said sewer facility (including not only connecting directly into, but also to users connecting laterals or branches connected thereto) shall, prior to such tap in or use, pay to the City of Kirkland, in addition to any connection or other change required by the ordinances of the City of Kirkland to be paid upon connecting to a sewer facility, their fair pro rata share of the cost of construction of said facility.

Section 5. For the purposes of determining such "fair pro rata share" the cost of construction of said facility shall be considered to be \$65,894.00, provided, however, the City may adjust said cost to reflect the true and final cost of construction of said facility. The "FAIR PRO RATA SHARE" of the cost of construction as designated on EXHIBIT 2, and is hereby approved by the City of Kirkland.

**Section 6.** Within sixty (60) days after receipt by the City of any "fair pro rata share," the City shall disburse said sum, less fifteen (15) percent thereof to be retained by the City of Kirkland to cover costs of administering the provisions of this agreement, to Developer at 6514 128th Ave NE Kirkland WA until such time as Developer shall have received the total sum of \$56,009.90, or the expiration of twenty (20) years from the date of this agreement, whichever event shall first occur. Thereafter, any amount of charge made or received by the City to tap into or use said facility shall be retained by the City. It shall be the duty of the Developer to advise the City of any change in the Developer's mailing address.

**Section 7.** The provisions of this agreement shall not be effective as to any owner of real property designated in EXHIBIT 2, other than Developer, until such time as this agreement shall have been recorded in the Office of the King County Department of Elections and Records and then only as to such real property owners as tap into or connect into said facility subsequent to such recording. City shall not be required to disburse any "fair pro rata share" to Developer which may not be lawfully collected from such real property owner at the time said real property taps into or connects to said facility.

**Section 8.** In the event the cost, or any part thereof, of a or sewer improvement, whether local or general, is or will be assessed against the owners of real property and such improvement will be connected into or will make use of the facility constructed pursuant to this agreement and the cost thereof was not contributed to by the owners of said real property, there shall be included in the Engineer's estimate for the hearing or any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided for in this agreement as a fair pro rata share due from such owners in accordance with the provisions of this agreement.

**Section 9.** No person, firm, or corporation, other than Developer's, as to the real property identified as owned by Developer in EXHIBIT 3 hereto, shall be granted a permit or authorized to tap into or use said facility or extensions thereof without first paying their fair pro rata share as herein provided.

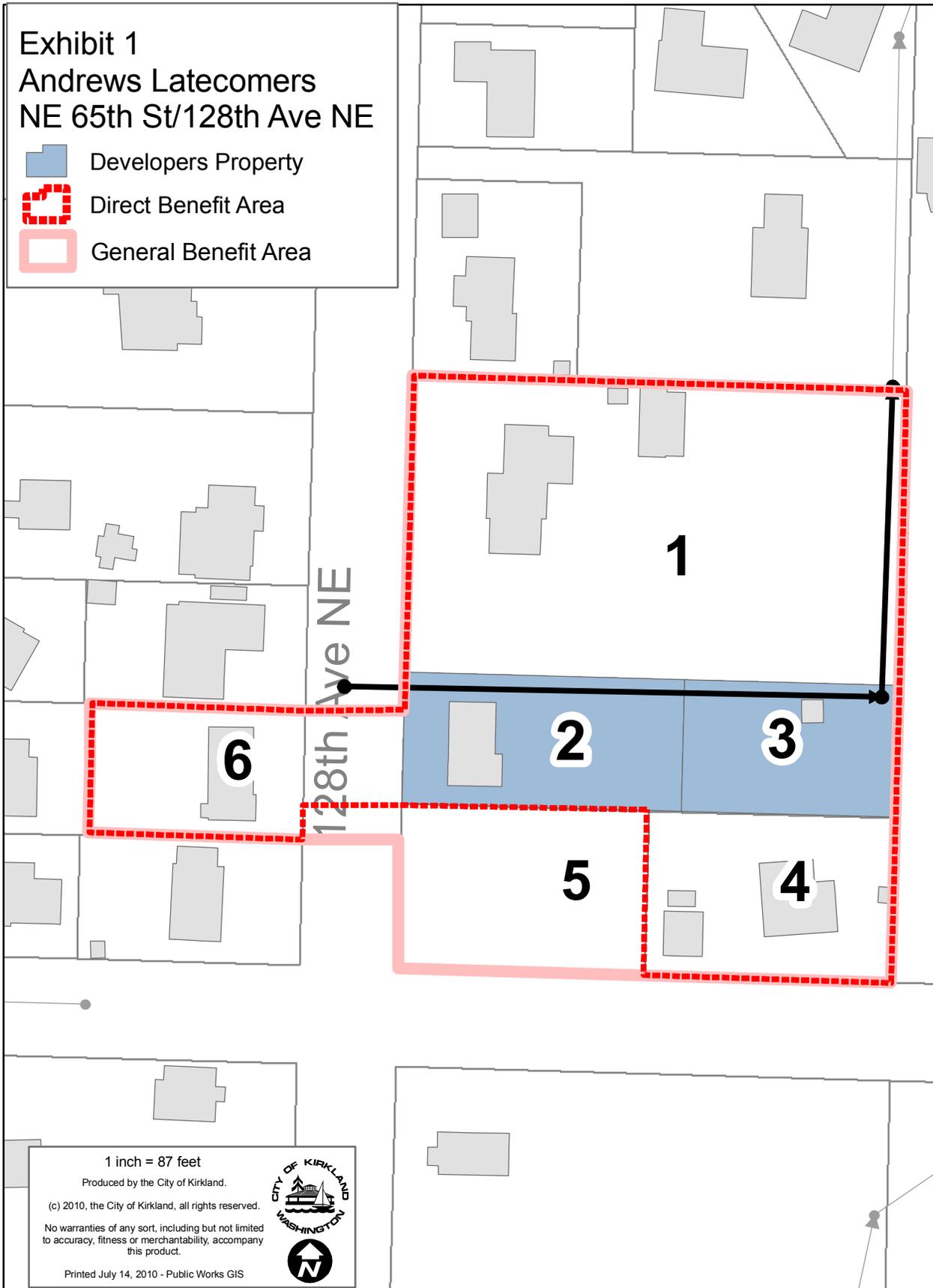
DATED at Kirkland, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF KIRKLAND:

DEVELOPER:

\_\_\_\_\_  
 CITY MANAGER FOR THE City of Kirkland  
 KIRKLAND WHO IS AUTHORIZED TO  
 EXECUTE THIS AGREEMENT ON  
 BEHALF OF SAID CITY BY VIRTUE  
 OF RESOLUTION NO. \_\_\_\_\_

\_\_\_\_\_  
 By: \_\_\_\_\_  
 By: \_\_\_\_\_



**EXHIBIT 2**

**Andrew Short plat latecomer's assessment roll**

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	Direct Benefit Area (SF)	General Benefit Area (SF)	Direct Benefit Cost	General Benefit Cost	Total Cost	Reimburse Developer @ 85%	Reimburse City @ 15%
1	1241500266	Martin Arthur W 6526 128th Ave NE Kirkland, WA 98033	LOT 49, BLOCK 82, BURKE - FARRAR'S KIRKLAND DIVISION NO 20, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21 OF PLATS, PAGE 43, RECORDS OF KING COUNTY WASHINGTON.	54,014	27,007	54,014	\$17,564.84	\$7,542.78	\$25,107.62	\$21,341.48	\$3,766.14
2	1241500267	Andrew Lawrence S 6514 128th Ave NE Kirkland, WA 98033	Burke-Farrars Kirkland Div. #20 Lot 1 Kirkland sp #SPL08-00007 Rec #20081217900008 SD SP DAF - N 80 ft of S 180ft of lot 49 BLK 82 SD ADD	13,600	13,600	13,600	\$8,845.18	\$1,899.17	\$10,744.35	\$9,132.70	\$1,611.65
3	1241500269	Hammond Charles 6518 128th Ave NE Kirkland, WA 98033	Burke-Farrars Kirkland Div #20 Lot 2 Kirkland SP #SPL08-00007 Rec #2008127900008 SD SP DAF - N 80ft of S 180ft of Lot 49 BLK 82SD ADD	10,397	10,397	10,397	\$6,762.01	\$1,451.89	\$8,213.90	\$6,981.82	\$1,232.09
4	1241500268	Fitzgerald Ardus 6506 128th Ave NE Kirkland, WA 98033	Burke- Farrars Kirkland Div #20 S 100 ft of E 1/2	14,973	14,973	14,973	\$9,738.15	\$2,090.90	\$11,829.06	\$10,054.70	\$1,774.36
5	1241500265	Weise Daniel 6504 128th Ave NE Kirkland, WA 98033	Burke- Farrars Kirkland Div #20 S 100 ft of W 1/2	14,973	0	14,973	\$0.00	\$2,090.90	\$2,090.90	\$1,777.27	\$313.64
6	1241500221	Rottle Larry J 6511128th Ave Kirkland, WA 98033	Burke-Farrars Kirkalnd Div #20 77 ft of N 154 ft of E 130 ft	10,010	10,010	10,010	\$6,510.31	\$1,397.85	\$7,908.16	\$6,721.94	\$1,186.22

<b>TOTALS</b>	<b>117,967</b>	<b>75,987</b>	<b>117,967</b>	<b>\$49,420.50</b>	<b>\$16,473.50</b>	<b>\$65,894.00</b>	<b>\$56,009.90</b>	<b>\$9,884.10</b>
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Cost Per Square Foot of Sewer Construction		Calculation of the Cost Per Square Foot of Sewer Construction	
Construction Monitoring/Mg:	\$0.00	75% of Total Cost Shall be borne by the Total Direct Benefit Area (TDBA)	
Engineering Cost	\$2,000.00	25% of Total Cost Shall be borne by the Total General Benefit Area (TGBA)	
Construction Cost	\$57,623.00	Therefore the following are cost per square foot for each bendfit area:	
Overlay Cost	\$0.00	$((75\%)\times(\text{Total Cost}/\text{TDBA})) = .75 \times \$63894.00 / 75987 =$	0.650381
Permit Fees	\$6,271.00	$((25\%)\times(\text{Total Cost}/\text{TGBA})) = .25 \times \$63894.00 / 117967 =$	0.139645
<b>Total</b>	<b>\$65,894.00</b>		
	\$65,894.00		

**EXHIBIT 3**

**Andrew Short plat latecomer's assessment roll Exempt from collection**

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	Direct Benefit Area (SF)	General Benefit Area (SF)	Direct Benefit Cost	General Benefit Cost	Total Cost	Reimburse Developer @ 85%	Reimburse City @ 15%
1	1241500266	Martin Arthur W 6526 128th Ave NE Kirkland, WA 98033	LOT 49, BLOCK 82, BURKE - FARRAR'S KIRKLAND DIVISION NO 20, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21 OF PLATS, PAGE 43, RECORDS OF KING COUNTY WASHINGTON.	54,014	27,007	54,014	\$17,564.84	\$7,542.78	\$25,107.62	\$21,341.48	\$3,766.14
2	1241500267	Andrew Lawrence S 6514 128th Ave NE Kirkland, WA 98033	Burke-Farrars Kirkland Div. #20 Lot 1 Kirkland sp #SPL08-00007 Rec #20081217900008 SD SP DAF - N 80 ft of S 180ft of lot 49 BLK 82 SD ADD	13,600	13,600	13,600	\$8,845.18	\$1,899.17	\$10,744.35	\$9,132.70	\$1,611.65
3	1241500269	Hammond Charles 6518 128th Ave NE Kirkland, WA 98033	Burke-Farrars Kirkland Div #20 Lot 2 Kirkland SP #SPL08-00007 Rec #2008127900008 SD SP DAF - N 80ft of S 180ft of Lot 49 BLK 82SD ADD	10,397	10,397	10,397	\$6,762.01	\$1,451.89	\$8,213.90	\$6,981.82	\$1,232.09
							\$33,172.03	\$10,893.84	\$44,065.87	\$37,455.99	\$6,609.88
										\$0.00	\$0.00
										\$0.00	\$0.00

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**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** John Burkhalter, P.E., Development Engineering Supervisor  
Rob Jammerman, Development Engineering Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 19, 2010

**Subject:** RESOLUTION APPROVING A SEWER FACILITY AGREEMENT WITH SAMIRA SAMIMI

### RECOMMENDATION:

It is recommended that the City Council approve the attached resolution authorizing the City Manager to execute a Sewer Facility Agreement with Samira Samimi.

### BACKGROUND DISCUSSION:

Samira Samimi installed approximately 210 lineal feet of 8 inch sewer main line extension along NE 108<sup>th</sup> St west of Slater Avenue NE (Exhibit 1). This now public sewer main extension provides sewer service to their four-lot short plat and other neighboring properties. A Sewer Facility Agreement has been filed with the Department of Public Works to receive reimbursement for a portion of the costs of the sewer main extension (Exhibit A). Property owners listed in this agreement applying for connection to the sewer main will be required to pay \$ 11,258 plus normal City of Kirkland sewer connection fees.

The City of Kirkland is authorized pursuant to Chapter 35.91 RCW to enter into a Sewer Facility Agreement (also known as a Sewer Latecomers' Agreement) allowing developers to receive compensation for the installation of public sewer main line extensions, i.e. persons connecting to the extensions are required to pay a portion of the construction costs as a condition of connection. This latecomers' fee was calculated based on the number of lots being served: dividing the number of lots into the total cost of the sewer extensions yields the latecomers' charge. Fifteen percent (15%) of the sewer latecomers' fee is retained by the City of Kirkland for administering the agreement and eighty-five percent (85%) of the fee is returned to the developer. The agreement is valid for 20 years and is administered by the Department of Public Works.

Upon approval of the resolution and subsequent signing by the City Manager, the agreement will be sent to King County for recording. Finally, notice of latecomers' connection charges will be sent to each property owner included in the agreement.

CC: City Attorney

RESOLUTION R-4831

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A SEWER FACILITY AGREEMENT WITH SAMIRA SAMIMI AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

WHEREAS, the improvement of public health is furthered by adequate wastewater systems; and

WHEREAS, the Washington State Legislature enacted the Municipal Water and Sewer Facilities Act (RCW 35.91.010 et seq.) in furtherance of this goal and authorized municipalities to enter into agreements of this nature; and

WHEREAS, the City of Kirkland concludes entering into this agreement will promote this goal;

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 the Sewer Facility Agreement between the City and Samira Samimi. A copy of this Agreement is attached as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

## EXHIBIT A



## SEWER FACILITIES AGREEMENT PURSUANT TO CHAPTER 35.91 REVISED CODE OF WASHINGTON

THIS AGREEMENT made and entered into this day, pursuant to RCW Chapter 35.91, between the City of Kirkland, a non-charter optional code city, hereinafter referred to as "City" and Samira Samimi hereinafter referred to as "Developer":

## WITNESSETH

Section 1. Developer does hereby agree to construct, at its sole expense, the SEWER FACILITIES described in EXHIBIT 1, attached hereto and by this reference incorporated herein, all in accordance with the specifications and standards of the City of Kirkland pertaining to sewer construction and installation.

Section 2. Upon completion of said sewer facilities to the satisfaction of the Kirkland Director of Public Works, and acceptance thereof by the City of Kirkland, said facility shall become the property of the City of Kirkland and a part of its sewer system with full power of the City of Kirkland to charge for its use such sewer connection and service rates and charges as the City of Kirkland may be authorized by law to establish, and all further maintenance operation costs of said facility shall be borne by the City of Kirkland.

Section 3. The benefit area to be served by said facility is described and designated on EXHIBIT 1 attached to this agreement and by this reference incorporated herein. Said Exhibit is a map showing the total benefit area and delineating thereon that portion of the benefit area owned by Developer. EXHIBIT 2 attached to this agreement and by this reference incorporated herein is a listing of each lot or parcel within the benefit area including the lot or parcel legal description and the lot of parcel's "pro rata share" of the cost of construction of the sewer facilities. EXHIBIT 3 identifies those lots or parcels owned by Developer and not subject to the provisions of Section 4 of this agreement.

Section 4. Any owner of any real property located within the benefit area (other than those properties designated in EXHIBIT 3 as Developer's properties) who shall hereafter tap into or use said sewer facility (including not only connecting directly into, but also to users connecting laterals or branches connected thereto) shall, prior to such tap in or use, pay to the City of Kirkland, in addition to any connection or other change required by the ordinances of the City of Kirkland to be paid upon connecting to a sewer facility, their fair pro rata share of the cost of construction of said facility.

Section 5. For the purposes of determining such "fair pro rata share" the cost of construction of said facility shall be considered to be \$61919.36, provided, however, the City may adjust said cost to reflect the true and final cost of construction of said facility. The "FAIR PRO RATA SHARE" of the cost of construction as designated on EXHIBIT 2, and is hereby approved by the City of Kirkland.

**Section 6.** Within sixty (60) days after receipt by the City of any "fair pro rata share," the City shall disburse said sum, less fifteen (15) percent thereof to be retained by the City of Kirkland to cover costs of administering the provisions of this agreement, to Developer at \_\_\_\_\_ until such time as Developer shall have received the total sum of \$52,631.46, or the expiration of twenty (20) years from the date of this agreement, whichever event shall first occur. Thereafter, any amount of charge made or received by the City to tap into or use said facility shall be retained by the City. It shall be the duty of the Developer to advise the City of any change in the Developer's mailing address.

**Section 7.** The provisions of this agreement shall not be effective as to any owner of real property designated in EXHIBIT 2, other than Developer, until such time as this agreement shall have been recorded in the Office of the King County Department of Elections and Records and then only as to such real property owners as tap into or connect into said facility subsequent to such recording. City shall not be required to disburse any "fair pro rata share" to Developer which may not be lawfully collected from such real property owner at the time said real property taps into or connects to said facility.

**Section 8.** In the event the cost, or any part thereof, of a or sewer improvement, whether local or general, is or will be assessed against the owners of real property and such improvement will be connected into or will make use of the facility constructed pursuant to this agreement and the cost thereof was not contributed to by the owners of said real property, there shall be included in the Engineer's estimate for the hearing or any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided for in this agreement as a fair pro rata share due from such owners in accordance with the provisions of this agreement.

**Section 9.** No person, firm, or corporation, other than Developer's, as to the real property identified as owned by Developer in EXHIBIT 3 hereto, shall be granted a permit or authorized to tap into or use said facility or extensions thereof without first paying their fair pro rata share as herein provided.

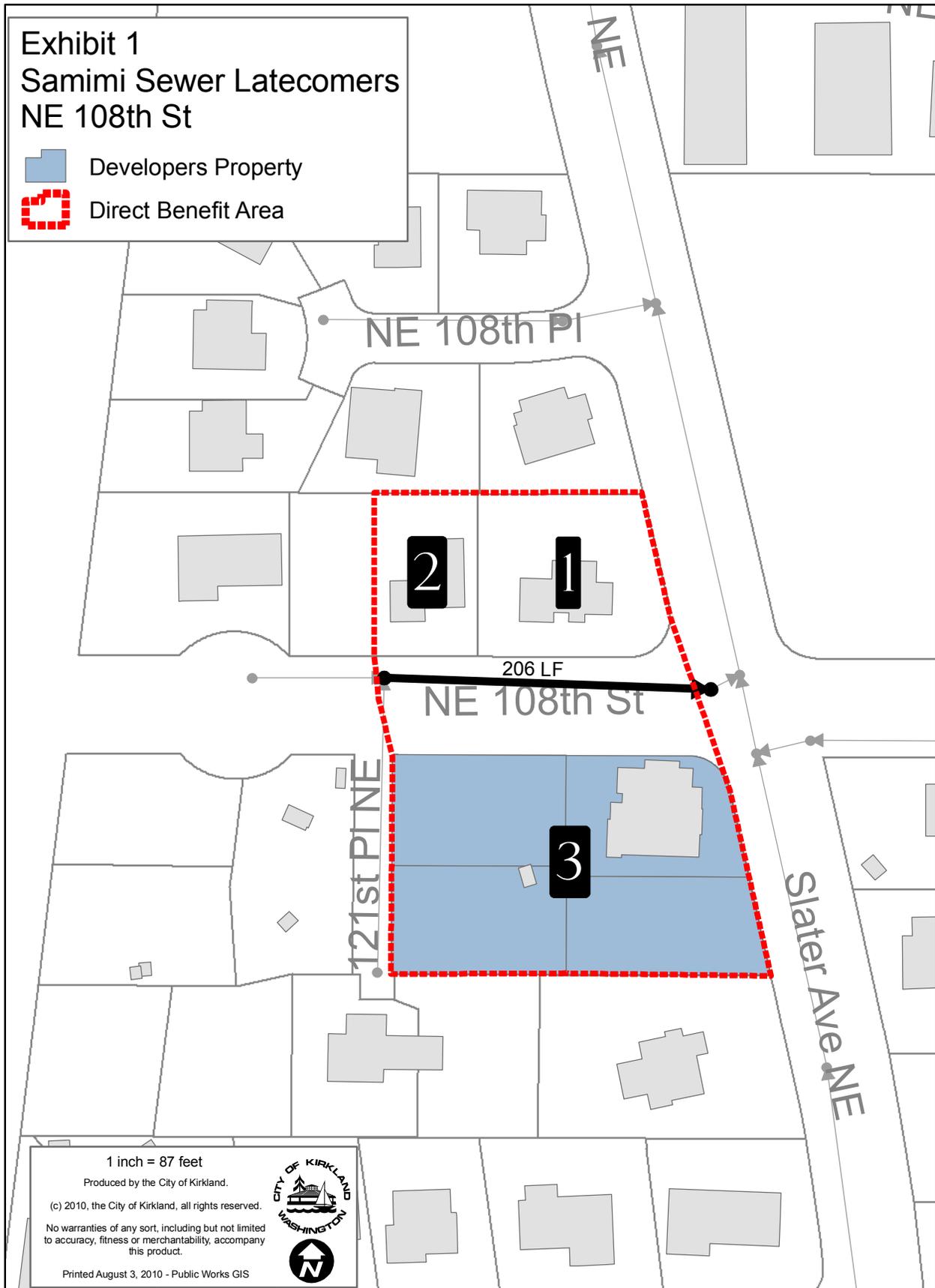
DATED at Kirkland, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF KIRKLAND:

DEVELOPER:

\_\_\_\_\_  
 CITY MANAGER FOR THE City of Kirkland  
 KIRKLAND WHO IS AUTHORIZED TO  
 EXECUTE THIS AGREEMENT ON  
 BEHALF OF SAID CITY BY VIRTUE  
 OF RESOLUTION NO. \_\_\_\_\_

\_\_\_\_\_  
 By: \_\_\_\_\_  
 By: \_\_\_\_\_



Samimi Sewer Latecomers

EXHIBIT 2

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Stubs	Cost per Stub	Total Cost	Reimburse Developer @ 85%	Reimburse City @ 15%
1	389310-1044	Sabine Mclain-Moberg 12122 NE 108th St Kirkland, WA 98033	Kirkland-Juanita Acre TRS Lot 1 of KCSP #878150 AF # 7906140833 SD Plat DAF - POR Beg at SE Cor of 53 TH N 00-17-14 W 100 ft to TPOB TH S 89-10-41 W 286.9 ft m/l TH S 05-42-00 W 100.7 ft to S LN SD TR TH Ely Alg SD S LN 371.1 ft to NXN of Wly LN CO RD Nwly Alg SD LN 103.2 ft TAP 45.8 ft N 89-10-41 E of TPOB TH Wly to TPOB.	1	\$11,258.07	\$11,258.07	\$9,569.36	\$1,688.71
2	389310-1041	Vera E. Lillig 12114 NE 108th Kirkland, WA 98033	Kirkland-Juanita Acre TRS Lot 2 of KCSP #878150 AF # 7906140833 SD Plat DAF - POR Beg at SE Cor of 53 TH N 00-17-14 W 100 ft to TPOB TH S 89-10-41 W 286.9 ft m/l TH S 05-42-00 W 100.7 ft to S LN SD TR TH Ely Alg SD S LN 371.1 ft to NXN of Wly LN CO RD Nwly Alg SD LN 103.2 ft TAP 45.8 ft N 89-10-41 E of TPOB TH Wly to TPOB.	0.5	\$11,258.07	\$5,629.03	\$4,784.68	\$844.35
3	663990-0010	Samira Samimi 12209 NE 108th St Kirkland, WA 98033	Parishs Garden TRS Unrec Lot 1 of KCSP #1079023 Rec #8010020683 SD Plat DAF - Beg N 88-06-00 E 30 ft & S 01-23-45 E 30 ft of NW Cor of NE 1/4 of SW 1/4 of Sec 33-26-05 TH S 01-23-45 E 232.5 FT TH N 88-06-00 E 781-82 ft to W MGN of Blvd TH Nly Alg SD W MGN 233.46 ft to PT N 88-06-00 E from Beg TH S 88-06-00 W 727.21 ft to Beg Less POR Conv to State of Washington for hwy under AF #4597190 AKA TR 1 Parishs Garden TRS Unrec	4	\$11,258.07	\$45,032.26	\$38,277.42	\$6,754.84
<b>TOTALS</b>				<b>5.5</b>	<b>\$33,774.20</b>	<b>\$16,887.10</b>	<b>\$52,631.46</b>	<b>\$9,287.90</b>

Cost of Sewer Construction		Calculation of the Cost Per Stub	
Construction Cost	\$55,500.36	100% of Total Cost Shall be borne by the Total Number of Stubs (TNS)	
Engineering	\$4,500.00	Therefore the following is the cost per stub:	
Permit Fees	\$1,919.00	(Total Cost/TNS) = \$61,919.36/ 5.5 =	
Total	\$61,919.36		\$11,258.07

**Samimi Developers Assessment Roll -Exempt From Collection**

**EXHIBIT 3**

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Stubs	Cost per Stubs	Total Cost
3	663990-0010	Samira Samimi 12209 NE 108th St Kirkland, WA 98033	Parishs Garden TRS Unrec Lot 1 of KCSP #1079023 Rec #8010020683 SD Plat DAF - Beg N 88-06-00 E 30 ft & S 01-23-45 E 30 ft of NW Cor of NE 1/4 of SW 1/4 of Sec 33-26-05 TH S 01-23-45 E 232.5 FT TH N 88- 06-00 E 781-82 ft to W MGN of Blvd TH Nly Alg SD W MGN 233.46 ft to PT N 88-06-00 E from Beg TH S 88- 06-00 W 727.21 ft to Beg Less POR Conv to State of Washington for hwy under AF #4597190 AKA TR 1 Parishs Garden TRS Unrec	4	\$11,258.07	\$45,032.26

<b>TOTALS</b>	<b>4</b>	<b>11,258</b>	<b>\$45,032.26</b>
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**CITY OF KIRKLAND**

**Police Department**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3400**

**www.ci.kirkland.wa.us**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Olsen, Police Chief  
Robert Balkema, Corrections Lieutenant

**Date:** August 20, 2010

**Subject:** INTERLOCAL AGREEMENT WITH CHELAN COUNTY FOR JAIL SERVICES

RECOMMENDATION:

The City Council adopt the attached resolution authorizing the City Manager to sign an interlocal agreement between the Chelan County Jail and the City of Kirkland for jail services.

BACKGROUND DISCUSSION:

The Kirkland Police Department is requesting that Council authorize the City Manager to enter into the attached interlocal agreement to provide housing for City of Kirkland inmates at the Chelan County Jail. Under the terms of the agreement, the City of Kirkland will only be obligated to pay for the specific time an inmate is housed in the Chelan County Jail. If the City does not use the bed space, the City does not pay for it. The Police Department is requesting this agreement to provide the City with more options for short and long term planning.

The Chelan County Jail has ample room to house our female population as well as our male population. Chelan County Jail will provide transportation to and from the Chelan County Jail facility at no additional costs. Kirkland staff has inspected the jail as well as interviewed the director and many line officers and found it to be a very clean and well run facility. This contract will help us with our short term jail bed needs.

Attachment: Resolution  
Corresponding Interlocal Agreement for Chelan County Jail

RESOLUTION R-4832

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND CHELAN COUNTY FOR THE HOUSING OF INMATES IN THE CHELAN COUNTY REGIONAL JUSTICE CENTER.

WHEREAS, the City of Kirkland wishes to secure the use of additional jail bed capacity; and

WHEREAS, Chelan County is willing to accept City of Kirkland inmates for a rate of compensation mutually agreed upon by the parties; and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

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 interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "Interlocal Agreement Between Chelan County, Washington and the City of Kirkland, Washington, for the Housing of Inmates in the Chelan County Regional Justice Center."

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

**INTERLOCAL AGREEMENT BETWEEN CHELAN COUNTY, WASHINGTON AND THE CITY OF  
KIRKLAND, WASHINGTON, FOR THE HOUSING OF INMATES IN THE CHELAN COUNTY  
REGIONAL JUSTICE CENTER**

**THIS INTERLOCAL AGREEMENT is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Kirkland, Washington, a Washington municipal corporation, hereinafter referred to as “City”, and Chelan County, Washington, hereinafter referred to as “Chelan County”, each party having been duly organized and now existing under the laws of the State of Washington.**

**WITNESSETH:**

WHEREAS, The Chelan County Regional Justice Center and the City Manager are authorized by law to have charge and custody of the County Jail and the City prisoners or inmates, respectively; and

WHEREAS, the City wishes to designate the CCRJC as a place of confinement for the incarceration of one or more inmates lawfully committed to its custody; and

WHEREAS, Chelan County Department of Corrections is desirous of accepting and keeping in his custody such inmate(s) in the CCRJC for a rate of compensation mutually agreed upon by the parties hereto; and

WHEREAS, RCW 39.34.080 and other Washington law, as amended, authorizes any county to contract with any other county or city to perform any governmental service, activity or undertaking which each contracting county is authorized by law to perform; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement as authorized and provided for by RCW 39.34.080 and other Washington law, as amended,

NOW, THEREFORE, in consideration of the above and foregoing recitals, the payments to be made, the mutual promises and covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

1. GOVERNING LAW

The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to an inmate or inmates confined pursuant to this Agreement.

2. DURATION

This Agreement shall enter into full force and effect from January 1, 2011 and end December 31, 2012, subject to earlier termination as provided by Section 3 herein. This Agreement shall be renewed automatically for like successive periods subject to rate adjustments as provided by Section

6 herein. Nothing in this Agreement shall be construed to require the City to house inmates in Chelan County continuously.

### 3. TERMINATION

(a) By either party. This Agreement may be terminated by written notice from either party to the other party delivered by regular mail to the contact person identified herein, provided that termination shall become effective sixty (60) working days after receipt of such notice. Within said sixty (60) days, the City agrees to remove its inmate(s) from the CCRJC.

(b) By the City due to lack of funding. The obligation of the City to pay Chelan County under the provision of this Agreement beyond the current fiscal year is expressly made contingent upon the appropriation, budgeting availability of sufficient funds by the City. In the event that such funds are not budgeted, appropriated or otherwise made available for the purpose of payment under this Agreement at any time after the current fiscal year, then the City shall have the option of terminating the Agreement upon written notice to Chelan County, except that all services provided to that point shall be compensated at the agreed rate. The termination of this Agreement for this reason will not cause any penalty to be charged to the City.

(c) Termination for Breach. In the event the City breaches or fails to perform or observe any of the terms or conditions herein, and fails to cure such breach or default within seven (7) days of County's giving the City written notice thereof, or, if not reasonably capable of being cured within such seven (7) days, within such other period of time as may be reasonable in the circumstances, County may terminate the City's rights under this Agreement in addition to and not in limitation of any other remedy of County at law or in equity, and the failure of County to exercise such right at any time shall not waive County's right to terminate for any future breach or default.

(d) In the event of termination of this agreement for any reason, the City shall compensate Chelan County for prisoners housed by Chelan County after notice of such termination until the City retakes its inmates in the same manner and at the same rates as if this Agreement had not been terminated.

### 4. MAILING ADDRESSES

All notices, reports, and correspondence to the respective parties of this Agreement shall be sent to the following:

Chelan County:	Chelan County Regional Justice Center 401 Washington St., Level 2 Wenatchee, WA 98801
Primary Contact Person:	Phil Stanley, Director
Secondary Contact:	Ronda McCallister, Administrative Program Manager

City of Kirkland: R. Balkema, Jail Manager  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

Primary Contact Person: Robert Balkema, Jail Manager

Notices mailed shall be deemed given on the date mailed. The parties shall notify each other in writing of any change of address.

## 5. DEFINITIONS

The parties hereby agree that the following terms shall have the specified meanings unless indicated otherwise herein:

(a) Day. One prisoner day shall be each day or portion thereof which a prisoner appears in custody on the jail management system. The count shall be conducted by the jail management system and each participating jurisdiction shall be charged for each prisoner who is detained in the Regional Justice Center on a charge and/or conviction from the participating jurisdiction. If the prisoner has a pending charge and/or conviction from more than one jurisdiction, the cost for that prisoner shall be divided proportionately.

(b) Inmate Classifications shall be pursuant to the Chelan County Objective Jail Inmate Classification System which is modeled after the National Institute of Corrections Jail Classification System:

- (i) "Minimum" classification shall apply to those inmates who present a low risk to staff and the community.
- (ii) "Medium" classification shall apply to those inmates who present a moderate risk to staff and the community.
- (iii) "Maximum" classification shall apply to those inmates who present a substantial risk to staff and the community.

## 6. COMPENSATION

(a) Rates. Chelan County agrees to accept and house the City's inmates for compensation per inmate at the rate of \$ 70.00 per day (also see #12 below). This includes minimum and medium classification inmates. The parties agree that Chelan County will not charge a separate booking fee in addition to such rate. The date of booking into the CCRJC of the City's inmates, no matter how little time of a twenty-four (24) hour day it constitutes, shall count as one day and shall be billed to the City as a day of custody in Chelan County.

(b) Rate Adjustments. Chelan County agrees to notify the City annually, in September, as to what the rates will be for the following year. The effective date of any annual rate adjustment shall be January 1.

- (c) Billing and Payment. Chelan County agrees to provide the City with an itemized bill listing all names of inmates who are housed, the number of days housed (including the date and time of booking and date and time of release), and the dollar amount due for each. Chelan County agrees to provide said bill by the 10<sup>th</sup> of each month. The City agrees to make payment to Chelan County within 30 days of receipt of such bill for the amount billed for the previous calendar month.

#### 7. RIGHT OF INSPECTION

The City shall have the right to inspect, at all reasonable times, all Chelan County facilities in which inmates of the City are confined in order to determine if such jail maintains standards of confinement acceptable to the City and that such inmates therein are treated equally regardless of race, religion, color, creed or national origin, sex, or sexual orientation; provided, however, that Chelan County shall be obligated to manage, maintain and operate its facilities consistent with all applicable federal, state and local laws and regulations.

#### 8. FURLOUGHS, PASSES, AND WORK RELEASE

Chelan County agrees that no early releases or alternatives to incarceration, including furloughs, passes, electronic home detention or work release shall be granted to any inmate housed pursuant to this Agreement without written authorization by the committing court.

#### 9. INMATE ACCOUNTS

Chelan County shall establish and maintain an account for each inmate received from the City and shall credit to such account all money which is received and shall make disbursements, debiting such accounts in accurate amounts for the inmate's personal needs. Disbursements shall be made in limited amounts as are reasonably necessary for personal maintenance. The Director of the CCRJC shall be accountable to the City for such inmate funds. At either the termination of this Agreement, the inmate's death, release from incarceration, or return to either the City or indefinite release to the court, the inmate's money shall be transferred to either the inmate's account in care of the City, at such time the City shall be accountable to the inmate for said fund, or to the inmate.

#### 10. INMATE PROPERTY

The City may transfer to Chelan County only limited amounts of personal property of the City's inmates' recovered from or surrendered by inmates to the City upon booking. Personal property in excess of one simple "grocery bag" shall at no time be transferred to Chelan County.

#### 11. RESPONSIBILITY FOR OFFENDER'S CUSTODY

It shall be the responsibility of Chelan County to confine the inmate or inmates; to provide treatment, including the furnishing of subsistence and all necessary medical and hospital services and supplies; to provide for the inmates' physical needs; to make available to them programs and/or treatment consistent with the individual needs; to retain them in said custody; to supervise them; to maintain proper discipline and control; to make certain that they receive no special privileges and that

the sentence and orders of the committing court in the State are faithfully executed; provided that nothing herein contained shall be construed to require Chelan County, or any of its agents, to provide service, treatment, facilities or programs for any inmates confined pursuant to this Agreement, which it does not provide for similar inmates not confined pursuant to this Agreement. Nothing herein shall be construed as to require Chelan County to provide services, treatment, facilities or programs to the City's inmates above, beyond or in addition to that required by applicable law.

## 12. MEDICAL SERVICES

(a) Inmates shall receive such medical, psychiatric and dental treatment when emergent and necessary to safeguard their health while housed in the CCRJC. Chelan County shall provide or arrange for the providing of such medical, psychiatric and dental services. Except for routine minor medical services provided in the CCRJC, the City shall pay directly or reimburse Chelan County for any and all costs associated with the delivery of any emergency and/or major medical service provided to the City's inmates. The City shall be responsible for any and all medical, psychiatric and dental treatment provided outside of the CCRJC and shall be billed therefore. Examples of medical services which may be provided in the CCRJC but which are not routine, and for which the City shall be billed include, but are not necessarily limited to, HIV/AIDS treatment, chemotherapy, dialysis treatment, and hemophiliac treatment. No psychiatric or dental treatment can be provided in the CCRJC; all psychiatric and dental treatment of the City's inmates shall be billed to the City.

(b) An adequate record of all such services shall be kept by Chelan County for the City's review at its request, to the extent consistent with confidentiality regulations. Any medical or dental services of major consequence shall be reported to the City as soon as time permits.

(c) Should medical, psychiatric or dental services require hospitalization, the City agrees to compensate Chelan County dollar for dollar any amount expended or cost incurred in providing the same; provided that, except in emergencies, the City will be notified by contacting Robert Balkema at (425)587-3470 prior to the inmate's transfer to a hospital, if and when circumstances allow, or as soon afterward as practicable.

## 13. DISCIPLINE

Chelan County shall have physical control over and power to execute disciplinary authority over all inmates of the City's. However, nothing contained herein shall be construed to authorize or permit the imposition of a type of discipline prohibited by applicable law.

## 14. RECORDS AND REPORTS

(a) The City shall forward to Chelan County before or at the time of delivery of each inmate a copy of all inmate records pertaining to the inmate's present incarceration. If additional information is requested regarding a particular inmate, the parties shall mutually cooperate to provide any additional information in a timely manner.

(b) Chelan County shall keep all necessary and pertinent records concerning such inmates in the manner mutually agreed upon by the parties hereto. During an inmate's confinement in Chelan

County, the City shall upon request be entitled to receive and be furnished with copies of any report or records associated with said inmate(s) incarceration.

15. REMOVAL FROM THE JAIL

An inmate of the City's legally confined in Chelan County shall not be removed there from by any person without written authorization from the City or by order of any court having jurisdiction. The City hereby designates Robert Balkema the official authorized to direct Chelan County to remove the City's inmates from the CCRJC. Chelan County agrees that no early releases or alternatives to incarceration including furloughs, passes, work release, work crews or electronic home detention shall be granted to any inmate without written authorization from the committing court. This paragraph shall not apply to an emergency necessitating the immediate removal of the inmate for medical, psychiatric, dental treatment or other catastrophic condition presenting an eminent danger to the safety of the inmate or to the inmates or personnel of Chelan County. In the event of any such emergency removal, Chelan County shall inform the City of the whereabouts of the inmate or inmates so removed, at the earliest practicable time, and shall exercise all reasonable care for the safe keeping and custody of such inmate or inmates.

16. ESCAPES

In the event any City inmate escapes from Chelan County's custody, Chelan County will use all reasonable means to recapture the inmate. The escape shall be reported immediately to the City. Chelan County shall have the primary responsibility for and authority to direct the pursuit and retaking of the inmate or inmates within its own territory. Any cost in connection therewith shall be chargeable to and borne by Chelan County; however, Chelan County shall not be required to expend unreasonable amounts to pursue and return inmates from other counties, states or countries.

17. DEATH OF AN INMATE

(a) In the event of the death of a City inmate, the Chelan County Coroner shall be notified. The City shall receive copies of any records made at or in connection with such notification.

(b) Chelan County shall immediately notify the City of the death of a City inmate, furnish information as requested, and follow the instructions of the City with regard to the disposition of the body. In the case of an unattended death, suspicious death, or criminal case, the Chelan County Coroner would have authority over the deceased and would coordinate with local law enforcement to finish the investigation prior to the release of the deceased inmate. The City hereby designates Robert Balkema the official authorized to request information from and provide instructions to Chelan County regarding deceased inmates. The body shall not be released except on written order of said appropriate official of the City. Written notice shall be provided within three (3) weekdays of receipt by the City of notice of such death. All expenses relative to any necessary preparation of the body and shipment charges shall be paid by the City. With the City's consent, Chelan County may arrange for burial and all matters related or incidental thereto, and all such expenses shall be paid by the City. The provisions of this paragraph shall govern only the relations between or among the parties hereto and shall not affect the liability of any relative or other persons for the disposition of the deceased or for any expenses connected therewith.

(c) The City shall receive a certified copy of the death certificate for any of its inmates who have dies while in Chelan County's custody.

#### 18. RETAKING OF INMATES

Upon request from Chelan County, the City shall, at its expense, retake any City inmate within thirty-six (36) hours after receipt of such request. In the event the confinement of any City inmate is terminated for any reason, the City shall, at its expense, retake such inmate at the CCRJC Facility.

#### 19. HOLD HARMLESS AND INDEMNIFICATION

Chelan County agrees to hold harmless, indemnify and defend the City, its officers, agents and employees, from and against any and all claims, losses, or liability, for injuries, sickness or death of persons, or damage to property, arising out of any willful misconduct or negligent act, error, or omission of Chelan County, its officers, agents, or employees, in connection with the services required by the Agreement, provided, however, that:

(a) Chelan County's obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole willful misconduct or negligence of the City, its officers, agents or employees or sub-consultants; and

(b) Chelan County's obligations to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Chelan County and the City or of Chelan County and a third party other than an officer, agent or employee of Chelan County, shall apply only to the extent of the negligence or willful misconduct of Chelan County.

#### 20. RIGHT OF REFUSAL AND TRANSPORTATION

(a) Chelan County shall have the right to refuse to accept any inmate from the City when, in the opinion of Chelan County, its inmate census is at capacity that there is a substantial risk that, through usual operation of the jail, the reasonable operational capacity limits of the jail might be reached or exceeded.

(b) Chelan County shall further have the right to refuse to accept any inmate from the City who, in the judgment of Chelan County, has a current illness or injury which may adversely affect the operations of the CCRJC, has a history of serious medical problems, presents a substantial risk of escape, or presents a substantial risk of injury to other persons or property, or is classified as a maximum security inmate pursuant to Chelan County's Objective Jail Classification System. The inmate should be an inmate who has already been sentenced by the jurisdiction, and should not be on pre-trial status.

(c) City prisoners incarcerated in Chelan County pursuant to this Agreement shall be transported to Chelan County and at the expense of Chelan County and shall be returned, if necessary, to the City by Chelan County personnel and at the County's expense provided that notice of the necessity of transport is received by Chelan County three (3) days prior to the time of expected

transport. The City hereby designates Robert Balkema the official authorized to notify Chelan County of the dates for transport and the specific inmates to be transported.

## 21. INDEPENDENT CONTRACTOR

In providing services under this contract, Chelan County is an independent contractor and neither it nor its officers, agents or employees are employees of the City for any purpose, including responsibility for any federal or state tax, industrial insurance or Social Security liability. Neither shall the provision of services under this Agreement give rise to any claim of career service or civil service rights, which may accrue to an employee of the City under any applicable law, rule or regulation.

## 22. GENERAL PROVISIONS

(a) Severability. In the event any provisions of this Agreement shall be determined to be unenforceable or otherwise invalid for any reason, such provisions shall be enforced and valid to the extent permitted by law. All provisions of this Agreement are severable and unenforceability or invalidity of a single provision herein shall not affect the remaining provisions.

(b) Governing Law and Venue. This Agreement shall be governed by the laws of the State of Washington, and venue for any lawsuit shall be the Chelan County Superior Court.

(c) Attorney's Fees. In the event it is necessary for either party to utilize the services of an attorney to enforce any of the terms of this Agreement, such enforcing party shall be entitled to compensation for its reasonable attorney's fees and costs. In the event of litigation regarding any terms of this Agreement, the substantially prevailing party shall be entitled, in addition other relief, to such reasonable attorney's fees and costs as determined by the Court.

(d) Waiver of Breach. The waiver by either party of the breach of any provision of this Agreement by the other party must be in writing and shall not operate nor be construed as a waiver of any subsequent breach by such other party.

(e) Savings Clause. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail but in such event, the provisions of this Agreement affected shall be curtailed and limited only to the extent necessary to bring it within legal requirements.

(f) Filing. This Agreement shall be filed with the Chelan County Auditor's Office pursuant to RCW 39.34.040.

## 23. INTERPRETATION

This Agreement has been submitted to the scrutiny of all parties and their counsel, if desired, and it shall be given a fair and reasonable interpretation in accordance with its words, without consideration or weight given to its being drafted by any party or its counsel. All words used in the singular shall include the plural; the present tense shall include the future tense; and the masculine gender shall include the feminine and neuter gender.

24. ACCESS TO RECORDS CLAUSE

The parties hereby agree that authorized representatives of the parties shall have access to any books, documents, paper and record of the other party that are pertinent to this Agreement for the purposes of making audits, examinations, excerpts and transcriptions. All such records and all other records pertinent to this Agreement, and work undertaken pursuant to this Agreement shall be retained by the parties for a period of three (3) years after the final expiration date of this Agreement or any amendments hereto, unless a longer period is required to resolve audit, findings or litigation. In such cases, the parties may expressly agree by an amendment or separate agreement for such longer period for record retention.

25. ENTIRE AGREEMENT

This Agreement represents the entire integrated Agreement between the City and Chelan County and supersedes all prior negotiations, representations or agreements, either written or oral.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in duplicate by the parties hereto and made affective on the day and year first above written.

CITY OF KIRKLAND, WA

BOARD OF CHELAN COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Kurt Triplett, City Manager

\_\_\_\_\_  
Keith Goehner, Chair

ATTEST:

\_\_\_\_\_  
Doug England, Commissioner

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Ron Walter, Commissioner

DATED: \_\_\_\_\_

ATTEST:  
JANET K. MERZ  
Clerk of the Board  
\_\_\_\_\_

DATED: \_\_\_\_\_

Approved as to Form:

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Kirkland City Attorney

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Phil Stanley, Director  
Chelan County Regional Justice Center

Approved as to Form:

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Gary A. Riesen, Chelan County Prosecutor



**CITY OF KIRKLAND**  
Department of Finance & Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.ci.kirkland.wa.us

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Tracey Dunlap, Director of Finance and Administration  
Michael Olson, Deputy Director

**Date:** August 10, 2010

**Subject:** Utility Service Collection Rule Changes

### RECOMMENDATION:

Approve the recommendation that, to achieve compliance with Engrossed Senate Bill (ESB) 6261, the City extend the water shut-off date an additional seven days from current practice and amend the Kirkland Municipal Code as follows (new text underlined):

*KMC 15.20.020 Due date-Delinquency-Penalty  
...If the delinquent charges and penalties are still unpaid at the close of business on the fortieth day following the billing date, the services shall be discontinued and the water supply shall be turned off at the meter. The water service shall not be restored until all past due charges, penalties and fees shall have been paid...*

### BACKGROUND DISCUSSION:

ESB 6261 was signed into law on March 19, 2010 and took effect June 10, 2010. An AWC memo containing a summary of the changes follows this memo as Attachment A.

Kirkland is in compliance with all of the provisions under the current KMC and collection practices except the new requirement to provide seven days written notice to tenants prior to disconnecting water service to the property. Currently, shut-off tags are hung two days prior to shut-off.

Those properties where the original utility bill and the late notice are mailed to an owner who does not live at the service address (and the City has not been informed that a tenant occupies the property) are only receiving a two day notice of water shut-off under current practice.

The most efficient solution to be in compliance with the new law is to extend the shut-off date an additional seven days and shut off water for non-payment a week later on the following Wednesday. The current and proposed practice for utility collection is attached to this memo as Attachment B.

Moving the water shut-off one week later may result in an additional utility bill being added to the account as utility accounts are billed every 60 days. The KMC currently requires that all charges be paid if an account is shut off for non-payment. We are proposing to change the KMC to require that only past due charges, penalties and fees are required to be paid if an account is shut off for non-payment.

The Finance Subcommittee reviewed the recommendation at their July 27, 2010 and recommends approval by the City Council.



# New Utility Service Collections Rules

## Background

On March 19, 2010, Governor Gregoire signed into law **ESB 6261**, which addresses utility services collections against residential rental properties. Some provisions apply only to city electric utilities; others apply to all utilities. The law took effect on June 10, 2010, with one exception noted below. In general, the law amends RCW 35.21.217 by placing new requirements on landlords and city utilities while providing tenants with a new recourse against landlords who agree to pay utility bills but do not.

## New requirements for power, light, and water utilities

In certain circumstances, a city utility is now required to make a good faith and reasonable effort to provide written notice to a residential service address at least seven days prior to disconnecting power, light, or water service. This applies when:

- A multiple residential rental unit receives service through a single utility account;
- The billing address for a residential rental property is not the same as the service address; or
- The city has been notified a tenant resides at the service address.

In case of non-payment by the owner and if requested by the affected tenant, the city must provide service to the affected tenant on the same terms as other residential customers in the city without requiring the tenant to pay delinquent amounts from the owner or previous renter, unless otherwise allowed by law and only when the city offers a reasonable payment plan.

Some utilities are interpreting this to mean that a local ordinance could allow a city to require a tenant to make reasonable payments toward an owner's delinquent bill in order to continue service, but only if that current tenant used the service for which the owner is delinquent. A new tenant may not be required to pay delinquent bills from a prior tenant's usage.

Allowing a tenant to continue service following an owner's delinquency does not impact the city's right to collect delinquent charges from the owner or previous tenant.

## New requirements for electric utilities

If a property owner notifies the city in writing that the property served is a residential rental property, asks to be notified of a tenant's delinquency, and provides an accurate mailing address, the city must notify the owner at the same time and in the same manner as the tenant is notified or by mail. After August 1, 2010, if the city fails to notify the owner of a tenant's delinquency after being requested to do so, the city is prohibited from collecting any unpaid charges for electric light or power services from the owner and loses its statutory lien rights under RCW 35.21.290.

## New requirements for rental property owners

If an electric utility account is in a residential tenant's name, the owner must notify the city within 14 days of a tenant's move out and termination of the lease. If the owner fails to do so, the city is not limited to collecting only four months of a tenant's delinquent charges from the owner, provided that the city has complied with the notice requirements discussed above.

## New protections for tenants

If a tenant requests service following an owner's delinquency, that tenant is allowed to deduct reasonable utility charges paid by the tenant from the rent. The landlord cannot retaliate against the tenant for any deductions.

*continued*

## What you need to do to protect your ability to collect delinquent utility bills

1. Be sure to notify owners when a tenant becomes delinquent at the same time and in the same manner you notify the tenant or by mail. This is particularly important for electric utilities. Consider notifying tenants as soon as the owner becomes delinquent, especially if the owner's delinquency notice indicates a possible service disconnection.
2. Before terminating utility service to a residential rental property where the account is not in the tenant's name, you must make a reasonable attempt to notify the tenants in writing at least seven days prior to the termination. Consider notifying tenants by mail, by leaving door hangers, or by posting notice at the premises.
3. If an owner is delinquent and the affected tenants request continued service, offer the tenants the opportunity to obtain service on the same terms and conditions as other residential utility customers. The tenants cannot be required to pay delinquent balances billed to the owner or a previous tenant unless otherwise provided by law. If the law permits payment of these balances, offer the tenants a reasonable payment plan.
4. Do not allow a residential rental property to become more than four months delinquent in electric utility bills or you may jeopardize your ability to collect the delinquent bills.



1076 Franklin St SE  
Olympia, WA 98501  
[www.awcnet.org](http://www.awcnet.org)

## Utility Billing Collections

### Current Process

Kirkland Municipal Code (KMC) 15.20.020

- Requires payment by 30<sup>th</sup> day after billing date
- States water shall be turned off 40 days after billing date if not paid.

Action	Notification to Customer	Day of Week	Days Since Billing
Utility Bill	<u>Due upon Receipt</u> for services & consumption the previous two months	Wednesday	
Late Notice	Applied after 30 days (10%)	Tuesday	34 days
Shut-off Tag	Explained on Late Notice – account must be paid 6 days before shut-off to avoid shut-off tag (\$20)	Monday	47 days
Shut-off for non payment	To avoid shut-off account must be paid by 5PM day before shut-off date (\$40)	Wednesday	49 days

### Proposed Process

Kirkland Municipal Code (KMC) 15.20.020

- Requires payment by 30<sup>th</sup> day after billing date
- States water shall be turned off 40 days after billing date if not paid.

Action	Notification to Customer	Day of Week	Days Since Billing
Utility Bill	<u>Due upon Receipt</u> for services & consumption the previous two months	Wednesday	
Late Notice	Applied after 30 days (10%)	Tuesday	34 days
Shut-off Tag	Explained on Late Notice – account must be paid by specified date to avoid shut-off tag (\$20)	Monday	47 days
Shut-off for non payment	To avoid shut-off account must be paid by 5PM day before shut-off date (\$40)	Wednesday	56 days

ORDINANCE 4255

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO UTILITY SERVICES DUE DATE AND AMENDING KMC SECTION 15.20.020.

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

Section 1. Kirkland Municipal Code Section 15.20.020 is hereby amended to read as follows:

**15.20.020 Due date—Delinquency—Penalty.**

All charges for utility services furnished by the city shall be due and payable to the city on the date shown on the face of the bill. Charges for services remaining unpaid at the close of business on the thirtieth day following the billing date shall be considered delinquent and automatically subject to an additional charge, as a penalty, of ten percent of the delinquent amount. Payments will first be applied to the oldest delinquent charges. Remaining funds will be credited first against current charges from the garbage utility, then against current charges related to the sewer system, and then applied to current charges from the water utility. If the delinquent charges and penalties are still unpaid at the close of business on the fortieth day following the billing date, the services shall be discontinued and the water supply shall be turned off at the meter. The water service shall not be restored until all past due charges, penalties and fees shall have been paid. The finance director is authorized, but not obligated, to waive all or a portion of the penalties provided herein in the event the director determines the late payment was the result of excusable neglect or extreme hardship.

Section 2. 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 \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**CITY OF KIRKLAND****Department of Finance and Administration**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

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

**Date:** August 19, 2010

**Subject:** Purchasing Code Amendments

**RECOMMENDATION:**

City Council pass the attached ordinance which would change a section that prohibits advance payments (deposits) and also increase the dollar limit allowed for small works roster projects from \$200,000 to \$300,000.

**BACKGROUND AND DISCUSSION:****Payment of Deposits**

It has long been the policy of the City to avoid the payment of deposits or down payments when purchasing goods or services. KMC 3.85.040(f) states that "Advance funding payments made to a contractor prior to the incurring of costs by the contractor shall be prohibited." RCW 42.24.080 also requires the receipt of goods or services prior to making payment.

However, earlier this year when we were purchasing the rubber sidewalk panels for the Park Lane Improvements Project, we were faced with a situation where the supplier could not sell us the product without a deposit and the supplier was the only company that could supply the product to us.

Seeking a solution to our dilemma, the City's Accounting Manager, Teresa Levine, contacted the State Auditor's Office (SAO) asking their advice as to how we might proceed. The response received from the SAO (Attachment A) provided information on when prepayments (deposits) would be deemed to be acceptable by the SAO and concluded that payment of a deposit by the City of Kirkland "would be allowable provided that the terms of the prepayment were included in a contract signed prior to the payment." With that information, we were able to take the steps necessary to place the order and obtain the sidewalk panels required for the project.

However, KMC 3.85.040(f) specifically states that advance payments are prohibited. The revision to KMC 3.85.040(f) will allow for payment of a deposit to be made, but only when the Purchasing Agent and the Accounting Manager have reviewed the request for the deposit, determined that the payment of a deposit is absolutely necessary and assured that all available precautions have been taken to prevent the loss of public funds.

### **Small Works Roster Threshold**

The City implemented a Small Works Roster process in 2001 when the maximum amount per project allowed by State law (RCW 39.04.155(1)) for the use of a Small Works Roster was \$200,000. The RCW was revised in 2009 and the maximum allowable dollar amount for a Small Works Roster project was increased to \$300,000. We are requesting that KMC 3.85.170(a) be amended to match the \$300,000 threshold allowed by RCW 39.04.155(1).

It is important to note that the Small Works Roster process still requires that competitive bids be solicited. The Small Works Roster process provides an option to the more formal Invitation for Bids process where it is required that projects be advertised twice in a publication of general circulation. Rather than advertising the project, contractors on the Small Works Roster are notified of the bidding opportunity. It is the City's policy to notify all contractors found in the appropriate category on the Small Works Roster of any bidding opportunities for projects in excess of \$35,000. (The RCW requires that all contractors be notified if the estimated amount for the project is in excess of \$150,000.) Our experience has been that the contractors listed on the Small Works Roster are the same contractors that respond to the public notices for our Invitations for Bids.

The City retains the right to use the Invitation for Bids process instead of the Small Works Roster process if it is determined to be to the City's benefit to do so (e.g. an insufficient number of contractors found in a Small Works Roster category).

**From:** Beth Mauch [mailto:mauchb@sao.wa.gov]  
**Sent:** Tuesday, February 16, 2010 3:07 PM  
**To:** Teresa Levine  
**Subject:** RE: vendor payment question

Hi Teresa

This question comes up from time to time. We have come up with the following guidelines regarding prepayments for goods and services

Prepayments are generally not allowed under RCW 42.24.080, which requires the receipt of goods or services prior to payment. However, in other situations, SAO has determined that early payment is acceptable if additional consideration is received .

In cases where there is prepayment of a one-year maintenance agreement for the software. The entity received something of value, in the form of a service contract for a specified period of time, in exchange for their payment. Therefore, it appears they have satisfied the requirement for payment.

RCW 42.24.035 allows for prepayments of certain expenses, such as subscriptions or other periodical publications, as long as the payment arrangement is consistent with normal business practices. In other situations, SAO has determined that early payment is acceptable if the arrangement is clearly a normal business practice (such as with rent or insurance). It would seem that the normal business practice regarding maintenance agreements are that they are paid at the beginning of the contract period.

A final consideration is whether the arrangement serves to adequately safeguard public resources. So long as the payment occurs after receipt of a contract and the contract adequately specifies performance on the part of the vendor, public resources are still safeguarded and no gifting of public funds occurs

Kirkland's situation would fall under the highlighted guideline and would be allowable provided the terms of the prepayment were included in a contract signed prior to the payment.

Beth

**From:** Teresa Levine [mailto:TLevine@ci.kirkland.wa.us]  
**Sent:** Tuesday, February 16, 2010 12:46 PM  
**To:** Beth Mauch  
**Subject:** vendor payment question

Beth: We are having a fair number of vendors express concern over taking purchase orders in lieu of deposits for certain items. Generally, the issues surround products that are unusual in nature or that a vendor can provide to us in limited quantities with no issues. Recently we have requested unusually large quantities of inventory and the vendor has requested a "deposit" to acquire or have above normal quantities made for us. We do use the standard BARS language when signing for payments as stated below. My question is, as long as there is a contract for service in place that outlines a "pre-payment" or "deposit", are we still within the guidelines?

*I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the (city/county/district), and that I am authorized to authenticate and certify to said claim.*

Thanks!

*Teresa Levine  
Accounting Manager  
City of Kirkland  
425 587-3115*

ORDINANCE 4256

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PROCUREMENT STANDARDS AND THE SMALL WORKS ROSTER PROCESS.

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

Section 1. Section 3.85.040 of the Kirkland Municipal Code is hereby amended to read as follows:

**3.85.040 Procurement standards.**

The following standards shall be applicable to city procurements:

(a) A review of all proposed procurements shall be done by purchasing staff and/or the appropriate budget authority for the purpose of, including but not limited to, avoiding the purchase of unnecessary or duplicative items and for consolidating procurements when appropriate to obtain a more economical purchase.

(b) The purchasing agent or designee shall be responsible for analyzing procurements to determine whether or not a lease arrangement may be more economically practical than the purchase alternative. All lease agreements must be approved by the director.

(c) Time and material type contracts shall be used only after a determination that no other type of contract is suitable and when the contract includes a ceiling price, which the contractor shall not exceed, except at its own risk.

(d) When using a liquidated damages provision in a contract, the project manager shall document the derivation of the rate of assessment and ensure it is reasonable, proper, and not arbitrary and capricious. The rate should be enough to reasonably compensate the city for damages suffered, but not so large as to be construed as a penalty.

(e) When contracting for professional services, the contract shall limit the total of the base and option time periods to not more than five years, unless otherwise approved by the city council. Prices for each base and option time period shall be firm and fixed wherever possible and shall be established in the initial contract negotiation and execution. If it is not possible to establish firm, fixed prices, changes in the option period prices shall be tied to a well-known, published pricing index, such as the appropriate Consumer Price Index.

(f) ~~Advance funding payments made to a contractor prior to the incurring of costs by the contractor shall be prohibited~~Generally goods and services are not to be prepaid (paid for before receiving) unless expressly allowed by statute, the Kirkland Municipal Code or city administrative policy; provided, prepayment may be made if the terms of the prepayment are included in a contract executed prior to the payment. Progress or percentage of completion payments made to a contractor while work is being performed by the contractor may be allowed if deemed appropriate for the project.

(g) Project managers and purchasing staff shall work together to ensure contractors perform in accordance with the terms and conditions, and specifications of their contract or purchase order.

(h) All contracts must contain a provision allowing the city to terminate the contract. Ideally, the provision will authorize such termination without cause but, in lieu of this ideal, a provision allowing termination for cause is acceptable if approved by the city attorney's office. A provision in a single contract authorizing termination without cause in certain circumstances and termination only for cause in others is also acceptable upon approval by the city attorney's office.

Section 2. Section 3.85.170 of the Kirkland Municipal Code is hereby amended to read as follows:

**3.85.170 Small works roster process.**

(a) In accordance with the procedures set forth in RCW 39.04.155, contracts for public works projects with a total cost, including applicable taxes, between seven thousand five hundred dollars and ~~two~~ three hundred thousand dollars may be awarded using the small works roster process.

(b) The limited public works process as defined in RCW 39.04.155(3) may also be used for projects estimated to cost less than thirty-five thousand dollars. Using this process, quotes are solicited from a minimum of three contractors found in the appropriate category of work in the small works roster. The performance and payment bond requirements and retainage requirements may be waived by the city.

(c) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if only five quotations are sought and the estimated cost of the work is from one hundred fifty thousand dollars to ~~two~~ three hundred thousand dollars, the city must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. Such notice must be published in a legal newspaper of general circulation, mailed to these other contractors or sent by facsimile or other electronic means.

(d) At least once a year, the city shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records.

(e) The city is authorized to participate with other local governments in the use of a multijurisdictional small works roster. The lead entity for the multijurisdictional small works roster must be clearly identified in the interlocal agreement as being responsible for implementing the provisions of RCW 39.04.155(2).

(f) A formal public bid opening is not required when using the small works roster process. However, no interested party shall be unreasonably denied the opportunity to be present when bids are opened.

(g) Contracts for small works roster bids between fifty thousand dollars and two hundred thousand dollars will be awarded by the city council at the next scheduled council meeting following staff recommendation, unless continued by the city council.

(h) In accordance with RCW 39.04.200, the purchasing agent will, at least once every year, make available to the public a list of the contracts awarded using the small works roster process during the previous year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

Section 3. 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 \_\_\_\_\_, 2010.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.ci.kirkland.wa.us

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Katy Coleman, Development Engineering Analyst  
Rob Jammerman, Development Engineering Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 16, 2010

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

### RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest in a portion of unopened right-of-way being identified as the north 8 feet of the east 110 feet of the unopened alley abutting the south boundary of the following described property: Lots 13 through 16, inclusive, Block 170, Town of Kirkland.

### BACKGROUND DISCUSSION:

The City processes five to ten non-user street vacations each year. Non-user Street Vacations (Vacation by Operation of Law) Laws of 1889, Chapter 19, Section 32, are vacations that must meet the following criteria:

- The right-of-way was platted, dedicated, or deeded prior to March 12, 1904;
- The right-of-way was outside of the City jurisdiction when it was dedicated; and
- The right-of-way remained unopened or unimproved for five continuous years after it was dedicated.

Because Non-user Street Vacations have occurred by operation of law, they are not subject to the City's Street Vacation process within Chapter 19.16 of the Kirkland Municipal Code. When a resolution to approve a Non-user Street Vacation is brought to the City Council, the resolution is recognizing that the subject right-of way meets the criteria of the Non-user Street Vacation and has been vacated by operation of law.

Bruce Hawes, owner of the property at 639 9<sup>th</sup> Avenue abutting this subject right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute. This right-of-way was originally platted and dedicated in 1890 as Town of Kirkland (name of the plat) and has not been opened or improved. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

**Attachments:** Vicinity Map  
Resolution



July 30, 2010  
City Hall  
123 5th Avenue  
Kirkland, WA. 98033

Dear Mayor Joan McBride and City Council Members  
Re.: Pending partial alley vacation behind the Kirkland Cannery and Kirkland Autobody properties

Thank you for the opportunity to comment and participate in the process and for your timely consideration of the proposed partial alley vacation.  
We are the only owners of private property adjoining the area proposed to be vacated. We have talked with the public works department of the City and it is their opinion that this portion of the alley qualifies for the "non user statute" and we support this action by the City.  
The area in question proposed to be vacated has remained unused and unopened for traffic and has at no time in the past 63 years been used in any capacity for access or egress. The Pound Family moved to Kirkland in 1947 and began to operate the cannery. At that time, the alley between 8th and 9th Avenue ended about 15 feet west of the cannery property on what is now 636 8th Avenue. We doubt that the portion of the alley we'd like vacated has ever been open at all. The portion of the alley in the immediate vicinity will continue to serve as a public alleyway and allow access to 9th Avenue and 6th Street and has been so utilized in the past, and presently to a limited extent. This continued use is acceptable, so long as traffic does not unlawfully pass over the private cannery property.

The portion of the alley to be vacated abuts a closed segment that runs from our common eastern property line to 8th Street. The terrain drops significantly (10feet) to the east, and the intervening area is occupied by private businesses. It is clear that the alley could never and will never be opened to 8th Street. The City has no need or use for this area, it does not and cannot benefit traffic flow or emergency access, and its continued ownership and maintenance by the City is not necessary and is of no value to the City. Closure and privatization of this part of the alleyway will eliminate confusion about the nature of the area and allow possible signage and appropriate fencing that will more clearly demarcate the public part of the ROW and the private driveways and boundaries. This will improve security and safety by allowing the adjoining owners to exercise control over this area.

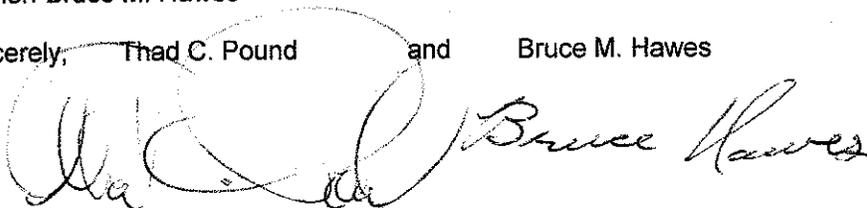
This alley vacation will not interfere with either owners access to their properties. The Hawes Property (auto repair) has a large driveway access off 9th Avenue and the Pound Property (Kirkland Cannery) has direct access off of 8th Avenue via two driveways. This will improve security and safety by allowing the adjoining two owners to exercise control over the area and will help eliminate parking and traffic congestion on 9th Avenue. Cars from the auto repair business or employee cars can now be parked on the vacated alley area.

The vacation of this portion of the alleyway will in no way restrict, disrupt, interfere with, or preclude lawful traffic flows to 6th Street to the west, or to the extent allowed, to 9th Avenue to the north. The adjoining private owners are prepared to work cooperatively in the conversion of the vacated portion of the alley to private ownership and its incorporation into the existing properties. Again, thank you for allowing both of us to comment and participate in the process of the partial alley vacation.

Kirkland Cannery Property is Lot 48 thru 54, block 170, Kirkland Add Code 1700.  
The cannery property faces 8th Avenue and is located at 640 8th Avenue.  
Owner: Thad C. Pound

The Kirkland Autobody Property is Lot 13 thru 16, block 170, Kirkland Add Code 1700  
This property faces 9th Avenue and is located at 639 A&B 9th Avenue.  
Owner: Bruce M. Hawes

Sincerely, Thad C. Pound and Bruce M. Hawes

The image shows two handwritten signatures. On the left is the signature of Thad C. Pound, which is a cursive, somewhat stylized name. On the right is the signature of Bruce M. Hawes, which is also in cursive and appears to be written in a more fluid, connected style.

RESOLUTION R-4833

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER BRUCE M. HAWES

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Town of Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owners Bruce M. Hawes, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, in the portion of right-of-way described as follows:

The north 8 feet of the east 110 feet of the unopened alley abutting the south boundary of the following described property: Lots 13 through 16, inclusive, Block 170, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, pages 53-67, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**  
Department of Public Works  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.ci.kirkland.wa.us

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Katy Coleman, Development Engineering Analyst  
Rob Jammerman, Development Engineering Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 16, 2010

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

### RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest in a portion of unopened right-of-way being identified as the south 8 feet of the east 110 feet of the unopened alley abutting the north boundary of the following described property: Lots 48 through 54, inclusive, Block 170, Town of Kirkland.

### BACKGROUND DISCUSSION:

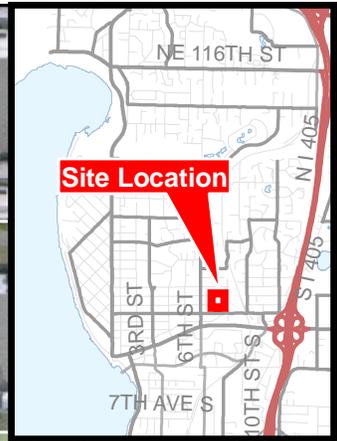
The City processes five to ten non-user street vacations each year. Non-user Street Vacations (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32, are vacations that must meet the following criteria:

- The right-of-way was platted, dedicated, or deeded prior to March 12, 1904;
- The right-of-way was outside of the City jurisdiction when it was dedicated; and
- The right-of-way remained unopened or unimproved for five continuous years after it was dedicated.

Because Non-user Street Vacations have occurred by operation of law, they are not subject to the City's Street Vacation process within Chapter 19.16 of the Kirkland Municipal Code. When a resolution to approve a Non-user Street Vacation is brought to the City Council, the resolution is recognizing that the subject right-of-way meets the criteria of the Non-user Street Vacation and has been vacated by operation of law.

Thad and Gail Pound, owners of the property at 640 8<sup>th</sup> Avenue abutting this subject right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute. This right-of-way was originally platted and dedicated in 1890 as Town of Kirkland (name of the plat) and has not been opened or improved. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

**Attachments:** Vicinity Map  
Resolution



**9TH AVE**



**8TH AVE**

# Pound Non-User Vacation 640 8th Avenue

-  Other Pending Vacation
-  Proposed Vacation
-  Pound Property
-  Granted Non-User Vacations



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 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

July 30, 2010  
City Hall  
123 5th Avenue  
Kirkland, WA. 98033

Dear Mayor Joan McBride and City Council Members  
Re.: Pending partial alley vacation behind the Kirkland Cannery and Kirkland Autobody properties

Thank you for the opportunity to comment and participate in the process and for your timely consideration of the proposed partial alley vacation.  
We are the only owners of private property adjoining the area proposed to be vacated. We have talked with the public works department of the City and it is their opinion that this portion of the alley qualifies for the "non user statute" and we support this action by the City.  
The area in question proposed to be vacated has remained unused and unopened for traffic and has at no time in the past 63 years been used in any capacity for access or egress. The Pound Family moved to Kirkland in 1947 and began to operate the cannery. At that time, the alley between 8th and 9th Avenue ended about 15 feet west of the cannery property on what is now 636 8th Avenue. We doubt that the portion of the alley we'd like vacated has ever been open at all. The portion of the alley in the immediate vicinity will continue to serve as a public alleyway and allow access to 9th Avenue and 6th Street and has been so utilized in the past, and presently to a limited extent. This continued use is acceptable, so long as traffic does not unlawfully pass over the private cannery property.

The portion of the alley to be vacated abuts a closed segment that runs from our common eastern property line to 8th Street. The terrain drops significantly (10feet) to the east, and the intervening area is occupied by private businesses. It is clear that the alley could never and will never be opened to 8th Street. The City has no need or use for this area, it does not and cannot benefit traffic flow or emergency access, and its continued ownership and maintenance by the City is not necessary and is of no value to the City. Closure and privatization of this part of the alleyway will eliminate confusion about the nature of the area and allow possible signage and appropriate fencing that will more clearly demarcate the public part of the ROW and the private driveways and boundaries. This will improve security and safety by allowing the adjoining owners to exercise control over this area.

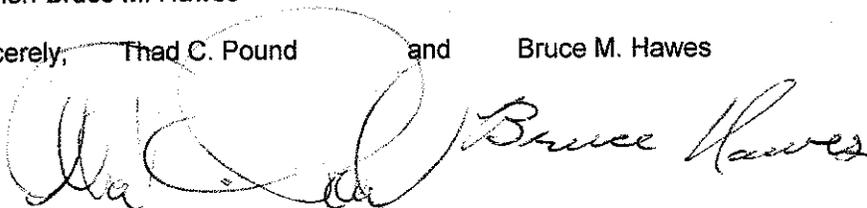
This alley vacation will not interfere with either owners access to their properties. The Hawes Property (auto repair) has a large driveway access off 9th Avenue and the Pound Property (Kirkland Cannery) has direct access off of 8th Avenue via two driveways. This will improve security and safety by allowing the adjoining two owners to exercise control over the area and will help eliminate parking and traffic congestion on 9th Avenue. Cars from the auto repair business or employee cars can now be parked on the vacated alley area.

The vacation of this portion of the alleyway will in no way restrict, disrupt, interfere with, or preclude lawful traffic flows to 6th Street to the west, or to the extent allowed, to 9th Avenue to the north. The adjoining private owners are prepared to work cooperatively in the conversion of the vacated portion of the alley to private ownership and its incorporation into the existing properties. Again, thank you for allowing both of us to comment and participate in the process of the partial alley vacation.

Kirkland Cannery Property is Lot 48 thru 54, block 170, Kirkland Add Code 1700.  
The cannery property faces 8th Avenue and is located at 640 8th Avenue.  
Owner: Thad C. Pound

The Kirkland Autobody Property is Lot 13 thru 16, block 170, Kirkland Add Code 1700  
This property faces 9th Avenue and is located at 639 A&B 9th Avenue.  
Owner: Bruce M. Hawes

Sincerely, Thad C. Pound and Bruce M. Hawes

The image shows two handwritten signatures in black ink. The signature on the left is for Thad C. Pound and is highly stylized and cursive. The signature on the right is for Bruce M. Hawes and is also cursive but more legible, clearly showing the first and last names.

RESOLUTION R-4834

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS THAD AND GAIL POUND

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Town of Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owners Thad and Gail Pound, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, in the portion of right-of-way described as follows:

The south 8 feet of the east 110 feet of the unopened alley abutting the north boundary of the following described property: Lots 48 through 54, inclusive, Block 170, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, pages 53-67, records of King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.ci.kirkland.wa.us

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Katy Coleman, Development Engineering Analyst  
Rob Jammerman, Development Engineering Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 16, 2010

**Subject:** RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN A PORTION OF UNOPENED RIGHT-OF-WAY

### RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in a portion of unopened right-of-way being identified as the east 59 feet of the south 7.5 feet of the unopened alley abutting the north boundary of the following described property: Lots 4 and 5 and the west 15 feet of Lot 6, Block 11, Kirkland Steel Works Addition to Kirkland.

### BACKGROUND DISCUSSION:

The City processes five to ten non-user street vacations each year. Non-user Street Vacations (Vacation by Operation of Law) Laws of 1889, Chapter 19, Section 32, are vacations that must meet the following criteria:

- The right-of-way was platted, dedicated, or deeded prior to March 12, 1904;
- The right-of-way was outside of the City jurisdiction when it was dedicated; and
- The right-of-way remained unopened or unimproved for five continuous years after it was dedicated.

Because Non-user Street Vacations have occurred by operation of law, they are not subject to the City's Street Vacation process within Chapter 19.16 of the Kirkland Municipal Code. When a resolution to approve a Non-user Street Vacation is brought to the City Council, the resolution is recognizing that the subject right-of way meets the criteria of the Non-user Street Vacation and has been vacated by operation of law.

John Hoffman and Tracy Rockwell, owners of the property at 11812 NE 74<sup>th</sup> St abutting this subject right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute. This right-of-way was originally platted and dedicated in 1890 as Kirkland Steel Works Addition to Kirkland and has not been opened or improved. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

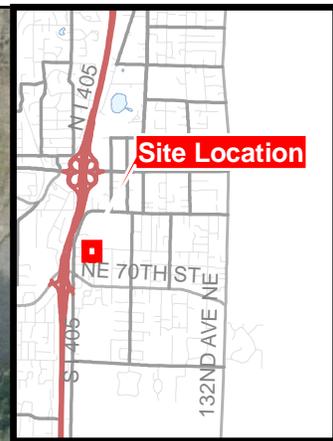
Attachments: Vicinity Maps  
Resolution

**118TH AVE NE**

**NE 75TH ST**

**NE 74TH ST**

**NE 74TH ST**



**Hoffman/Rockwell Non-User Vacation**  
**11812 NE 74th St**

-  Hoffman/Rockwell Residence
-  Proposed Vacation
-  Granted Non-User Vacations



RESOLUTION R-4835

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS JOHN T. HOFFMAN AND TRACY L. ROCKWELL

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Kirkland Steel Works Addition to Kirkland have been vacated by operation of law; and

WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide that any county road which remains unopened for five years after authority is granted for opening the same is vacated by operation of law at that time; and

WHEREAS, the area which is the subject of this request was annexed to the City of Kirkland, with the relevant right-of-way having been unopened; and

WHEREAS, in this context it is in the public interest to resolve this matter by agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owners John T. Hoffman and Tracy L. Rockwell, the City Council of the City of Kirkland hereby recognizes that the following described right-of-way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utility easement, in the portion of right-of-way described as follows:

The east 59 feet of the south 7.5 feet of the unopened alley abutting the north boundary of the following described property: Lots 4 and 5 and the west 15 feet of Lot 6, Block 11, Kirkland Steel Works Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 25, in King County, Washington.

Section 2. This resolution does not affect any third party rights in the property, if any.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**  
**Department of Public Works**  
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
 www.ci.kirkland.wa.us

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Tim Llewellyn, Fleet Supervisor  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 18, 2010

**Subject:** SURPLUS EQUIPMENT RENTAL VEHICLES/EQUIPMENT FOR SALE

### RECOMMENDATION:

It is recommended that the City Council approve the surplusing of the Equipment Rental vehicles/equipment listed below.

### BACKGROUND DISCUSSION:

The surplusing of vehicles or equipment which have been replaced with new vehicles or equipment, or no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy.

The following equipment has been replaced by new equipment, and if approved for surplusing, will be sold in accordance with purchasing guidelines at public auction or to public agencies:

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
F201	1998	Chevrolet Suburban	1GNGK26J5XJ360462	24494D	90,370

F201 has completed its originally programmed useful life of eight years as a Battalion Command Vehicle for Kirkland's Fire Operations. Its use was extended for two years as a back-up Command Vehicle, and finally for an additional two years as a Fire Regional Training Vehicle. F201 was recently replaced using vehicle replacement reserves.

The vehicle will be sold at public auction or to a public agency.

Cc: Donna Burris, Internal Services Manager



## CITY OF KIRKLAND

### Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3830

www.ci.kirkland.wa.us

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Dave Snider, P.E., Interim Capital Projects Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** August 18, 2010

**Subject:** 2011 to 2016 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – HEARING & ADOPTION

### RECOMMENDATION:

It is recommended that Council conduct a public hearing on the 2011 to 2016 TIP; based on the results of the hearing it is also recommended that Council adopt the attached resolution.

### BACKGROUND DISCUSSION:

At their regular meeting of August 3, 2010 Council set September 1, 2010 as the date to conduct a public hearing on the 2011 to 2016 TIP. The purpose of the hearing is to provide an opportunity for the public to comment and provide input on transportation projects that are planned for the City. Any changes introduced at the public hearing will be incorporated into the City's final TIP prior to submitting it to the Puget Sound Regional Council, the Washington State DOT, our neighboring cities and adjacent public utilities. Annual adoption of a six-year TIP is in accordance with RCW 35.77.010 and 47.26.210 and is used to designate transportation projects which are eligible for federal, state and/or local funding.

For the most part, the projects that are identified in the 2011 to 2016 TIP mirror the transportation element of the Preliminary 2011 to 2016 Capital Improvement Plan (CIP), as presented to Council at a Study Session on May 18, 2010. At their regular meeting of September 21, 2010, Council will be conducting a public hearing on the Preliminary 2011 to 2016 CIP, with final adoption of the CIP scheduled for December 2010.

Prior to the September 21, 2010 Council meeting, the following projects that are included within the 2011 – 2016 TIP will be added to the CIP as a result of grant funding opportunities:

CIP #	Title	Grant	CIP Funding Status
TR-0111	Intelligent Transportation System (ITS), Ph I	\$1.8M Awarded (CMAQ)	Funded
TR-0112	Pedestrian Safety Improvements – Central Way	\$16K Awarded (HSIP)	Funded
TR 0111-001	Intelligent Transportation System (ITS), Ph II	2011 Grant Opportunity	Unfunded
NM 0058	100 <sup>th</sup> Ave NE Bicycle Lane Improvements	2010 Grant App Pending	Unfunded

The 2011 to 2016 TIP was presented to the Kirkland Transportation Commission on July 28, 2010; the Commission members concur with the proposed TIP.

Attachments: Map – Transportation Improvement Program, 2011 to 2016 (Attachment A)  
Resolution  
Six Year Transportation Improvement Program, 2011 to 2016 (Exhibit A)



# Transportation Improvement Program (2011-2016)

1. Annual Striping Program (ST80)
2. NE 80th Street Sidewalk (NM50)
3. 12th Ave Sidewalk (NM66)
4. Central Way Pedestrian Enhancements - Phase II South (NM65)
5. Annual Street Preservation Program (ST6)
6. NE 120th Street Roadway Extension - East Section (ST57-001)
7. 124th Ave NE Roadway Improvements - North Section (ST59)
8. 122nd Ave NE Sidewalk (NM55)
9. 118th Ave NE Roadway Extension (ST60)
10. NE 90th Street/I-405 Overpass Pedestrian Crossing Bridge (NM30)
11. NE 100th Street Bike Lane (NM36)
12. 116th Ave NE (South Section) Non-Motorized Facilities - Phase II (NM1)
13. NE 90th Street Sidewalk (Phase I) (NM56)
14. NE 95th Street Sidewalk (Highlands) (NM45)
15. 119th Ave NE Roadway Extension (ST61)
16. NE 70th Street/132nd Ave NE Intersection Improvements (TR86)
17. NE 124th Street HOV Queue Bypass (TR57)
18. 120th Ave NE Roadway Improvements (ST63)
19. NE 90th Street Sidewalk (Phase II) (NM26)
20. 98th Ave NE Bridge Replacement (ST55)
21. NE 85th Street Queue By-Pass (TR56)
22. Crestwoods Park/BNSF Ped/Bike Facility (NM31)
23. 93rd Ave NE Sidewalk (NM32)
24. Crosswalk Upgrade Program (NM12)
25. NE 100th Street at Spinney Homestead Park Sidewalk (NM34-001)
26. Cross Kirkland Trail (NM24)
27. 130th Ave NE Sidewalk (NM37)
28. Forbes Valley Pedestrian Facility (NM41)
29. NE 126th Street - Non-Motorized Facilities (NM43)
30. 13th Ave Sidewalk (NM54)
31. NE 132nd Street Roadway Improvements - Phase 1 West (ST77)
32. 6th Street/Kirkland Way - New Traffic Signal (TR65)
33. NE 52nd Street Sidewalk (NM7)
34. Kirkland Way/BNSF Railroad Abutment Intersection Improvements (TR67)
35. Lake Washington Blvd HOV Queue Bypass (TR68)
36. Park Lane Ped Corridor Enhncmnts (NM64-001)
37. NE 130th Street Roadway Extension (ST62)
38. 124th Ave NE Roadway Widening (South) (ST64)
39. 132nd Ave NE Roadway Improvements (ST56)
40. Miscellaneous Street Improvements (ST8888)
41. 120th Ave NE/Totem Lk Roadway Imprvmnts (ST70)
42. Regional Interagency Coordination (ST9999)
43. NE 116th Street Eastbound HOV Q Bypass (TR72)
44. NE 70th Street Eastbound HOV Q Bypass (TR73)
45. NE 85th Street Westbound HOV Q Bypass (TR74)
46. NE 124th Street Westbound HOV Q Bypass (TR75)
47. 100th Ave NE/NE 124th Street Intersection Improvements (TR84)
48. 120th Ave NE Roadway Extension (ST73)
49. 18th Ave West Sidewalk (NM46)
50. 116th Ave NE Sidewalk (South Rose Hill) (NM47)
51. NE 60th Street Sidewalk (NM48)
52. 112th Ave NE Sidewalk (NM49)
53. NE 120th Street Roadway Extension (ST72)
54. Annual Sidewalk Repair Program (NM57)
55. Lake Washington Blvd/NE 38th Place Intersection Improvements (TR90)
56. NE 112th Street Sidewalk (North side) (NM53)
57. NE 124th Street/124th Ave Ne Intersection Improvements - Phase III (TR91)
58. 100th Ave NE/NE 132nd Street Intersection Improvements (TR83)
59. Rose Hill Business District Sidewalks (NM51)
60. NE 85th Street/120th Ave NE Intersection Improvements (TR88)
61. NE 85th Street/132nd Ave NE Intersection Improvements (TR89)
62. NE 132nd Street Roadway Improvements - Phase II Mid Section (ST78)
63. NE 116th Street/124th Ave NE North Bound Dual Left Turn (TR92)
64. 6th Street Sidewalk (NM59)
65. NE 132nd Street Roadway Improvements - Phase III East Section (ST79)
66. NE 104th Street Sidewalk (NM61)
67. 19th Ave Sidewalk (NM62)
68. Kirkland Way Sidewalks (NM63)
69. NE 85th Street/132nd Ave NE Intersection Improvements Phase I (TR78)
70. 100th Ave NE Bicycle Lanes (NM69)
71. NE 85th Street/124th Ave Ne Intersection Improvements (TR80)
72. NE 132nd Street/Juanita High School Access Road Intersection (TR93)
73. NE 132nd Street/108th Ave NE Intersection Improvements (TR94)
74. NE 132nd Street/Fire Station Access Drive Intersection Improvements (TR95)
75. NE 132nd Street/124th Ave NE Intersection Improvements (TR96)
76. NE 132nd Street/132nd Ave NE Intersection Improvements (TR97)
77. NE 132nd Street/116th Way NE (I-405) Intersection Improvements (TR98)
78. ITS Implementation Central Way and Lake Wa Blvd (TR111)
79. ITS Implementation NE 132nd St Corridor (TR111-001)
80. Elementary School Walk Route Enhancements (NM67)
81. 6th St and Central Way Intersection Imprvmnts (TR100)
82. Downtown Pedestrian Safety Improvements Central Way (TR112)
83. 111th Ave Non-Motorized Emergency Access (NM58)
84. Annual Street Preservation One Time Project (ST6-002)
85. Annual Non-Motorized Program (NM8888)
86. Central Way/Park Place Center Traffic Signal (TR82)
87. Central Way/4th Street Intersection Imprvmnts (TR103)
88. 6th Street/4th Ave Intersection Improvements (TR104)
89. NE 85th Street/124th Ave NE Intersection Improvements (TR108)
90. Annual Concurrency Traffic Improvements (TR8888)
91. Totem Lake Plaza/120th Ave NE Intersection Improvements (TR110)
92. Totem Lake Plaza/Totem Lake Blvd Intersection Improvements (TR109)
93. Market Street/15th Ave Intersection Imprvmnts (TR107)
94. 6th Street/7th Ave Intersection Improvements (TR106)
95. Central Way/5th Street Intersection Improvements (TR105)
96. 120th Ave/Totem Lake Way Intersection Imprvmnts (TR99)
97. 104th/68th Lakeview School Walk Route (NM68)

**Legend**

- Intersection Improvements
- HOV Improvements
- Roadway Improvements
- Non-Motorized Improvements
- New Projects For 2011

**City Wide Projects**  
40, 78, 79

Unfunded

Funded

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 Created Aug 4, 2010 - Public Works GIS



RESOLUTION R-4836

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AND ADOPTING THE ANNUAL UPDATE FOR THE SIX-YEAR TRANSPORTATION AND STREET CONSTRUCTION AND IMPROVEMENT PROGRAM IN ACCORDANCE WITH SECTION 19.08.051, KIRKLAND MUNICIPAL CODE.

WHEREAS, the City is required annually to review and modify or amend as deemed appropriate the Six-Year Transportation and Street Construction and Improvement Program; and

WHEREAS, the Public Works Director has submitted his report and recommendation for review by the City Council as required by state law; and

WHEREAS, public hearing has been held before the City Council on September 1, 2010; and

WHEREAS, the City Council has considered the recommendation and comment received during the public hearing;

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

Section 1. The perpetual Six-Year Transportation and Street Construction and Improvement Program for the City of Kirkland is hereby adopted, modified, and amended, all as set forth in Exhibit A, which exhibit is incorporated herein by reference. Pursuant to Section 19.08.051 (as amended) of the Kirkland Municipal Code, said Exhibit A constitutes the Transportation Improvement Program in the form required by RCW Chapter 47.26 and is in conformance to and in furtherance of the circulation element of the Comprehensive Land Use Policies Plan adopted by Kirkland Ordinance 2346.

Section 2. A copy of this resolution, including Exhibit A, shall be filed with the Secretary of Transportation for the State of Washington as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2010

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk



## Six Year Transportation Improvement Program

From **2011** to **2016**

Agency: Kirkland  
 Co. No.: 17 Co. Name: King Co.  
 City No.: 0625 MPO/RTPO: PSRC

Hearing Date: 9/1/2010 Adoption Date: 9/1/2010  
 Amend Date: \_\_\_\_\_ Resolution No.: \_\_\_\_\_

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditure Schedule (Local Agency)				Federally Funded Projects Only			
							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)		
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds								
									Federal Fund Code	Federal Cost by Phase												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
17	1	Annual Striping Program (ST80) City Wide from: _____ to: _____ Annual program to maintain markings that identify lanes and guidance for auto, pedestrians, bicycles, tranist and other forms of transportation.	06 12	S	30		CN	1/1/2011						1500	1500	250	250	250	750			
							Totals						1500	1500	250	250	250	750				
17	2	NE 80th Street Sidewalk (NM50) NE 80th Street from: 126th Ave NE to: 130th Ave NE Install curb, gutter, sidewalk, and associated storm drainage improvements	06 32	P	0.17		PE CN	1/1/2013 6/1/2013					208 652	208 652								
							Totals						860	860								
19	3	12th Avenue Sidewalk (NM66) 12th Avenue from: 6th Street to: 110th Avenue NE Install 780 feet of sidewalk, curb and gutter and planter strip with street trees.	32	S	0.15		PE RW CN	1/1/2011 1/1/2011 6/1/2011			SCP	200	159 11 102	159 11 302	60 102					EA	Yes	
							Totals					200	272	472	162							
06	4	Central Way Pedestrian Enhancements Phase II S (NM65) Central Way from: Lake St to: 4th St Downtown pedestrian safety improvement on Central Way. The construction of pedestrian bump-outs and key crosswalks along Central Way together with other pedestrian related amenities.	06	S	0.3		PE CN	3/10/2011 6/1/2011			PSMP PSMP	53 145	59 121	112 266						EA	No	
							Totals					198	180	378								



## Six Year Transportation Improvement Program

### From 2011 to 2016

Agency: Kirkland  
 Co. No.: 17 Co. Name: King Co.  
 City No.: 0625 MPO/RTPO: PSRC

Hearing Date: 9/1/2010 Adoption Date: 9/1/2010  
 Amend Date: \_\_\_\_\_ Resolution No.: \_\_\_\_\_

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No.      B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditure Schedule (Local Agency)				Federally Funded Projects Only		
							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
00	5	Annual Street Preservation Program (ST6) City Wide from: _____ to: _____ Annual improvements included are street overlays, slurry seal, crack seal, and others	12 07	S		P T	PE CN	1/1/2011 6/1/2011						3203 11797	3203 11797	534 1966	534 1966	534 1966	1602 5898	CE	No
							<b>Totals</b>						15000	15000	2500	2500	2500	7500			
16	6	NE 120th Street Roadway Extension - East Section (ST57-001) NE 120th Street from: Slater Ave NE to: 124th Ave NE Connect NE 120th St through from Slater Ave NE to 124th Ave NE	01	P	0.17		RW CN	1/1/2011 6/1/2012					604 4055	604 4055					EA	Yes	
							<b>Totals</b>						4659	4659							
14	7	124th Ave NE Roadway Improvement - North (ST59) 124th Avenue NE from: NE116th St to: NE 124th St Widen existing roadway between NE 116th St to NE 124th St to 5 lanes, including CLTL, improved crosswalks, sidewalks, and bike lanes	04 06 32	P	0.60	P	PE RW CN	1/1/2013 1/1/2013 1/1/2013					1724 2050 6226	1724 2050 6226					EA	Yes	
							<b>Totals</b>						10000	10000							
17	8	122nd Avenue NE Sidewalk (NM55) 122nd Avenue NE from: NE 70th Street to: NE 80th Street Install sidewalk, curb and gutter, planter strip with street trees and bicycle facilities.	32	P	.22		PE CN	1/1/2013 1/1/2013					209 658	209 658							
							<b>Totals</b>						867	867							



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From **2011** to **2016**

Agency: Kirkland

Hearing Date: 9/1/2010 Adoption Date: 9/1/2010

Co. No.: 17 Co. Name: King Co.

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City No.: 0625 MPO/RTPO: PSRC

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditure Schedule (Local Agency)				Federally Funded Projects Only		
							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
17	9	118th Ave NE Roadway Extension (ST60) 118th Avenue NE from: NE 116th St to: NE 118th St Extend approximately 450' of 28' roadway including a retaining wall and a new signal at NE 116th St	01	P	0.09		PE RW CN	1/1/2014 1/1/2014 1/1/2014						761 2890 2789	761 2890 2789						
							Totals		6440 6440												
00	10	NE 90th Street /I-405 Ped/Bike Overpass (NM30) NE 90th Street from: I-405 to: I-405 at NE 90th St - construct a pedestrian/bicycle bridge across Interstate 405	08 32	P	0.10		PE RW CN	1/1/2014 1/1/2014 1/1/2014						719 763 2259	719 763 2259						
							Totals		3741 3741												
17	11	NE 100th Street Bike Lane (NM36) NE 100th Street from: Slater Ave NE to: 132nd Ave NE Install five foot bike lanes along the existing roadway between Slater Ave NE and 132nd Ave NE	32	P	.70		PE CN	1/1/2015 6/1/2015						397 1247	397 1247					EA	No
							Totals		1644 1644												
17	12	Non-motorized Facilities 116th Ave NE -South (NM1) 116th Avenue NE from: NE 40th St to: NE 60th St Consists of widening both sides of 116th Ave NE to accommodate a 5-foot paved bicycle lane in each direction	32	P	1.0	C P T	PE CN	1/1/2011 1/1/2011						1546 4483	1546 4483					EA	Yes
							Totals		6029 6029												



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
19	13	NE 90th Street Sidewalk - Phase I (NM56) NE 90th Street from: 124th Avenue NE to: 128th Avenue NE Install sidewalk, planter strip with trees and curb and gutter.	32	P	0.25		PE CN	1/1/2014 1/1/2014						281 884	281 884						
							Totals							1165	1165						
17	14	NE 95th Street Sidewalk - Highlands (NM45) NE 95th Street from: 112th Ave NE to: 116th Ave NE Install 1260 feet of curb, gutter, sidewalk, and street trees	32	P	0.24		PE CN	1/1/2014 1/1/2014						48 524	48 524						
							Totals							572	572						
17	15	119th Ave NE Roadway Extension (ST61) 119th Avenue NE from: NE 128th St to: NE 130th St Extend approximately 600' of 28' roadway including pedestrian and bike facilities, curb and gutter	01	P	0.11		PE RW CN	1/1/2014 1/1/2014 1/1/2014						334 4083 1223	334 4083 1223						
							Totals							5640	5640						
16	16	NE 70th Street/132nd Ave NE Intersection Improve (TR86) NE 70th Street from: 132nd Ave NE to: 132nd Ave NE Construct a westbound right turn lane and a northbound right turn lane	05 06	P	.05		PE RW CN	1/1/2012 1/1/2013 6/1/2013						769 2364 1458	769 2364 1458						
							Totals							4591	4591						



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
17	17	NE 124th Street HOV Queue Bypass (TR57) NE 124th Street from: 116th Ave NE to: Install 450' of eastbound HOV lanes on NE 124th St to southbound I-405, modify signal at 116th Ave NE	12 21	P	0.09	T	PE RW CN	1/1/2014 1/1/2014 1/1/2014						553 119 1050	553 119 1050						
							Totals								1722	1722					
17	18	120th Ave NE Roadway Improvements (ST63) 120th Avenue NE from: NE 128th Street to: NE 132nd Street Widen existing roadway between NE 132nd St and NE 128th St to a 5 lane section including sidewalks, curb and gutter, landscaped medians, signal reconstructions, and utility undergrounding	04 32 12	P	0.31		PE RW CN	1/1/2014 1/1/2014 6/1/2014						892 4830 3267	892 4830 3267						
							Totals								8989	8989					
17	19	NE 90th Street Sidewalk - Phase II (NM26) NE 90th Street from: 120th Ave NE to: 128th Ave NE Consists of installing curb and gutter, storm drainage, sidewalk and landscaping	32	P	0.50		PE CN	1/1/2014 1/1/2014						624 1960	624 1960						
							Totals								2584	2584					
14	20	98th Avenue NE Bridge Replacement (ST55) 98th Avenue NE from: Forbes Creek to: Consists of replacing a bridge along a principal arterial that is seismically vulnerable, bridge 000/01123A	09	P	0.10		PE CN	1/1/2014 1/1/2014						3560 6636	3560 6636						
							Totals								10196	10196					



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)		
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds								
									Federal Fund Code	Federal Cost by Phase												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
14	21	NE 85th Street Queue Bypass (TR56) NE 85th Street from: 114th Ave NE to: Install 400' of eastbound HOV lanes on NE 85th St to southbound I-405, modify signal at 114th Ave NE	12 21	P	0.08	T	PE CN	1/1/2014 1/1/2014						290 551	290 551							
							Totals						841	841								
00	22	Crestwoods Park/BNSF Ped/Bike Facility (NM31) 18th Avenue NE from: Crestwoods Park to: 111th Ave NE Construct concrete pedestrian and bicycle path, stairs, and overpass between Crestwoods Park and the Highlands	32	P	0.25		PE RW CN	1/1/2014 1/1/2014 1/1/2014						402 840 1263	402 840 1263							
							Totals						2505	2505								
17	23	93rd Ave NE Sidewalk (NM32) 93rd Avenue NE from: NE 124th Street to: Juanita Drive Install curb and gutter, sidewalk, and storm drainage	32	P	0.34	P C T	PE RW CN	1/1/2015 1/1/2015 6/1/2015						250 14 784	250 14 784							
							Totals						1048	1048								
00	24	Crosswalk Upgrade Program (NM12) City Wide from: to: Crosswalk improvements at various locations throughout the City	32	S			PE CN	1/1/2011 5/1/2011						45 165	45 165	15 55		15 55	15 55			
							Totals						210	210	70		70	70				



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
17	25	NE 100th Street at Spinney Homestead Park (NM34-001) NE 100th Street from: 116th Ave NE to: 120th Ave NE Install 1300' of sidewalk along the south side of NE 100th St, including curb and gutter	32	P	0.12		PE CN	1/1/2012 1/1/2012						105 325	105 325					EA	No
							Totals						430	430							
00	26	Cross Kirkland Trail (NM24) BNSFRR from: South City Limits to: North City Limits Construct a multiuse recreational trail along the active BNSF railroad right of way between Bellevue and the north City limits at Totem Lake	32	P	5.00		PE CN	1/1/2014 1/1/2014					1474 4633	1474 4633					EA	No	
							Totals						6107	6107							
19	27	130th Ave NE Sidewalk (NM37) 130th Avenue NE from: NE 95th Street to: NE 100th Street Install 1000' of sidewalk, curb & gutter, and storm drainage improvements	32	P	0.20	C P T	PE RW CN	1/1/2014 1/1/2014 1/1/2014					200 5 629	200 5 629							
							Totals						834	834							
00	28	Forbes Valley Pedestrian Facility (NM41) Forbes Valley from: Norkirk to: Highlands Construct sidewalk adjacent to Forbes Creek Drive	32	P	3.00		PE CN	1/1/2014 1/1/2014					482 1515	482 1515							
							Totals						1997	1997							



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)		
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds								
									Federal Fund Code	Federal Cost by Phase												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
17	29	NE 126th Street Non-Motorized Facilities (NM43) NE 126th Street from: 120th PI NE to: 128th Lane NE Install a 2100 foot pathway with retaining walls at NE 126th Street in Totem Lake	32	P	0.40		PE RW CN	1/1/2015 1/1/2015 6/1/2015						476 2304 1497	476 2304 1497							
							Totals								4277	4277						
19	30	13th Ave Sidewalk (NM54) 13th Avenue NE from: 3rd St to: 4th St Install approximately 815 feet of concrete sidewalk along the south side of 13th Avenue between 3rd Street and 4th Street (Van Aalst Park).	32	P	0.15		PE CN	1/1/2015 6/1/2015					108 339	108 339								
							Totals								447	447						
14	31	NE 132nd Street Roadway Imps - Phase I West (ST77) NE 132nd Street from: 100th Ave NE to: I-405 Landscape median islands, sidewalk repair and the overlay and restriping to provide 5-foot bike lanes and improved pedestrian access.	06 32	P	0.85		PE CN	1/1/2014 1/1/2014					289 1059	289 1059								
							Totals								1348	1348						
16	32	6th Street/Kirkland Way New Traffic Signal (TR65) 6th Street from: Kirkland Way to: Kirkland Way Construct traffic signal at 6th Street/Kirkland Way intersection	12	S	.05		PE CN	1/1/2012 1/1/2013					261 303	261 303		200	61 303					
							Totals								564	564	200	364				



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
17	33	NE 52nd Street Sidewalk (NM7) NE 52nd Street from: 108th Ave NE to: Lake Wa Blvd Widening and minor realignment west of BNSF railroad tracks; installation of retaining wall, sidewalks, curb & gutter, along the north side, and drainage improvements	32	P	0.25		PE RW CN	1/1/2014 1/1/2014 1/1/2014						250 35 784	250 35 784						
							Totals								1069	1069					
17	34	Kirkland Way/BNSF Railroad Abutment Intersection (TR67) Kirkland Way from: BNSFRR to: Construct new railroad undercrossing to correct geometric deficiencies, install sidewalks	09 12	P	.06		PE CN	1/1/2014 1/1/2014						2388 4529	2388 4529						
							Totals								6917	6917					
14	35	Lake Washington Blvd HOV Queue Bypass (TR68) Lake Washington Blvd from: Cochran Springs Creek to: City of Bellevue at SR520 Add approx. 500 feet of southbound HOV travel lane to Lake Washington Blvd	12 21	P	0.09		PE RW CN	1/1/2014 1/1/2014 1/1/2014						549 4989 1042	549 4989 1042						
							Totals								6580	6580					
09	36	Park Lane Pedestrian Corridor Enhancements (NM64-001) Park Lane from: Lake St to: 3rd St Enhancement of pedestrian connection in association with the new Downtown Transit Center.	06	P	.16		CN	1/1/2014						1300	1300						
							Totals								1300	1300					



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
19	37	NE 130th Street Roadway Extension (ST62) NE 130th Street from: Totem Lake Blvd to: 120th Ave NE Extend approx. 1100 feet of new 28 foot roadway including sidewalks, curb & gutter, and bike lanes	01	P	0.21		PE RW CN	1/1/2014 1/1/2014 1/1/2014						590 7250 2160	590 7250 2160						
							Totals							10000	10000						
14	38	124th Ave NE Roadway Widening - South Section (ST64) 124th Avenue NE from: NE 85th St to: NE 116th St Widen approx. 1.8 miles of roadway from 2 lanes to 3 lanes, with sidewalks, bike lanes, landscaping	04	P	1.80	C P T	PE RW CN	1/1/2014 1/1/2014 1/1/2014						5798 3290 21261	5798 3290 21261						
							Totals							30349	30349						
14	39	132nd Avenue NE Roadway Improvements (ST56) 132nd Avenue NE from: NE 85th Street to: Slater Ave NE/NE 120th Widen existing roadway to accommodate bicycle lanes, turn lane where necessary, sidewalks, curb and gutter, conversion of overhead to underground utilities, illumination and enclosed storm drainage system.	04 12 32	P	2.4		PE RW CN	1/1/2014 1/1/2014 1/1/2014						4924 2198 18048	4924 2198 18048						
							Totals							25170	25170						
00	40	Annual Concurrency Street Improvements (ST8888) City Wide from: to: Annual elements included are sidewalk repair, pavement marking, detection loop replacement, and spot pedestrian improvements	06 12	S			PE	1/1/2012						4000	4000		800	800	2400		
							Totals							4000	4000		800	800	2400		



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
17	41	120th Ave NE/Totem Lake Plaza Roadway Impr (ST70) 120th Avenue NE from: Totem Lake Blvd to: Totem Lake Mall Reconstruction of street alignment and pedestrian amenities to eliminate conflicts at numerous driveways. Additionally, traffic calming devices and measures will be implemented with a new signal at the new Totem Lake	06 12	P	0.33		CN	1/1/2014						3000	3000						
							Totals						3000	3000							
00	42	Regional Inter-Agency Coordination (ST9999) City-wide from: _____ to: _____ Staffing requirements for the City's coordination and participation in regional projects, such as the I-405 Nickel project, various Metro/Sound Transit projects and the Downtown Transit Center, etc.	06	S			CN	1/1/2011					240	240	40	40	40	120			
							Totals						240	240	40	40	40	120			
16	43	NE 116th Street Eastbound HOV Queue Bypass (TR72) NE 116th Street from: 118th Ave NE to: I-405 SB Install approx. 1500 feet of new eastbound HOV west of the intersection of 120th Ave NE that will allow transit and HOV vehicles to enter I-405 in the southbound direction	05 12 21	P	0.28		PE RW CN	1/1/2014 1/1/2014 1/1/2014					2142 1133 4062	2142 1133 4062							
							Totals						7337	7337							
16	44	NE 70th Street Eastbound HOV Queue Bypass (TR73) NE 70th Street from: NE 70th St to: I-405 SB Install approx. 300 feet of new eastbound travel lane west of I-405 to allow transit and HOV traffic to enter I-405 in the southbound direction at NE 70th St	05 12 21	P	0.06		PE RW CN	1/1/2014 1/1/2014 1/1/2014					471 337 894	471 337 894							
							Totals						1702	1702							



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
14	45	NE 85th Street Westbound HOV Queue Bypass (TR74) NE 85th Street from: 120th Ave NE to: I-405 NB Install approx. 350 feet of new westbound travel lane east of the intersection of NE 85th St and 120th Ave NE that will allow transit and HOV traffic to enter I-405 in the northbound direction	05 12 21	P	0.07		PE RW CN	1/1/2014 1/1/2014 1/1/2014						553 173 1049	553 173 1049						
							Totals								1775	1775					
14	46	NE 124th Street Westbound HOV Queue Bypass (TR75) NE 124th Street from: 124th Ave NE to: I-405 NB Install approx. 500 feet of new westbound travel lane east of the I-405 northbound off-ramp that will allow transit and HOV traffic to enter northbound I-405 northbound direction	05 12 21	P	0.09		PE CN	1/1/2014 1/1/2014						440 835	440 835						
							Totals								1275	1275					
14	47	100th Ave NE/NE 124th St Intersection Imps (TR84) 100th Avenue NE from: NE 124th Street to: NE 124th Street Construct a 250 foot northbound through lane on the south leg of the intersection; construct a 250 foot northbound receiving lane on the north leg of the intersection	05 06	P	.05		PE CN	1/1/2014 1/1/2014						770 1460	770 1460						
							Totals								2230	2230					
14	48	120th Avenue NE Roadway Extension (ST73) 120th Avenue NE from: NE 116th Street to: NE 120th Street Install 1,450 feet of new roadway along an alignment north of the NE 116th Street/I-405 offramp. The new roadway will begin approximately 200 feet east of the intersection of NE 116th Street/I-405 offramp, extend north	01	P	.25		PE RW CN	1/1/2014 1/1/2014 1/1/2014						2589 4311 9492	2589 4311 9492						
							Totals								16392	16392					



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Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditure Schedule (Local Agency)				Federally Funded Projects Only		
							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
19	49	18th Avenue West Sidewalk (NM46) 18th Avenue W from: 10th St to: Rose Point Ln Project consists of installing curb, gutter, sidewalk, and planter strips	05 12 32	P	0.45		PE CN	1/1/2015 6/1/2015						545 1710	545 1710						
							Totals						2255	2255							
16	50	116th Ave NE Sidewalk - South Rose Hill (NM47) 116th Avenue NE from: NE 70th St to: NE 75th St Project consists of installing curb, gutter, sidewalk, and planter strips	32	P	0.15		PE CN	1/1/2014 1/1/2014					102 320	102 320							
							Totals						422	422							
16	51	NE 60th Street Sidewalk (NM48) NE 60th Street from: 116th Ave NE to: 132nd Ave NE Project consists of installing curb, gutter, sidewalk, and a bike lane on the north side of NE 60th St	32	P	1.00		PE CN	1/1/2014 1/1/2014					1202 3778	1202 3778							
							Totals						4980	4980							
17	52	112th Ave NE Sidewalk (NM49) 112th Avenue NE from: NE 87th St to: NE 90th St Curb, gutter, and sidewalk will continue across the railroad crossing	32	P	0.13		PE CN	1/1/2014 6/1/2014					128 400	128 400							
							Totals						528	528							



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information				1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)			
									Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds							Local Funds	Total Funds	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
16	53	NE 120th Street Roadway Extension - West Section (ST72) NE 120th Street from: 124th Ave NE to: 120th PI NE Extend west of BNSFRR crossing; construct new alignment extending to the west, terminating at 120th PI NE; will include signal modifications, crossing gates, and planter strips	01 06	P	0.12		PE RW CN	1/1/2014 1/1/2014 1/1/2014						532 3387 1951	532 3387 1951						
							<b>Totals</b>							5870	5870						
19	54	Annual Sidewalk Maintenance Program (NM57) City-wide from: _____ to: _____ Preservation and maintenance of the City's 200 miles of sidewalk.	32 03	S			PE CN	1/1/2011 4/1/2011					290 910	290 910	48 152	48 152	48 152	142 458			
							<b>Totals</b>							1200	1200	200	200	200	600		
14	55	Lake Washington Blvd/ NE 38th PI Intersection (TR90) Lake Washington Blvd from: NE 38th Place to: _____ Install new travel lane through the intersection. Upgrade the existing signalized intersection. Replace all existing pedestrian facilities and consolidate commercial driveways.	05 03 06 12	S	.05		PE CN	1/1/2014 1/1/2014					664 3456	664 3456				500			
							<b>Totals</b>							4120	4120				500		
17	56	NE 112th Street Sidewalk - North Side (NM53) NE 112th Street Sidewalk from: 117th PI NE to: BNSF railroad crossing Install sidewalk and curb and gutter. Relocate existing rock wall.	32	P	.12		PE CN	1/1/2015 6/1/2015					138 435	138 435							
							<b>Totals</b>							573	573						



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									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
14	57	NE 124th St/124th Ave NE Intersection Imps - PH III (TR91) NE 124th Street from: 124th Ave NE to: North Leg Widen north leg to allow second left-turn lane, extend right turn lane for through-right. Construct new RR crossing dependant on rail ownership.	06 12	P	.05		PE RW CN	1/1/2013 1/1/2013 1/1/2013						1408 370 1725	1408 370 1725						
							Totals								3503	3503					
14	58	100th Ave NE/NE 132nd Street Intersection Impr (TR83) 100th Avenue NE from: NE 132nd St to: NE 132nd St Restripe northbound right-turn to shared through lane; construct a 250 foot northbound receiving lane on the north leg of the intersection	05 06 12	P	.05		PE RW CN	1/1/2013 1/1/2013 6/1/2013					992 119 1880	992 119 1880							
							Totals								2991	2991					
14	59	Rose Hill Business District Sidewalks (NM0051) NE 85th Street from: I-405 to: 132nd Ave NE I-405 to 132nd Ave NE on NE 85th St; 124th Ave NE between NE 80th St and NE 85th St; install sidewalks, planters, improved lighting, median islands and consolidated driveways	03 05 06 32	S	0.67		PE RW CN	1/1/2011 1/1/2011 1/1/2012					682 483 3124	682 483 3124							
							Totals								4289	4289					
14	60	NE 85th St/120th Ave NE Intersection Impr (TR88) NE 85th Street from: 120th Ave NE to: Install new turn lanes and pedestrian facilities. Consolidate commercial driveways where feasible.	03 05 12 06	P	.05		PE RW CN	1/1/2014 1/1/2014 6/1/2014					883 2715 1674	883 2715 1674							
							Totals								5272	5272					



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
14	61	NE 85th St/132nd Ave NE Intersection Imps - Ph II (TR89) NE 85th Street from: 132nd Ave NE to: .05 Install new travel lanes. Upgrade the existing signalized intersection. Replace all pedestrian facilities and consolidate commercial driveways where feasible.	05 03 06 12	P	.05		PE CN	1/1/2014 1/1/2014						631 1195	631 1195						
							Totals								1826	1826					
14	62	NE 132nd Street Roadway Imps - Ph II Mid-Section (ST78) NE 132nd Street from: I-405 to: 124th Ave NE Addition of landscape median islands concrete sidewalk repair and the overlay and restriping of NE 132nd Street to provide 5-foot bicycle lanes and improved pedestrian access.	07 06 32	P	0.47		PE CN	1/1/2014 1/1/2014					68 248	68 248							
							Totals								316	316					
14	63	NE 116th Street / 124th Ave NE NB Dual Left Turn (TR92) NE 116th Street from: 124th Ave NE to: West Leg Project will reconstruct the south leg (124th Ave NE) of the intersections to allow for two northbound left-turn lanes from 124th Ave NE to NE 116th St. It will require signal modification and lane reconfiguration.	06 12	P	.06		PE CN	1/1/2014 1/1/2014					593 1124	593 1124							
							Totals								1717	1717					
19	64	6th Street Sidewalk (NM59) 6th Street from: 1st Ave to: Kirkland Way Install approximately 550 lineal feet of 5-ft concrete sidewalk and crossing improvements at Kirkland Avenue, with planter strips installed where appropriate.	06 32	P	0.10		PE CN	1/1/2013 6/1/2013					100 315	100 315							
							Totals								415	415					



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)	
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
14	65	NE 132nd St Roadway Imps - Ph III East Section (ST79) NE 132nd Street from: 124th Ave NE to: 132nd Ave NE Addition of landscape median islands, concrete sidewalk repair and the overlay and restriping of NE 132nd Street to provide 5-foot bicycle lanes and improved pedestrian access.	06 07 32	P	0.51		PE CN	1/1/2014 1/1/2014						240 879	240 879						
							Totals								1119	1119					
19	66	NE 104th Street Sidewalk (NM61) NE 104th Street from: 126th Ave NE to: 132nd Ave NE Install concrete curb, gutter and sidewalk with a 5-foot planter strip with ADA compliant wheelchair ramps.	06 32	P	0.37		PE CN	1/1/2014 1/1/2014						426 1338	426 1338						
							Totals								1764	1764					
19	67	19th Avenue Sidewalk (NM62) 19th Avenue from: Market Street to: 4th Street Install concrete curb, gutter and sidewalk with a 5-foot planter strip with ADA compliant wheelchair ramps.	06 32	P	0.33		PE CN	1/1/2014 1/1/2014						218 596	218 596						
							Totals								814	814					
19	68	Kirkland Way Sidewalk (NM63) Kirkland Way from: 8th Street to: Ohde Install concrete curb, gutter and sidewalk with a 5-foot planter strip with ADA compliant wheelchair ramps.	06 32	P	0.10		PE CN	1/1/2014 1/1/2014						100 315	100 315						
							Totals								415	415					



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									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds								
									Federal Fund Code	Federal Cost by Phase												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
14	69	NE 85th St/132nd Ave NE Intersection Imps Ph I (TR78) NE 85th St from: 132nd Ave NE to: Construct SB to WB dedicated right-turn lane and extend SB to EB left-turn pocket. Construct NB to EB right-turn land and extend WB to NB right-turn lane.	06 07 32	S	.05		PE RW CN	1/1/2011 1/1/2011 1/1/2012						724 249 1592	724 249 1592		475					
							Totals						2565	2565		475						
	70	100th Avenue NE Bicycle Lanes (NM69) 100th Avenue from: NE 124th Street to: NE 132nd Street Install bicycle lanes on 100th Avenue NE from NE 124th Street to NE 132nd Street. The new lanes will be accommodated by restriping the existing pavement and narrowing the existing auto lanes. Two landscaped	32	P	.50		PE CN	1/1/2014 1/1/2014					43 142	43 142								
							Totals						185	185								
14	71	NE 85th St/124th Ave NE Intersection Improvements (TR80) NE 85th Street from: 124th Ave NE to: Construct two EB to NB left-turn lanes and install NB 124th Ave NE taper to provide for bikelanes, wider planter strip and landscaping.	05 06 12	S	.05		PE RW CN	1/1/2011 1/1/2011 1/1/2012					479 160 1049	479 160 1049		144						
							Totals						1688	1688		144						
14	72	NE 132nd St/Juanita H.S. Access Road Intersection (TR93) NE 132nd Street from: 104th Ave NE to: Construct EB right-turn lane.	05 06 12	P	.05		PE RW CN	1/1/2014 1/1/2014 1/1/2014					288 80 548	288 80 548								
							Totals						916	916								



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									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds							
									Federal Fund Code	Federal Cost by Phase											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
14	73	NE 132nd St/108th Ave NE Intersection Improve (TR94) NE 132nd Street from: 108th Ave NE to: Construct WB right-turn lane.	05 06 12	P	.05		PE RW CN	1/1/2014 1/1/2014 1/1/2014						196 50 372	196 50 372						
							Totals						618	618							
14	74	NE 132nd St / Fire Station Access Intersection Imps (TR95) NE 132nd Street from: _____ to: Modify existing signal to include pedestrian actuated option.	06 05 12	P	.05		PE CN	1/1/2014 1/1/2014					126 240	126 240							
							Totals						366	366							
14	75	NE 132nd Street/124th Ave NE Intersection ImpS (TR96) NE 132nd Street from: _____ to: Extend EB left-turn lane and add second EB left turn lane. Widen and restripe east leg to match west leg and restripe north leg to provide 2 NB through lanes with 1 SB left-turn land and 1 SB/through/right-turn lane.	05 06 12	P	.05		PE RW CN	1/1/2014 1/1/2014 1/1/2014					1676 859 3178	1676 859 3178							
							Totals						5713	5713							
14	76	NE 132nd Street/132nd Ave NE Intersection Imps (TR97) NE 132nd Street from: 132nd Ave NE to: Extend EB left-turn lane and right-turn lane.	05 06 12	P	.05		PE RW CN	1/1/2014 1/1/2014 1/1/2014					282 71 536	282 71 536							
							Totals						889	889							



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									Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds							Local Funds	Total Funds
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
14	77	NE 132nd St/116th Way NE (I-405) Intersection (TR98) NE 132nd St from: 116th Way NE to: Coordination of City ROW and intersection improvements in association with the WSDOT's Half-Diamond Interchange.	06 05 12	P	.05		PE	1/1/2014					300	300						
							Totals						300	300						
14	78	Kirkland ITS Implementation Phase I (TR111) Central Way from 6th St to Lake St, Lake Wa Blvd from NE 38th from: _____ to: Installation of Traffic signal upgrades on designated ITS corridors, CCTV, TSP, Traffic Management Center (TMC), fiber optic communication to link corridors to TMC, communication network expansion.	12 06	P			PE CN	1/1/2011 4/1/2011	CMAQ CMAQ	290 1510			39 204	329 1714	329 1714				CE	No
							Totals			1,800			243	2043	2043					
14	79	Kirkland ITS Implementation Phase II (TR111-001) NE 132nd St corridor from 100th Ave NE to 124th Ave NE, from: _____ to: Installation of Traffic signal upgrades on ITS corridors, CCTV, TSP, fiber optic communication to link corridors to TMC, communication network expansion and traffic signal upgrades at isolated intersections.	06 12	P			PE CN	1/1/2011 1/1/2012					615 3485	615 3485					CE	No
							Totals						4100	4100						
19	80	Elementary School Walk Route Enhancements (NM67) Various Elementary School locations from: _____ to: The project will design and construct curb, gutter and sidewalk, with a planter strip where possible, along designated school walk routes throughout the City (Peter Kirk, Lakeview, Ben Franklin, Rose Hill, Mark	06 32	S	.5		PE CN	1/1/2011 1/1/2011			SRTS SRTS	124 374	175 525	299 899	47 751				CE	No
							Totals					498	700	1198	798					



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							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)		
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds								
									Federal Fund Code	Federal Cost by Phase												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
14	81	6th Street and Central Way Intersection Imp (TR100) 6th Street & Central Way from: _____ to: _____ The installation of multiple upgrades to the existing signalized intersection. The intersection improvements will result in a new signature "Gateway" to the Central Downtown area of Kirkland with associated upgrades to surface	03 12	S	.07		PE RW CN	1/1/2011 1/1/2011 1/1/2012						584 219 1217	584 219 1217	323  647						
<b>Totals</b>														2020 2020	970							
	82	Downtown Pedestrian Safety Imp. Central Way (TR112) Various intersections on Central Way from: _____ to: _____ Installation of Countdown Pedestrian Signals (CPS) at the intersections of Lake St/Central Way, 3rd St/Central Way, and 6th St/Central Way	06 12	P			CN	1/1/2011	STP(S)	16					16	16				CE	No	
<b>Totals</b>										16					16	16						
	83	Nonmotorized/Emergency Access Connection (NM58) 111th Avenue from: BNSF RR to: Forbes Creek Drive Install paved nonmotorized facility with retractable bollards and/or emergency vehicle actuated gate(s) to prevent through traffic. Identified in the Highlands Neighborhood Plan.	01 12 32	P	.15		PE CN	1/1/2012 1/1/2012						518 1482	518 1482							
<b>Totals</b>															2000 2000	2000						
	84	Annual Street Pres Program One Time Project (ST6-002) NE 85th Street from: 124th Ave NE to: 132nd Ave NE The overlay of NE 85th Street coincident with intersection, roadway and other improvements associated with CIP projects NM 0051, ST 0075, TR 0078, and TR 0080. Funds became available through the State	07	S			PE CN	1/1/2012 1/1/2012	BR BR	235 865	OTHER	22		257 865		235 865				CE	No	
<b>Totals</b>										1,100		22			1122		1100					



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									Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds							Local Funds	Total Funds
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	85	Annual Nonmotorized Program (NM8888) City-wide from: _____ to: _____ The installation of new sidewalk, pathway and bicycle amenities for the enhancement of the City's nonmotorized system. Candidate projects under this program in priority ranking order include: NM 0055 - 122nd Ave NE	32	S			CN	1/1/2013					3950	3950			950	3000		
							<b>Totals</b>						3950	3950			950	3000		
	86	Central Way/Park Place Center Traffic Signal (TR0082) Central Way & Park Place entrance from: _____ to: _____ Install traffic signal to minimize traffic conflict, improve safety and traffic operation. In addition to these vehicular improvements, existing unsignaled crosswalks at 5th Street and 4th Street will be eliminated. It is anticipated	12	S	.05		PE	1/1/2016					566	566				200		
							<b>Totals</b>						566	566				200		
	87	Central Way / 4th Street Intersection Improvements (TR103) Central Way & 4th Street from: _____ to: _____ Extend two-way-left turn by moving crosswalk to Parkplace Signal.	12	S	.05		PE	1/1/2012					11	11		11				
							CN	6/1/2012					20	20		20				
							<b>Totals</b>						31	31		31				
	88	6th Street / 4th Avenue Intersection Improvements (TR104) 6th Street S & 4th Avenue from: _____ to: _____ Dual eastbound left turn, with widening on 6th Street	12	S	.05		PE	1/1/2012					260	260		200	60			
							CN	1/1/2013					320	320			320			
							<b>Totals</b>						580	580		200	380			



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City No.: 0625 MPO/RTPO: PSRC

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditure Schedule (Local Agency)				Federally Funded Projects Only			
							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information				1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)				
									Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds							Local Funds	Total Funds		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
	89	NE 85th St/124th Ave NE Intersection Imprvmnts (TR108) NE 85th St & 124th Ave NE from: _____ to: _____ Add northbound right-turn-only pocket.	12	S	.05		PE CN	1/1/2016 6/1/2016						311 578	311 578					311 578		
							<b>Totals</b>						889	889					889			
	90	Annual Concurency Traffic Improvements (TR8888) City-wide from: _____ to: _____ Construction and re-construction of city intersections to meet concurency needs to help the City attain the 2022 level of service standards established in the Comprehensive Plan. Candidate projects under this annual program	12	S			CN	1/1/2013					560	560			140	420				
							<b>Totals</b>						560	560			140	420				
	91	Totem Lake Plaza/120th Ave NE Intersection Imp. (TR110) Totem Lake Plaza / 120th Ave NE from: _____ to: _____ Install traffic signal to minimize traffic conflict, improve safety and traffic operation. It is anticipated that the design and construction timing is concurrent with the development of Totem Lake Mall which will be required	12	P	.05		PE CN	1/1/2014 1/1/2014					525 975	525 975								
							<b>Totals</b>						1500	1500								
	92	Totem Lake Plaza/Totem Lake Blvd Intersection Imp. (TR109) Totem Lake Mall from: _____ to: _____ Install traffic signal and associated roadway improvements between Totem Lake Blvd and NE 120th Ave NE to minimize traffic conflict, improve safety and traffic operations through Totem Lake Mall. It is anticipated that the	12	P	.05		PE CN	1/1/2014 1/1/2014					525 975	525 975								
							<b>Totals</b>						1500	1500								



## Six Year Transportation Improvement Program

From **2011** to **2016**

Agency: Kirkland

Hearing Date: 9/1/2010 Adoption Date: 9/1/2010

Co. No.: 17 Co. Name: King Co.

Amend Date: \_\_\_\_\_ Resolution No.: \_\_\_\_\_

City No.: 0625 MPO/RTPO: PSRC

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditure Schedule (Local Agency)				Federally Funded Projects Only		
							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information				1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)			
									Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds							Local Funds	Total Funds	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
	93	Market Street / 15th Ave Intersection Improvements (TR107) Market Street/15th Avenue from: _____ to: _____ Install new traffic signal. These improvements will allow the intersection to maintain a level of service less than the required 1.4 volume to capacity ratio.	12	P	.05		PE CN	1/1/2014 1/1/2014						197 367	197 367						
							<b>Totals</b>						564 564								
	94	6th St / 7th Ave Intersection Improvements (TR106) 6th Street/7th Avenue from: _____ to: _____ Add left turn lanes on northbound and southbound approaches.	12	P	.05		PE CN	1/1/2014 1/1/2014						31 58	31 58						
							<b>Totals</b>						89 89								
	95	Central Way / 5th St Intersection Improvements (TR105) Central Way/5th St from: _____ to: _____ Install new traffic signal. These improvements will allow the intersection to maintain a level of service less than the required 1.4 volume to capacity ratio.	12	P	.05		PE CN	1/1/2014 1/1/2014						197 367	197 367						
							<b>Totals</b>						564 564								
	96	120th Ave/Totem Lake Way Intersection Imprvmnts (TR99) Totem Lake Way/120th Ave NE from: _____ to: _____ Install traffic signal to minimize traffic conflict, improve safety and traffic operation. It is anticipated that the design and construction timing is concurrent with the development of Totem Lake Mall which will be required	12	P	.06		PE CN	1/1/2014 1/1/2014						996 1850	996 1850						
							<b>Totals</b>						2846 2846								



## Six Year Transportation Improvement Program

From **2011** to **2016**

Agency: Kirkland

Hearing Date: 9/1/2010 Adoption Date: 9/1/2010

Co. No.: 17 Co. Name: King Co.

Amend Date: \_\_\_\_\_ Resolution No.: \_\_\_\_\_

City No.: 0625 MPO/RTPO: PSRC

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No.      B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditure Schedule (Local Agency)				Federally Funded Projects Only					
							Project Phase	Phase Start (mm/dd/yyyy)	Fund Source Information						1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)				
									Federal Funding		State Fund Code	State Funds	Local Funds	Total Funds										
									Federal Fund Code	Federal Cost by Phase														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21				
	97	104th/68th Lakeview School Walk Route Enhance (NM68) NE 68th St/104th Ave NE from: _____ to: _____ Install approximately 355 lineal feet of curb, gutter, sidewalk and planter strip along north side of NE 67th Street and west side of 104th Avenue NE. Upgrade ADA ramps at NE 67th St/103rd Ave NE, NE 68th St/104th Ave	32	P	0		PE CN	1/1/2014 1/1/2012						133 226	133 226									
							Totals						359		359									
<b>Grand Totals for Kirkland</b>									<b>2,916</b>		<b>918</b>		<b>307,285</b>		<b>311,119</b>		<b>7,049</b>		<b>5,940</b>		<b>5,694</b>		<b>16,449</b>	



**CITY OF KIRKLAND**  
**Public Works Department**  
 123 Fifth Avenue, Kirkland, WA 98033 425.587-3833  
 www.ci.kirkland.wa.us

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Ray Steiger, P.E., Interim Public Works Director  
**Date:** August 26, 2010  
**Subject:** Utility Rate Discussion III

**RECOMMENDATION:**

City Council considers proposed rates for enterprise utilities and provides direction to staff.

**BACKGROUND DISCUSSION:**

On July 20, and August 3, 2010 Council discussed the preliminary proposed 2011/2012 utility rates for water, wastewater, surface water and solid waste. A number of issues were identified and policies reviewed during those meetings. This memo includes follow-up material that was requested by the Council during their August 3 meeting.

Included within this memo is a copy of a 2007 presentation by the City's consultant performing the majority of the most recent rate analyses (water/wastewater/surface water); the presentation outlines options for the City's reinvestment policies especially as they relate to depreciation (Attachment A). The same methodology for surface water is applicable; however the surface water utility is a much newer utility and has not reached the level of reinvestment recommended for water and wastewater. The solid waste rate does not include City depreciation funding as there are no City assets; Waste Management Inc does include it in their fees to the City however.

Using the methodology outlined in the 2007 report, a long term (50-year) look at the water utility concluded the following:

- **Asset parameters:**
  - ✓ 25-year useful life used for Meters/Services and Hydrants
  - ✓ 50-year useful life used for all other assets (consistent with City's depreciation schedule)
- \$298.6 million in future reproduction costs over 50-year period
- Annual funding liability (reproduction costs) ranges from \$2.2 million in 2007 to \$12.3 million in 2055
- Annual funding of 1.22 times annual depreciation expense achieves desired debt/cash funding ratio

(1) note: 1.22 is rounded to 1.25 for the water scenarios

Memorandum to Kurt Triplett, City Manager

August 26, 2010

Page 2

And then various reinvestment (depreciation) scenarios were examined to bring about varying levels of available funding. The following options for water were looked at in the report (report page 11):

- **Option 1: Recommended funding**
  - ✓ 1.22 (rounded to 1.25) times annual original cost depreciation expense
  - ✓ 15.5% rate increase in 2008
  - ✓ 25% of capital debt-funded over the 50-year period
- **Option 2: Current City policy**
  - ✓ 1.0 times annual original cost depreciation expense
  - ✓ 12.0% rate increase in 2008
  - ✓ 38% of capital debt-funded over the 50-year period
- **Option 3: Phase-in to recommended funding**
  - ✓ 0.8 times annual depreciation expense in 2008, phased to 1.25 in 2013 and thereafter
  - ✓ 9.5% rate increase in 2008
  - ✓ 25% of capital debt-funded over the 50-year period

In the evaluations using these options, the following rate funding was established by the planning horizon (in this case 2055):



		2008	2009	2010	2011	2012	2013	2014	2015	2055
OPTION 1	Annual Rate Funding	\$ 1,236,214	\$ 1,359,231	\$ 1,486,063	\$ 1,613,641	\$ 1,760,530	\$ 1,913,150	\$ 2,058,211	\$ 2,208,677	\$ 9,128,518
	Cumulative Rate Funding	\$ 1,236,214	\$ 2,595,445	\$ 4,081,508	\$ 5,695,149	\$ 7,455,680	\$ 9,368,829	\$ 11,427,041	\$ 13,635,718	\$ 225,986,961
	Annual Rate Increase	15.50%	5.65%	3.32%	5.98%	1.76%	5.04%	0.99%	2.83%	1.70%
	Cumulative Increase [a]	26.47%	33.62%	38.06%	46.32%	48.89%	56.39%	57.95%	62.42%	363.01%
OPTION 2	Annual Rate Funding	\$ 988,971	\$ 1,087,385	\$ 1,188,850	\$ 1,290,913	\$ 1,408,424	\$ 1,530,520	\$ 1,646,569	\$ 1,766,942	\$ 7,302,815
	Cumulative Rate Funding	\$ 988,971	\$ 2,076,356	\$ 3,265,206	\$ 4,556,119	\$ 5,964,544	\$ 7,495,063	\$ 9,141,632	\$ 10,908,574	\$ 180,789,569
	Annual Rate Increase	12.00%	5.72%	3.53%	6.22%	1.85%	5.23%	1.12%	3.01%	1.75%
	Cumulative Increase [a]	22.64%	29.66%	34.23%	42.59%	45.23%	52.82%	54.54%	59.19%	373.50%
OPTION 3	Annual Rate Funding	\$ 791,177	\$ 924,277	\$ 1,307,735	\$ 1,420,004	\$ 1,971,794	\$ 1,913,150	\$ 2,058,211	\$ 2,208,677	\$ 9,128,518
	Cumulative Rate Funding	\$ 791,177	\$ 1,715,454	\$ 3,023,189	\$ 4,443,194	\$ 6,414,988	\$ 8,328,138	\$ 10,386,349	\$ 12,595,026	\$ 224,946,269
	Annual Rate Increase	9.50%	6.50%	6.50%	6.50%	6.50%	2.19%	1.16%	2.80%	1.70%
	Cumulative Increase [a]	19.90%	27.70%	36.00%	44.84%	54.25%	57.63%	59.46%	63.92%	363.01%

[a] Cumulative increase includes 2007 increase of 9.5%

Option 2 falls significantly short of the funding required. However, both Option 1 and Option 2 provided, in the long term, an equivalent amount of rate funding and an overall equivalent rate increase; Staff recommended and Council adopted Option 3 thereby deferring significant 2008 increase of Option 1 (15.5%) with the anticipated objective of increasing them over the following years. This gradual phase in to the recommended 1.25 level of depreciation for water is consistent with Staff's recommendation for the 2011/2012 water rates.

Similarly, the recommended wastewater rate increase in 2008 envisioned moving to the 1.65 level of depreciation recommended in the 2007 analysis – this somewhat deviates from the current Staff recommendation for the 2011/2012 wastewater rates primarily due to the large 2011 King County DNR increase.

Both of these long term depreciation evaluations envisioned periods of reserve accumulation, which is being experienced. During periods of significant capital improvements the reserves will be drawn down accordingly as shown in Table 1.

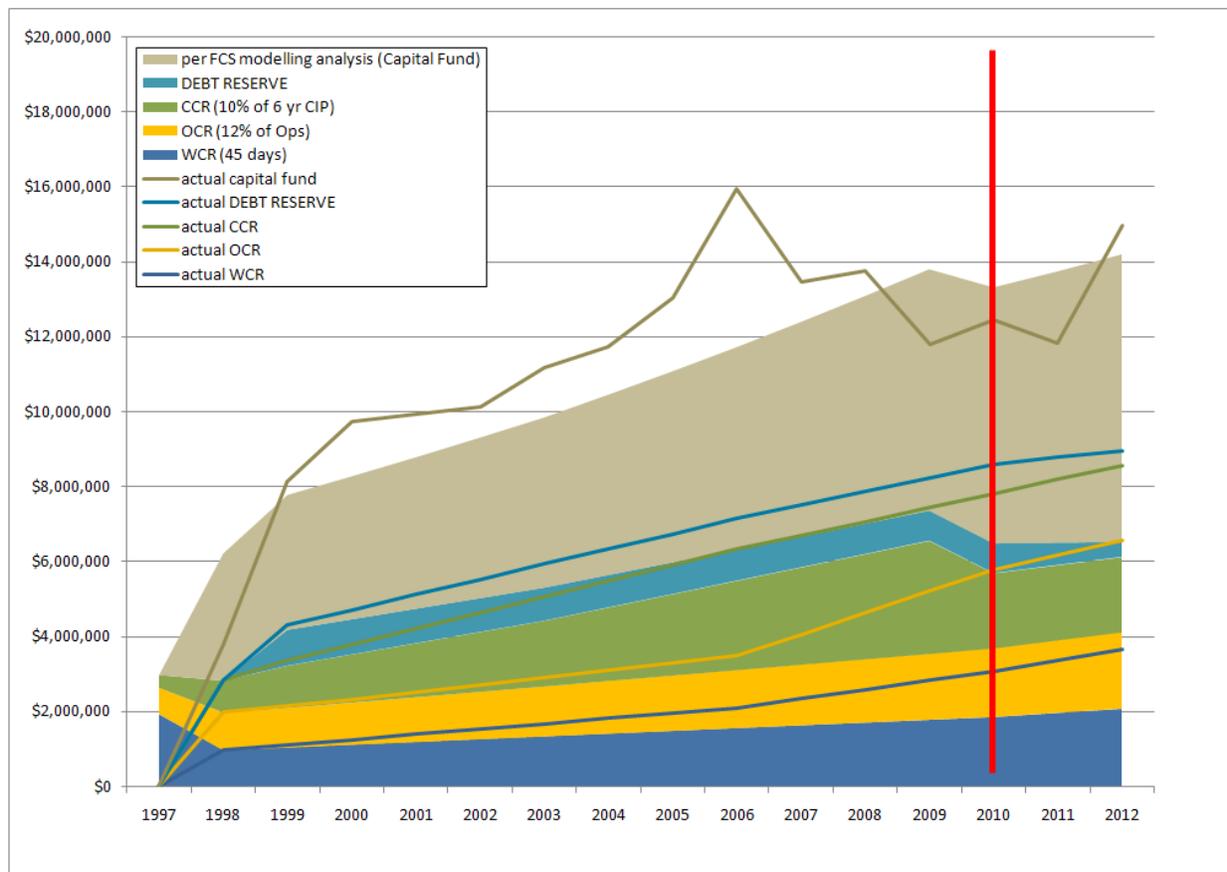


Table 4. Comparison of anticipated water/sewer reserves vs. actual over time

In contrast to the water/sewer utilities which have been in place for a significant number of years, the surface water utility for Kirkland was only established in the mid 1990's. During previous rate discussions with the Council, the level of depreciation for surface water has been questioned.

The reserves in the surface water utility at the end of 2010 are estimated to be approximately \$9.4 million. The depreciation funding level is currently approximately 60% of the estimated full depreciation value, and Staff had originally proposed advancing this rate to approximately 86% by 2016 – the originally recommended 2011/2012 surface water rates incorporate this proposed increase. Whereas the water and sewer reserves are consistent with the City's long term reinvestment strategy targets, the surface water reserve is substantially above its established target. Council has asked for an analysis of the "sensitivity" of holding the depreciation level and perhaps utilizing some of the reserve balance to offset the rate increase.

In response to this, Staff has looked at the impact of deferring the increased depreciation rate until beyond 2012 when a better assessment of the surface water fund will be performed (this will included looking at the annexation area). Currently surface water capital improvements continue to be queued due to a number of permitting and other factors. Some of our significant proposed transportation projects utilize surface water funding as a component (NE 120<sup>th</sup> Street, 124<sup>th</sup> Ave NE)

Memorandum to Kurt Triplett, City Manager

August 26, 2010

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and those transportation projects are in need of additional grant funding or impact fees in order to proceed – this prevents the expenditure of the surface water component also.

One alternative, delaying the increased depreciation amount for surface water, can reduce the rate increase to 3% for 2011 and 2012. Staff is recommending this reduced depreciation alternative:

Surface water rate	2010	2011 (original proposal)	2012 (original proposal)	2011 (revised proposal)	2012 (revised proposal)
Depreciation	--	55%	66%	48%	59%
Rate Increase	--	5.0 %	5.0 %	3.0 %	3.0 %
Monthly Rate (SF)	\$14.15	\$14.86	\$15.60	\$14.56	\$14.99

This 3% alternative would reduce the reserve accumulation by approximately \$300,000 however it would continue to preserve some level of depreciation funding. For comparison, if a 0% rate increase were implemented (not recommended), there would be almost no depreciation funding set-aside by the end of 2012; overall reserves would be reduced by nearly \$1 million.

The remaining issues from the August 20, Council meeting are centered on the Solid Waste rates. During the original recommendations, Staff had proposed increasing the Solid Waste rate to accomplish two primary objectives (address two drivers):

- Rate Stabilization – in anticipation of future rate increases after the WMI contract expires in 2014; and
- Street preservation – a cost borne by the rate payers to address the incremental impact of heavily loaded garbage trucks on City streets; this was previously identified as one potential component of the overall street preservation program.

Recent direction to City Staff to begin negotiations with Waste Management Inc. on a new contract would suggest that implementing any anticipatory rates would be premature. Sentiment expressed at previous Council meetings indicated concern about current rate payers paying for potential “future” rate payer increases. Combined with the opportunity to negotiate favorable rates now instead of waiting to begin negotiations in 2013, it is apparent that a rate stabilization reserve would not be in our best interest at this time, and as such, Staff recommends against establishing the reserve and instead negotiating favorable rates to begin with.

And finally, with regards to the street preservation component of the proposed rate increase, this issue is consistent with the City’s objectives of maintaining the infrastructure. Currently the City utilizes gas tax and various other designated revenues to address the street preservation of the roadway network. However, after considering the impacts of various utility projects: water, sewer, power/gas, and surface water directly on the street system, the City has implemented fees and charges levied on those utilities as a means of recovering their incremental impact on the roadway conditions. Traffic loading associated with garbage trucks is less immediate, and is manifest in greater design standards (needing additional pavement thickness) and with a more rapid degradation of the asphalt roadway. A fully loaded garbage truck on its weekly collection rounds degrades a roadway the equivalent of approximately 9000 car trips. Like other elements of the City’s overall street preservation strategy, the element of charging garbage rate payers for hauling impacts is not a “silver bullet” solution to street preservation. As has been expressed in previous discussions, it does not take into account other heavy truck traffic, moving vans, or transit using the roadway network. It is however a component of the overall strategy and begins the process of

Memorandum to Kurt Triplett, City Manager

August 26, 2010

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ascribing costs directly to users of the system. With its implementation, Staff would continue to pursue other components identified in the street preservation strategy. If you choose not to proceed with the street preservation fee, no rate increase would be required.

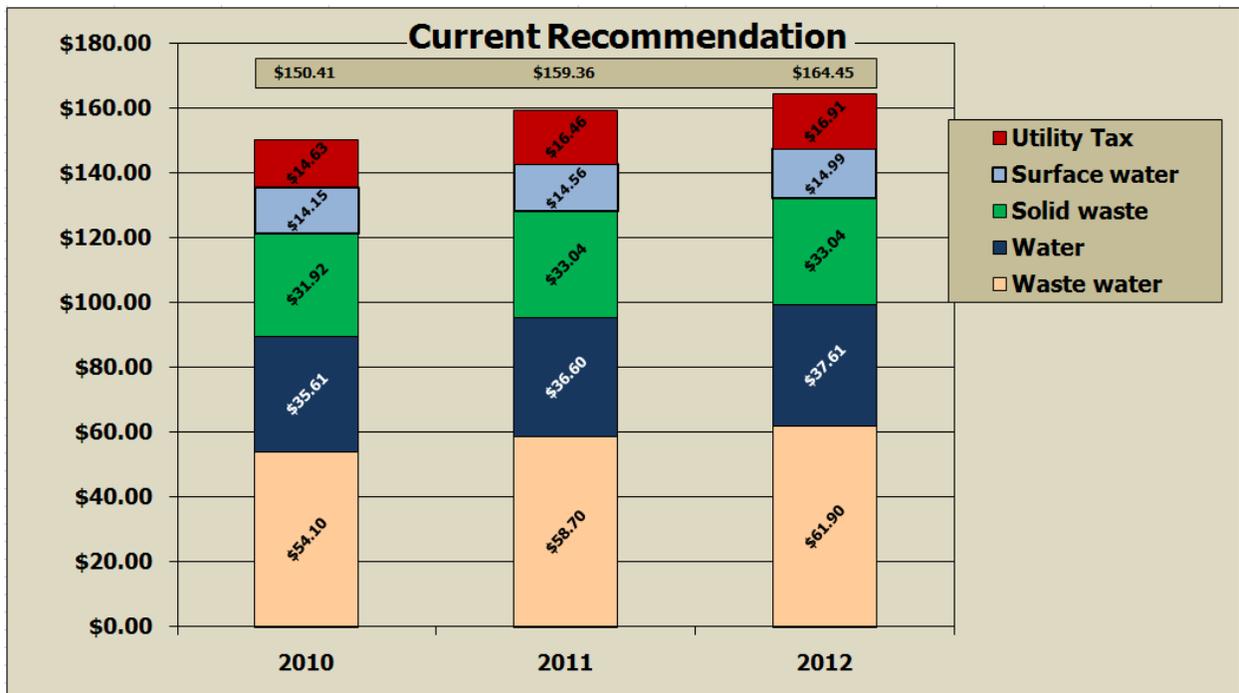
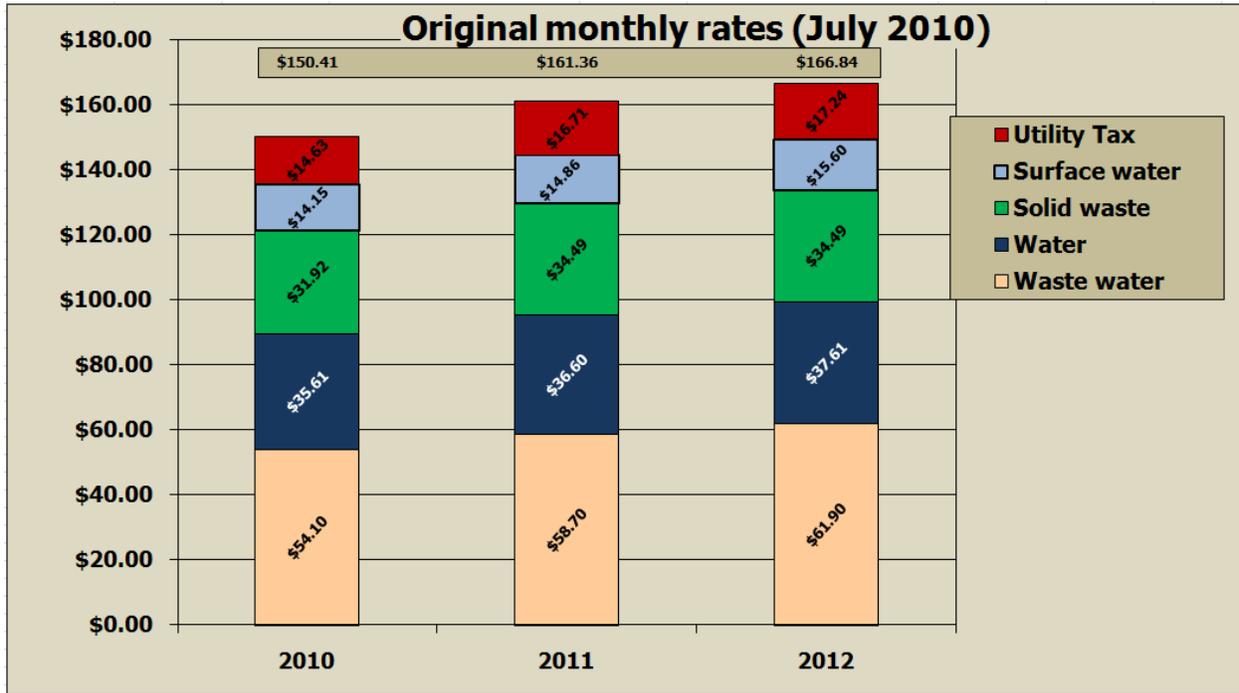
The impacts of the current staff recommendation on the solid waste rate are as follows:

<b>Solid Waste Rate</b>	2010	2011 (original proposal)	2012 (original proposal)	2011 (revised proposal)	2012 (revised proposal)
Base rate adjustment	---	-0.86%	na	-0.86%	---
Rate increase for RSR	--	4.35%	na	---	---
Rate increase for SPF	---	4.50%	na	4.50%	---
Total Rate increase	---	7.99%	na	3.50%	tbd
Monthly Rate (SF)	\$31.92	\$34.49	na	\$33.04	tbd

Thus incorporating previous utility rate decisions by the Council for water and sewer:

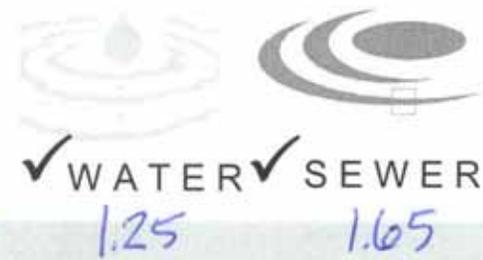
<b>Water Rate</b>	2010	2011 (Council accepted)	2012 (Council accepted)
Increase		4.50%	4.50%
Monthly Rate	\$35.61	\$36.60	\$37.61
<b>Sewer Rate</b>			
Increase		8.50%	5.50%
Monthly Rate	\$54.10	\$58.70	\$61.90

The monthly impact to rate payers is shown on the following page. Staff will be available at the City Council meeting to answer questions regarding these final recommendations. The current schedule anticipates returning to Council with a resolution to adopt rates at the September 20, 2010 meeting.



City of Kirkland, Washington

**Water and Sewer Utility  
Rates & Capital  
Facilities Charges**



**Long-Term System Reinvestment  
Funding**

**February 27, 2007**

# Presentation Outline

- Introduction to System Reinvestment
- Findings
- Impact on Rates
- Next Steps

# Introduction

## ■ What is system reinvestment?

- ✓ Funding R&R through a regular and predictable rate provision

## ■ Why is it used?

- ✓ In order to provide continuing service, the City will need to replace system facilities
- ✓ Mitigates the impacts to ratepayers during periods of substantial system investment

# Policy Comparison

- Current policy: Annual rate-fund an amount equal to annual depreciation expense
  - ✓ Note: For water utility, rates not currently set to achieve current policy; reserves used to supplement current needs
  
- Recommended policy: Annually rate-fund an amount forecasted to recover long-term R&R
  - ✓ Use multiplier of original cost depreciation expense as a surrogate for calculation of reproduction costs.

	Existing Plant-In-Service		2006 Reproduction Value	
	Total Original Cost	Annual Depreciation Expense	Total Replacement Cost	Annual Depreciation Expense
Water Utility	\$ 45,555,980	\$ 888,155	\$ 89,524,822	\$ 1,990,696
Sewer Utility	\$ 42,480,607	\$ 817,991	\$ 72,385,002	\$ 1,445,784

# Methodology

1. Compile original cost of fixed assets and upgrade/expansion portion of CIP projects
2. Determine useful lives of current and planned future assets
3. Create replacement cycle for existing and planned future assets
4. Calculate reproduction cost using information from steps 1 & 2 and ENR index. Add annual costs to reproduction schedule
5. Smooth annual cost to mitigate spikes
6. Forecast annual original cost depreciation expense for entire system, including replacement assets
7. Use multiplier to achieve desired debt/cash funding ratio (25/75)

# Recommended Debt/Cash Ratio

- Why fund a portion of R&R with debt?
  - ✓ Provides flexibility in the event program expenditures are slower or lower than forecasted
  
- What is an appropriate ratio?
  - ✓ We recommend a debt/cash funding ratio of 25/75 to ensure each utility remains within industry debt to equity standards

# **WATER UTILITY**

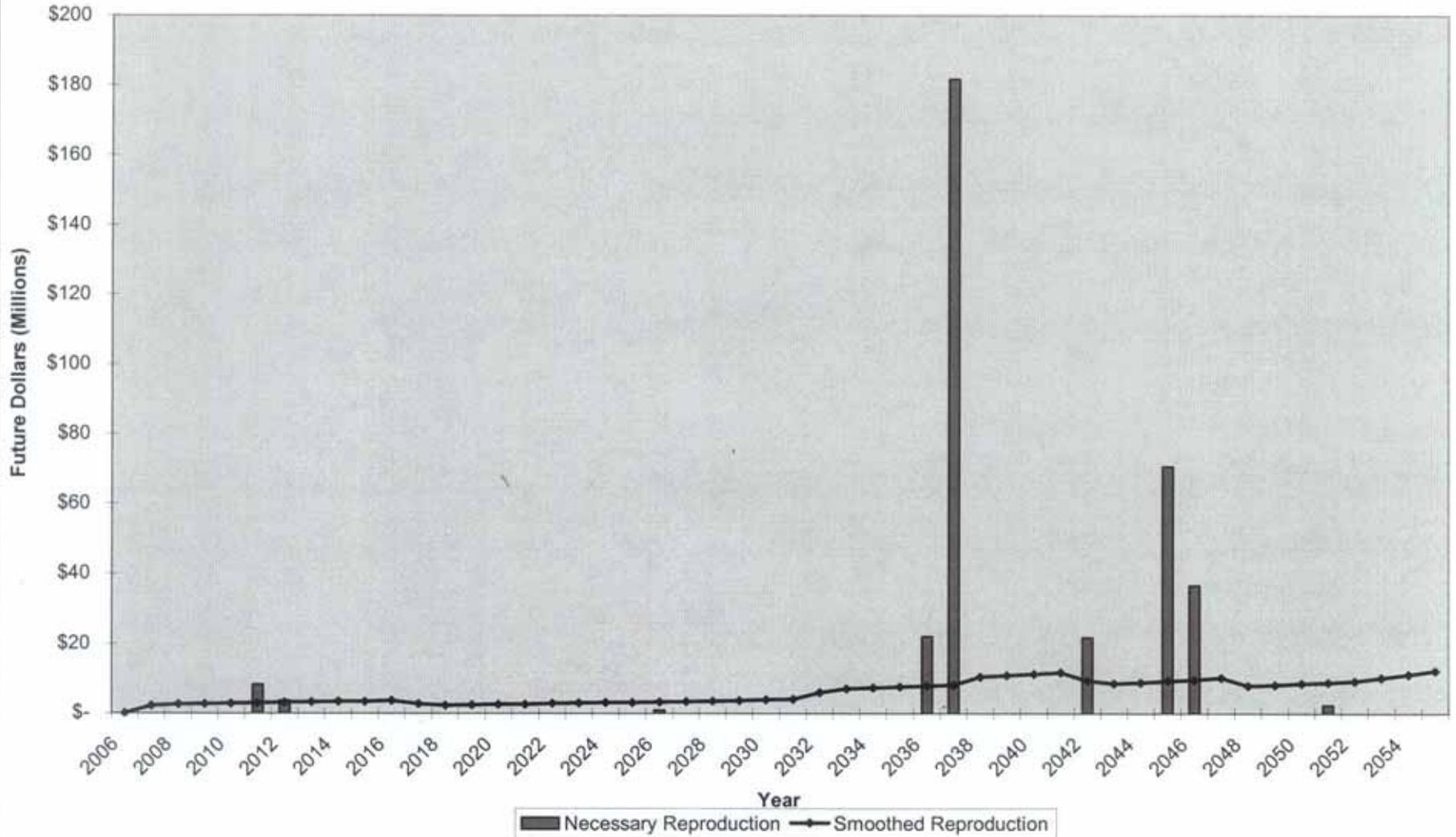
# Water Utility Results

- Asset parameters:
  - ✓ 25-year useful life used for Meters/Services and Hydrants
  - ✓ 50-year useful life used for all other assets (consistent with City's depreciation schedule)
- \$298.6 million in future reproduction costs over 50-year period
- Annual funding liability (reproduction costs) ranges from \$2.2 million in 2007 to \$12.3 million in 2055
- Annual funding of 1.22 times annual depreciation expense achieves desired debt/cash funding ratio

*Capital*

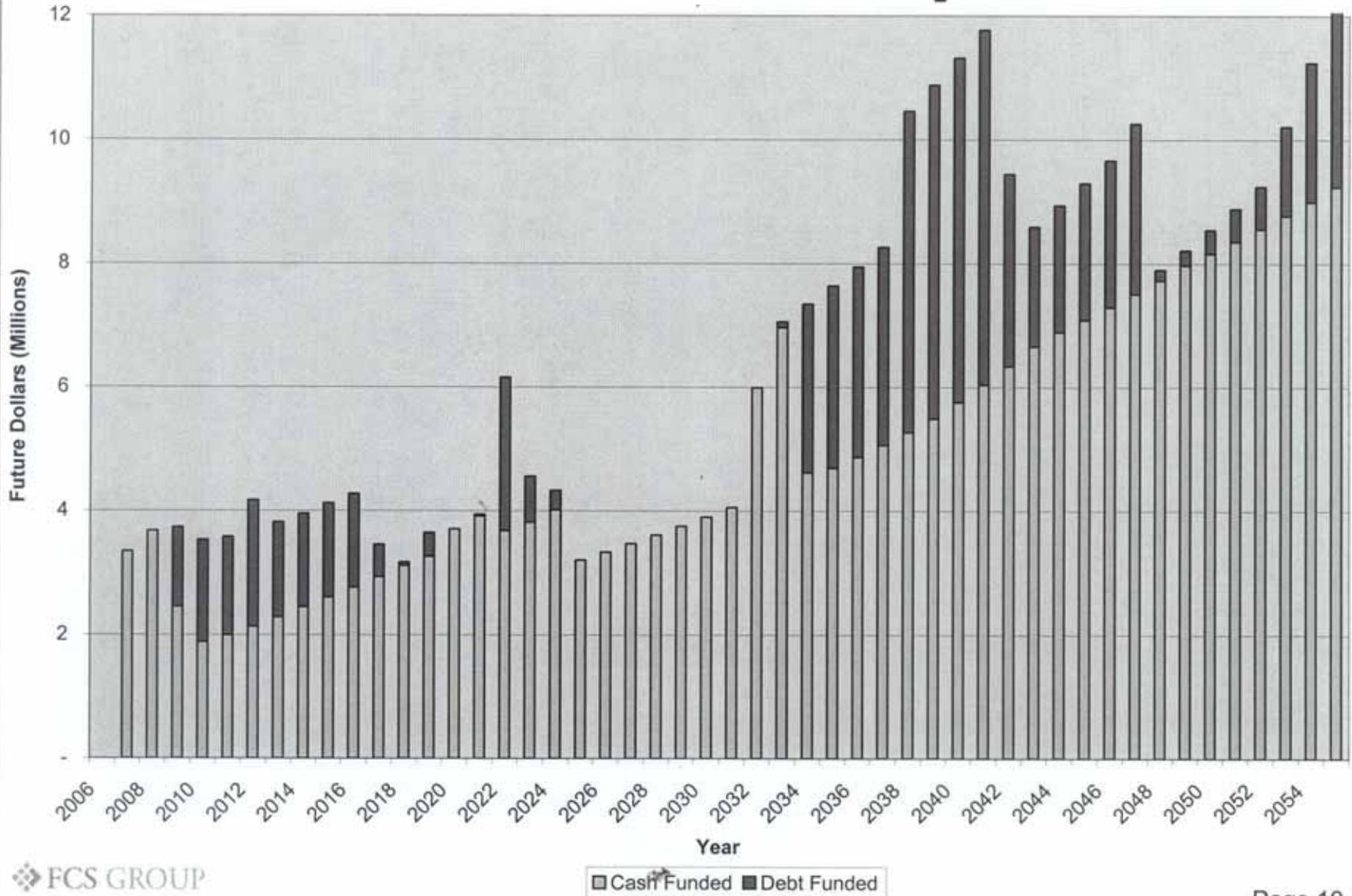
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# Water Utility Reproduction Cost Schedule



(YEAR OF EXPENDITURE \$)

# Water Utility Annual Capital Financing



(Year of expenditure #)

## Water Utility Impact on Rates

- Option 1: Recommended funding
  - ✓ 1.22 (rounded to 1.25) times annual original cost depreciation expense
  - ✓ 15.5% rate increase in 2008
  - ✓ 25% of capital debt-funded over the 50-year period
- Option 2: Current City policy
  - ✓ 1.0 times annual original cost depreciation expense
  - ✓ 12.0% rate increase in 2008
  - ✓ 38% of capital debt-funded over the 50-year period
- Option 3: Phase-in to recommended funding
  - ✓ 0.8 times annual depreciation expense in 2008, phased to 1.25 in 2013 and thereafter
  - ✓ 9.5% rate increase in 2008
  - ✓ 25% of capital debt-funded over the 50-year period

# Water Utility Rate Impact Summary

		2008	2009	2010	2011	2012	2013	2014	2015	2055
OPTION 1	Annual Rate Funding	\$ 1,236,214	\$ 1,359,231	\$ 1,486,063	\$ 1,613,641	\$ 1,760,530	\$ 1,913,150	\$ 2,058,211	\$ 2,208,677	\$ 9,128,518
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	Annual Rate Increase	15.50%	5.65%	3.32%	5.98%	1.76%	5.04%	0.99%	2.83%	1.70%
	Cumulative Increase [a]	26.47%	33.62%	38.06%	46.32%	48.89%	56.39%	57.95%	62.42%	363.01%
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OPTION 3	Annual Rate Funding	\$ 791,177	\$ 924,277	\$ 1,307,735	\$ 1,420,004	\$ 1,971,794	\$ 1,913,150	\$ 2,058,211	\$ 2,208,677	\$ 9,128,518
	Cumulative Rate Funding	\$ 791,177	\$ 1,715,454	\$ 3,023,189	\$ 4,443,194	\$ 6,414,988	\$ 8,328,138	\$ 10,386,349	\$ 12,595,026	\$ 224,946,269
	Annual Rate Increase	9.50%	6.50%	6.50%	6.50%	6.50%	2.19%	1.16%	2.80%	1.70%
	Cumulative Increase [a]	19.90%	27.70%	36.00%	44.84%	54.25%	57.63%	59.46%	63.92%	363.01%

[a] Cumulative increase includes 2007 increase of 9.5%

# SEWER UTILITY

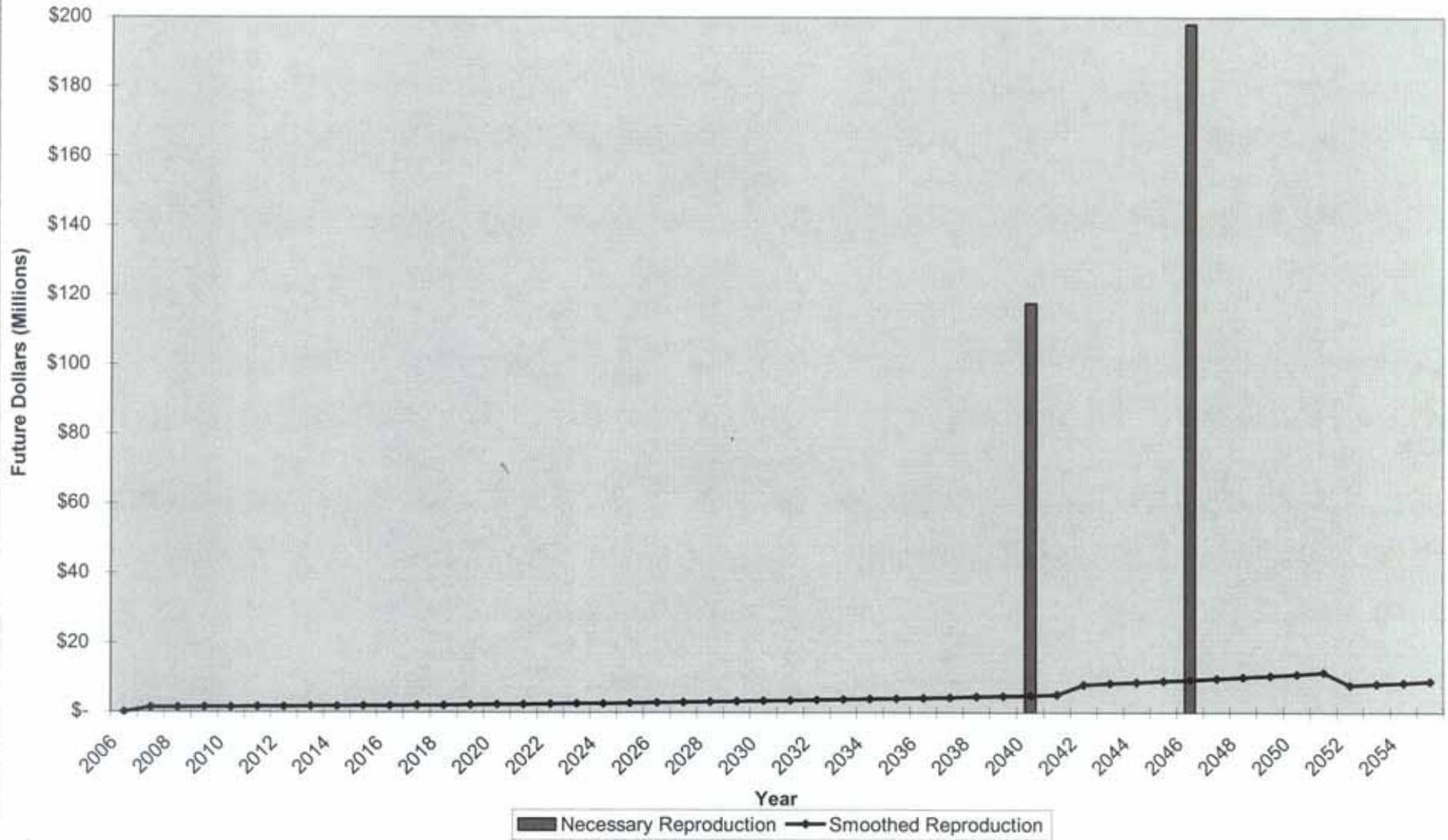
# Sewer Utility Results

- Asset parameters:
  - ✓ 50-year useful life used for all assets (consistent with City's depreciation schedule)
- \$231.9 million in future reproduction costs over 50-year period
- Annual funding liability ranges (reproduction costs) from \$1.4 million in 2007 to \$9.0 million in 2055
- Annual funding of 1.64 times annual depreciation expense achieves desired debt/cash funding ratio

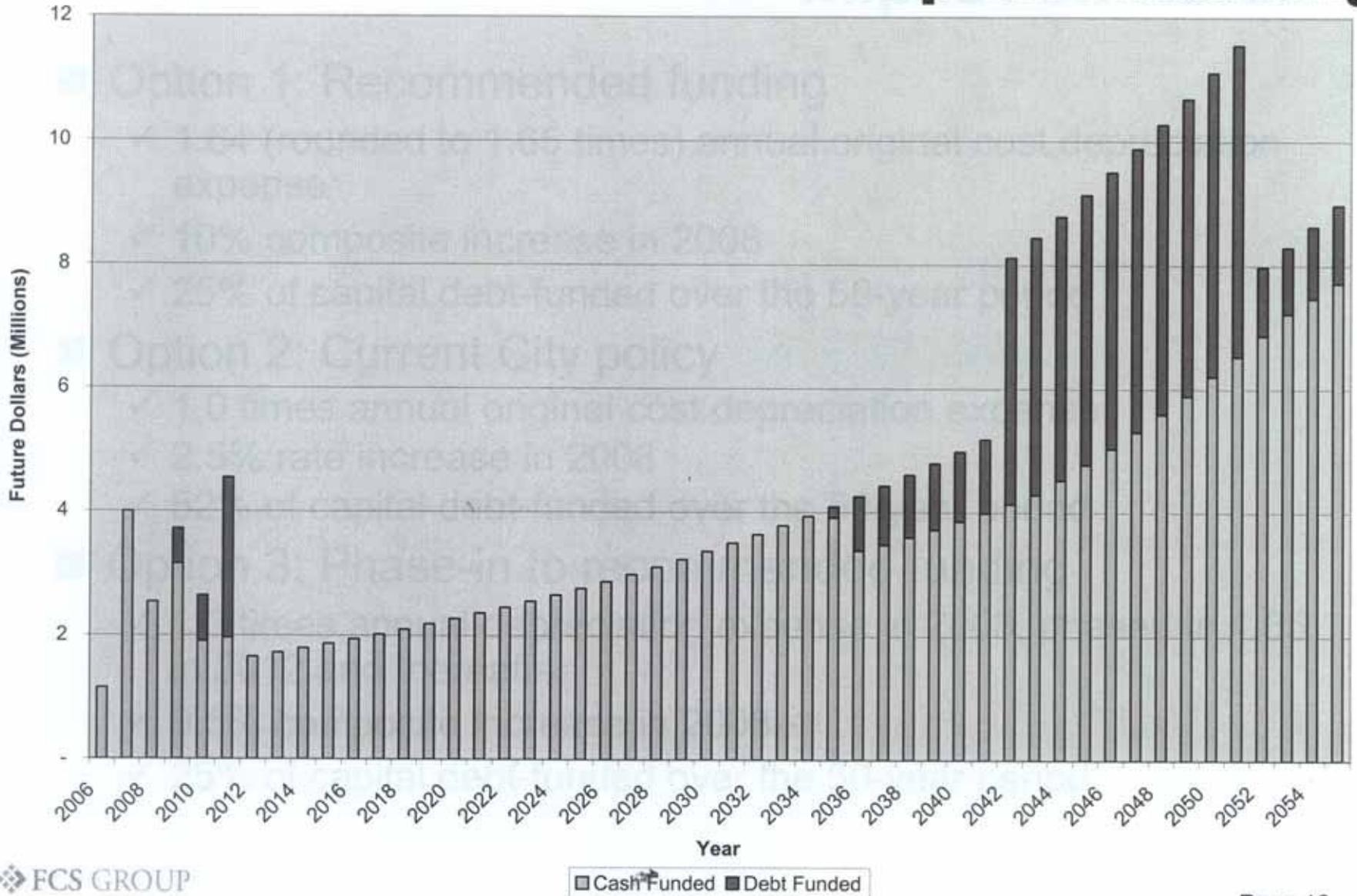
Capital

USE 1.65

# Sewer Utility Reproduction Cost Schedule



# Sewer Utility Annual Capital Financing



# Sewer Utility Rate Impact Summary

		2008	2009	2010	2011	2012	2013	2014	2015		2055
OPTION 1	Annual Rate Funding	\$ 1,479,847	\$ 1,534,844	\$ 1,624,025	\$ 1,682,379	\$ 1,795,879	\$ 1,826,462	\$ 1,859,237	\$ 1,894,293		\$ 7,699,096
	Cumulative Rate Funding	\$ 1,479,847	\$ 3,014,691	\$ 4,638,716	\$ 6,321,094	\$ 8,116,973	\$ 9,943,435	\$ 11,802,672	\$ 13,696,965		\$ 167,901,997
	Annual Composite Increase	10.00%	13.60%	5.63%	6.97%	2.42%	2.46%	2.50%	2.53%		3.65%
	Cumulative Increase [a]	17.70%	33.71%	41.23%	51.08%	54.73%	58.54%	62.50%	66.61%		639.13%
OPTION 2	Annual Rate Funding	\$ 896,877	\$ 930,209	\$ 984,257	\$ 1,019,623	\$ 1,088,411	\$ 1,106,946	\$ 1,126,810	\$ 1,148,056		\$ 4,666,119
	Cumulative Rate Funding	\$ 896,877	\$ 1,827,085	\$ 2,811,343	\$ 3,830,966	\$ 4,919,378	\$ 6,026,324	\$ 7,153,135	\$ 8,301,191		\$ 101,758,786
	Annual Composite Increase	2.50%	14.90%	6.30%	7.66%	2.54%	2.57%	2.61%	2.64%		3.71%
	Cumulative Increase [a]	9.68%	26.02%	33.96%	44.22%	47.88%	51.68%	55.64%	59.76%		642.05%
OPTION 3	Annual Rate Funding	\$ 1,435,003	\$ 1,302,292	\$ 1,574,812	\$ 1,631,398	\$ 1,795,879	\$ 1,826,462	\$ 1,859,237	\$ 1,894,293		\$ 7,699,096
	Cumulative Rate Funding	\$ 1,435,003	\$ 2,737,295	\$ 4,312,107	\$ 5,943,504	\$ 7,739,383	\$ 9,565,845	\$ 11,425,082	\$ 13,319,375		\$ 167,524,407
	Annual Composite Increase	9.50%	12.50%	7.00%	7.00%	2.42%	2.46%	2.50%	2.54%		3.56%
	Cumulative Increase [a]	17.17%	31.81%	41.04%	50.91%	54.57%	58.37%	62.33%	66.44%		639.16%

[a] Cumulative increase includes 2007 composite increase of 7.0%

## Next Steps

- Incorporate desired system reinvestment policy
- Finalize water rate design for 2008
- Staff review (March 7<sup>th</sup>)
- Council presentation?
- Documentation

# Questions

