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# CITY OF KIRKLAND

## CITY COUNCIL



Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher  
Shelley Kloba • Toby Nixon • Penny Sweet • Amy Walen • Kurt Triplett, City Manager

### *Vision Statement*

*Kirkland is an attractive, vibrant and inviting place to live, work and visit.  
Our lakefront community is a destination for residents, employees and visitors.  
Kirkland is a community with a small-town feel, retaining its sense of history,  
while adjusting gracefully to changes in the twenty-first century.*

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123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • [www.kirklandwa.gov](http://www.kirklandwa.gov)

### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

#### City Council Chamber

#### Tuesday, October 1, 2013

#### 6:00 p.m. – Study Session

#### 7:30 p.m. – Regular Meeting

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
  - a. Special Events Policy
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
  - a. Walk Your Child to School Week Proclamation
  - b. Fire Prevention Week Proclamation
  - c. National Community Planning Month Proclamation
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*

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

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

(1) Petition for Yarrow Point Neighborhood Border Change

**QUASI-JUDICIAL MATTERS**

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

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

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

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

**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.

**7. SPECIAL PRESENTATIONS**

- a. Seattle and King County Public Health Presentation: Affordable Care Act

**8. CONSENT CALENDAR**

- a. *Approval of Minutes:* September 17, 2013

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

- c. *General Correspondence*
- d. *Claims*
- e. *Award of Bids*
- f. *Acceptance of Public Improvements and Establishing Lien Period*
- g. *Approval of Agreements*
- h. *Other Items of Business*

- (1) Ordinance O-4418, Relating to the Sale of Surplus Property to City Employees and Amending Section 3.86.060 of the Kirkland Municipal Code.
- (2) Report on Procurement Activities

**9. PUBLIC HEARINGS**

**10. UNFINISHED BUSINESS**

- a. Ordinance O-4419 and its Summary, Relating to the Timing of Payment of Impact Fees and Amending Sections 27.04.030 and 27.06.030 of the Kirkland Municipal Code, File No. PLN13-01420.
- b. Library Board Interview Selection Committee Recommendations
- c. Slurry Seal Petition Response and Project Update
- d. Traffic Petition Response for Lake WA Blvd/Lake St. S. Intersection

**11. NEW BUSINESS**

**12. REPORTS**

- a. *City Council*
  - (1) Finance and Administration Committee

**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.

- (2) Public Safety Committee
- (3) Community Planning, Housing and Economic Development Committee
- (4) Public Works, Parks and Human Services Committee
- (5) Regional Issues

*b. City Manager*

- (1) City Council Meeting with the Everest Neighborhood
- (2) Calendar Update

*13. ITEMS FROM THE AUDIENCE*

*14. ADJOURNMENT*



**CITY OF KIRKLAND**  
City Manager's Office  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Marilynne Beard, Deputy City Manager  
**Date:** September 19, 2013  
**Subject:** SPECIAL EVENT POLICIES

### **RECOMMENDATION:**

City Council provides direction about proposed special event policies.

### **BACKGROUND DISCUSSION:**

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

The Council held a study session on January 2, 2013 and received a report from staff comparing Kirkland event regulations and permit costs as well as financial support for events compared to other cities in King County. The City Council was generally satisfied with the City's rules and fees, but referred the topic to the Community Planning, Housing and Economic Development Committee (CPHED) for further discussion with frequent check-ins with the full Council.

The City Council was next updated at their February 5, 2013 study session which was focused on categories of events, the number of new events proposed for 2013 and criteria for determining which should be allowed to go forward. The City Council asked for further committee work on the criteria for non-profit agencies that should benefit from City event fund raising and which events should have priority consideration for funding and scheduling. At that meeting the Council also placed a hold on all new events for 2013 pending further discussion.

On May 7, 2013 the City Council received another update on events and agreed in principle to the committee recommendation to delineate community programs from special events and create or update the Kirkland Municipal Code (KMC) to create provision that can apply to these ongoing activities. Proposed "community programs" would include the Wednesday and Friday Farmer's Markets and the Summer Concert Series. At that meeting, the City Council also agreed to allow the Kirkland Events Foundation to hold an Oktoberfest event in September and to contribute \$7,000 towards the Celebrate Kirkland fireworks display. Official action on the fireworks contribution was taken at a later meeting.

A number of policy issues remained unresolved and the CPHED Committee has worked since

then to develop a recommendation on all outstanding policy issues. The following discussion will describe each policy issue and the proposed policy.

### **Definitions**

The committee believes that a well-understood definition of terms is important to the administration of any policy. To that end, the following definitions are proposed to be added to the existing Chapter 19.24 of the Kirkland Municipal Code

*"Community Event" means a special event designated as such by the City Council which is intended primarily for Kirkland residents, is free of an admission charge, is organized by the city or a recognized Kirkland non-profit agency, and is intended to celebrate an important community holiday or tradition.*

*"Community Programs" means activities of an on-going nature which are open to the public and provided free of an admission charge, such as weekly farmer's markets and park performing arts series.*

*"Major Event" means any special event that causes the closure or limited use of streets, sidewalks, public parking, parks or other public venues normally accessible by the general public or a special event that causes significant impacts to the public.*

*"Fundraising Event" means a special event held by a non-profit entity that is primarily for the purposes of fund-raising for the benefit of the sponsoring non-profit.*

*"Tourism Event" means any special event that furthers the City's economic development goals, is primarily intended to attract participants from out of the immediate area and is eligible to receive funding from lodging tax funds. The receipt of lodging tax funds granted by the City for an event is contingent upon the issuance of a special event permit and the successful implementation of the event.*

*"Benefitting a Kirkland Non-Profit" means a financial benefit for a non-profit agency serving Kirkland residents. The financial contribution should represent no less than 10% of the net profits of the event.*

### **Special Event Capacity**

There is currently no limit to the number of events that can be held within the City or within specific venues such as Marina Park. The staff and committee felt a limit was necessary to mitigate the impacts of events on the businesses and residents of Kirkland, particularly in the Central Business District and Marina Park. The following policy language is recommended:

*No more than two (2) special event permits shall be issued per calendar month at any one venue, or along any one street. The Central Business District and Marina Park shall be considered as the same. This limitation shall not apply to Community Events designated by the City Council.*

*Special Events shall be limited to no more than three (3) consecutive calendar days; one additional day may be permitting for event load-in or load-out.*

**Exceptions to special event permit requirement**

19.24.030 (b) The following activities are exempt from having to obtain a special event permit.

*ADD -- (10) Community programs, which must be applied for through a separate city process.*

**Priority of special event permit issuance**

The current language in KMC 19.24.050 reads:

*"19.24.050 Except for a special event sponsored by the city, priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations operating in and providing services to the citizens of the city."*

The popularity of Kirkland and especially Marina Park as an event venue is beginning to cause conflicts for reservations requested by event organizers. In all cases, when a conflict arises, staff attempts to work with the event organizer to find a different date and/or venue. In the infrequent situation where two event organizers have requested the same date and venue, staff would follow the proposed policy shown below.

In addition, there was much discussion about whether the benefitting non-profit agency had to be located in Kirkland or simply serving Kirkland residents.

The following edit and added language are recommended:

*19.24.050 Except for a special event sponsored by the city, priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations ~~operating in and~~ providing services to the citizens of the city.*

*Dates will be reserved on a first-come, first-served basis not more than one year prior to the proposed date of the event. When on the same business day more than one applicant requests the same date and venue for their event, the following criteria will be applied in the following order:*

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

*Special Event applicants may be granted permission to hold the same event for an additional two years on the same weekend at the same venue if "success" criteria have been met. The Special event application process shall be followed each year.*

*Success Criteria:*

- All previous special event fees have been paid in full.*
- Previous special event successfully provided for public safety (event safety plans, traffic control apparatus and volunteers), health (first aid provisions and public health requirements), and sanitation (sufficient number of maintained restroom facilities, maintenance and disposal of event garbage/recycling).*

- *Previous special events properly cared for city facilities/equipment resulting in no damage.*
- *Previous special event applications were properly completed, submitted on time, and in the required format*

### **Athletic Events**

The City regularly receives complaints from residents and drivers along common race routes regarding difficulty with ingress and egress from driveways and traffic delays. The previous limitation recommended under "Special Event Capacity" would limit the number of athletic events impacting any one street to no more than twice per month. In addition, the number of participants in an event can exacerbate impacts and cause public safety hazards despite the presence of traffic control measure and police personnel. The following language is recommended to be added to KMC Chapter 19.24.

*Athletic events, including runs and bike races, shall be restricted to city streets; sidewalks will remain open for use by the general public. Organized walks may take place on city streets or sidewalks.*

*Athletic events held on city streets which include road closures, either rolling or stationary, shall clear the street of all participants and traffic control devices no later than 11:00 am.*

*Event organizers will limit the number of participants in race events to:*

- *3,000 registered participants for road events longer than 13 miles (Half Marathon)*
- *2,000 registered participants for road events shorter than 13 miles (12ks)*

### **Beer/Wine Gardens**

Beer and wine gardens are growing in popularity with one garden in 2011 to three in 2013. The Shamrock Run organizer and TriFREAKS have also expressed interest in adding beer gardens to their events. Since the KMC doesn't currently address public beer/wine gardens at special events, it would be helpful to add basic language about police presence, age and containment requirements. The guidelines Kirkland currently follows were developed using several resources including KMC 19.04.065, input from the Kirkland Police Department, Washington State Liquor Control Board and the City of Seattle.

The following policies are recommended and consistent with what the City currently requires.

- *The sale, service, and consumption of beer/wine must be confined to a designated location(s).*
- *Beer/wine may be sold, served, and consumed between 8 am and 11 pm, seven days a week. After 11 pm no one may possess, consume or be served alcohol.*
- *Beer/wine may only be served when food is also available in conjunction with the special event.*
- *The event organizer is responsible for securing entrances and exits with staff checking for twenty-one (21) and over identification.*

- *Alcoholic beverages may not be removed from or brought into the garden; except for original unopened bottles purchased for off-site consumption.*
- *The beer/wine garden shall be separately fenced with six foot high chain link fencing or 42 inch high picket fencing.*
- *Tables, counters, ledges or similar surfaces may not be used as barriers between restricted and non-restricted areas.*
- *Where alcohol is served or consumed, event organizers must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.*
- *The presence of no less than two city of Kirkland police officers is required during public beer/wine garden hours.*
- *A breach of any of the foregoing conditions shall constitute grounds for immediate revocation of the permit.*

### **Decision Authority**

The KMC provides for the City Manager or his/her designee to administer the provisions of the chapter:

**19.24.240 Delegation of city manager's authority.**

The city manager may delegate any or all of his or her functions under this chapter to his or her deputies or subordinates. (Ord. 4116 § 2 (part), 2007)

**19.24.250 City manager authorized to adopt rules and regulations.**

The city manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event. (Ord. 4116 § 2 (part), 2007)

It may be helpful to more clearly articulate the role of the department staff, Director, City Manager and City Council.

*The Parks and Community Services Department is responsible for supporting and permitting special events. New rules and regulations can be developed by the department and reviewed by the City Attorney and City Manager for concurrence. Normally, the Department Director would be responsible for interpreting the code should an event organizer have a question or concern not addressed by staff. If the event organizer is not satisfied with the Director's response, they may appeal to the City Manager who may consult with the City Council as needed. City Council may refer inquiries made directly to them to the City Manager for follow-up.*

### **Community Programs and Events**

The proposed definition of Community Event calls for the City Council to officially designate community events. The Committee recommends Community Events and Community Programs also be funded at some level by the City. After much discussion, the Committee recommends the following to be considered Community Events and Community Programs:

#### Proposed Community Events

- Celebrate Kirkland 4<sup>th</sup> of July Parade and Fireworks

- Holiday Tree Lighting

#### Proposed Community Programs

- Summer Concert Series

Designation of Community Events would be approved through a Council resolution.

#### **Funding for Special Events**

The City currently provides funding support through the Tourism Development Committee (from lodging tax revenue) and from the General Fund based on special requests from event organizers or other members of the community.

Lodging tax funds are limited in their application to events that attract visitors from outside of the City. State law originally only allowed lodging tax funds to be used only for promotion of events. A time-limited provision was added to allow lodging tax funds to be used for event operations. That provision was scheduled to sunset in 2013, however, the state legislature removed the sunset clause earlier this year, clearing the way for tourism grants to be used for event expenses such as equipment rental, sanitation services and security. The Tourism Development Committee received twenty applications for funding, some of which support special events. The TDC is currently in the process of reviewing funding applications and will provide a recommendation to the City Council as part of the mid-biennial budget review. Even though a funding allocation may be approved, actual receipt of funding for an event requires a confirmed reservation date, permit issuance and delivery of the event.

An annual amount used to be allocated from the General Fund for special event support. It was eliminated from the budget in 2010. Since then, individual requests have been made by event organizers directly to the City Council. The Committee recommends that Community Events have first priority for General Fund allocations. A source of funds was not discussed (e.g. one-time funds, or ongoing).

#### **Summary and Recommendations**

Kirkland has many natural and built amenities that make it a desirable venue for events. The on-line survey conducted earlier this year indicates a high degree of support for continuing events in the community. However, since events tend to be concentrated in the downtown core, there are some businesses and residents that may be disproportionately impacted by events. In addition, the staff's ability to support event organizers in delivering quality events that protect the safety of residents is limited. The proposed limitations and policy clarifications are intended to provide more clear guidance to staff and event organizers regarding the number, type and location of events. Despite the proposed limitations, there is still capacity to accept new events and new capacity may emerge with the development of the Cross Kirkland Corridor, Totem Lake Park and the commercial properties and new public park facilities.

In addition to the policy updates recommended in this memo, staff identified a number of housekeeping items needed to Chapter 19.24 to reflect current practice.

Staff is requesting that the City Council review each of the policy issues presented above and provide direction on whether to:

- Proceed with the policy as proposed
- Proceed with a modified policy
- Conduct further study or suspend any the proposed policy

Staff is also requesting direction as to whether a General Fund allocation should be made toward any or all of the designated Community Events.

After receiving direction from Council, the staff can prepare the necessary legislation for Council consideration.

Attachments: A - KMC Chapter 19.24 as adopted  
B - Proposed Strike and Edit Version of KMC Chapter 19.24  
C - Preliminary Calendar of 2014 events  
D - 2014 Lodging Tax Funding Requests.

## Chapter 19.24 SPECIAL EVENTS

### Sections:

<a href="#">19.24.010</a>	Definitions.
<a href="#">19.24.020</a>	Special event permit required.
<a href="#">19.24.030</a>	Exceptions to special event permit requirement.
<a href="#">19.24.040</a>	Issuance of a special event permit does not obligate city services.
<a href="#">19.24.050</a>	Priority of special event permit issuance.
<a href="#">19.24.060</a>	Time for filing application for special event permit.
<a href="#">19.24.070</a>	When application for special event permit is deemed complete.
<a href="#">19.24.080</a>	Date of special event not confirmed until notice of confirmation issued.
<a href="#">19.24.090</a>	Content of special event permit application.
<a href="#">19.24.100</a>	Conditions affecting the issuance of a special event permit.
<a href="#">19.24.110</a>	Reasons for denial of a special event permit.
<a href="#">19.24.120</a>	Denial of a special event permit application—Appeals from denial.
<a href="#">19.24.130</a>	Display of special event permit required.
<a href="#">19.24.140</a>	Contents of special event permit.
<a href="#">19.24.150</a>	Special event coordinator's action on special event permit application.
<a href="#">19.24.160</a>	Insurance required to conduct special event.
<a href="#">19.24.170</a>	Waiver of insurance requirements.
<a href="#">19.24.180</a>	Revocation of special event permit.
<a href="#">19.24.190</a>	Cost recovery for special events.
<a href="#">19.24.200</a>	Effect of receipt of donations on status of tax-exempt nonprofit organizations.
<a href="#">19.24.220</a>	Expressive activity special event.
<a href="#">19.24.240</a>	Delegation of city manager's authority.
<a href="#">19.24.250</a>	City manager authorized to adopt rules and regulations.
<a href="#">19.24.260</a>	Authorized special event vendors.
<a href="#">19.24.270</a>	Unlawful to conduct or promote attendance at special event without permit.
<a href="#">19.24.280</a>	Other permits and licenses.
<a href="#">19.24.290</a>	Unlawful to sell goods in special event venue without authorization.
<a href="#">19.24.300</a>	Cost recovery for unlawful special event.
<a href="#">19.24.310</a>	Penalties for violations.

### **19.24.010 Definitions.**

Terms used in this chapter shall have the following meanings:

- (1) "Demonstration" means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.
- (2) "Event organizer" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event.
- (3) "Event management company" means an entity with expertise in managing special events.
- (4) "Expressive activity" includes conduct the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include sports events, including marathons, fundraising events, or events the principal purpose of which is entertainment.
- (5) "Gross revenues" means the sum of all revenues received by an event organizer for a special event including, but not limited to, cash receipts, licensing, sponsorships, television, advertising and similar revenues, and concessions.
- (6) "March" means an organized walk or event whose principal purpose is expressive activity in service of a public cause.

(7) "Noncommercial special event" means any special event organized and conducted by a person or entity that qualifies as a tax-exempt nonprofit organization, or a special event whose principal purpose is expressive activity.

(8) "Rally" means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

(9) "Sidewalk" means that portion of a right-of-way, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

(10) "Sign" means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

(11) "Special event service team" means representatives assigned by their respective department directors to represent the interests of their department as it relates to the issuance of special event permits.

(12) "Special event" means any fair, show, parade, run/walk, festival, or other publicly attended entertainment or celebration which is to be held in whole or in part upon publicly owned property or public rights-of-way, or if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of such event.

(13) "Special event permit" means a permit issued under this chapter.

(14) "Special event venue" means that area for which a special event permit has been issued.

(15) "Street" means any place that is publicly maintained and open to use of the public for purposes of vehicular travel, including highways.

(16) "Tax-exempt nonprofit organization" means an organization that is exempted from payment of income taxes by federal or state law and has been in existence for a minimum of six months preceding the date of application for a special event permit.

(17) "Vendor" means any person who sells or offers to sell any goods, food, or beverages within a special event venue. (Ord. 4116 § 2 (part), 2007)

#### **19.24.020 Special event permit required.**

(a) Except as provided elsewhere in this chapter, any person or entity who conducts, promotes, or manages a special event shall first obtain a special event permit from the special event coordinator.

(b) The special event coordinator is authorized to issue permits for special events occurring within the city limits, pursuant to the procedures established in this chapter. The special event coordinator is authorized to determine the special event venue. The special event coordinator may impose reasonable conditions on the use of the special events venue based on the provisions of this chapter. The special event coordinator shall coordinate the issuance of a special event permit with the special event team and other public agencies through whose jurisdiction or property the special event or portion thereof occurs and to issue a special event permit upon the concurrence of other public agencies involved. (Ord. 4116 § 2 (part), 2007)

#### **19.24.030 Exceptions to special event permit requirement.**

(a) Although not required to be issued a special event permit, an event organizer of an activity exempted from this chapter is required to comply with all local, state and federal laws and regulations governing public safety or health.

(b) The following activities are exempt from having to obtain a special event permit:

(1) Parades, athletic events or other special events that occur exclusively in city parks and are sponsored or conducted in full by the city of Kirkland parks department;

(2) Funeral procession by a licensed mortuary;

(3) Gatherings of one hundred or fewer people in a city park, unless merchandise or services are offered for sale or trade to the public, in which case a special event permit is required;

(4) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales;

- (5) Garage sales, rummage sales, lemonade stands and car washes;
  - (6) Private events held entirely on private property that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services;
  - (7) Activities conducted by a governmental agency acting within the scope of its authority;
  - (8) Lawful picketing on sidewalks; and
  - (9) Block parties, which must be applied for through a separate, streamlined city process.
- (Ord. 4116 § 2 (part), 2007)

**19.24.040 Issuance of a special event permit does not obligate city services.**

Issuance of a special event permit under this chapter does not obligate or require the city of Kirkland to provide city services, equipment, or personnel in support of a special event. (Ord. 4116 § 2 (part), 2007)

**19.24.050 Priority of special event permit issuance.**

Except for a special event sponsored by the city, priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations operating in and providing services to the citizens of the city. (Ord. 4116 § 2 (part), 2007)

**19.24.060 Time for filing application for special event permit.**

(a) Except as otherwise provided in this chapter, a pre-application meeting shall be held no less than one year in advance of a new special event and no less than six months in advance of a repeat special event. Upon good cause shown and provided that there is no significant risk or burden to the city, the special event coordinator may, in his or her discretion, allow a later pre-application meeting.

(b) A complete application for a special event permit shall be filed with the special event coordinator not less than forty-five calendar days before the time when it is proposed to conduct the special event. Upon good cause shown and provided that no risk or burden to the city ensues, the special event coordinator has discretion to allow a later filing.

(c) An application for an expressive activity special event permit shall be filed with the special event coordinator no less than seven calendar days before the time when it is proposed to conduct the expressive activity special event. Upon good cause shown and provided that no risk or burden to the city ensues, the special event coordinator may, in his or her discretion, allow a later filing. (Ord. 4116 § 2 (part), 2007)

**19.24.070 When application for special event permit is deemed complete.**

An application for a special event permit is deemed complete when the applicant has provided all of the information required in Section [19.24.090](#), including any additional information required by the special event coordinator, and where city services are to be provided, the application has been approved by any involved city department, or the special event service team, and the city manager and the city council, if required. (Ord. 4116 § 2 (part), 2007)

**19.24.080 Date of special event not confirmed until notice of confirmation issued.**

Notwithstanding the special event coordinator's acceptance of a completed application, the date of the event shall not be considered confirmed and the applicant shall not market or promote the event until the special event coordinator issues a written notice of confirmation. (Ord. 4116 § 2 (part), 2007)

**19.24.090 Content of special event permit application.**

The application for a special event permit should include the following:

- (1) The name, address, fax, cell, email address, and office telephone number of the applicant;
- (2) A certification that the applicant will be financially responsible for any city fees or costs that may be imposed for the special event;

- (3) The name, address, fax, cell, email address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any;
- (4) A list of emergency contacts that will be in effect during the event, and the event web address, if any; and
- (5) If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a signed, written communication from such organization:
  - (A) Authorizing the applicant to apply for the special event permit on its behalf;
  - (B) Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the special event;
  - (C) A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;
  - (6) All permit applications should include:
    - (A) A statement of the purpose of the special event;
    - (B) A statement of fees to be charged for the special event, including admissions tax documentation;
    - (C) The proposed location for the special event;
    - (D) Dates and times when the special event is to be conducted;
    - (E) The approximate times when assembly for, and disbanding of, the special event is to take place;
    - (F) The proposed locations of the assembly or production area;
    - (G) The specific proposed site or route, including a map and written narrative of the route;
    - (H) The proposed site of any reviewing stands;
    - (I) The proposed site for any disbanding area;
    - (J) Proposed alternate routes, sites or times, where applicable;
    - (K) The approximate number of persons, animals or vehicles that will constitute the special event;
    - (L) The kinds of animals anticipated to be part of the special event;
    - (M) A description of the types of vehicles to be used in the special event;
    - (N) The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;
    - (O) The number and location of portable sanitation facilities;
    - (P) Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;
    - (Q) The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for special events using city streets, sidewalks, or facilities;
    - (R) Provisions for first aid or emergency medical services, or both, based on special event risk factors;
    - (S) Insurance and surety bond information;
    - (T) Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity;
    - (U) The marketing plan with proposed timelines associated with marketing the activity to the general public;
    - (V) Event timeline documenting activities from event set-up to event tear-down; and
    - (W) Any other information required by the special event coordinator. (Ord. 4116 § 2 (part), 2007)

**19.24.100 Conditions affecting the issuance of a special event permit.**

(a) Where the event organizer has not requested and the special event does not require city services, equipment, or personnel, the special event coordinator may issue a special event permit when, based upon the completed application, all of the conditions listed in this section are met:

- (1) The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;

- (2) The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
  - (3) The special event will not block traffic lanes or close streets during peak commuter hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;
  - (4) The special event will not require the diversion of police employees from their normal duties;
  - (5) The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;
  - (6) The special event will move from its assembly location to its disbanding location expeditiously and without stopping en route;
  - (7) The special event will not substantially interfere with any other special event for which a permit has already been granted or with the provision of city services in support of other scheduled special events or unscheduled governmental functions; and
  - (8) The special event will not have significant adverse impact upon residential or business access and traffic circulation in the same general venue.
- (b) In order to ensure that the conditions in this section are met, the special event coordinator may place conditions on the special event permit. (Ord. 4116 § 2 (part), 2007)

**19.24.110 Reasons for denial of a special event permit.**

- (a) The special event coordinator may deny a special event permit to an applicant who has not:
- (1) Provided for the services of a sufficient number of trained and certified traffic controllers;
  - (2) Provided sufficient monitors for crowd control and safety two weeks prior to the event date;
  - (3) Provided sufficient safety, health, or sanitation equipment services, or facilities that are reasonably necessary to ensure that the special event will be conducted with due regard for safety;
  - (4) Provided sufficient off-site parking or shuttle service, or both, when required, to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the special event; or
  - (5) Met all of the requirements for submitting an application for a special event permit.
- (b) The special event coordinator may deny a special event permit if in the special event coordinator's opinion:
- (1) The special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;
  - (2) The special event will violate public health or safety laws;
  - (3) The special event fails to conform to the requirements of law or duly established city policy;
  - (4) The applicant demonstrates an inability or unwillingness to conduct a special event pursuant to the terms and conditions of this chapter;
  - (5) The applicant has failed to conduct a previously authorized or exempted special event in accordance with law or the terms of a permit, or both;
  - (6) The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur;
  - (7) The applicant has failed to provide an adequate first aid or emergency medical services plan based on special event risk factors; or
  - (8) The applicant has failed to pay all fees due from previous special events.
- (c) The special event coordinator may deny a special event permit to an applicant who has failed to comply with any term of this chapter or with any condition of a special event permit previously issued to the applicant. (Ord. 4116 § 2 (part), 2007)

**19.24.120 Denial of a special event permit application—Appeals from denial.**

(a) If the special event coordinator denies the application for the special event permit, pursuant to this section, he or she shall notify the applicant in writing as soon as is reasonably practicable.

(b) The denial of a special event permit may be appealed to the city manager or his or her designee.

(c) An appeal shall be made in writing within seven calendar days of the date of the written denial. An appeal is made by filing a written petition with the special event coordinator, setting forth the grounds for appeal and any documentation in support of the appeal.

(d) The city manager shall consider and decide the appeal as soon as is reasonably practicable and issue a written decision. (Ord. 4116 § 2 (part), 2007)

**19.24.130 Display of special event permit required.**

A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the special event coordinator applicable to the particular special event and shall be exhibited upon demand of any city official. (Ord. 4116 § 2 (part), 2007)

**19.24.140 Contents of special event permit.**

(a) The city may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. A special event permit may include the following information or conditions:

(1) The location of the special event venue, which may be identified by a map attached to the special event permit;

(2) The date, assembly area, time for assembly, and starting time of the special event;

(3) The specific route plan of the special event;

(4) The minimum and maximum speeds of the special event;

(5) The number and types of persons, animals, and vehicles or structures at the event; the number of bands, other musical units, and equipment capable of producing sound, if any; and limitations thereon pertaining to noise abatement, and inspection and approval of floats, structures, and decorated vehicles for fire safety;

(6) The maximum interval of space to be maintained between booths or other structures to be used for the special event;

(7) The portion of the street and sidewalk that is to be occupied by the special event;

(8) The location of reviewing or audience stands, if any;

(9) The number and location of traffic controllers, monitors, other support personnel and equipment, and barricades to be furnished by the special event organizer;

(10) The area and time for disbanding;

(11) The conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event;

(12) The provisions for any required emergency medical services; and

(13) Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for a professional event management company to produce an event or for the on-site presence of the event organizer or its designated representative for all special event coordination and management purposes.

(b) As a condition of the issuance of a special event permit, the applicant shall be required to do a walk-through of the event site with the special event coordinator prior to the event, and make adequate provisions for cleaning the area or route of the special event both during and upon completion of the special event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the special event. (Ord. 4116 § 2 (part), 2007)

**19.24.150 Special event coordinator's action on special event permit application.**

(a) Except as otherwise provided in this section, the special event coordinator shall take final action upon a completed application for a special event permit as soon as practicable.

(b) The special event coordinator is not required to take final action upon any special event permit application prior to one hundred eighty calendar days before the special event.

(c) The special event coordinator is not required to take final action on an incomplete or untimely special event permit application.

(d) The special event coordinator is not required to process more than one application for a special event permit per applicant during any two-week period.

(e) The special event coordinator is not required to take final action upon two or more special event permit applications submitted by the same applicant unless two or more weeks shall have elapsed between the respective dates of submission of each.

(f) Final action on a completed special event permit application shall consist of one of the following:

(1) Issuance of a special event permit in accordance with the terms of the application; or

(2) Issuance of a special event permit in accordance with the terms of the application, as conditioned by the special event coordinator or as modified by mutual agreement between the special event coordinator and the applicant; or

(3) Denial of the special event permit application by the special event coordinator. (Ord. 4116 § 2 (part), 2007)

**19.24.160 Insurance required to conduct special event.**

(a) The event organizer of a special event must possess or obtain comprehensive general liability insurance to protect the city against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event. Such insurance shall name the city of Kirkland, its officers, employees, and agents, and, as required, any other public entity involved in the special event, as additional insured. Insurance coverage must be maintained for the duration of the special event. Notice of cancellation shall be provided immediately to the city.

(b) Except as provided in this section, the comprehensive general liability insurance coverage required shall be in a combined single limit of at least one million dollars.

(c) If the special event is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the city's risk manager may authorize a greater or lesser amount of coverage than otherwise required, or may require a particular type of insurance coverage different from that specified in this section.

(d) The insurance required by this section shall encompass all liability insurance requirements imposed for other permits required under other sections of this chapter and is to be provided for the benefit of the city and not as a duty, express or implied, to provide insurance protection for spectators or participants.

(e) The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the special event coordinator at least thirty calendar days before the special event, unless the special event coordinator for good cause modifies the filing requirements. (Ord. 4116 § 2 (part), 2007)

**19.24.170 Waiver of insurance requirements.**

(a) Except for special events where the sale of alcoholic beverages is authorized, the insurance requirements of Section [19.24.160](#) may be waived. In making the determination of whether to waive insurance, the city shall consider the following factors:

(1) Whether it is an expressive activity special event governed by Section [19.24.220](#);

(2) Whether it is objectively impossible to obtain insurance coverage;

(3) Whether the special event will involve the use of equipment (other than sound equipment), vehicles, animals, fireworks, or pyrotechnics; or

(4) Whether a fee or donation is charged or required as a condition of admission or participation in the special event.

(b) To claim that it is objectively impossible to obtain insurance coverage pursuant to this section, the applicant shall submit a statement from at least two independent licensed insurance brokers demonstrating the insurance is unavailable in the marketplace.

(c) Even though insurance is waived, the city may require the event organizer of a special event to defend, indemnify, and hold harmless the city from any claim or liability arising from the special event. (Ord. 4116 § 2 (part), 2007)

#### **19.24.180 Revocation of special event permit.**

(a) Any special event permit issued pursuant to this chapter is subject to revocation, pursuant to this section.

(b) A special event permit may be revoked if the city determines:

(1) That the special event cannot be conducted without violating the standards or conditions for special event permit issuance;

(2) The special event is being conducted in violation of any condition of the special event permit;

(3) The special event poses a threat to health or safety;

(4) The event organizer or any person associated with the special event has failed to obtain any other permit required pursuant to the provisions of this chapter;

(5) The special event permit was issued in error or contrary to law;

(6) The applicant has not paid all fees when due; or

(7) The applicant has failed to provide confirmation or proof that it has obtained the minimum number of required volunteers to perform safety functions.

(c) Except as provided in this section, notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

(d) If there is an emergency requiring immediate revocation of a special event permit, the special event coordinator may notify the permit holder verbally of the revocation.

(e) An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of special event permits, pursuant to Section [19.24.120](#). (Ord. 4116 § 2 (part), 2007)

#### **19.24.190 Cost recovery for special events.**

Upon approval of an application for a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the special event coordinator should provide the applicant with a statement of the estimated cost of city services and of equipment, materials and permit fees.

(1) The full range of costs associated with special events shall be documented.

(2) A special event permit fee shall be charged. The amount of the fee shall be set administratively by the city manager or his or her designee.

(3) For special events in which benefits to recognized charitable organizations are a significant component, staff time and costs associated with day of event activities shall be charged based on the city's direct costs only. For all other special events, staff time and costs incurred shall be for the full amount of costs incurred by the city in connection with the event, including indirect costs of staff time such as benefits and all overhead costs associated with the position.

(4) The special event coordinator shall require payment of fees, or a reasonable estimate thereof, at the time the completed application is approved, unless the special event coordinator for good cause extends time for payment.

(5) If the event organizer fails to comply with the cleanup requirements of Section [19.24.140](#), the event organizer will be billed for actual city costs for cleanup and repair of the special event area or route.

(6) If the event organizer fails to comply with Section [19.24.140](#) or this section under a previously issued special event permit, the special event coordinator may require the event organizer to deposit adequate surety in the form of cash or bond. (Ord. 4116 § 2 (part), 2007)

**19.24.200 Effect of receipt of donations on status of tax-exempt nonprofit organizations.**

A tax-exempt nonprofit organization hosting a special event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes, or other consideration from for-profit organizations without causing the special event to be considered a commercial special event within the meaning of this chapter. Such acknowledgment may include use of the name, trademark, service mark, or logo of such a for-profit organization in the name or title of the special event or the prominent appearance of the same in advertising or on collateral material associated with the special event. (Ord. 4116 § 2 (part), 2007)

**19.24.220 Expressive activity special event.**

When a special event permit is sought for an expressive activity such as a demonstration, rally, or march as defined in this chapter, the following exceptions shall apply:

(1) Where the special event will not require temporary street closures, cost recovery, pursuant to Section [19.24.190](#), shall be limited solely to a fee based on the cost of processing the permit application.

(2) The insurance requirement of Section [19.24.160](#) shall be waived; provided, that the event organizer has filed with the application a verified statement that he or she intends the special event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression. The verified statement shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

(3) Where the special event will require temporary street closures and any one or more of the conditions of subsection (4) of this section, are met requiring the city to provide services in the interests of public health, safety, and welfare, the special event coordinator may condition the issuance of the special event permit upon payment of actual, direct costs incurred by the city to a maximum of five hundred dollars. Any fee schedule adopted by the city shall contain a provision for waiver of, or a sliding scale for payment of, fees for city services, including police costs, on the basis of ability to pay.

(4) The city may deny a special event permit for a demonstration, rally or march if:

(A) The special event will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;

(B) The special event will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;

(C) The special event will block traffic lanes or close streets during peak commuter hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;

(D) The special event will require the diversion of police employees from their normal duties;

(E) The concentration of persons, animals, or vehicles will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;

(F) The special event will substantially interfere with another special event for which a permit has already been granted or with the provision of city services in support of other scheduled special events; or

(G) The special event will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(5) With regard to the permitting of expressive activity special events where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

(6) Sections [19.24.100](#), [19.24.110](#) and [19.24.260](#) of this chapter shall not apply to expressive activity special events. (Ord. 4116 § 2 (part), 2007)

**19.24.240 Delegation of city manager's authority.**

The city manager may delegate any or all of his or her functions under this chapter to his or her deputies or subordinates. (Ord. 4116 § 2 (part), 2007)

**19.24.250 City manager authorized to adopt rules and regulations.**

The city manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event. (Ord. 4116 § 2 (part), 2007)

**19.24.260 Authorized special event vendors.**

(a) The issuance of a special event permit confers upon the permit holder or event organizer the right to control and regulate the sale of goods, food, and beverages within the special event venue in accordance with the terms and conditions of the special event permit.

(b) Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by the city manager. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue. (Ord. 4116 § 2 (part), 2007)

**19.24.270 Unlawful to conduct or promote attendance at special event without permit.**

(a) It is unlawful to conduct a special event without a special event permit as required pursuant to this chapter.

(b) It is unlawful for any person to conduct, promote, or manage any special event for which a special event permit has not been issued. (Ord. 4116 § 2 (part), 2007)

**19.24.280 Other permits and licenses.**

The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Kirkland Municipal Code or any other applicable law. (Ord. 4116 § 2 (part), 2007)

**19.24.290 Unlawful to sell goods in special event venue without authorization.**

It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food, or beverages in a special event venue except for authorized special event vendors. (Ord. 4116 § 2 (part), 2007)

**19.24.300 Cost recovery for unlawful special event.**

Whenever a special event is conducted without a special event permit when one is required or is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the city shall charge the event organizer for, all city costs incurred as a result of the adverse impacts of the special event or the violation of the special event permit. (Ord. 4116 § 2 (part), 2007)

**19.24.310 Penalties for violations.**

(a) The special event permit authorizes the applicant to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the applicant to violate the terms and conditions of the permit, or for any event participant to violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired. An event applicant cannot make changes to the permit. All requests for changes must be submitted for review by the special event coordinator.

(b) Any person or organization violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or both such fine and imprisonment. (Ord. 4116 § 2 (part), 2007)

**DRAFT REVISIONS OCTOBER 1, 2013****Chapter 19.24****SPECIAL EVENTS****Sections:**

- [19.24.010](#) Definitions.
- [19.24.020](#) Special event permit required.
- [19.24.030](#) Exceptions to special event permit requirement.
- [19.24.040](#) Issuance of a special event permit does not obligate city services.
- [19.24.050](#) Priority of special event permit issuance.
- [19.24.060](#) Time for filing application for special event permit.
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- [19.24.290](#) Unlawful to sell goods in special event venue without authorization.
- [19.24.300](#) Cost recovery for unlawful special event.
- [19.24.310](#) Penalties for violations.

**19.24.010 Definitions.**

Terms used in this chapter shall have the following meanings:

( ) “Community Event” means a special event designated as such by the City Council which is intended primarily for Kirkland residents, is free of an admission charge, is organized by the city or a recognized Kirkland non-profit agency, and is intended to celebrate an important community holiday or tradition.

( ) “Community Programs” means activities of an on-going nature which are open to the public and provided free of an admission charge, such as weekly farmer’s markets and park performing arts series.

( ) “Major Event” means any special event that causes the closure or limited use of streets, sidewalks, public parking, parks or other public venues normally accessible by the general public or a special event that causes significant impacts to the public.

( ) “Fundraising Event” means a special event held by a non-profit entity that is primarily for the purposes of fund-raising for the benefit of the sponsoring non-profit.

( ) “Tourism Event” means any special event that furthers the City’s economic development goals, is primarily intended to attract participants from out of the immediate area and is eligible to receive funding from lodging tax funds. The receipt of lodging tax funds granted by the City for an event is contingent upon the issuance of a special event permit and the successful implementation of the event.

( ) “Benefitting a Kirkland Non-Profit” means a financial benefit for a non-profit agency serving Kirkland residents. The financial contribution should represent no less than 10% of the net profits of the event.

(1) “Demonstration” means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.

(2) “Event organizer” means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event.

(3) “Event management company” means an entity with expertise in managing special events.

(4) “Expressive activity” includes conduct the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include ~~fairs, festivals, concerts, performances, parades, athletic sports events, including marathons,~~ fundraising events, or events the principal purpose of which is entertainment.

(5) “Gross revenues” means the sum of all revenues received by an event organizer for a special event including, but not limited to, cash receipts, licensing, sponsorships, television, advertising and similar revenues, and concessions.

(6) “March” means an organized walk or event whose principal purpose is expressive activity in service of a public cause.

(7) “Noncommercial special event” means any special event organized and conducted by a person or entity that qualifies as a tax-exempt nonprofit organization, or a special event whose principal purpose is expressive activity.

(8) “Rally” means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

(9) “Sidewalk” means that portion of a right-of-way, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

(10) “Sign” means any ~~sign~~, pennant, flag, banner, inflatable display, or other attention-seeking device.

(11) “Special event service team” means representatives assigned by their respective department directors to represent the interests of their department as it relates to the issuance of special event permits.

(12) “Special event” means any fair, ~~festival~~, festival, concert, performance, show, parade, run/walk/bike, or other publicly attended entertainment or celebration which is to be held in whole or in part upon publicly owned property or public rights-of-way, or if held wholly upon private property, will

nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of such event.

(13) "Special event permit" means a permit issued under this chapter.

(14) "Special event venue" means that area for which a special event permit has been issued.

(15) "Street" means any place that is publicly maintained and open to use of the public for purposes of vehicular travel, including highways.

(16) "Tax-exempt nonprofit organization" means an organization that is exempted from payment of income taxes by federal or state law and has been in existence for a minimum of six months preceding the date of application for a special event permit.

(17) "Vendor" means any person who sells or offers to sell any services, goods, food, or beverages within a special event venue. (Ord. 4116 § 2 (part), 2007)

( ) "Picketing" means a person posted by a labor organization at a place of work affected by a strike; or a person posted for a demonstration or protest.

( ) "Certified race director" means a person who has successfully completed an educational program and received nationally recognized credentials showing the recipient has the knowledge required to conduct safe events for rides, runs, walks, and swims.

#### **19.24.020 Special event permit required.**

(a) Except as provided elsewhere in this chapter, any person or entity who conducts, promotes, or manages a special event shall first obtain a special event permit from the special event coordinator.

(b) The special event coordinator is authorized to issue permits for special events occurring within the city limits, pursuant to the procedures established in this chapter. The special event coordinator is authorized to determine the special event venue. The special event coordinator may impose reasonable conditions on the use of the special events venue based on the provisions of this chapter. The special event coordinator shall coordinate the issuance of a special event permit with the special event team and other public agencies through whose jurisdiction or property the special event or portion thereof occurs and to issue a special event permit upon the concurrence of other public agencies involved. (Ord. 4116 § 2 (part), 2007)

#### **19.24.030 Exceptions to special event permit requirement.**

( ) Community programs, which must be applied for through a separate city process.

(a) Although not required to be issued a special event permit, an event organizer of an activity exempted from this chapter is required to comply with all local, state and federal laws and regulations governing public safety or health.

(b) The following activities are exempt from having to obtain a special event permit:

(1) ~~Parades, athletic events or other special events that occur exclusively in city parks and are sponsored or conducted in full by the city of Kirkland parks department, which must be applied for through a separate city process;~~

(2) Funeral procession by a licensed mortuary;

(3) ~~Public G~~atherings of one hundred or fewer people in a city park, unless merchandise or services are offered for sale or trade to the public, in which case a special event permit is required;

- (4) Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales;
- (5) Garage sales, rummage sales, lemonade stands and car washes;
- (6) Private events held entirely on private property that do not involve the use of or have an impact on public property or facilities and that do not require the provision of city public safety services;
- (7) Activities conducted by a governmental agency acting within the scope of its authority;
- (8) Lawful picketing on sidewalks; and
- (9) Block parties, which must be applied for through a separate, streamlined city process. (Ord. 4116 § 2 (part), 2007)

**19.24.040 Issuance of a special event permit does not obligate city services.**

Issuance of a special event permit under this chapter does not obligate or require the city of Kirkland to provide city services, equipment, or personnel in support of a special event. (Ord. 4116 § 2 (part), 2007)

**19.24.050 Priority of special event permit issuance.**

Except for a special event sponsored by the city, priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations ~~operating in and~~ providing services to the citizens of the city. (Ord. 4116 § 2 (part), 2007)

Dates will be reserved on a first-come, first-served basis not more than one year prior to the proposed date of the event. When on the same business day more than one applicant requests the same date and venue for their event, the following criteria will be applied in the following order:

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

Special Event applicants may be granted permission to hold the same event for an additional two years on the same weekend at the same venue if "success" criteria have been met. The Special event application process shall be followed each year.

Success Criteria:

- a) All previous special event fees have been paid in full.
- b) Previous special event successfully provided for public safety (event safety plans, traffic control apparatus and volunteers), health (first aid provisions and public health requirements), and sanitation (sufficient number of maintained restroom facilities, maintenance and disposal of event garbage/recycling).
- c) Previous special events properly cared for city facilities/equipment resulting in no damage.
- d) Previous special event applications were properly completed, submitted on time, and in the required format

**19.24.060 Time for filing application for special event permit.**

(a) Except as otherwise provided in this chapter, a pre-application meeting shall be held no less than one year in advance of a new special event and no less than six months in advance of a repeat special event. Upon good cause shown and provided that there is no significant risk or burden to the city, the special event coordinator may, in his or her discretion, allow a later pre-application meeting.

(b) A complete application for a special event permit shall be filed with the special event coordinator not less than forty-five calendar days before the time when it is proposed to conduct the special event. Upon good cause shown and provided that no risk or burden to the city ensues, the special event coordinator has discretion to allow a later filing.

(c) An application for an expressive activity special event permit shall be filed with the special event coordinator no less than seven calendar days before the time when it is proposed to conduct the expressive activity special event. Upon good cause shown and provided that no risk or burden to the city ensues, the special event coordinator may, in his or her discretion, allow a later filing. (Ord. 4116 § 2 (part), 2007)

**19.24.070 When application for special event permit is deemed complete.**

An application for a special event permit is deemed complete when the applicant has provided all of the information required ~~in Section 19.24.090, including any additional information~~ required by the special event coordinator, and where city services are to be provided, the application has been approved by any involved city department, or the special event service team, and the city manager and the city council, if required. (Ord. 4116 § 2 (part), 2007)

**19.24.080 Date of special event not confirmed until notice of confirmation issued.**

Notwithstanding the special event coordinator's acceptance of a completed application, the date of the event shall not be considered confirmed and the applicant shall not market or promote the event until the special event coordinator issues a written notice of confirmation. (Ord. 4116 § 2 (part), 2007)

**~~19.24.090 Content of special event permit application.~~**

~~The application for a special event permit should include the following:~~

- ~~(1) The name, address, fax, cell, email address, and office telephone number of the applicant;~~
- ~~(2) A certification that the applicant will be financially responsible for any city fees or costs that may be imposed for the special event;~~
- ~~(3) The name, address, fax, cell, email address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any;~~
- ~~(4) A list of emergency contacts that will be in effect during the event, and the event web address, if any; and~~
- ~~(5) If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a signed, written communication from such organization:
  - ~~(A) Authorizing the applicant to apply for the special event permit on its behalf;~~
  - ~~(B) Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the special event;~~
  - ~~(C) A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;~~~~
- ~~(6) All permit applications should include:
  - ~~(A) A statement of the purpose of the special event;~~
  - ~~(B) A statement of fees to be charged for the special event, including admissions tax documentation;~~~~

- ~~{C} The proposed location for the special event;~~
- ~~{D} Dates and times when the special event is to be conducted;~~
- ~~{E} The approximate times when assembly for, and disbanding of, the special event is to take place;~~
- ~~{F} The proposed locations of the assembly or production area;~~
- ~~{G} The specific proposed site or route, including a map and written narrative of the route;~~
- ~~{H} The proposed site of any reviewing stands;~~
- ~~{I} The proposed site for any disbanding area;~~
- ~~{J} Proposed alternate routes, sites or times, where applicable;~~
- ~~{K} The approximate number of persons, animals or vehicles that will constitute the special event;~~
- ~~{L} The kinds of animals anticipated to be part of the special event;~~
- ~~{M} A description of the types of vehicles to be used in the special event;~~
- ~~{N} The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;~~
- ~~{O} The number and location of portable sanitation facilities;~~
- ~~{P} Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;~~
- ~~{Q} The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for special events using city streets, sidewalks, or facilities;~~
- ~~{R} Provisions for first aid or emergency medical services, or both, based on special event risk factors;~~
- ~~{S} Insurance and surety bond information;~~
- ~~{T} Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity;~~
- ~~{U} The marketing plan with proposed timelines associated with marketing the activity to the general public;~~
- ~~{V} Event timeline documenting activities from event set-up to event tear-down; and~~
- ~~{W} Any other information required by the special event coordinator. (Ord. 4116-5-2 (part), 2007)~~

**19.24.090 Limitations on special events.**

( ) No more than two (2) special event permits shall be issued per calendar month at any one venue, or along any one street. The Central Business District and Marina Park shall be considered as the same. This limitation shall not apply to Community Events designated by the City Council.

( ) Special Events shall be limited to no more than three (3) consecutive calendar days; one additional day may be permitted for event load-in or load-out.

( ) Athletic events, including runs and bike races, shall be restricted to city streets or designated trails; sidewalks will remain open for use by the general public. Organized walks may take place on city streets, trails, or sidewalks.

( ) Athletic events held on city streets which include road closures, either rolling or stationary, shall clear the street of all participants and traffic control devices no later than 12:00 p.m.

( ) Athletic event organizers will limit the number of participants in race events to:

- a) 3,000 registered participants for road events longer than 13 miles
- b) 2,000 registered participants for road events shorter than 13 miles

**19.24.100 Conditions affecting the issuance of a special event permit.**

(a) Where the event organizer has not requested and the special event does not require city services, equipment, or personnel, the special event coordinator may issue a special event permit when, based upon the completed application, all of the conditions listed in this section are met:

- (1) The special event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
- (2) The special event will not cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;
- (3) The special event will not block traffic lanes or close streets during peak ~~commuter~~commute hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;
- (4) The special event will not require the diversion of police employees from their normal duties;
- (5) The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;
- (6) The special event will move from its assembly location to its disbanding location expeditiously and without stopping en route;
- (7) The special event will not substantially interfere with any other special event for which a permit has already been granted or with the provision of city services in support of other scheduled special events or unscheduled governmental functions; and
- (8) The special event will not have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(b) In order to ensure that the conditions in this section are met, the special event coordinator may place conditions on the special event permit. (Ord. 4116 § 2 (part), 2007)

**19.24.110 Reasons for denial of a special event permit.**

(a) The special event coordinator may deny a special event permit to an applicant who has not:

- (1) Provided for the services of a sufficient number of trained and certified traffic controllers;
- (2) Provided sufficient monitors for crowd control and safety two weeks prior to the event date;
- (3) Provided sufficient safety, health, or sanitation equipment services, or facilities that are reasonably necessary to ensure that the special event will be conducted with due regard for safety;
- (4) Provided sufficient off-site parking or shuttle service, or both, when required, to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the special event;
- ~~or~~
- (5) Met all of the requirements for submitting an application for a special event permit.

( ) Conducted an authorized or exempted special event in accordance with law or the terms of the permit, or both;

~~( ) Provided an adequate first aid or emergency medical services plan based on special event risk factors;~~

~~( ) Obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or~~

~~( ) Paid all fees due from a previous special event.~~

(b) The special event coordinator may deny a special event permit if in the special event coordinator's opinion:

(1) The special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;

(2) The special event will violate public health or safety laws;

(3) The special event fails to conform to the requirements of law or duly established city policy;

(4) The applicant demonstrates an inability or unwillingness to conduct a special event pursuant to the terms and conditions of this chapter;

~~(5) The applicant has failed to conduct a previously authorized or exempted special event in accordance with law or the terms of a permit, or both;~~

~~(6) The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur;~~

~~(7) The applicant has failed to provide an adequate first aid or emergency medical services plan based on special event risk factors; or~~

~~(8) The applicant has failed to pay all fees due from previous special events.~~

(c) The special event coordinator may deny a special event permit to an applicant who has failed to comply with any term of this chapter or with any condition of a special event permit previously issued to the applicant. (Ord. 4116 § 2 (part), 2007)

**19.24.120 Denial of a special event permit application—Appeals from denial.**

(a) If the special event coordinator denies the application for the special event permit, pursuant to this section, he or she shall notify the applicant in writing as soon as is reasonably practicable.

(b) The denial of a special event permit may be appealed to the city manager or his or her designee.

(c) An appeal shall be made in writing within seven calendar days of the date of the written denial. An appeal is made by filing a written petition with the special event coordinator, setting forth the grounds for appeal and any documentation in support of the appeal.

(d) The city manager shall consider and decide the appeal as soon as is reasonably practicable and issue a written decision. (Ord. 4116 § 2 (part), 2007)

**19.24.130 Display of special event permit required.**

A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the special event coordinator applicable to the particular special event and shall be exhibited upon demand of any city official. (Ord. 4116 § 2 (part), 2007)

**19.24.140 Contents of special event permit.**

(a) The city may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. ~~A special event permit may include the following information or conditions:~~

- ~~(1) The location of the special event venue, which may be identified by a map attached to the special event permit;~~
- ~~(2) The date, assembly area, time for assembly, and starting time of the special event;~~
- ~~(3) The specific route plan of the special event;~~
- ~~(4) The minimum and maximum speeds of the special event;~~
- ~~(5) The number and types of persons, animals, and vehicles or structures at the event; the number of bands, other musical units, and equipment capable of producing sound, if any; and limitations thereon pertaining to noise abatement, and inspection and approval of floats, structures, and decorated vehicles for fire safety;~~
- ~~(6) The maximum interval of space to be maintained between booths or other structures to be used for the special event;~~
- ~~(7) The portion of the street and sidewalk that is to be occupied by the special event;~~
- ~~(8) The location of reviewing or audience stands, if any;~~
- ~~(9) The number and location of traffic controllers, monitors, other support personnel and equipment, and barricades to be furnished by the special event organizer;~~
- ~~(10) The area and time for disbanding;~~

(11) The conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event;

(12) The provisions for any required emergency medical services; and

(13) Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for a professional event management company or certified race director to produce an event or for the on-site presence of the event organizer or its designated representative for all special event coordination and management purposes.

(b) As a condition of the issuance of a special event permit, the applicant shall be required to do a walk-through of the event site with the special event coordinator prior to the event, and make adequate provisions for cleaning the area or route of the special event both during and upon completion of the special event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the special event. (Ord. 4116 § 2 (part), 2007)

**19.24.150 Special event coordinator's action on special event permit application.**

(a) Except as otherwise provided in this section, the special event coordinator shall take final action upon a completed application for a special event permit no less than five business days prior to the event, as soon as practicable.

(b) The special event coordinator is not required to take final action upon any special event permit application prior to one hundred eighty calendar days before the special event.

(c) The special event coordinator is not required to take final action on an incomplete or untimely special event permit application.

~~(d) The special event coordinator is not required to process more than one application for a special event permit per applicant during any two-week period.~~

~~(e) The special event coordinator is not required to take final action upon two or more special event permit applications submitted by the same applicant unless two or more weeks shall have elapsed between the respective dates of submission of each.~~

(f) Final action on a completed special event permit application shall consist of one of the following:

- (1) Issuance of a special event permit in accordance with the terms of the application; or
- (2) Issuance of a special event permit in accordance with the terms of the application, as conditioned by the special event coordinator or as modified by mutual agreement between the special event coordinator and the applicant; or
- (3) Denial of the special event permit application by the special event coordinator. (Ord. 4116 § 2 (part), 2007)

**19.24.160 Insurance required to conduct special event.**

(a) The event organizer of a special event must possess or obtain comprehensive general liability insurance to protect the city against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event. Such insurance shall name the city of Kirkland, its officers, employees, and agents, and, as required, any other public entity involved in the special event, as additional insured. Insurance coverage must be maintained for the duration of the special event. Notice of cancellation shall be provided immediately to the city.

(b) Except as provided in this section, the comprehensive general liability insurance coverage required shall be in a combined single limit of at least one million dollars.

(c) If the special event is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the city's ~~safety/risk manager analyst~~ may authorize a greater or lesser amount of coverage than otherwise required, or may require a particular type of insurance coverage different from that specified in this section.

(d) The insurance required by this section shall encompass all liability insurance requirements imposed for other permits required under other sections of this chapter and is to be provided for the benefit of the city and not as a duty, express or implied, to provide insurance protection for spectators or participants.

(e) The event organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the special event coordinator at least ~~thirty-fourteen~~ calendar days before the special event, unless the special event coordinator for good cause modifies the filing requirements. (Ord. 4116 § 2 (part), 2007)

**19.24.170 Waiver of insurance requirements.**

(a) Except for special events where the sale of alcoholic beverages is authorized, the insurance requirements of Section ~~19.24.160~~ 19.24.160 may be waived. In making the determination of whether to waive insurance, the city shall consider the following factors:

- (1) Whether it is an expressive activity special event governed by Section ~~19.24.220~~ 19.24.220;
- (2) Whether it is objectively impossible to obtain insurance coverage;

(3) Whether the special event will involve the use of equipment ~~(other than sound equipment) such as;~~ vehicles, animals, fireworks, ~~or pyrotechnics,~~ water vessels, or inflatable bouncers; or

(4) Whether a fee or donation is charged or required as a condition of admission or participation in the special event.

(b) To claim that it is objectively impossible to obtain insurance coverage pursuant to this section, the applicant shall submit a statement from at least two independent licensed insurance brokers demonstrating the insurance is unavailable in the marketplace.

(c) Even though insurance is waived, the city may require the event organizer of a special event to defend, indemnify, and hold harmless the city from any claim or liability arising from the special event. (Ord. 4116 § 2 (part), 2007)

**19.24.180 Revocation of special event permit.**

(a) Any special event permit issued pursuant to this chapter is subject to revocation, pursuant to this section.

(b) A special event permit may be revoked if the city determines:

(1) That the special event cannot be conducted without violating the standards or conditions for special event permit issuance;

(2) The special event is being conducted in violation of any condition of the special event permit;

(3) The special event poses a threat to health or safety;

(4) The event organizer or any person associated with the special event has failed to obtain any other permit required pursuant to the provisions of this chapter;

(5) The special event permit was issued in error or contrary to law;

(6) The applicant has not paid all fees when due; or

~~(7) The applicant has failed to provide confirmation or proof that it has obtained the minimum number of required volunteers to perform safety functions.~~

(c) Except as provided in this section, notices of revocation shall be in writing and specifically set forth the reasons for the revocation.

(d) If there is an emergency requiring immediate revocation of a special event permit, the special event coordinator may notify the permit holder verbally of the revocation.

(e) An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of special event permits, pursuant to Section ~~19.24.120~~19.24.120. (Ord. 4116 § 2 (part), 2007)

**19.24.190 Cost recovery for special events.**

Upon approval of an application for a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the special event coordinator should provide the applicant with a statement of the estimated cost of city services and of equipment, materials and permit fees.

(1) The full range of costs associated with special events shall be documented.

(2) A special event permit fee shall be charged. The amount of the fee shall be set administratively by the city manager or his or her designee.

(3) For special events in which benefits to recognized charitable organizations are a significant component, staff time and costs associated with day of event activities shall be charged based on the city's ~~direct costs only~~ published fee schedule. For all other special events, staff time and costs incurred with day of event activities shall be for the full amount of costs incurred by the city in connection with the event, including indirect costs of staff time such as benefits and all overhead costs associated with the position.

(4) The special event coordinator shall require payment of fees, or a reasonable estimate thereof, at the time the completed application is approved, unless the special event coordinator for good cause extends time for payment.

(5) If the event organizer fails to comply with the cleanup requirements of Section ~~19.24.140~~ 19.24.140, the event organizer will be billed for actual city costs for cleanup and repair of the special event area or route.

(6) If the event organizer fails to comply with Section ~~19.24.140~~ 19.24.140 or this section under a previously issued special event permit, the special event coordinator may require the event organizer to deposit adequate surety in the form of cash or bond. (Ord. 4116 § 2 (part), 2007)

**19.24.200 Effect of receipt of donations on status of tax-exempt nonprofit organizations.**

A tax-exempt nonprofit organization hosting a special event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes, or other consideration from for-profit organizations without causing the special event to be considered a commercial special event within the meaning of this chapter. Such acknowledgment may include use of the name, trademark, service mark, or logo of such a for-profit organization in the name or title of the special event or the prominent appearance of the same in advertising or on collateral material associated with the special event. (Ord. 4116 § 2 (part), 2007)

**19.24.220 Expressive activity special event.**

When a special event permit is sought for an expressive activity such as a demonstration, rally, or march as defined in this chapter, the following exceptions shall apply:

(1) Where the special event will not require temporary street closures, cost recovery, pursuant to Section ~~19.24.190~~ 19.24.190, shall be limited solely to a fee based on the cost of processing the permit application.

(2) The insurance requirement of Section ~~19.24.160~~ 19.24.160 shall be waived; provided, that the event organizer has filed with the application a verified statement that he or she intends the special event purpose to be First Amendment expression and the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression. The verified statement shall include the name and address of one insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

(3) Where the special event will require temporary street closures ~~and any one or more of the conditions of subsection (4) of this section, are met~~ requiring the city to provide services in the interests of public health, safety, and welfare, the special event coordinator may condition the issuance of the special event permit upon payment of actual, direct costs incurred by the city to a maximum of five hundred dollars. ~~Any fee schedule adopted by the city shall contain a provision for waiver of, or a sliding scale for payment of, fees for city services, including police costs, on the basis of ability to pay.~~

(4) The city may deny a special event permit for a demonstration, rally or march if:

(A) The special event will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;

(B) The special event will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility;

(C) The special event will block traffic lanes or close streets during peak ~~commuter-commute~~ hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's public works department;

(D) The special event will require the diversion of police employees from their normal duties;

(E) The concentration of persons, animals, or vehicles will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;

(F) The special event will substantially interfere with another special event for which a permit has already been granted or with the provision of city services in support of other scheduled special events; or

(G) The special event will have significant adverse impact upon residential or business access and traffic circulation in the same general venue.

(5) With regard to the permitting of expressive activity special events where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

(6) Sections ~~19.24.100~~19.24.100, ~~19.24.110~~19.24.110 and ~~19.24.260~~19.24.260 of this chapter shall not apply to expressive activity special events. (Ord. 4116 § 2 (part), 2007)

**19.24.240 Delegation of city manager's authority.**

The city manager may delegate any or all of his or her functions under this chapter to his or her deputies or subordinates. (Ord. 4116 § 2 (part), 2007)

**19.24.250 City manager authorized to adopt rules and regulations.**

The city manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event. (Ord. 4116 § 2 (part), 2007)

**19.24.260 Authorized special event vendors.**

(a) The issuance of a special event permit confers upon the permit holder or event organizer the right to control and regulate the sale of goods, food, and beverages within the special event venue in accordance with the terms and conditions of the special event permit.

~~(b) Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by the city manager. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue. (Ord. 4116 § 2 (part), 2007)~~

**19.24.270 Unlawful to conduct or promote attendance at special event without permit.**

(a) It is unlawful to conduct a special event without a special event permit as required pursuant to this chapter.

( ) It is unlawful for any person to promote any special event for which a special event permit application has not been approved.

(b) It is unlawful for any person to conduct, ~~promote~~, or manage any special event for which a special event permit has not been issued. (Ord. 4116 § 2 (part), 2007)

**19.24.280 Other permits and licenses.**

The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Kirkland Municipal Code or any other applicable law. (Ord. 4116 § 2 (part), 2007)

**19.24.290 Unlawful to sell goods in special event venue without authorization.**

It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food, or beverages in a special event venue except for authorized special event vendors and vendors under city contract. (Ord. 4116 § 2 (part), 2007)

19.24.--- Conditions for beer and wine gardens.

( ) Beer and wine gardens shall be subject to the following conditions:

- The sale, service, and consumption of beer/wine must be confined to a designated location(s).
- Beer/wine may be sold, served, and consumed between 8 am and 11 pm, seven days a week. After 11 pm no one may possess, consume or be served alcohol.
- Beer/wine may only be served when food is also available in conjunction with the special event.
- The event organizer is responsible for securing entrances and exits with staff checking for twenty-one (21) and over identification.
- Alcoholic beverages may not be removed from or brought into the garden; except for original unopened bottles purchased for off-site consumption.
- The beer/wine garden shall be separately fenced with six foot high chain link fencing or 42 inch high picket fencing.
- Tables, counters, ledges or similar surfaces may not be used as barriers between restricted and non-restricted areas.
- Where alcohol is served or consumed, event organizers must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.
- The presence of no less than two city of Kirkland police officers is required during public beer/wine garden hours.

A breach of any of the foregoing conditions shall constitute grounds for immediate revocation of the permit.

**19.24.300 Cost recovery for unlawful special event.**

Whenever a special event is conducted without a special event permit when one is required or is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the city shall charge the event organizer for, all city costs incurred as a result of the adverse impacts of the special event or the violation of the special event permit. (Ord. 4116 § 2 (part), 2007)

**19.24.310 Penalties for violations.**

(a) The special event permit authorizes the applicant to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the applicant to violate the terms and conditions of the permit, or for any event participant to violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired. An event applicant cannot make changes to the permit. All requests for changes must be submitted for review by the special event coordinator.

(b) Any person or organization violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or both such fine and imprisonment. (Ord. 4116 § 2 (part), 2007)

**2014 SPECIAL EVENT CALENDAR**

JANUARY							FEBRUARY							MARCH						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28		23	24	25	26	27	28	29
														30	31					
APRIL							MAY							JUNE						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5					1	2	3	1	2	3	4	5	6	7
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
27	28	29	30				25	26	27	28	29	30	31	29	30					
JULY							AUGUST							SEPTEMBER						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2		1	2	3	4	5	6
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30				
							31													
OCTOBER							NOVEMBER							DECEMBER						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1		1	2	3	4	5	6
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			
							30													

**EVENT DETAIL**

JANUARY	JUNE	SEPTEMBER
18 - "Live and Not Die" A walk to beat cancer		14 - TriFREAKS Kirkland Triathlon (JP)
FEBRUARY	JULY	20 - Seattle 3-Day (MP/HP/JP/132)
	4 - Celebrate Kirkland Parade & Fireworks (CBD/MA)	26, 27, 28 - Kirkland Oktoberfest (MA)
MARCH	5 - No. 123 Rue des Park Lane (CBD)	OCTOBER
15 - Kirkland Shamrock Run 5k (MA)	18, 19, 20 - Kirkland Uncorked (MA)	3, 4, 5 - Kirkland Harvest Festival (MA)
APRIL	27 - Kirkland Classic Car Show (CBD/MA)	NOVEMBER
18 - Good Friday Walks (CBD & JP)	AUGUST	23 - Turkey Trot Fun Run/Walk (MA)
MAY	8, 9, 10 - Summerfest (CBD/MA/PK)	DECEMBER
4 - Bark For Life (EM)	9-16 - Jr. Little League World Series (EV)	6 - Holiday Tree Lighting (CBD)
11 - Kirkland Half Marathon & 5k (JP)	24 - Park to Park Swim (OO)	14 - 12K's of Christmas (MA)
17 - NAMI Walk (MA)	Mighty, Tightly, Whitey Run	
17 - CROP Walk (TL/EH)		
26 - 7 Hills of Kirkland (MA)		

CBD - Central Business District	HP - Heritage Park	PK - Peter Kirk Park
EM - Edith Moulton Park	JP - Juanita Beach Park	PKCC - Peter Kirk Community Center
EV - Evergreen Hill Neighborhood	LWHS - Lake Washington High School	TL - Totem Lake Neighborhood
EV - Everest Park	MA - Marina Park	132 - 132nd Square Park
HH - Heritage Hall	OO - OO Denny	

Tentative Date Hold	Confirmed	NEW EVENT: ADMIN HOLD
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2014 Tourism Funding Applications			
Event Name	Organization	Date of Event	Location
12K's of Christmas Holiday Run	Pro-Motion Events	December 14	Marina Park
Early Music Fridays	Early Music Guild	January 10 & 31	Northlake Unitarian Universalist Church
Fall Fashion Nights	Greater Kirkland Chamber of Commerce	September 25–26	Lake Street between Milagro Cantina and Hector's Restaurant
Junior Softball World Series	Little League Baseball and Softball, Inc	Mid-August	Everest Park
Kirkland Artist Studio Tours	Kirkland Arts Center	May 10–11	KAC, private studios
Kirkland Classic Car Show	Kirkland Downtown Association	July 27	Marina Park and Downtown Kirkland
Kirkland Events Guide	Kirkland Events Foundation	April/May	N/A
Kirkland Garden Tour	Juanita Neighborhood Association	June 28	Forbes house and private homes
Kirkland Oktoberfest	Kirkland Events Foundation	September 26–28	Marina Park
Kirkland Summer Concert Series	KDA or KEF	July 8–August 22	Marina Park and Juanita Beach Park
Kirkland Summerfest	Kirkland Events Foundation	August 8–10	Marina Park and Downtown Kirkland
Kirkland Triathlon	TriFREAKS	September 14	Juanita Beach Park
Kirkland Uncorked	Kirkland Uncorked	July 18–20	Marina Park
Loomis House Marketing Strategy	Loomis House Bed and Breakfast	2014	Kirkland
Mighty Tightly Whitey	TriFREAKS	August 9	Marina Park
Seven Hills of Kirkland Cycling to End Homelessness	Kirkland Interfaith Transitions in Housing (KITH)	May 26	Start: Marina Park 100 miles of Kirkland Roads
SIFF Kirkland	SIFF	May 15–June 8	Kirkland Performance Center
"Sit 'n Stay"	Kirkland Performance Center	January 1–April 6	Kirkland Performance Center
Synchro Soiree	Seattle Synchro	April 27	Juanita Aquatics Center
Tall Ships	Woodmark Hotel	August 27–September 3	Carillon Point



**CITY OF KIRKLAND**  
Department of Public Works  
123 Fifth Avenue, Kirkland, WA 98033  
425.587.3800 [www.kirklandwa.gov](http://www.kirklandwa.gov)

**To:** Kurt Triplett, City Manager

**From:** Phyllis Blower, Administrative Assistant  
Pam Bissonnette, Interim Public Works Director

**Date:** September 19, 2013

**Subject:** Walk Your Child to School Week Proclamation

**RECOMMENDATION:**

It is recommended that the Mayor proclaims October 7-11, 2013, as Walk Your Child to School Week in Kirkland.

**BACKGROUND DISCUSSION:**

The City of Kirkland has been active in partnering with Lake Washington School District to develop safe routes to school in the past several years. In addition to sidewalk improvements, thanks to the Streets levy, as many as ten crosswalks will be upgraded with Rapid Flashing Beacons (RFBs). RFBs are attached to the pedestrian crossing sign and emit an amber-colored flashing light when activated by pedestrians. The light warns approaching drivers to yield to pedestrians (and bicyclists) entering the crosswalk. Some of these upgrades will affect walking and biking routes to Kirkland elementary schools this year.

October 9 is International Walk to School Day, an event celebrated by more than 4,200 schools in the United States in 2012. The City Council has presented Walk Your Child to School Week proclamations in the past several years, and it is time again to designate the annual Walk Your Child to School Week in Kirkland from October 7-11. City staff are coordinating Fire and Police appearances and the use of Ped Bee costumes at each participating school. Council members are invited to participate by dropping in at the participating schools during the Feature Day festivities. There are no more than two school events on the same day, and they are held in the morning at the beginning of the school day. Staff will be happy to coordinate Council appearances at each school to try to have representation for each one. Here is the schedule with the nine participating schools so far, and changes or updates will be emailed to the Council.

Day	Date	School	Time
Monday	Oct 7	Franklin (Police only)	8:30-9am
Monday	Oct 7	Bell	8:30-9am
Tuesday	Oct 8	Muir	8:15-8:45am

<b>Day</b>	<b>Date</b>	<b>School</b>	<b>Time</b>
Wednesday	Oct 9	Peter Kirk	8:15-8:45am
Wednesday	Oct 9	Juanita	8:30-9am
Thursday	Oct 10	Franklin (Fire only)	8:30-9am
Friday	Oct 11	Sandburg	8:30-9am
Friday	Oct 11	Mark Twain	8-8:30am
Wednesday	Oct 16	Rose Hill	8-8:30am
Friday	Sep 20	Lakeview	8:30-9am

Representatives from the individual elementary schools coordinate activities at each school and publicize the event to their students and parents. A joint planning meeting was conducted by the City with the representatives to share ideas and coordinate schedules.

Parents and students from each elementary school have been encouraged to attend the City Council meeting to accept the proclamation on behalf of all the Kirkland elementary schools. Kelsey and Kameryn Weaver with mom, Monica Weaver, Sam and Jacob Schwartz with mom Cathy Schwartz, and Jamie LaBreck and Evan McKinney with dad Larry McKinney will be attending from Mark Twain Elementary. Lindsey and Hailey Pease with mom Marel Pease, and Jayden and Cooper Vincent with mom Sheryl Vincent will be there from Peter Kirk Elementary. Others may be attending as well, and the Mayor will be provided a list prior to the Council Meeting with the names of those we know will attend.

Attachment A: Proclamation

<b>Day</b>	<b>Date</b>	<b>School</b>	<b>Time</b>
Wednesday	Oct 9	Peter Kirk	8:15-8:45am
Wednesday	Oct 9	Juanita	8:30-9am
Thursday	Oct 10	Franklin (Fire only)	8:30-9am
Friday	Oct 11	Sandburg	8:30-9am
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Attachment A: Proclamation



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Proclaiming October 7-11, 2013, as "Walk Your Child to School Week" in Kirkland, Washington

**WHEREAS**, the National Center for Safe Routes to School, a group working to improve safety and health and walking conditions for children, encourages local communities to support International Walk to School Day and similar activities; and

**WHEREAS**, walking or biking to school encourages physical fitness through the most common and most enjoyable form of exercise and promotes safety by teaching children the skills to walk and bike safely and to identify safe routes to school; and

**WHEREAS**, the City of Kirkland recognizes the importance of pedestrian safety and has constructed multiple improvements to school walk routes across the City, including plans to install as many as ten Rapid Flashing Beacons at strategic school and other crosswalk sites in 2013; and

**WHEREAS**, children and parents in Kirkland are encouraged to walk or bike to school every day but particularly during the week of October 7 through 11, 2013;

**NOW, THEREFORE, I**, Joan McBride, Mayor of Kirkland, do hereby proclaim the week of October 7 to 11, 2013, as "Walk Your Child to School Week" in the City of Kirkland, Washington and does encourage everyone to consider the safety of pedestrians and bikers today and every day.

Signed this 1<sup>st</sup> day of October, 2013

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Joan McBride, Mayor



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

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## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** J. Kevin Nalder, Director Fire and Building Department  
**Date:** October 1st, 2013  
**Subject:** Fire Prevention Week Proclamation

### RECOMMENDATION:

That the Mayor proclaims that October 6<sup>th</sup> through the 12<sup>th</sup>, 2013 as Fire Prevention Week.

### BACKGROUND DISCUSSION:

Each year, our nation observes "National Fire Prevention Week" during the second week of October. This week commemorates the Great Chicago Fire of 1871, in which more than 250 people were killed, 100,000 were left homeless, and more than 17,400 buildings were destroyed.

The NFPA theme for fire prevention week in 2013 is "**Prevent Kitchen Fires**"

Recent studies conducted by the NFPA indicate cooking was involved in an estimated 156,400 home structure fires that were reported to U.S. fire departments. These fires caused 470 deaths, 5,390 injuries and \$993 million in direct property damage. Cooking caused 44% of reported home fires, 19% of home fire deaths, 40% of home fire injuries, and 15% of the direct property damage in 2010.

Children under 5 years of age, adults with disabilities and adults over 50 are most likely to be injured or killed in cooking fires.

Kirkland Fire Department responds to numerous kitchen fires each year in residential structures. Cooking related fires are consistently one of our leading causes of fire loss in Kirkland. As an example; In Kirkland, in 2012, two specific kitchen fires caused \$700,000 in direct structure loss and displaced 4 families for an extended period while causing significant injuries to one resident.

Kirkland firefighters and communication staff will be encouraging safe cooking habits, actions to take if there is a fire and that homeowners ensure smoke/CO detectors and fire sprinkler systems in the home are functioning properly. Fire Chief Nalder will accept the proclamation.



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Proclaiming October 6-12, 2013 as "Fire Prevention Week" in Kirkland, Washington

**WHEREAS**, since 1925, the President of the United States has signed a proclamation each year pronouncing a week of observance for fire prevention; and

**WHEREAS**, the National Fire Protection Association, the world's leading advocate in fire prevention, encourages communities to participate in its annual "Fire Prevention Week" campaign; and

**WHEREAS**, the educational theme being promoted by the National Fire Protection Association for Fire Prevention Week 2013 is "**Prevent Kitchen Fires;**" and

**WHEREAS**, 165,000 residential kitchen fires occur every year in the United States resulting in 420 deaths, 5,350 injuries and \$993 million in direct structure loss annually; and

**WHEREAS**, residential kitchen fires account for 45 percent of the fires responded to by fire departments and 40 percent of all fire injuries, and

**WHEREAS**, the City of Kirkland will make additional efforts to educate the public on safe practices and actions that can reduce the losses in Kirkland from residential kitchen fires; and

**WHEREAS**, the Kirkland Fire Department is committed to ensuring the safety and security of those living, working, and visiting our City;

**NOW, THEREFORE, I**, Joan McBride, Mayor of Kirkland, do hereby proclaim October 6-12, 2013 to be "**Fire Prevention Week**" in the City of Kirkland, Washington and encourage residents to protect their homes and families from fire by practicing safe cooking habits, making sure smoke detectors and sprinkler systems work properly in their homes and businesses, and eliminating fire hazards which can cause the loss of life and property.

Signed this 1<sup>st</sup> Day of October, 2013

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Joan McBride, Mayor



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Janice Coogan, Senior Planner  
Eric R. Shields, AICP, Planning Director  
**Date:** September 17, 2013  
**Subject:** October 2013 is National Community Planning Month

**RECOMMENDATION**

That the Mayor proclaims October 2013 as Community Planning Month in Kirkland.

**BACKGROUND DISCUSSION**

National Planning Month is celebrated across the country and highlights the achievements of planning to help guide growth and create great communities and places. The theme this year is People and Places.

Planners help create the process by which residents, business people, planning commissioners, mayors and city council members work together to create a vision for a community, goals the community wishes to achieve, and the implementation steps it will take to reach the goals.

Examples of visionary ideas that have made Kirkland a unique and innovative place are strong neighborhoods, vibrant and diverse business centers, an iconic downtown on the lake, the creation and preservation of shoreline parks and the shoreline public access trail, and the purchase and improvement of the Cross Kirkland Corridor that is in the process of becoming a reality today.

The City is in the process updating nearly every major planning document in Kirkland and has launched an extensive public involvement campaign- "Kirkland 2035. Your Voice. Your Vision. Your Future." Proclamations such as this remind residents and elected officials of the importance of sound planning and encourages the community to stay involved and provide insight and input to create the Kirkland they wish to see.

To celebrate, the second Community Planning Day will be held on October 19<sup>th</sup> at the Peter Kirk Community Center from 10-2 pm. The public is invited to express their vision for Kirkland in 2035 related to transportation, housing, economy etc. and for the Cross Kirkland Corridor. Informational booths will be available to learn the status of other long range projects.



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Proclaiming October 2013 as "Community Planning Month" in Kirkland, Washington

***WHEREAS***, change is constant and affects all cities, town, suburbs, counties, boroughs, townships, rural areas, and other places; and

***WHEREAS***, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

***WHEREAS***, the full benefits of planning require public officials and citizens who understand, support and demand excellence in planning and plan implementation; and

***WHEREAS***, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

***WHEREAS***, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our built and natural environment; and

***WHEREAS***, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the many valuable contributions made by planning commissioners, members of the volunteer advisory committees, and land use professionals of the City of Kirkland and extend our heartfelt thanks for the continued commitment to public service by these professionals; and

***WHEREAS***, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

***WHEREAS***, the City has launched an extensive public involvement campaign- "*Kirkland 2035. Your Voice. Your Vision. Your Future*" and encourages the community to stay involved and attend the October 19, 2013 Community Planning Day;

***NOW THEREFORE***, I, Joan McBride, Mayor of Kirkland, do hereby proclaim October as "*Community Planning Month*" in the City of Kirkland in conjunction with the celebration of National Community Planning Month.

Signed this 1<sup>st</sup> day of October, 2013

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Joan McBride, Mayor

RECEIVED

SEP. 16 2013

3:15 pm

CITY OF KIRKLAND

Petition for Border Change

The undersigned residents and property owners of the properties bounded by: The Town of Yarrow Point to the west, NE Points Drive to the south, The Yarrow Bay Wetlands to the east, and Lake Washington to the North, hereby petition The Town of Yarrow Point and The City of Kirkland to change the jurisdictional border such that the aforementioned properties become part of The Town of Yarrow Point. A King County assessor's map illustrating the proposed change is attached.

This petition has unanimous support of the residents.

Reasons for the petition:

- Our neighborhood has been permanently separated from Kirkland by the Yarrow Bay Wetlands since its construction.
- The area is physically part of Yarrow Point, and will always remain isolated from Kirkland.
- The children from our neighborhood attend Clyde Hill schools along with the children of Yarrow Point.
- The King County tax assessor reviews our properties as part of the Yarrow Point area (#33).
- A side benefit of the recent 520 construction has been our ability to function as part of the Yarrow Point community.
- We respectfully request that this change be made permanent.

Christopher Hanak 8/24/13 Alexandra Nawak 8/24/13  
 Christopher Hanak Alexandra Nawak 9506 NE Points Drive  
 Kristi Melman  
 Jim McManis Kristi Melman 3605 96<sup>th</sup> Ave. NE  
 Kent Marguandt Renee Marguandt 3617 96<sup>th</sup> Ave. NE  
 Kent Marguandt Renee Marguandt  
 RICHARD HOTSP/25/13 3701 96<sup>th</sup> Ave. NE  
 Mary Greely PAUL SWIONTKOWSKI  
 Mary Greely 8/24/13 Paul Swiontkowski 8/24/13 3708 96<sup>th</sup> Ave. NE  
 Eric Shellow 8/24/13 Karen Shellow Karen Shellow  
 Eric Shellow 9/2/13 3709 96<sup>th</sup> Ave. NE  
 Douglas Tetka Veronica Morgan 8/24/13  
 Douglas Tetka Veronica Morgan 3715 96<sup>th</sup> Ave. NE  
 Lowell Press 8/24/13 Nastashia Press 8/25/13  
 Lowell Press Nastashia Press 3727 96<sup>th</sup> Ave. NE  
 TEJIC. BARR 8/24/13 DIANNA LKBARR 8.24.13  
 TEJIC. BARR DIANNA LKBARR 9610 NE 38<sup>th</sup> Street  
 A. Press 8/24/13 John Schuman 8/21/13  
 A. Press John Schuman 9612 NE 38<sup>th</sup> Street  
 JEFFREY W. HUNDLE 8/24/13 Barbara J. Hundle  
 JEFFREY W. HUNDLE Barbara J. Hundle 9619 NE 38<sup>th</sup> Street  
 Peter Enns Diane Enns  
 PETER ENNS DIANE ENNS 3811 97<sup>th</sup> Ave. NE  
 DAVID FOLLETT 8/26/13 JILL FOLLETT 8/26/13  
 DAVID FOLLETT JILL FOLLETT 3901 97<sup>th</sup> Ave. NE

Courtney Bailey  
C Bailey 8-28-13

Thomas Bailey  
Thomas Bailey 8-28-13

3923 97<sup>th</sup> Ave. NE

Tony Yip  
TONY YIP 8/25/13

Theresa Hale  
Theresa Hale 8/25/13

3929 97<sup>th</sup> Ave. NE

~~Paul K. Tsang~~  
PAUL K. TSANG 8/24/13

Brenda Tsang  
Brenda Tsang 8/24/13

3933 97<sup>th</sup> Ave. NE

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**CITY OF KIRKLAND**  
Department of Parks & Community Services  
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Jennifer Schroder, Director  
Michael Cogle, Deputy Director

**Date:** September 10, 2013

**Subject:** PRESENTATION FROM PUBLIC HEALTH – SEATTLE & KING COUNTY REGARDING ENROLLMENT CAMPAIGN FOR AFFORDABLE CARE ACT

**RECOMMENDATION**

That the City Council receives a presentation from Public Health – Seattle & King County regarding the county-wide enrollment campaign for the Affordable Care Act.

**BACKGROUND**

In September of 2013 King County launched a six-month enrollment campaign which will send more than 100 volunteers and staff members from Public Health – Seattle & King County across the county to share information about low-cost health insurance options made possible by the Affordable Care Act (ACA) and available through Washington Healthplanfinder ([www.wahealthplanfinder.org](http://www.wahealthplanfinder.org)). Public Health estimates that about 180,000 King County residents, including over 3,000 from Kirkland, will be able to enroll in new free or low-cost health insurance options. An information sheet about the County's program is provided as Attachment A. More information about the effort is available on the County website: <http://kingcounty.gov/coverage>.

Enrollment events, hosted by Public Health and many partner organizations, will reach people at the local level. Several large enrollment events will include translators from several languages, and smaller events will target specific populations. Regularly scheduled enrollment events will occur in Kirkland beginning in October.

In response to the ACA, the Washington Health Benefit Exchange was created by the State of Washington in 2011 as a "public-private partnership" responsible for the creation of Washington Healthplanfinder, an easily accessible, online marketplace for individuals, families and small businesses to find, compare and enroll in qualified health insurance plans. Fact sheets about the exchange are included as Attachments B & C.

Staff from Public Health will attend the Council's October 1 meeting to present more information about the campaign and upcoming enrollment events in Kirkland.

Attachments

# FACT SHEET

## Kirkland Partners:

- Imagine Housing
- Kirkland Library

## Upcoming Events:

### Enrollment at Kirkland Library:

- 10/16 from 1-5pm
- 10/23 from 5-8pm
- 11/20 from 3-7pm
- 12/18 from 3-7pm

Additional events will be available and regularly updated at:  
[kingcounty.gov/coverage](http://kingcounty.gov/coverage)

## King County Goal:

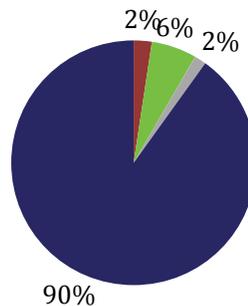
### Increase access to health coverage

Health Reform is here and big changes are coming. Starting this fall, Kirkland residents will have a new way to find, compare and enroll in affordable health insurance coverage. It's called Washington Healthplanfinder. Enrollment begins on Oct. 1, 2013 for coverage that begins Jan. 1, 2014.

King County has made it a countywide priority to ensure all residents who are newly eligible for health coverage are enrolled. Opportunities to insure residents are through:

- *Medicaid*, which will expand by increasing the income eligibility to 138% of the Federal Poverty Level (FPL). This increase will allow about 80,000 people in King County, who are currently uninsured, to become eligible for Medicaid.
- Our state's Health Benefit Exchange, called *Washington Healthplanfinder*, which will give consumers and small businesses a new way to find, compare and enroll in affordable health insurance. Subsidized premiums and tax credits will be available to the approximately 100,000 King County residents with incomes 139%-400% of poverty.

### City of Kirkland Health Insurance Profile



- Eligible for Medicaid (<138% FPL)
- Eligible for Tax Credits (139-400% FPL)
- Eligible for Exchange (over 400% FPL)
- Insured

#### Federal Poverty Levels by Income

100% = \$11,490 (\$23,550 for family of four)  
138% = \$15,856 (\$32,499 for family of four)  
400% = \$45,960 (\$94,200 for family of four)

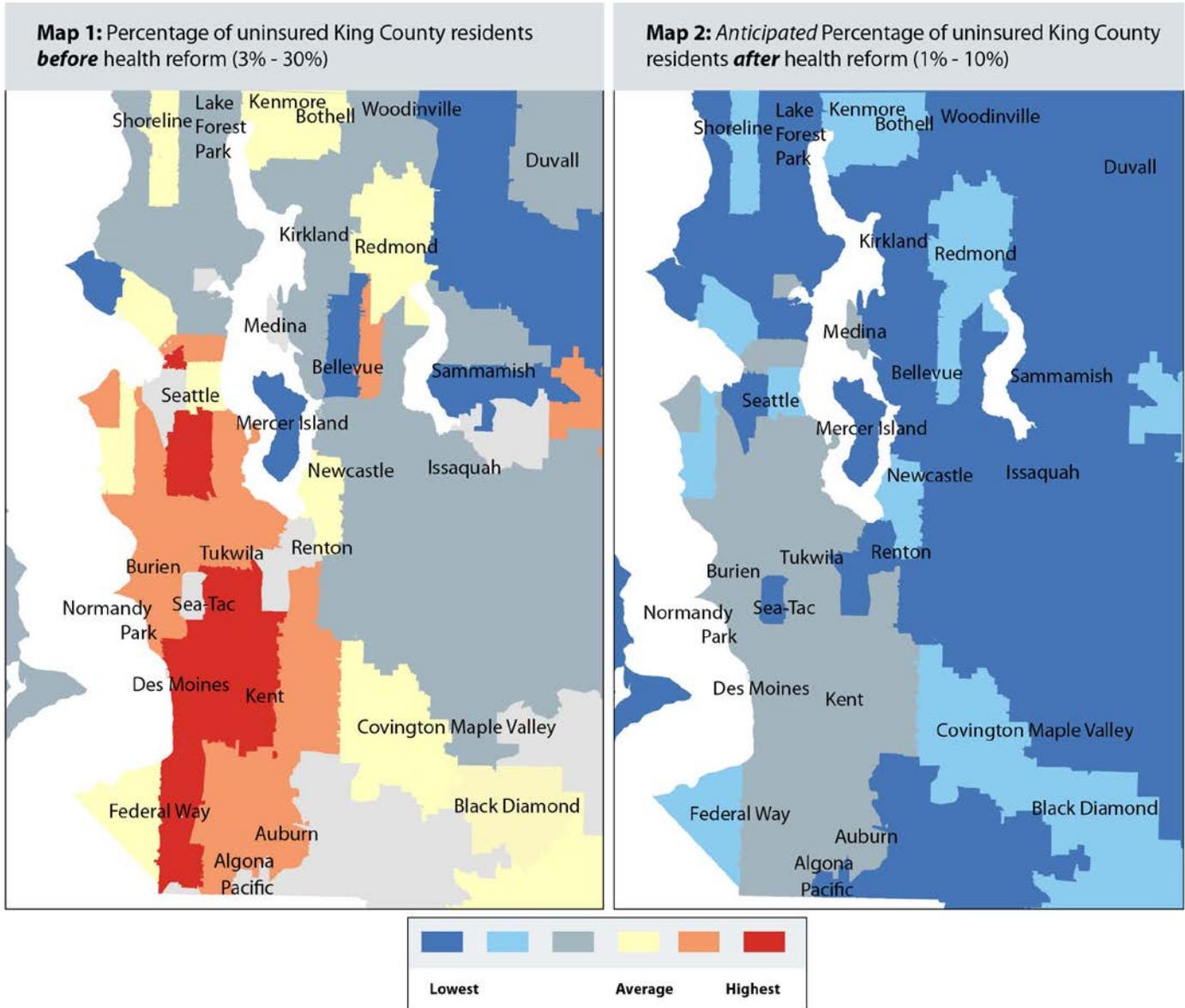
- **3,889 people are uninsured**, which is about 11% of the population in Kirkland.
- Of the uninsured, **925 people will be eligible for Medicaid** through the expansion.
- Of the uninsured, **2,330 people will be eligible for subsidies and tax credits** through the Health Benefit Exchange.



## Health insurance access in King County

### Coverage is Here King County: Our best opportunity to address health inequity

Wide disparities exist in King County related to place, race/ethnicity, education and income. In fact, King County has some of the greatest disparities in the U.S. in a number of determinants of health, including health coverage. Lack of health insurance is much more common in some communities. For example, 30% of residents in SeaTac are uninsured, while only 2% of residents in Mercer Island are uninsured.



# Health Benefit Exchange Overview Fact Sheet



## Overview of Washington Healthplanfinder

Washington Healthplanfinder offers a new way to find health insurance. It's a customer-friendly, online marketplace where individuals, families and small businesses can find, compare and enroll in a health plan that fits their needs and their budget. Washington Healthplanfinder provides:

- Apples-to-apples comparisons of Qualified Health Plans (QHP)
- Tax credits or financial help to pay for copays and premiums
- Expert customer support online, by phone or in-person through a local organization or insurance broker.

Open enrollment starts on  
**October 1, 2013**  
 for coverage that begins  
**January 1, 2014**

## About the Washington Health Benefit Exchange

The Washington Health Benefit Exchange ("Exchange") is a public-private partnership whose mission is to redefine people's experience with health care. The Exchange is responsible for implementing the online health insurance marketplace, Washington Healthplanfinder. The Exchange works in close coordination with our state agency partners including the Washington State Health Care Authority (Medicaid), Office of the Insurance Commissioner and Department of Social and Health Services.

## History of the Exchange

The Exchange was created in state statute in 2011 (SSB 5445) and was established as a "public-private partnership" separate and distinct from the state. The Exchange complies with open public meetings and public disclosure guidelines, but is not subject to other laws that govern state agencies.

In 2012, legislation was passed (ESSHB 2319) that established market rules, requirements for QHPs, essential health benefits and more. The Exchange initially started in the state's Health Care Authority (HCA) and transitioned to an independent organization in March 2012. In December 2012, the Exchange received conditional approval of its state-based Exchange Blueprint from the U.S. Department of Health & Human Services (HHS).

## Exchange Governance

The Exchange is governed by an 11-member Board comprised of a chair and eight members appointed by Governor Gregoire from nominees put forward by each of the legislative caucuses. These individuals have expertise in a variety of health care areas, including individual coverage, small employer coverage, plan administration, finance and economics and actuarial science. The director of the Health Care Authority and the Insurance Commissioner also serve on the Board in an ex-officio, non-voting capacity.

There are currently nine stakeholder committees, technical advisory committees or workgroups associated with the Board. This includes an operations and policy committee comprised of Board members, an Advisory Committee as well as technical advisory committees for Navigator Program, Small Business Health Options Program (SHOP), Agents and Brokers, Health Equity and Dental issues. There are also three workgroups for plan management, consumers and outreach strategies.



# Exchange Timeline

## March 23, 2010

President Obama Signs the Affordable Care Act (ACA) Into Law

## September 2011

Washington receives a \$1 million planning grant to assess the development of a state-based Exchange

## May 2011

The Washington Health Benefit Exchange is created in Washington state statute through SSB 5445

Washington also receives and a \$23 million Level I Establishment Grant to support Exchange development in Washington State

## December 2011

Governor Gregoire appoints a bipartisan 11-member governing board for the Exchange

## January 2012

Deloitte Consulting LLP is selected to design, develop and implement Washington State's Health Benefit Exchange IT system.

## May 2, 2012

Washington Health Benefit Exchange Names Richard Onizuka as Chief Executive Officer

## May 16, 2012

The Exchange Receives a \$128 Million Level II Grant to Implement *Washington Healthplanfinder*

## October 10, 2012

The Exchange Submits a Blueprint Application for Certification to Operate *Washington Healthplanfinder*

## December 1, 2012

The Exchange Submits a Sustainability Plan to the Washington State Legislature

## December 10, 2012

Washington Health Benefit Exchange Receives Conditional Approval from the Federal Government to Operate *Washington Healthplanfinder*

## March 7, 2013

The Washington Health Benefit Exchange Selects Faneuil, Inc. to Operate the Call Center for *Washington Healthplanfinder* in Spokane, WA

## April 2013

Insurance Carriers Submit Qualified Health Plan Applications to the Washington State Office of the Insurance Commissioner

## May 2013

Washington Health Benefit Exchange to announce Lead Organizations for In-Person Assister Program

## September 1, 2013

*Washington Healthplanfinder* Call Center Opens

## October 1, 2013

Open Enrollment for Washingtonians through *Washington Healthplanfinder*

## January 1, 2014

Health Insurance Coverage Begins

## Exchange Funding and Financial Sustainability

The Exchange is funded by federal grant dollars through 2014. This includes a Level 1 grant of \$23 million (May 2011) and a Level 2 grant of \$128 million (May 2012). Washington was the second state to receive a Level 2 grant.

A substantial portion of the grant funding will be used to develop an IT system critical to Exchange functions including eligibility determinations and facilitating enrollment, as well as information exchange among individuals, employers, insurance carriers, and state and federal agencies. These funds will also be used to support activities such as the development of policies by the Exchange Board, the creation of an Exchange infrastructure, and the design of a consumer engagement and marketing campaign.

Beginning in 2015, the Exchange will be required to be a self-sustaining business. In December 2012, the Exchange submitted three funding models to the Washington State Legislature, which are currently in review. The Exchange will also provide input regarding any further legislation needed to move the project forward and evaluate opportunities for additional federal funding should that become available.

## The Board of the Washington Health Benefit Exchange

**Margaret Stanley**, Chair, Retired Executive Director, Puget Sound Health Alliance

**Steve Appel**, Farmer, Past President of the Washington Farm Bureau

**William Baldwin**, Partner, The Partners Group

**Donald Conant**, General Manager, Asst. Professor

**Doug Conrad**, Professor, University Of Washington

**Melanie Curtice**, Partner, Stoel Rives

**Ben Danielson**, Medical Director, Odessa Brown

**Phil Dyer**, Senior VP, Kibble & Prentice, and Former Legislator

**Teresa Mosqueda**, Legislative and Policy Director, Washington Labor Council

**\*Commissioner Mike Kreidler**, Insurance Commissioner (non-voting member)

**\*Dorothy Frost Teeter**, HCA Director (non-voting member)



## Individuals & Families Fact Sheet



### Overview of Washington Healthplanfinder

Washington Healthplanfinder offers a new way to find health insurance. It's a customer-friendly, online marketplace where individuals and families can find, compare and enroll in a health plan that fits their needs and their budget. Washington Healthplanfinder provides:

- Apples-to-apples comparisons of Qualified Health Plans (QHP)
- Tax credits or financial help to pay for copays and premiums
- Expert customer support online, by phone or in-person through a local organization or insurance broker.

### Quality Health Coverage

All health plans offered through *Washington Healthplanfinder* meet strict benefit and quality standards. And all the essentials are covered, including visits to the doctor and emergency room, prescriptions, maternity care and preventive care like cancer screenings and immunizations. In addition, no one will be denied coverage because they are sick or have a pre-existing condition. Finally, most health plans are not allowed to have annual benefit limits and none are allowed to have lifetime benefit limits.

If you need coverage before 2014, you may be able to purchase private health insurance by contacting an insurance company or working with a broker. You may also be eligible right now for health coverage under Medicaid. For more information, please visit Washington Connection at [www.washingtonconnection.org](http://www.washingtonconnection.org).

*Washington Healthplanfinder* will begin enrolling consumers on **October 1, 2013** for health coverage that begins on **January 1, 2014**

### Choose a Plan That Fits Your Budget

How much you'll pay for a health plan depends on the plan you choose. All plans sold on *Washington Healthplanfinder* will have four levels of cost-sharing. These are called 'metal levels' and include bronze, silver, gold and platinum.

Metal Level	Plan Pays
Bronze	60%
Silver	70%
Gold	80%
Platinum	90%

The difference between the metal levels is based on how much of the medical costs your health plan picks up and how much is your share through copays and coinsurance.

Depending on how much you earn, you may qualify for a free or low-cost health plan or financial help to lower the cost of your premiums and copays.

Below are a few examples of cost estimates based on household income:

- A family of 4 making less than \$32,500 can qualify for free health coverage.
- A family of 4 making up to \$40,000 can qualify for an estimated \$985 in tax credits per month.
- A family of 4 making up to \$90,000 can qualify for an estimated \$436 in tax credits per month.

Note: These estimates show expected spending scenarios for families and individuals eligible to purchase coverage in the Exchange under the Affordable Care Act based on calculator software developed by the Center for Labor Research and Education and Institute for Research on Labor Employment Library, at the University of California, Berkeley. Actual premiums in the Exchange are not yet known. The premiums reflect national estimates from the Congressional Budget Office for silver plans, adjusted for premium inflation and age rating.



E-page 56

## Why do I need health insurance?

Having quality insurance means that you and your family can get the care necessary to stay healthy. And when an accident or illness strikes, a quality health plan can offer protection from huge medical bills — giving you and your family peace of mind.

Starting in 2014, if individuals do not have health insurance, they will have to pay a fine of \$95, which increases to \$325 in 2015 and \$695 or 2.5 percent of household income in 2016. For families, the penalty will be \$2,085 or up to 2.5 percent of household income.

## How is Washington Healthplanfinder different from websites that sell insurance now?

*Washington Healthplanfinder* is redefining people's experience with health care. Unlike other websites that sell one company's health insurance plans, *Washington Healthplanfinder* is a central location where multiple health insurance companies compete for your business. Depending on how much you earn, you may qualify for free health coverage or financial help that lowers the cost of your premiums and copays.

## I have insurance through my employer. Will I have to change plans?

Most individuals will be able to stay on their company's health insurance plan. There is no requirement that you use *Washington Healthplanfinder* to purchase health insurance.

## If I buy a plan on Washington Healthplanfinder, will I still be able to go to my same doctors?

All insurance carriers that offer health plans through *Washington Healthplanfinder* will be responsible for creating the networks of providers available to their customers. On *Washington Healthplanfinder*, you'll be able to sort plans by provider — so you can choose a plan that allows you to continue using your current provider.

## What if I've never had health insurance before, or have been without coverage for a while?

*Washington Healthplanfinder* will allow you to find, compare and enroll in a health insurance plan that

meets you and your family's needs, regardless of whether you have a pre-existing medical condition or have been without health insurance before.

## What if I need help choosing a health plan offered through your site?

Help will be offered online, over the phone and in person for those who need additional assistance choosing and enrolling in a health plan. The *Washington Healthplanfinder* Customer Support Center will be available starting September 1, 2013. Stay tuned for more information about our certified "in-person assisters" who will be able to provide assistance in your local community.

## How do I apply for health care coverage if I don't speak English or I have other limitations?

*Washington Healthplanfinder* will be available in both English and Spanish. Individuals needing assistance in other languages may receive customer support through a network of in-person assistance available through local organizations, or through toll-free interpreter services offered by the *Washington Healthplanfinder* Customer Support Center starting September 1, 2013. Translated applications and customer communications will be available in Cambodian, Simplified Chinese, Korean, Laotian, Russian, Somali, Spanish and Vietnamese.

## What types of health insurance plans will be offered on Washington Healthplanfinder?

*Washington Healthplanfinder* will offer Qualified Health Plans (QHPs) that are guaranteed to provide essential health benefits, such as regular check-ups and maternity care, as required by the Affordable Care Act. These plans will be offered in categories based on the percentage of expenses covered by the health plan. *Washington Healthplanfinder* QHPs will be just as good as any other plan on the open market, even if you are not eligible for a subsidy. Health insurance companies may not charge a different price for health plans whether they are offered through *Washington Healthplanfinder* or on the private market.

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For additional questions, please email us at [info@wahbexchange.org](mailto:info@wahbexchange.org)





KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
September 17, 2013

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Cross Kirkland Corridor Master Plan Update

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Planning Supervisor Jeremy McMahan and Guy Michaelson of Berger Partnership.

4. EXECUTIVE SESSION

a. To Discuss Labor Negotiations

b. To Review the Performance of a Public Employee

Mayor McBride announced that Council would enter into executive session at 6:45 p.m. to discuss labor negotiations and to review the performance of a public employee and would return to regular meeting at 7:30 p.m., which they did. City Attorney Robin Jenkinson was also in attendance for the first item.

5. HONORS AND PROCLAMATIONS

a. Washington Coalition for Open Government (WCOG) Key Award

Washington Coalition for Open Government Vice President Mike Fancher presented the WCOG Key Award to the City of Kirkland, which was accepted on behalf of the Council by Mayor McBride and Councilmember Toby Nixon.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Brian Gaines  
Johanna Palmer  
Deirdre Johnson

c. Petitions

(1) Against Proposed Emergency Sewer Program for 108th Avenue N.E

The petition was acknowledged via approval of the consent calendar.

7. SPECIAL PRESENTATIONS

a. Puget Sound Regional Council: Growing Transit Communities Strategy

Puget Sound Regional Council Principal Planners Michael Hubner and Mary Pat Lawlor provided a briefing on the Growing Transit Communities Strategy.

b. Kirkland 2035 Update #6

Deputy City Manager Marilynne Beard provided an update on recent and upcoming public outreach and communication efforts related to the Kirkland 2035 plan updates.

8. CONSENT CALENDAR

a. Approval of Minutes: September 3, 2013

b. Audit of Accounts:

Payroll \$2,781,989.52

Bills \$3,362,807.96

run #1244 checks #546279-546414

run #1245 checks #546415-546462

run #1246 checks #546465

run #1247 checks #546628-546651

run #1248 checks #546652-546780

c. General Correspondence

d. Claims

Claims received from Nicholas Hahn and Place One Sixteen PUD were acknowledged via approval of the Consent Calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) Resolution R-4997, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH SNOHOMISH COUNTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

h. Other Items of Business

(1) Resolution R-4998, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT WITH MSPT IV LLC, REGARDING A POTENTIAL MULTIFAMILY HOUSING PROPERTY TAX EXEMPTION AND APPROVING THE ISSUANCE OF A CONDITIONAL CERTIFICATE OF TAX EXEMPTION."

(2) Resolution R-4999, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND URGING THE GOVERNOR TO CONVENE A SPECIAL SESSION OF THE WASHINGTON STATE LEGISLATURE IN 2013 AND PASS A COMPREHENSIVE TRANSPORTATION INVESTMENT PACKAGE."

(3) Resolution R-5000, entitled "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 ANDREW KISPERS AND ALICE DOBRY."

(4) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Penny Sweet, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Development Services Study Proposed Implementation Plan

Deputy City Manager Marilynne Beard provided an update on the progress of the proposed implementation plan recommendations contained in the 2013 Development Services Study.

- b. Resolution R-5001, Adopting a Position Statement on the Closure of the Houghton Transfer Station, the Consideration of Limiting Self Hauling at Transfer Stations and the Establishment of Different Customer Classes to Avoid Disproportionate Financial Impacts on Those Who Signed the Amended and Restated Interlocal Agreement Through 2040.

Motion to Approve Resolution R-5001, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING A POSITION STATEMENT ON THE CLOSURE OF THE HOUGHTON TRANSFER STATION, THE CONSIDERATION OF LIMITING SELF HAULING AT TRANSFER STATIONS AND THE ESTABLISHMENT OF DIFFERENT CUSTOMER CLASSES TO AVOID DISPROPORTIONATE FINANCIAL IMPACTS ON THOSE WHO SIGNED THE AMENDED AND RESTATED INTERLOCAL AGREEMENT THROUGH 2040."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 7-0

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

Council recessed for a short break at 9 p.m.

## 11. NEW BUSINESS

- a. Resolution R-5002, Approving the Recommendation of the Cultural Arts Commission for Three Interior Art Pieces for the Public Safety Building.

Motion to Approve Resolution R-5002, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE RECOMMENDATION OF THE CULTURAL ARTS COMMISSION FOR THREE INTERIOR ART PIECES FOR THE PUBLIC SAFETY BUILDING."

Moved by Councilmember Penny Sweet, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

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

- b. Resolution R-5003, Amending the 2013-2014 City Work Program to Explore Options to Replace the Juanita Aquatic Facility.

Motion to Approve Resolution R-5003, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AMENDING THE 2013-2014 CITY WORK PROGRAM TO EXPLORE OPTIONS TO REPLACE THE JUANITA AQUATIC CENTER."

Moved by Councilmember Shelley Kloba, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

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

## 12. REPORTS

### a. City Council

#### (1) Finance and Administration Committee

Have not met.

#### (2) Public Safety Committee

Chair Sweet reported on Transit Center activity; DUI statistics and overserving; 2nd quarter Fire and Emergency Medical report; records management.

#### (3) Community Planning, Housing and Economic Development Committee

Chair Marchione reported on special events; neighborhood plans.

#### (4) Public Works, Parks and Human Services Committee

Have not met.

#### (5) Regional Issues

City Councilmembers shared information regarding the TriFREAKS Kirkland Triathlon; anticipated October report from Lake Washington School District on the upcoming bond and levy; Council indicated their support for staff to draft a resolution in support of the upcoming school district bond and levy and to add a public hearing on the issue for the next council meeting; recent neighborhood picnics and meetings; reminder to the Council to complete their Sound Cities Association nomination forms; King County Emergency Management Advisory Committee meeting; Kirkland Disability Board meeting; Sound Cities Association Public Issues Committee discussions on a Product Stewardship Policy, the Washington Engage for IMPACT Summit, and the 2013 King County Board of Health work plan; Public Records Exemptions Accountability "Sunshine" Committee review of Kirkland's Public Records Ordinance; Kirkland Alliance of Neighborhoods meeting; I-405 Executive Committee meeting and current tolling issues. The Mayor requested and received council support of the I-405 Executive Committee "hybrid" tolling proposal.

b. City Manager

(1) Calendar Update

The City Manager shared information about an upcoming meeting with Seattle Tilth in regard to a proposed partnership at McAuliffe Park, a request from ARCH (A Regional Coalition for Housing) to make a presentation to the Council on the need for permanent emergency housing, and inquired about Council interest in a final Cross Kirkland Corridor rail removal event, which Council confirmed.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of September 17, 2013 was adjourned at 9:38 p.m.

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City Clerk

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Mayor



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

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

**Date:** September 19, 2013

**Subject:** Revision to KMC 3.86 – Sale of surplus personal property to city employees

### **RECOMMENDATION:**

Council approves ordinance revising KMC 3.86.060 – Sale of surplus personal property to city employees.

### **BACKGROUND DISCUSSION:**

Staff is in the process of revising Administrative Policy 6-1, the Wireless Communication Device Policy. During this process, it was determined that it may be more advantageous to the City to allow departing employees the opportunity to purchase the City owned cellular telephone that was provided to them for City business rather than disposing of the phone as surplus property. In most cases, these phones are not repurposed due to age. If the phone has not passed its useful life, the employee would be required to pay a prorated share of the value. The revision to KMC 3.86.060 is requested to allow for this to occur.

ORDINANCE O-4418

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SALE OF SURPLUS PERSONAL PROPERTY TO CITY EMPLOYEES AND AMENDING SECTION 3.86.060 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Kirkland Municipal Code Section 3.86.060 is amended to read as follows:

3.86.060 Sale of surplus personal property to city employees.

Councilmembers and city employees involved in declaring an item of city personal property surplus may not purchase that item directly from the city, regardless of the value of the item. In order to prevent the appearance of a conflict of interest, no city employee or member of the employee's immediate family may directly acquire personal property from the city if the employee had any role in declaring an item surplus or establishing the value or price of the personal property. Councilmembers or city employees may purchase city surplus personal property when such property is offered to the general public at an auction conducted by a private party, or if the purchase is authorized by a city administrative policy and has been determined to be in the best interest of the city. Councilmembers or city employees will not receive preferential treatment in the disposal or sale of city surplus personal property.

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 \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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

Approved as to Form:

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



## CITY OF KIRKLAND

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

### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Barry Scott, Purchasing Agent

**Date:** September 19, 2013

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF OCTOBER 1, 2013

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report, dated September 5, 2013, are as follows:

	Project	Process	Estimate/Price	Status
1.	Engineering Services for Intelligent Transportation System Project-Phase II*	A&E Roster	\$394,937.33	Contract awarded to The Transpo Group, Inc. of Kirkland based on qualifications using A&E Roster process as provided for in RCW 39.80.
2.	Medical Aid Units (2)	Cooperative Purchase	\$407,000	Purchase from True North Emergency Equipment of Marysville, WA using HGACBuy contract.

\*Funded through Federal Grant

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



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Eric Shields, Planning Director  
**Date:** September 19, 2013  
**Subject:** Impact Fees, Criteria for Delaying Collection  
File No. PLN13-01420

**RECOMMENDATION**

That the City Council approves the proposed ordinance identifying the criteria by which impact fees may be deferred by the City.

**BACKGROUND DISCUSSION**

For development projects other than single family homes, impact fees are normally required to be paid at the time a building permit is issued. On June 4, 2013, the City Council adopted amendments to Title 27 of the Kirkland Municipal Code authorizing impact fees for mixed use developments to be paid at an alternative time through a Council approved development agreement. On June 18, 2014, the Council directed staff to prepare further amendments to establish criteria for the delayed payment of impact fees. The proposed ordinance would codify criteria.

The ordinance moves the previously adopted language allowing for a modification of the time for paying impact fees to different sections of Title 27 and adds the following criteria:

1. Payment of fees may be delayed to no later than issuance of the certificate of occupancy;
2. The delay shall not reduce the availability of funds to implement the City's adopted capital improvement program in a timely manner;
3. The development agreement shall provide mechanisms, such as withholding of the certificate of occupancy and/or property liens, to assure that the City will collect the delayed fees.
4. Projects must provide significant public benefit, including but not limited to:
  - a. Projects that implement adopted City Council goals;
  - b. Projects with economic benefit to the City;
  - c. Projects that involve partnerships with other governmental agencies; or
  - d. Projects that include affordable housing as defined by the Kirkland Zoning Code;

ORDINANCE O-4419

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE TIMING OF PAYMENT OF IMPACT FEES AND AMENDING SECTIONS 27.04.030 AND 27.06.030 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. PLN13-01420.

WHEREAS, on June 4, 2013, the City Council adopted O-4411 amending Title 27 of the Kirkland Municipal Code to allow the City Council to modify the timing for the collection of impact fees; and

WHEREAS, on June 18, 2013, the City Council directed that criteria be incorporated into Title 27 of the Municipal Code to define the circumstances when a delay in the collection of impact fees would be allowed in the future;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 27.04.030 is amended to read as follows:

27.04.030 Assessment of impact fees.

(a) The city shall collect impact fees, based on Section 27.04.150, from any applicant seeking a building permit from the city, or any person or entity seeking a change in land use based on the land use categories on the schedule in Section 27.04.150 when no building permit is required. The public works department is authorized to determine what land use category found in the rate schedule applies to the application.

(b) All impact fees shall be collected from the applicant prior to issuance of the building permit or prior to occupancy for a change in land use when no building permit is required based on the land use categories on the schedule in Section 27.04.150. Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the fee shall be calculated based on the impact fee schedule in effect at the time a complete building permit application is filed. For a change in use for which no building permit is required, the fee shall be calculated based on the impact fee schedule in effect on the date of payment of the impact fee.

(c) The ~~department-city~~ shall establish the impact fee rate for a land use that is not listed on the rate schedule in Section 27.04.150. The applicant shall submit all information requested by the department for purposes of determining the impact fee rate pursuant to Section 27.04.040. The adopted cost

per trip in Section 27.04.150 shall be the basis for establishing the impact fee rate.

(d) For a change in use of an existing building or dwelling unit, or portion thereof, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee for the land use category of the prior use. For any change in use that includes an alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new gross floor area (or, if applicable, gross leasable area), less the impact fee for the land use category of the prior gross floor area (or, if applicable, gross leasable area).

(e) For mixed use buildings or developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable unit of measurement found on the schedule in Section 27.04.150. ~~The timing of the payment of impact fees may be modified in a development agreement approved by the city council pursuant to Chapter 36.70B RCW.~~

(f) For building permits within new subdivisions approved under Title 22 (Subdivisions) of this code, a credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

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

(h) Except as otherwise provided in this section, ~~The building division of the fire and building department the city shall not issue any building permit unless and until the impact fee has been paid. For a change in land use when a building permit is not required, an applicant shall not occupy or permit a tenant to occupy the subject property unless and until the impact fee has been paid.~~

(i) The payment of impact fees may be delayed through a development agreement approved by the city council pursuant to Chapter 36.70B RCW, provided the following criteria are met:

(1) Payment of fees may be delayed to no later than issuance of the certificate of occupancy;

(2) The development agreement shall provide mechanisms, such as withholding of the certificate of occupancy and/or property liens, to assure that the city will collect the deferred fees;

(3) The delay shall not reduce the availability of funds to implement the city's adopted capital improvement program in a timely manner; and

(4) Projects must provide significant public benefit, including but not limited to:

(A) projects that implement adopted city council goals;

(B) projects with economic benefit to the city;

(C) projects that involve partnerships with other governmental agencies; and

(D) projects that include affordable housing as defined by the Kirkland Zoning Code.

Section 2. Kirkland Municipal Code Section 27.06.030 is amended to read as follows:

27.06.030 Assessment of impact fees.

(a) The city shall collect impact fees, based on the schedule in Section 27.06.150 of this chapter, from any applicant seeking a building permit from the city, or any person or entity seeking a change in land use to one of the land use categories in Section 27.06.150 when no building permit is required.

(b) All impact fees shall be collected from the applicant prior to issuance of the building permit, or prior to occupancy for a change in land use when no building permit is required based on the land use categories in Section 27.06.150. Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the fee shall be calculated based on the impact fee schedule in effect at the time a complete building permit application is filed. For a change in use for which no building permit is required, the fee shall be calculated based on the impact fee schedule in effect on the date of payment of the impact fee.

(c) The department city shall establish the impact fee rate for a land use that is not listed on the rate schedule set forth in Section 27.06.150 of this chapter. The applicant shall submit all information requested by the department for purposes of determining the impact fee rate pursuant to Section 27.06.040.

(d) For a change in use, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee for the land use category of the prior use.

(e) For building permits for mixed use developments, impact fees shall be imposed on the residential component of the development found on the schedule in Section 27.06.150. ~~The timing of the payment of impact fees may be modified in a~~

~~development agreement approved by the city council pursuant to Chapter 36.70B RCW.~~

(f) For building permits within new subdivisions approved under Title 22 (subdivisions) of this code, a credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to the demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

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

(h) ~~Except as otherwise provided in this section, The building division of the fire and building department~~ the city shall not issue any building permit unless and until the impact fee has been paid. For a change in land use when a building permit is not required, an applicant shall not occupy or permit a tenant to occupy the subject property unless and until the impact fee has been paid.

(i) The payment of impact fees may be delayed through a development agreement approved by the city council pursuant to Chapter 36.70B RCW, provided the following criteria are met:

(1) Payment of fees may be delayed to no later than issuance of the certificate of occupancy;

(2) The development agreement shall provide mechanisms, such as withholding of the certificate of occupancy and/or property liens, to assure that the city will collect the deferred fees;

(3) The delay shall not reduce the availability of funds to implement the city's adopted capital improvement program in a timely manner; and

(4) Projects must provide significant public benefit, including but not limited to:

(A) projects that implement adopted city council goals;

(B) projects with economic benefit to the city;

(C) projects that involve partnerships with other governmental agencies; and

(D) projects that include affordable housing as defined by the Kirkland Zoning Code.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or

unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

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

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

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

Approved as to Form:

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

PUBLICATION SUMMARY  
OF ORDINANCE O-4419

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE TIMING OF PAYMENT OF IMPACT FEES AND AMENDING SECTIONS 27.04.030 AND 27.06.030 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. PLN13-01420.

SECTIONS 1 - 2. Amends the Kirkland Municipal code relating to the timing of payment of impact fees.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

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

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

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



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

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

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

**Date:** September 18, 2013

**Subject:** Library Board Interview Selection Committee Recommendations

### **RECOMMENDATION:**

Council considers the Library Board Interview Selection committee's recommendation on candidates to be interviewed for the two seats with unexpired terms which are currently vacant, and confirms or adjusts the list of final candidates.

### **BACKGROUND DISCUSSION:**

At Council's September 3, 2013 regular meeting, Council agreed upon an Interview Selection Committee to be comprised of Councilmembers Kloba, Nixon and Sweet.

The Committee was to make a recommendation on which of the ten applicants Council will interview for the two Library Board vacancies in accordance with Council's Board and Commission procedures. The procedures, which were last updated at Council's March 6, 2012 regular meeting (Resolution 4911), provide that Council will reduce the number of applicants for interview to three applicants for each vacancy.

The Committee has subsequently met and their recommendation is for the Council to interview the following six candidates:

Edison P. Corlio, Jr.  
Sandy R. Hayes  
Ann Kuehn  
Patricia Lockhart  
Deepa Narayanan  
Alpa Parikh

Council has been provided with the ten applications received and may confirm the subcommittee's recommendation to interview these six applicants or make changes as desired. Staff will then poll Council to identify a meeting date to interview the chosen candidates.

**CITY OF KIRKLAND**

Department of Public Works  
123 Fifth Avenue, Kirkland, WA 98033  
425.587.3800 [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**To:** Kurt Triplett, City Manager

**From:** Dave Snider, PE, Capital Projects Manager  
Pam Bissonnette, Interim Public Works Director

**Date:** September 19, 2013

**Subject:** Slurry Seal Petition Response and Project Updates

**RECOMMENDATION:**

It is recommended that City Council receives a staff report and project update in response to a recent petition (Attachment A) regarding the 2013 Slurry Seal Project.

**BACKGROUND DISCUSSION:**

A slurry seal is one of many effective tools used in the City's Annual Street Preservation Program and is typically applied to residential streets that are in fair to good condition. A slurry seal is a cost-effective preventative maintenance treatment that prolongs pavement life by applying a cold liquid mixture of emulsified asphalt and fine rock to the existing pavement surface. The slurry seal will protect the underlying pavement surface from wear and damage while maintaining the street's pavement condition rating. Depending on weather conditions, a slurry seal application generally requires about six hours to thoroughly cure (dry). Thus, parking and vehicular access to and from streets is restricted on the date of application. Slurry seals typically extend the life of the pavement surface by 5-10 years. Slurry seals are less expensive than typical asphalt overlays and are an effective tool at keeping fair to good streets in good condition. Slurry seals have been applied in every Kirkland neighborhood. Yet applications of slurry seals often generate initial concerns and questions by residents on streets that receive the treatments.

On August 13, 2013, residents of a Juanita Neighborhood near 97<sup>th</sup> Place NE and 128<sup>th</sup> Ave submitted a petition to have the City of Kirkland reconsider the slurry seal approach for resurfacing streets. As submitted, the Petition's *Summary* and the stated *Action* included the following:

*Summary*

*"The City of Kirkland is planning on Slurry Sealing our streets in the next couple of days. The City did this surface treatment last year on 94<sup>th</sup> Avenue NE between NE 124<sup>th</sup> Street and NE 132<sup>nd</sup> Street. Slurry Seal is a messy sand and tar mixture that is a low cost Band-Aid solution for extending the life of our streets. The crossing lines and other markings that are applied on top of this surface do not hold up well."*

*Action*

*“To have the City of Kirkland reconsider this approach to resurfacing our streets and treat us more like they do to more central parts of Kirkland. Resurface our streets with new asphalt.”*

Staff was in contact with the petition’s originator prior to and after the petition was filed. The resident received information about the 2013 Program (Attachment B), the history of the program (Attachment C) and photos of the Slurry Seal process and results (Attachment D).

For 2013, staff handled a higher than normal volume of calls and email mostly attributable to the doubling in size of the current Program from previous years due to the additional funding provided by the 2012 Street Preservation Levy. The questions and concerns in 2013 were similar in nature, when compared with previous years – just with a higher volume of calls together with a first-ever petition.

On August 13, staff sent City Council the Petition, along with the following list of all concerns heard from residents living on or near 2013 Slurry Seal Project streets:

**Low to Moderate Concerns**

1. *Specific road closure schedule information and guidance on options for off-site parking.*

Response: Worked with maps and coordinated with individual callers.

2. *Specific coordination with elderly or special needs.*

Response: Provided specific information and made adjustments in schedule where necessary.

**Moderate to High Concerns**

3. Slurry seal technique or application and aesthetics:

- a. *Inconsistent slurry seal thickness/coverage over streets.*

Response: This is typical of the slurry seal technique and not a construction flaw. Inspectors carefully walked every street with a punch list to identify areas that did not meet standards and required patching where necessary to sustain the integrity of the seal.

- b. *Seams down the road where two squeegee passes come together.*

Response: This is a characteristic of a slurry seal as streets are at least two truck/squeegee widths and overlap each other.

- c. *Speed cushions having excess deposits of slurry seal product left between slotted humps.*

Response: This happens during the application where the excess mix fills in the slotted area between the cushions as the squeegee passes over the “hump”. After the slurry cures and cars and trucks start to pass over the speed hump, the material compacts down and evens out.

- d. *Slurry seal surface is rough.*

Response: Slurry seal streets have a rougher surface than asphalt overlays but do get smoother over time, with sweeping, traffic and weather.

- e. *Tire tracks are left in the surface by cars driving illegally over the newly sealed street before it is open for traffic.*

Response: Unfortunately this happens periodically and cannot be completely eliminated. The contractor will re-address those areas where possible.

- f. *Inconvenience in having to park off-site for a day and walk to and from their homes.*

Response: In some cases there were no sidewalks so it was difficult for some; however, there is no other option and all possible accommodations are made on each situation presented.

- g. *Fears of pollutants washing away from slurry seal into storm drains.*

- h. Response: Industry testing and our field observations do not substantiate this concern. The contractor is required to perform Best Management Practices by covering catch basins, sweeping up excess slurry mix and not applying the product in or under the threat of rain. Once dry, the slurry material has no greater or less environmental effect than any other asphalt or concrete product used in typical street construction.

- i. *Confusion why the application was used on streets in fairly good to very good condition.*

Response: The nature of the technique is to improve streets before more costly repairs are needed. The application of slurry seal adds 5 to 10 years of additional life expectancy to the street it was applied to, which is a significant consideration when evaluating the City's overall streets network and improving the City's average Pavement Condition Index (PCI).

- j. *Feeling that slurry seal was used in "lower income" areas.*

Response: The City's goal is to slurry seal all residential streets, where a slurry seal will be beneficial, at least once in the next twenty years. This year's program was very concentrated in the Finn Hill Neighborhood, together with other streets in Juanita, Evergreen Hill and Highlands. Past year's projects included Market, Norkirk, Evergreen Hill, Lakeview, North Rose Hill and South Rose Hill/Bridle Trails neighborhoods.

j. *Visually not as attractive as an overlay street*

Response: The cost savings from slurry sealing neighborhood streets early versus waiting until an overlay is needed is significant. Also, the City Pavement Management Program prioritizes overlays for Arterial and Collectors. The cost of slurry seal streets allows the City to preserve more streets and is a fiscally responsible way to manage and leverage tax dollars.

**2013 Slurry Seal Program and Public Outreach:**

Slurry Seal construction began on Wednesday, August 14, and continued through Tuesday, August 27, 2013. A total of 32 lane miles of neighborhood streets affecting approximately 3,000 homes received a slurry seal application with the majority of streets located in the Finn Hill Neighborhood, together with a smaller area in the Highlands Neighborhood and another in Evergreen Hill (Attachment E). The petition was signed by 29 residents with a few more individual emails and complaints, totaling about 40 in all.

Outreach efforts for the 2013 Slurry Seal Program included:

In person:

- Kirkland Alliance of Neighborhoods announcement, May 2013
- Wednesday and Friday Markets maps and information, June 2013
- Finn Hill Neighborhood Alliance meeting announcement and map, June 2013
- Juanita Neighborhood Association meeting announcement, May 2013
- Construction Hotline updated daily during construction
- One on one meeting with property owners as requested
- Phone calls and emails from residents with questions or concerns

Online information:

- Street Preservation Program [web page](#)
- Slurry Seal [Informational Brochure](#)
- Neighborhood [Hot Sheet](#)
- Capital Improvement Program [Interactive Map](#)

Mailings and door hangers to residents:

- Postcard with map and schedule (Attachment B), August 2013
- Door hangers with information 24-48 hours in advance, August 2013
- "No parking" signs posted 24-48 hours in advance, August 2013

There continues to be people who are opposed to slurry seal and would prefer the City wait until a street declines before using this method of street preservation. As a result, on August 29, approximately forty residents received a letter from the Interim Public Works Director, Pam Bissonnette, with additional information about the City's reasons behind using the product and how it saves tax payer money (Attachment F). The letter informs the recipients that preventative maintenance is more desirable than waiting until the streets fail and more costly repairs are needed. Residents were also directed to learn more about the City's street preservation program by watching the City's video *The Life Cycle of a Street found*

at: [http://kirkland.granicus.com/MediaPlayer.php?view\\_id=13&clip\\_id=2263](http://kirkland.granicus.com/MediaPlayer.php?view_id=13&clip_id=2263)

## **Lessons Learned**

Staff does not anticipate being able to convince everyone that slurry seal is the best method of maintaining Kirkland's neighborhood access streets in residential areas. However, the larger program and the recent experience with increased calls will lead to improved communications with those residents who will be included in the 2014 Program. While it seemed that focusing the 2013 Program mostly in a single neighborhood would be beneficial, the lesson learned is that it was too much for one neighborhood, especially one that was unfamiliar with the City's past Slurry Seal Programs. In the future, staff will strive to spread out the coverage areas in order to give more options for ingress and egress through individual neighborhoods.

Also, instead of waiting to know the precise construction dates and sequencing for the 2014 Slurry Seal Program, staff will send a pre-Program informational flyer/brochure much earlier with detailed explanations on why the City uses slurry seal on neighborhood access streets and how it saves taxpayer money. A second notice will follow with more exact construction sequencing and specifics on what to expect during and after the construction phase. Staff will also arrange for an additional door hanger after each street is slurry sealed detailing what to expect with the new surfacing material. This additional outreach may more than double mailing and printing costs; however, it should save staff time by minimizing the repetitive nature of the common responses to the calls and emails received.

## **Conclusion**

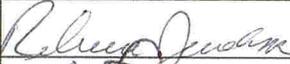
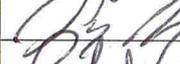
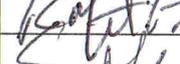
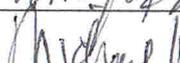
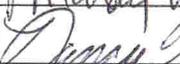
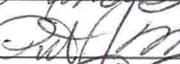
The City has a viable Slurry Seal Program that dates back to 2002 and for the last 4-years every Kirkland Neighborhood, with the exception of Totem Lake, has received a slurry seal treatment on selected neighborhood streets. The slurry seal product provides an effective low-cost street preservation treatment that comes as a result of decades of research and development, with vast improvements to emulsifiers and applications process occurring in recent years. The process is used extensively throughout the United States and the industry is continually researching ways to improve the overall product.

Kirkland Public Works Capital Improvement Projects (CIP) group staff are also members of the Northwest Pavement Management Association, which is a Washington and Oregon public agency-based coalition first created in 2000 to keep its members up-to-date on the latest in pavement management products and processes. By maintaining membership, and serving as past and present Board Members, CIP staff will continue to be well informed on the latest innovations and industry standards for providing cost effective street preservation.

<b>Petition Summary</b>	The City of Kirkland is planning on Slurry Sealing our streets in the next couple of days. The City did this surface treatment last year on 94 <sup>th</sup> NE between NE 124 <sup>th</sup> and NE 132 <sup>nd</sup> . Slurry Seal is a messy sand and tar mixture that is a low cost Band-Aid solution for extending the life of our streets. The crossing lines and other markings that are applied on top of this surface do not hold up well.
<b>Action Petitioned For</b>	To have the City of Kirkland reconsider this approach to resurfacing our streets and treat us more like they do the more central parts of Kirkland. Resurface our streets with new asphalt.

Printed Name	Signature	Address	Comment	Date
MIKE OSBORNE		9726 128 <sup>th</sup> AVE		8/11/13
ERIC BUSALTE		9808 NE 128 <sup>th</sup> ST		8/12/13
RANDY D. GIPAT		9814 NE 128 <sup>th</sup> ST		8/12/13
JANE GEAST		9814 NE 128 <sup>th</sup> ST		8/12/13
LISA SIEGFRIED		12019 98 <sup>th</sup> PL NE ST		8/12/13
JAMES JAMSEK		12815 98 <sup>th</sup> PL NE ST		8/12/13
DON NEBRES		12820 98 <sup>th</sup> PL NE		8/12/13
MARK HEYDEN		9834 NE 128 <sup>th</sup>		8/12/13
PEO SIMSARA		9831 NE 128 <sup>th</sup> ST		8/12/13
SANTOS MONTAÑA		12758 98 <sup>th</sup> PL NE		8/12/13
PW HAWSKAMP		12754 98 <sup>th</sup> PL NE		8/12/13
STEPHAN ORSE		12753 98 <sup>th</sup> PL NE		8/12/13
NIELS MIKEN		12706 98 <sup>th</sup> AVE NE		8/12/13
PEYAM PARANG		12709 98 <sup>th</sup> AVE NE		8/12/13
MATT SHYNE		12705 98 <sup>th</sup> AVE NE		08/12/13
Connie Shyne		12705 98 <sup>th</sup> AVE NE		8-12-13

<b>Petition Summary</b>	The City of Kirkland is planning on Slurry Sealing our streets in the next couple of days. The City did this surface treatment last year on 94 <sup>th</sup> NE between NE 124 <sup>th</sup> and NE 132 <sup>nd</sup> . Slurry Seal is a messy sand and tar mixture that is a low cost Band-Aid solution for extending the life of our streets. The crossing lines and other markings that are applied on top of this surface do hold up well.
<b>Action Petitioned For</b>	To have the City of Kirkland reconsider this approach to resurfacing our streets and treat us more like they do the more central parts of Kirkland. Resurface our streets with new asphalt.

Printed Name	Signature	Address	Comment	Date
Rebecca Jacobson		12700 98 <sup>th</sup> ave NE		8/12/13
KEVIN ROBINSON		12620 98 <sup>th</sup> AVE NE		
Ken Mohr		12614 98 <sup>th</sup> Ave NE		8/12/13
Guy Wish		12608 98 <sup>th</sup> Ave NE		8/12/13
ROBERT PRICE		12602 98 <sup>th</sup> AVE NE		8/12/13
Sandy VIK		12602 98 <sup>th</sup> Ave NE		8/12/13
Michael Gibbons		12518 98 <sup>th</sup> Ave NE		8/12/13
Blair Bolapue		12506 98 <sup>th</sup> AVE NE		8/12/13
WAFU KUO		12436 98 <sup>th</sup> AVE NE		8/12/13
MIKE WERDAL		12430 98 <sup>th</sup> AVE NE		8/12/13
Nancy Werdal		12430 98 <sup>th</sup> Ave NE		8/12/13
Pat Miralda		12404 98 <sup>th</sup> Ave NE		8/12/13
DENNIS DOOLEY		12305 97 <sup>th</sup> PL NE		8/12/13



# YOUR ROAD WILL BE CLOSED

- Resurfacing streets in your neighborhood

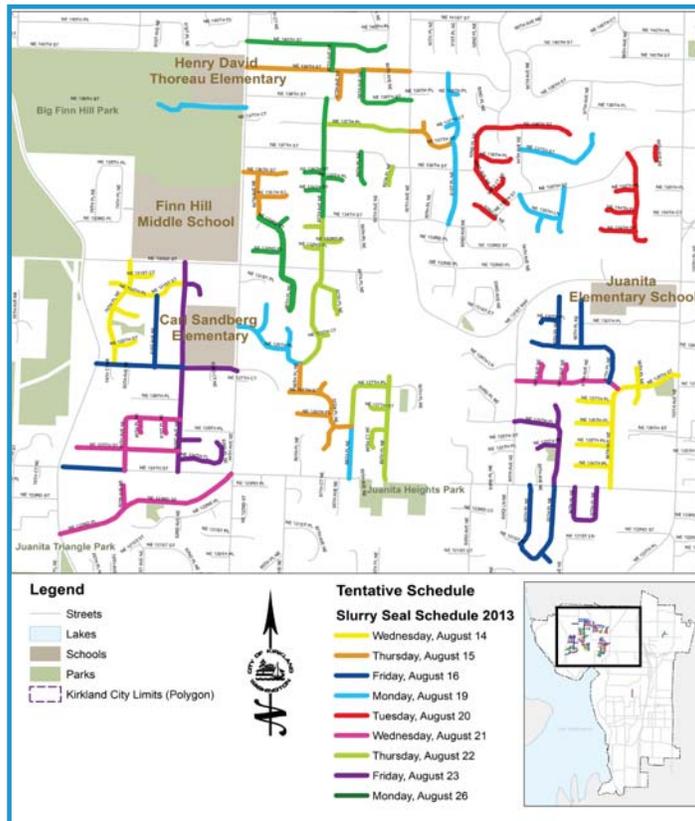


**City of Kirkland**  
 Street Preservation, CIP  
 123 Fifth Avenue  
 Kirkland, WA 98033-6189

PRSR STD  
 U.S. Postage  
 PAID  
 Kirkland, WA  
 Permit #268

## THE BASICS

- ◆ Typical work hours are 7 a.m. to 6 p.m., Monday through Friday.
- ◆ Door-hangers and “No Parking” signs will notify you at least 24 hours before work begins.
- ◆ The Slurry Seal process requires one-day road closures. Driving on the closed road will permanently damage the new street surface.
- ◆ The contractor will sweep loose sand from the streets approximately one and three weeks after the slurry seal application.
- ◆ The 2012 Street Levy enables Kirkland to double the number of neighborhood streets to be slurry sealed each year.



Your road will be closed for up to six hours - beginning at 8 a.m.

Please park on a side street if you need to leave after 8 a.m.

Assuming dry weather, resurfacing in your area will likely begin August 14 and continue for two weeks.

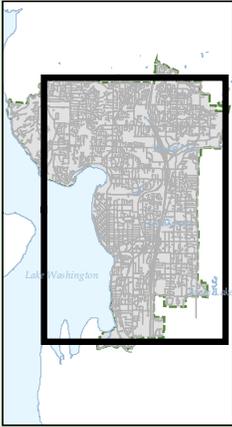
For more information and schedule updates call (425) 587-3838 or visit [www.kirklandwa.gov](http://www.kirklandwa.gov) (search street preservation).



Persons with disabilities may request materials in alternative formats. Persons with hearing impairments may access the Washington State Telecommunications Relay Service at 711. It is the City of Kirkland's policy to ensure full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with the City of Kirkland. For questions or to file a complaint with the City of Kirkland contract - Kari Page, Neighborhood Outreach Coordinator at 425-587-3011 or KPage@kirklandwa.gov.



# City of Kirkland Slurry Seal History



Vicinity Map

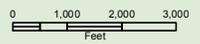
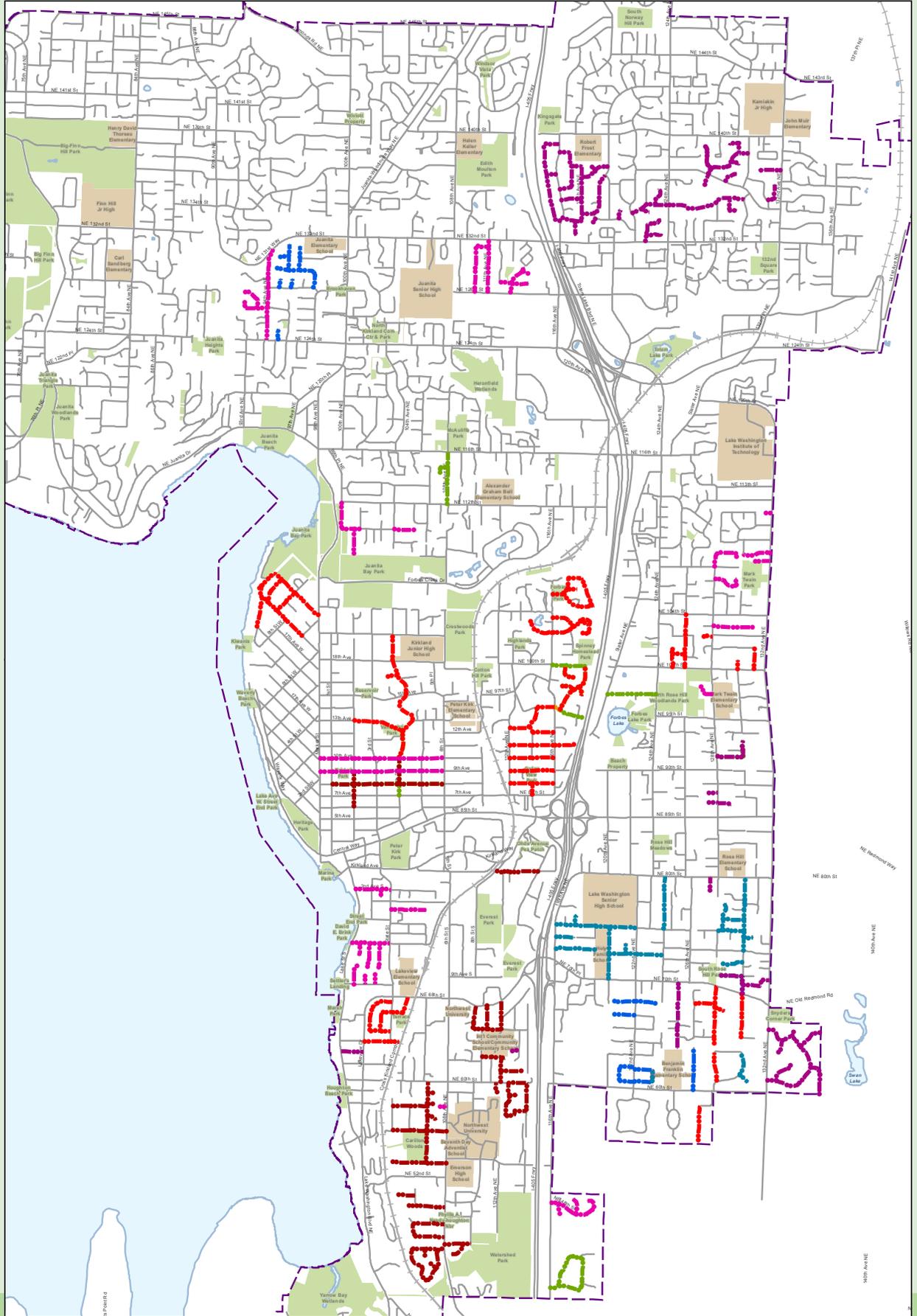


**Map Legend**

**TREATMENT**

- 2012 SLURRY SEAL
- 2011 SLURRY SEAL
- 2010 SLURRY SEAL
- 2009 SLURRY SEAL
- 2005 SLURRY SEAL
- 2004 SLURRY SEAL
- 2003 CHP SEALAND SLURRY SEAL
- 2002 CHP SEALAND SLURRY SEAL
- 2002 SLURRY SEAL

City of Kirkland Boundary  
 Railroad Centerline  
 Lake  
 Street Centerline  
 Park  
 School



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-Print Date: 4/8/2011

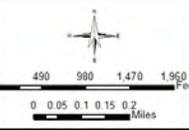




# 2013 Slurry Seal Project | CST1306

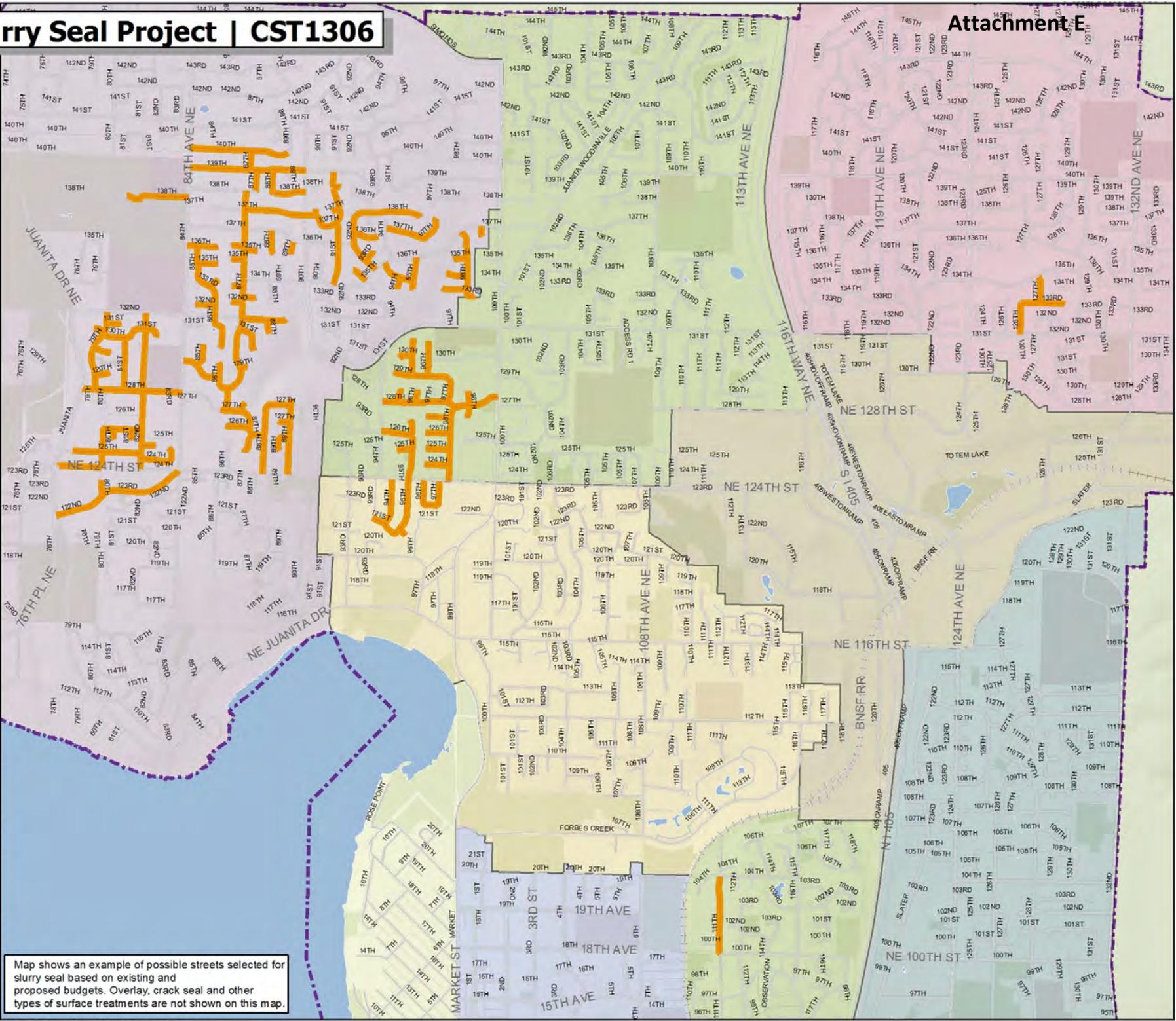
E-page 85

-  2013 Slurry Seal Streets
-  Streets
-  TRN\_Street
-  Right of Way
-  Parks
-  Schools
-  Cross Kirkland Corridor
-  Major Streets
-  City Limits
-  Lakes



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Author:  
 Name: CST1306 - Slurry Seal List  
 Date Saved: 3/20/2013 11:45:02 AM



Map shows an example of possible streets selected for slurry seal based on existing and proposed budgets. Overlay, crack seal and other types of surface treatments are not shown on this map.



August 29, 2013

kirkland WA 98033

Dear Mike,

I am writing to respond to your correspondence of August 12, 2013 regarding the City of Kirkland's recent resurfacing of your street. The City has had a long standing program of protecting residential streets from deterioration through preventive maintenance by resurfacing these streets before they reach failure. By doing so, the City is making your tax dollars go farther. Preventive resurfacing costs about 5% of what it costs to completely overlay a failing street. In 2012 the citizens of Kirkland voted to double this program in order to preserve our streets before they become extremely costly to repair and to reach more neighborhoods. It is the goal of the current program to resurface all residential streets within the next 20 years.

With added levy funds, Kirkland was able to double the resurfacing program in 2013, primarily focusing on the Finn Hill, Juanita, Evergreen Hill and Highlands neighborhoods. Past annual program resurfacing projects with slurry seal have included the Market, Norkirk, Lakeview, Houghton, North Rose Hill and South Rose Hill/Bridle Trails neighborhoods.

Although inconvenient, all street resurfacing techniques require street closure for some period during the application. Fortunately, the slurry seal resurfacing required closure for only a single day. Throughout the project, we worked with the contractor to limit the inconvenience and to make accommodations wherever we could. One of the requests we received was for more notice before resurfacing takes place. In the future we will provide information about the resurfacing process and potential road closures earlier in the process.

We also received comments about the look of the street after the slurry seal. Slurry seal "cures" over time. The street looks and feels different over the subsequent weeks and months, until the street surface returns to more of a pre-resurfacing appearance; the City's inspector is inspecting the new street surfaces and providing a punch list to the contractor where re-work is necessary.

Slurry seal extends the life of the existing roadways by up to 10 years and prevents more costly repairs in the future and the Program's priority is to maintain the structural integrity of the street. For more information on the program I encourage you to view *The Lifecycle of a Street* at [http://kirkland.granicus.com/MediaPlayer.php?view\\_id=13&clip\\_id=2263](http://kirkland.granicus.com/MediaPlayer.php?view_id=13&clip_id=2263).

I hope this information on the City Street Preservation Program is helpful and answers your questions.

Sincerely,

A handwritten signature in black ink that reads "Pam Bissonnette".

Pam Bissonnette, Interim Public Works Director

**CITY OF KIRKLAND****Department of Public Works**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** David Godfrey, P.E., Transportation Engineering Manager  
Pam Bissonnette, Interim Public Works Director

**Date:** September 26, 2013

**Subject:** Response to Traffic Petition Regarding Lake Washington Blvd.

**RECOMMENDATION:**

It is recommended that the City Council receives staff's response to the Traffic Petition regarding Lake Washington Boulevard and Lake St S presented at the City Council meeting on August 6, 2013 (See Attachment A).

**BACKGROUND DISCUSSION:**

Kirkland's Comprehensive Plan lays out a transportation vision for the City. Specifically, in the vehicular level of service section of the Transportation Element, performance standards for signalized intersections are established. As currently adopted, these standards allow for a level of service (congestion) that some residents may not find acceptable.

When a new land use development is proposed, it is reviewed for compliance with concurrency. Briefly, this is done by adding the number of potential new trips from the development to the number of existing trips along with trips from other projects that are approved but not yet built. From this information the level of service at each traffic signal is calculated. As mentioned earlier, a level of service has been adopted that accepts congestion, so it is not surprising that projects can pass concurrency even when there is a high potential for some increase in congestion following its completion.

Under our current standards and codes, development projects that are not likely to pass concurrency on Lake Washington Boulevard as well as other major arterials must be of substantial size, or be one of a series of projects that together are the equivalent of a project of substantial size. These projects might be on the order of Juanita Village, a redeveloped Park Place, or Evergreen Hospital expansion and generate thousands of peak hour trips. In order to generate this number of trips, projects usually include large office and/or retail components. If a development project does not pass concurrency that does not mean that the project cannot be built. The developer can choose to build intersection improvements that mitigate the project's impacts.

Concurrency is not the only traffic metric considered when evaluating a project. Another part of the development review process for each project includes a Traffic Impact Analysis that reviews specific implications of the proposed project. Some examples of this analysis include sight distance analysis, collision history of nearby intersections and a review of access. Appropriate mitigations are required of land use developments based on this review. Collision reports from the Kirkland Police department are used as source data for collision history. Traffic count data is supplemented by site visitation and observation of existing conditions. Driveways are analyzed and mitigations are required as appropriate. These mitigations might include restricting certain turning movements or requiring signalized control.

Throughout the City, a set of tube counts and manually counted turning movement counts at intersections are made every other year in order to give a baseline monitoring of traffic volume. As our Intelligent Transportation System implementation becomes more fully developed, we will be able to make more counts via detectors used for traffic signals. The City of Kirkland also conducts traffic counts at key locations several times a year in order to develop seasonal factors that can be used to adjust counts taken at various times of the year. In addition to season of the year, there are other outside factors that impact changes in traffic counts over time such as construction of new capacity on parallel routes, on-going road construction, and changes in the economy.

A Transportation Master Plan is currently being developed as part of the Comprehensive Plan Update. The development of the Transportation Master Plan will provide an opportunity to reassess the current assumptions and the City's overall approach to concurrency. This will involve a discussion about the desired balance between acceptable congestion, land use, and the improvements the City is willing and able to make to the transportation network. Another part of the Master Plan will be a review of collision rates and safety throughout the city. If the City Council is interested in a more detailed discussion of any of these topics, staff can schedule future study sessions or presentations on the issues.

Attachment A: Traffic Petition

# City of Kirkland: NOTICE of Dangerous Conditions on Lake Washington Blvd / Lake St S: Duty to Cure and Prevent Known Unsafe Conditions

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## THE PETITION

This petition is being assembled to reiterate Notice of Dangerous Conditions along Lake Washington Blvd and Lake Street South. These are conditions that the city is fully aware of, including excessive traffic and the conflicts with vehicular ingress and egress onto the boulevard between the Central Business District and Carillon Point.

These are unsafe conditions that the city has both the power and the duty to correct. It is the belief of the citizens that the municipality has the responsibility to ensure that the roadways and ingress and egress points are planned, engineered and maintained for the safe use of its citizens and visitors to the city.

=====

We, the undersigned, provide the City of Kirkland with this notice to supplement letters and emails that have been sent over the past several years and which have included comments about the traffic, ingress/egress and safety concerns of the citizens and users of Lake St S / Lake Washington Blvd.

We, the undersigned, provide the City of Kirkland with this notice to supplement videos and pictures provided to the city to demonstrate the traffic, ingress/egress and safety concerns of the citizens and users of Lake St S / Lake Washington Blvd.

We, the undersigned, provide the City of Kirkland with this notice to supplement letters sent by neighbors to the City of Kirkland Police Department wherein reports of unsafe parking, traffic, illegal turning and ingress/egress conflicts have been reported and the city's attention to correct these conditions has been requested.

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E-page 90

We, the undersigned, provide the City of Kirkland with this notice to supplement testimony that has been given under oath by neighbors as to the extent of traffic and dangerous ingress and egress conditions along Lake Washington Blvd / Lake Stree South.

-

We the undersigned, provide the City of Kirkland with this notice to supplement neighbor input and expertise in civil engineering, statistical and mathematical modeling and EIS expertise as it relates to faulty conclusions arising from poorly designed traffic studies and "Traffic Concurrency" methodology that does nothing to identify the hazards on Lake St S / Lake Washington Boulevard between downtown and Carillon Point. Again, such testimony has also been entered under oath.

-

We, the undersigned, feel that our prior emails, letters, pictures, videos and relevent expertise have been largely ignored and feel that we have provided sufficient evidence that the traffic studies used by the city are faulty and continue to allow dangerous conditions. These have been clearly demonstrated.

=====

We request that the city act on this notice as you have the power and the duty to remedy these conditions prior to vehicular accident(s) occuring with another vehicle(s) or pedestrian(s), bicyclist(s), or other mishaps that will likely occur if these dangerous conditions are not corrected by the City of Kirkland.

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<b>1</b>	<b>Name:</b> <i>Anonymous</i> on Jul 8, 2013 <b>Comments:</b> Flag
<b>2</b>	<b>Name:</b> Mark Miller on Jul 8, 2013 <b>Comments:</b> Flag
<b>3</b>	<b>Name:</b> Stephen Cullen on Jul 8, 2013 <b>Comments:</b> Flag
<b>4</b>	<b>Name:</b> Nancy Griswold on Jul 8, 2013 <b>Comments:</b> Flag
<b>5</b>	<b>Name:</b> Lisa Mushel on Jul 8, 2013 <b>Comments:</b> Flag
<b>6</b>	<b>Name:</b> Bruce Pym on Jul 8, 2013 <b>Comments:</b> That traffic conditions already are intolerable is obvious. Adding Potala would be catastrophic Flag
<b>7</b>	<b>Name:</b> Mary C. Wilson on Jul 8, 2013 <b>Comments:</b> Flag
<b>8</b>	<b>Name:</b> Pamela Goral on Jul 8, 2013 <b>Comments:</b> Flag
<b>9</b>	<b>Name:</b> Jill Robertson on Jul 8, 2013 <b>Comments:</b> Flag
<b>10</b>	<b>Name:</b> M. Joan Maguire on Jul 8, 2013 <b>Comments:</b> Flag
<b>11</b>	<b>Name:</b> Matt Peterson on Jul 8, 2013 <b>Comments:</b> Flag

12	<p><b>Name:</b> Sharon Nelson on Jul 8, 2013  <b>Comments:</b> I agree wholeheartedly as a resident two doors down AND, in addition, feel the speed limit should be lowered to 25 from downtown Kirkland south to Carillon Point. We have seen many 'near accidents' with pedestrians/cars - especially during summer when lots of extra people are at or around the park.                  Flag</p>
13	<p><b>Name:</b> Arlyn Nelson on Jul 8, 2013  <b>Comments:</b> Totally agree. Lower speed limit to 25, as well! Very dangerous.                  Flag</p>
14	<p><b>Name:</b> Robin Herberger on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
15	<p><b>Name:</b> Laura Loomis on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
16	<p><b>Name:</b> Charles Loomis on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
17	<p><b>Name:</b> Charles Mitchell on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
18	<p><b>Name:</b> Heather Montpas on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
19	<p><b>Name:</b> Michelle Newhouse on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
20	<p><b>Name:</b> Shawn Greene on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
21	<p><b>Name:</b> Thomas H. Grimm on Jul 8, 2013  <b>Comments:</b> The combination of traffic, persons on the sidewalks, joggers, bicycles and cars attempting to access Lake St./Lake Washington Blvd. is an accident waiting to happen.                  Flag</p>
22	<p><b>Name:</b> Patrick Barthe on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
23	<p><b>Name:</b> Sydne Rataushk on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
24	<p><b>Name:</b> Kenneth Lin on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
25	<p><b>Name:</b> Philipp Schonger on Jul 8, 2013  <b>Comments:</b> 3 close call accidents this weekend at Marsh Park this last weekend. This is becoming too dangerous if more cars are getting added to Lk. Washington Blvd.                  Flag</p>

26 **Name:** Philip L Carter on Jul 8, 2013  
**Comments:** The Portola project is completely out of character with the rest of the neighborhood. It will have serious adverse impact on traffic which is already very bad. The density is completely contrary to the neighborhood and would constitute a "spot zone" and thus be illegal. It is inconceivable how the City allowed this change to the code to have occurred. I live at 6320 Lakeview Drive, Apt 400, Kirkland.

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Flag
<p><b>27 Name:</b> <i>Anonymous</i> on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>28 Name:</b> Jack &amp; Christy Arndt on Jul 8, 2013  <b>Comments:</b> The current traffic issue along lake street/lake Washington blvd is a mess with up to a 2 mile back-up during key traffic periods. The city really needs to understand the impact that this traffic issue, has both on the community and the businesses of downtown Kirkland. Your recent ESI traffic study was very much in error as shown by pictures the community citizens have shared with you. It's time to correct the issue and have an adequate EIS study done during key traffic periods in order for the city to truly understand the impact of your decisions before approval of any building permits which increases traffic flow. This also has a major impact to access the shoreline and is an accident waiting to happen for bikers and walkers.                  Flag</p>
<p><b>29 Name:</b> Carol Hasman on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>30 Name:</b> Daniel Ling on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>31 Name:</b> Lee Obrzut on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>32 Name:</b> Kathy Iverson on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>33 Name:</b> Doris Cosley on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>34 Name:</b> Diane Matlock on Jul 8, 2013  <b>Comments:</b> The traffic along Lake Street is already extremely congested during rush hour, especially in the evenings. Cross streets lead to Lakeview Avenue/State Street which are also congested during this period. For those who live in this area, leaving our homes or returning to them by auto during this period is very difficult. Cross walks are not signaled and hazardous for pedestrians, so even walking to and from our homes is difficult. Please do not allow significantly increased density along this street, further restricting access to our homes and community.                  Flag</p>
<p><b>35 Name:</b> Gigi Graham Forbes on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>36 Name:</b> <i>Anonymous</i> on Jul 8, 2013  <b>Comments:</b> Traffic is already a mess and out of control in Kirkland.                  Flag</p>
<p><b>37 Name:</b> George And Linda Lamb on Jul 8, 2013  <b>Comments:</b> We agree completely and have written to the Council concerning this issue. The traffic on Lake Street is already gridlock at rush hour.                  Flag</p>
<p><b>38 Name:</b> <i>Anonymous</i> on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>39 Name:</b> Julia Brewer on Jul 8, 2013  <b>Comments:</b> the traffic along the boulevard this summer is already overwhelming at times and I worry about letting my children walk or scooter ahead of me                  Flag</p>

<p><b>40 Name:</b> John Rogers on Jul 8, 2013  <b>Comments:</b> In addition to the dangers presented herein, I would also like to cite the drive times, the wasted fuel and loss of productivity and pollution created.                  Flag</p>
<p><b>41 Name:</b> John Rogers on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>42 Name:</b> John Rogers on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>43 Name:</b> Betty M. Bonnett on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>44 Name:</b> Thomas Foley on Jul 8, 2013  <b>Comments:</b> The traffic that will be generated by the Potala project poses a serious problem. It is already almost impossible to navigate the area. It would put pedestrians in danger and will endanger residents of the area as it may very slow emergency responses to the neighborhood. Please remember this is a neighborhood. It seems many have forgotten that. This is not downtown. There are parks and many children in the area. Please consider this. Thank You for your time. Tom Foley                  Flag</p>
<p><b>45 Name:</b> Thomas Foley on Jul 8, 2013  <b>Comments:</b> The traffic that will be generated by the Potala project poses a serious problem. It is already almost impossible to navigate the area. It would put pedestrians in danger and will endanger residents of the area as it may very slow emergency responses to the neighborhood. Please remember this is a neighborhood. It seems many have forgotten that. This is not downtown. There are parks and many children in the area. Please consider this. Thank You for your time. Tom Foley                  Flag</p>
<p><b>46 Name:</b> Thomas Foley on Jul 8, 2013  <b>Comments:</b> The traffic that will be generated by the Potala project poses a serious problem. It is already almost impossible to navigate the area. It would put pedestrians in danger and will endanger residents of the area as it may very slow emergency responses to the neighborhood. Please remember this is a neighborhood. It seems many have forgotten that. This is not downtown. There are parks and many children in the area. Please consider this. Thank You for your time. Tom Foley                  Flag</p>
<p><b>47 Name:</b> Thomas Foley on Jul 8, 2013  <b>Comments:</b> The traffic that will be generated by the Potala project poses a serious problem. It is already almost impossible to navigate the area. It would put pedestrians in danger and will endanger residents of the area as it may very slow emergency responses to the neighborhood. Please remember this is a neighborhood. It seems many have forgotten that. This is not downtown. There are parks and many children in the area. Please consider this. Thank You for your time. Tom Foley                  Flag</p>
<p><b>48 Name:</b> Myra Vargas on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>49 Name:</b> Tawny McLeod on Jul 8, 2013  <b>Comments:</b>                  Flag</p>
<p><b>50 Name:</b> Shirley Miller on Jul 8, 2013  <b>Comments:</b>                  Flag</p>

# City of Kirkland: NOTICE of Dangerous Conditions on Lake Washington Blvd / Lake St S: Duty to Cure and Prevent Known Unsafe Conditions

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<b>51</b>	<b>Name:</b> Joan Foster on Jul 8, 2013 <b>Comments:</b> Flag
<b>52</b>	<b>Name:</b> Vashti P. Ke on Jul 8, 2013 <b>Comments:</b> I am directly across from the proposed entrance to Portals. It is difficult to back out of my driveway now and I can't imagine what it will be in the future if it is built as proposed. Flag
<b>53</b>	<b>Name:</b> Maureen Kelly on Jul 8, 2013 <b>Comments:</b> Flag
<b>54</b>	<b>Name:</b> Joseph Kelly on Jul 8, 2013 <b>Comments:</b> Flag
<b>55</b>	<b>Name:</b> Stan Handaly on Jul 8, 2013 <b>Comments:</b> Flag
<b>56</b>	<b>Name:</b> Cynthia Nuebel on Jul 8, 2013 <b>Comments:</b> Flag
<b>57</b>	<b>Name:</b> Casey Sibert on Jul 8, 2013 <b>Comments:</b> Flag
<b>58</b>	<b>Name:</b> <i>Anonymous</i> on Jul 8, 2013 <b>Comments:</b> Flag
<b>59</b>	<b>Name:</b> Gloria Largent on Jul 8, 2013 <b>Comments:</b> Flag
<b>60</b>	<b>Name:</b> Gloria Largent on Jul 8, 2013 <b>Comments:</b> Flag
<b>61</b>	<b>Name:</b> Jack Danforth on Jul 8, 2013 <b>Comments:</b> traffic will be a real problem exacerbating an already bad situation! Flag

62	<b>Name:</b> Robert Gemmell on Jul 8, 2013 <b>Comments:</b> Flag
63	<b>Name:</b> Laine Loveland on Jul 8, 2013 <b>Comments:</b> Flag
64	<b>Name:</b> Phyllis Gemmell on Jul 8, 2013 <b>Comments:</b> Flag
65	<b>Name:</b> Marvin H. Scott on Jul 8, 2013 <b>Comments:</b> Flag
66	<b>Name:</b> Suzanne Scallon on Jul 8, 2013 <b>Comments:</b> please listen to the citizens of Kirkland! Flag
67	<b>Name:</b> <i>Anonymous</i> on Jul 8, 2013 <b>Comments:</b> Flag
68	<b>Name:</b> Amber Blmquist on Jul 8, 2013 <b>Comments:</b> Flag
69	<b>Name:</b> <i>Anonymous</i> on Jul 8, 2013 <b>Comments:</b> Flag
70	<b>Name:</b> Willis P Veazey on Jul 8, 2013 <b>Comments:</b> Flag
71	<b>Name:</b> Matt Gladney on Jul 8, 2013 <b>Comments:</b> Flag
72	<b>Name:</b> <i>Anonymous</i> on Jul 8, 2013 <b>Comments:</b> Flag
73	<b>Name:</b> Nicholas Blomquist on Jul 8, 2013 <b>Comments:</b> Flag
74	<b>Name:</b> Peter S. Robertson on Jul 8, 2013 <b>Comments:</b> Flag
75	<b>Name:</b> Trent Clark on Jul 8, 2013 <b>Comments:</b> Flag
76	<b>Name:</b> Richard McManus on Jul 8, 2013 <b>Comments:</b> Flag
77	<b>Name:</b> Amy Mosher on Jul 8, 2013 <b>Comments:</b> Flag
78	<b>Name:</b> Anthony Cowan on Jul 8, 2013

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<p><b>Comments:</b> Flag</p>
<p><b>79 Name:</b> <i>Anonymous</i> on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>80 Name:</b> Wes Rataushk on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>81 Name:</b> Gordon And Sally Granston on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>82 Name:</b> Mike Phillips on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>83 Name:</b> Mark Taylor on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>84 Name:</b> Betty Taylor on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>85 Name:</b> Barbara Canterbury on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>86 Name:</b> Barry D. Gustafson on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>87 Name:</b> Katie Davidson on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>88 Name:</b> Diane Rogers on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>89 Name:</b> Dione Godfrey on Jul 8, 2013 <b>Comments:</b> I was almost hit coming out of my driveway last week. It was the closest call I have experienced and was very frightening. It becomes worse every year and someone is going to be killed one of these days. Potala village will make traffic unbearable to live here. Flag</p>
<p><b>90 Name:</b> Linda Donlin on Jul 8, 2013 <b>Comments:</b> Traffic studies were not done and if they were, they were done 20 years ago....! Flag</p>
<p><b>91 Name:</b> James Cowan on Jul 8, 2013 <b>Comments:</b> This needs to be addressed before any more large capacity buildings are built and before anyone gets killed or hurt. Flag</p>
<p><b>92 Name:</b> John Rogers on Jul 8, 2013 <b>Comments:</b> Flag</p>
<p><b>93 Name:</b> BARRY GUSTAFSON on Jul 8, 2013 <b>Comments:</b> Flag</p>

<b>94</b> <b>Name:</b> Susan Thornes on Jul 8, 2013 <b>Comments:</b> Flag
<b>95</b> <b>Name:</b> Hilary Clark on Jul 8, 2013 <b>Comments:</b> Flag
<b>96</b> <b>Name:</b> Eunice Chaffey on Jul 8, 2013 <b>Comments:</b> Flag
<b>97</b> <b>Name:</b> Harold Garrett on Jul 8, 2013 <b>Comments:</b> Flag
<b>98</b> <b>Name:</b> Steve Sperry on Jul 8, 2013 <b>Comments:</b> Flag
<b>99</b> <b>Name:</b> Margaret Landon on Jul 8, 2013 <b>Comments:</b> please keep in mind the city codes on traffic ingress and egress. Flag
<b>100</b> <b>Name:</b> John Rogers on Jul 9, 2013 <b>Comments:</b> Flag

# City of Kirkland: NOTICE of Dangerous Conditions on Lake Washington Blvd / Lake St S: Duty to Cure and Prevent Known Unsafe Conditions

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<b>101</b>	<b>Name:</b> Kellie Rogers on Jul 9, 2013 <b>Comments:</b> Flag
<b>102</b>	<b>Name:</b> Desiree Gladney on Jul 9, 2013 <b>Comments:</b> Flag
<b>103</b>	<b>Name:</b> Kirk Mathewson on Jul 9, 2013 <b>Comments:</b> Please protect the scale of this neighborhood. Flag
<b>104</b>	<b>Name:</b> Paula Veazey on Jul 9, 2013 <b>Comments:</b> Flag
<b>105</b>	<b>Name:</b> <i>Anonymous</i> on Jul 9, 2013 <b>Comments:</b> Do the right thing for the pubic Flag
<b>106</b>	<b>Name:</b> <i>Anonymous</i> on Jul 9, 2013 <b>Comments:</b> Flag
<b>107</b>	<b>Name:</b> <i>Anonymous</i> on Jul 9, 2013 <b>Comments:</b> Flag
<b>108</b>	<b>Name:</b> Jeremy Meadows on Jul 9, 2013 <b>Comments:</b> Flag
<b>109</b>	<b>Name:</b> Betty Knutson on Jul 9, 2013 <b>Comments:</b> Flag
<b>110</b>	<b>Name:</b> Virginia De Forest on Jul 9, 2013 <b>Comments:</b> Hazardous traffic conditions on 10th Ave. So. if Potala is built under old zoning. It's bad now if cars are parked on both sides and have cars going east and west at the same time. Flag

**111** **Name:** Rodney Vieira on Jul 9, 2013  
**Comments:** As a resident of Lake Washington Blvd, I can attest to the insane conditions on the blvd, particularly in the Summer months. Currently, I commute to Seattle for work. When I come home in the evening my drive time from Carillon Point to Marsh Park is the longest part of my

	<p>commute. It also gets dangerous due to the bikes, pedestrian crossings and frustrated drivers. Adding additional densely packed apartments just makes a bad situation intolerable. Incidentally, because Lake Washington Blvd is packed....commuters migrate onto Lake View and cause it to get jammed, as well. Let's not destroy what made Kirkland desirable.... a semi peaceful lifestyle! Flag</p>
112	<p><b>Name:</b> Lori Isch on Jul 9, 2013 <b>Comments:</b> Flag</p>
113	<p><b>Name:</b> <i>Anonymous</i> on Jul 9, 2013 <b>Comments:</b> Flag</p>
114	<p><b>Name:</b> Theodore Garman on Jul 9, 2013 <b>Comments:</b> Flag</p>
115	<p><b>Name:</b> Charles Telford on Jul 9, 2013 <b>Comments:</b> Flag</p>
116	<p><b>Name:</b> Gail Griffin on Jul 9, 2013 <b>Comments:</b> traffic is a disaster from 3 p.m. on during good weather, to exit our parking garage and turn left is nearly impossible. On street parking for guest is very difficult as walkers take all parking spots during nice weather Flag</p>
117	<p><b>Name:</b> Nathaniel Magone on Jul 9, 2013 <b>Comments:</b> Flag</p>
118	<p><b>Name:</b> JOHN STAPLES on Jul 9, 2013 <b>Comments:</b> Flag</p>
119	<p><b>Name:</b> Wendy Ramirez on Jul 9, 2013 <b>Comments:</b> Flag</p>
120	<p><b>Name:</b> Steven Corey on Jul 9, 2013 <b>Comments:</b> Flag</p>
121	<p><b>Name:</b> Elizabeth McQueen on Jul 9, 2013 <b>Comments:</b> my husband car was hit at this intersection by a car failing to yield. It only a matter of time before a more serious incident occurs. Flag</p>
122	<p><b>Name:</b> Christian Bratlien on Jul 9, 2013 <b>Comments:</b> Flag</p>
123	<p><b>Name:</b> Reidun Crowley on Jul 9, 2013 <b>Comments:</b> Flag</p>
124	<p><b>Name:</b> Thatcher Mathewson on Jul 9, 2013 <b>Comments:</b> Flag</p>
125	<p><b>Name:</b> Charles Core on Jul 9, 2013 <b>Comments:</b> Flag</p>
126	<p><b>Name:</b> Benjamin Garner on Jul 9, 2013 <b>Comments:</b> Please take notice and preserve our community.</p>

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<p><b>127 Name:</b> Rochelle Nelson on Jul 9, 2013  <b>Comments:</b> The proposed density of this development should never have been approved by the city. The traffic studies done to uphold the approval are preposterous and should be reconsidered. It will cost the city much more by making downtown Kirkland so clogged that no one will want to endure it or, God forbid, someone will be severely hurt in a traffic accident that wouldn't have happened if Potala had been scaled down. Please do the right thing now and continue your appeal.                  Flag</p>
<p><b>128 Name:</b> Rachel Welton on Jul 9, 2013  <b>Comments:</b>                  Flag</p>
<p><b>129 Name:</b> <i>Anonymous</i> on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>130 Name:</b> <i>Anonymous</i> on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>131 Name:</b> <i>Anonymous</i> on Jul 10, 2013  <b>Comments:</b> Lake Washington Blvd is way too congested....often to the point of being unsafe.                  Flag</p>
<p><b>132 Name:</b> <i>Anonymous</i> on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>133 Name:</b> Constance L Winter on Jul 10, 2013  <b>Comments:</b> please consider the consequences of this development carefully when making your decisions.                  Flag</p>
<p><b>134 Name:</b> Marchell Mathes on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>135 Name:</b> Cynthia Telford on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>136 Name:</b> Giuseppe Mascarella on Jul 10, 2013  <b>Comments:</b> Traffic is crazy and my kids cannot cross the street even on pedestrian stripes during summer.                  Flag</p>
<p><b>137 Name:</b> Craig Morrison on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>138 Name:</b> Kevin Morrison on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>139 Name:</b> Debbie Halvorson on Jul 10, 2013  <b>Comments:</b>                  Flag</p>
<p><b>140 Name:</b> Heather Tucker on Jul 10, 2013  <b>Comments:</b> My 19 year old son Sean drives his power wheelchair every summer day from our home in Houghton Beach to downtown Kirkland. I am very concerned about the traffic problems and his safety. I support anything that will be us safe in crosswalks, etc.....                  Flag</p>

<b>141</b>	<b>Name:</b> Ozzie Traff on Jul 10, 2013 <b>Comments:</b> I am totally againt this plan. Our traffic is bad enough as it is. Flag
<b>142</b>	 <b>Name:</b> Kit Ko on Jul 10, 2013 <b>Comments:</b> I saw 3 accidents related to near pedestrian hits in the crosswalk by marsh park. Dangerous conditions that need to be acted upon, not made worse by introducing significantly more traffic. Flag
<b>143</b>	<b>Name:</b> Dan Wentzel on Jul 10, 2013 <b>Comments:</b> Flag
<b>144</b>	<b>Name:</b> Frank Welton on Jul 10, 2013 <b>Comments:</b> Flag
<b>145</b>	<b>Name:</b> Daniel Powell on Jul 10, 2013 <b>Comments:</b> I live on Lake Street and can attest to the traffic problems. Flag
<b>146</b>	<b>Name:</b> Nate Brooling on Jul 10, 2013 <b>Comments:</b> Flag
<b>147</b>	<b>Name:</b> Marianne Smernis on Jul 10, 2013 <b>Comments:</b> Flag
<b>148</b>	<b>Name:</b> Rachel Beto on Jul 10, 2013 <b>Comments:</b> Flag
<b>149</b>	<b>Name:</b> Atis Freimanis on Jul 10, 2013 <b>Comments:</b> Flag
<b>150</b>	<b>Name:</b> Allan Bottemiller on Jul 10, 2013 <b>Comments:</b> Don't ruin Kirkland by adding more traffic. Flag

# City of Kirkland: NOTICE of Dangerous Conditions on Lake Washington Blvd / Lake St S: Duty to Cure and Prevent Known Unsafe Conditions

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<b>151</b>	<b>Name:</b> Elie Goral on Jul 10, 2013 <b>Comments:</b> Isn't the traffice density excessive already?... Flag
<b>152</b>	<b>Name:</b> Ruth Norwood on Jul 10, 2013 <b>Comments:</b> Flag
<b>153</b>	<b>Name:</b> Kathleen Dier on Jul 10, 2013 <b>Comments:</b> Flag
<b>154</b>	<b>Name:</b> Noel Schuurman on Jul 10, 2013 <b>Comments:</b> Flag
<b>155</b>	<b>Name:</b> Martin Chvoj on Jul 10, 2013 <b>Comments:</b> Flag
<b>156</b>	<b>Name:</b> <i>Anonymous</i> on Jul 10, 2013 <b>Comments:</b> Flag
<b>157</b>	<b>Name:</b> Frank Haas on Jul 10, 2013 <b>Comments:</b> We live on Lake Street South and the traffic is already at full capacity for several times. I suggest that the city conduct complete studies to validate my daily observation. Flag
<b>158</b>	<b>Name:</b> Chris Morrison on Jul 10, 2013 <b>Comments:</b> Flag
<b>159</b>	<b>Name:</b> Gail Powell on Jul 10, 2013 <b>Comments:</b> Flag
<b>160</b>	<b>Name:</b> Linda Carrigan on Jul 11, 2013 <b>Comments:</b> I've walked for 30 years in Kirkland. Recently I was almost killed by a drunk driver while walking in a cross walk close to home. Lately, I've seen young people, while on my walk, sitting on benches all drugged not able to keep their heads up. This area is really going down hill. And will only get worse will more people squeezed in. Give me peace in my life again and everybody else s. Flag

<p><b>161</b> <b>Name:</b> Nancy K. Gode on Jul 11, 2013 <b>Comments:</b> Flag</p>
<p><b>162</b> <b>Name:</b> Nancy K. Godd on Jul 11, 2013 <b>Comments:</b> Flag</p>
<p><b>163</b>  <b>Name:</b> Kevin Beto on Jul 11, 2013 <b>Comments:</b> Flag</p>
<p><b>164</b> <b>Name:</b> Anne Miller on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>165</b> <b>Name:</b> Karen Levenson on Jul 12, 2013 <b>Comments:</b> The length of the traffic queue seems to have increased tremendously and the attitude of those who are facing longer queue has become much more negative. On a recent trip home, I slogged through nearly 15 minutes of northbound traffic and came upon the Super 24 market (a great example of a neighborhood business / corner market). Picked up milk and tried to get back into traffic. Some guy leaned forward over the steering wheel and motioned that I must stay put.... I waited many more minutes and had drivers shaking their heads to indicate that they would not let me in. All this time my car is straddling the pedestrian/bike sidewalk and both peds and bikes are going either in front or in back of me. I finally decide I just have to get into traffic sooner or later and I decide to be more aggressive. I do get into traffic without a collision, but the driver honks the horn repeatedly. When I get to my driveway a block later, the driver is impatient with my slowdown to allow a pedestrian to cross before I enter. Leans on the horn again while I am trying to enter without running over this person who appears to be wanting to enjoy the walk rather than hearing angry honking horns. This is a new level of congestion on Lake Washington Blvd. We need to see if there is anything we can do to improve this and we need to take every step necessary to not make this worse. Flag</p>
<p><b>166</b> <b>Name:</b> Karen Levenson on Jul 12, 2013 <b>Comments:</b> The length of the traffic queue seems to have increased tremendously and the attitude of those who are facing longer queue has become much more negative. On a recent trip home, I slogged through nearly 15 minutes of northbound traffic and came upon the Super 24 market (a great example of a neighborhood business / corner market). Picked up milk and tried to get back into traffic. Some guy leaned forward over the steering wheel and motioned that I must stay put.... I waited many more minutes and had drivers shaking their heads to indicate that they would not let me in. All this time my car is straddling the pedestrian/bike sidewalk and both peds and bikes are going either in front or in back of me. I finally decide I just have to get into traffic sooner or later and I decide to be more aggressive. I do get into traffic without a collision, but the driver honks the horn repeatedly. When I get to my driveway a block later, the driver is impatient with my slowdown to allow a pedestrian to cross before I enter. Leans on the horn again while I am trying to enter without running over this person who appears to be wanting to enjoy the walk rather than hearing angry honking horns. This is a new level of congestion on Lake Washington Blvd. We need to see if there is anything we can do to improve this and we need to take every step necessary to not make this worse. Flag</p>
<p><b>167</b> <b>Name:</b> Gloria Wentzel on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>168</b> <b>Name:</b> Terri Campbell on Jul 12, 2013 <b>Comments:</b> I have lived on Lk WA Blvd for years and have always struggled to get out of my driveway with the traffic. And sometimes it takes an extra 20 mins to get home because the blvd is so backed up. been horrible for years. I cannot imagine how the council could even consider letting a complex as large as Potola be built. Flag</p>
<p><b>169</b> <b>Name:</b> Samuel L. Sibert on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>170</b> <b>Name:</b> <i>Anonymous</i> on Jul 12, 2013</p>

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<p><b>Comments:</b> The traffic on Lake street south during commute hours is horendous (I live on Lake Sreet and see it each weekday). Why any government body would issue more building permits and compound the problem is in my opion immoral Flag</p>
<p><b>171 Name:</b> Ulrich Kammholz on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>172 Name:</b> Annegret Reichmann on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>173 Name:</b> Lee Garcia on Jul 12, 2013 <b>Comments:</b> Currently dangerous and difficult to exit onto Lake Wash Blvd from east side of street and turn right (north) into town. Virtually impossible to exit onto Lake Wash Blvd from east side of street and turn left (south) towards Bellevue. Flag</p>
<p><b>174 Name:</b> Robin Vogel on Jul 12, 2013 <b>Comments:</b> this sudden increase in unmitigated traffic is not acceptable for Amy reason Flag</p>
<p><b>175 Name:</b> Andrea Mosa on Jul 12, 2013 <b>Comments:</b> Please find a way to undo this huge mistake. Let's keep Kirkland the fabulous, enjoyable place to live that it currently is. Thank you! Flag</p>
<p><b>176 Name:</b> <i>Anonymous</i> on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>177 Name:</b> Kaley Linton on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>178 Name:</b> Madeleine And Harold Sherman on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>179</b>  <b>Name:</b> Marv Scott on Jul 12, 2013 <b>Comments:</b> Flag</p>
<p><b>180 Name:</b> Carol Rogers on Jul 13, 2013 <b>Comments:</b> The traffic any day on Lake Washington Blvd,. NE is so jammed - hundreds more cars would lock us in our driveways, trying to exit. Flag</p>
<p><b>181 Name:</b> Ray Benezra on Jul 13, 2013 <b>Comments:</b> It is so hard to get out of drivewsy now. If it gets worse it could affect the value of my home Flag</p>
<p><b>182 Name:</b> Doyle Sullivan on Jul 13, 2013 <b>Comments:</b> Flag</p>
<p><b>183 Name:</b> Heather Bradford on Jul 13, 2013 <b>Comments:</b> Flag</p>
<p><b>184 Name:</b> Charles Pilcher on Jul 13, 2013 <b>Comments:</b> Flag</p>

185	<b>Name:</b> Charles Pilcher on Jul 13, 2013 <b>Comments:</b> Flag
186	<b>Name:</b> Ken Fowles on Jul 13, 2013 <b>Comments:</b> Traffic impacts. Not on a bus line - King County Metro knows this isn't a high density area. No turn lanes, no room to widen road without bulldozing neighbors. Flag
187	<b>Name:</b> Judith Beto on Jul 13, 2013 <b>Comments:</b> We continue to express our concern for traffic and environmental effect of this development inconsistent with neighborhood. Flag
188	<b>Name:</b> Steven Beto on Jul 13, 2013 <b>Comments:</b> I am concerned about traffic impact on an already traffic congested lake Washington Blvd Flag
189	<b>Name:</b> Catherine Ferrera on Jul 13, 2013 <b>Comments:</b> I am very concerned about how this project will affect an already congested traffic way. Flag
190	<b>Name:</b> Joan Lindell on Jul 13, 2013 <b>Comments:</b> Flag
191	<b>Name:</b> Bill McNeill on Jul 13, 2013 <b>Comments:</b> Flag
192	<b>Name:</b> Paula Veazey on Jul 13, 2013 <b>Comments:</b> Flag
193	<b>Name:</b> Linda Shaughnessy on Jul 13, 2013 <b>Comments:</b> Flag
194	<b>Name:</b> Winston De Forest on Jul 13, 2013 <b>Comments:</b> Flag
195	<b>Name:</b> Bonnie Berry on Jul 13, 2013 <b>Comments:</b> Flag
196	<b>Name:</b> Steve Beto on Jul 13, 2013 <b>Comments:</b> Flag
197	<b>Name:</b> <i>Anonymous</i> on Jul 13, 2013 <b>Comments:</b> Midweek recently I attempted to drive from Metropolitan Market to Carillon Point via Lakeview Drive. Northbound traffic was backed up both on Lakeview Drive and Lake Washington Blvd as far as the eye could see and likely onto Bellevue Way. I've seen it before. Even if Lakeview Drive and Lake Washington Blvd were converted to one-way, 2 lane roads in opposite directions, the gridlock would be worse with 2 lanes merging onto single a single lane on Lake Street. State Street is just as bad at rush hour. Traffic gridlock in the summer months is the norm and pedestrians are out in full-force. Often pedestrians do not look when crossing the street (oblivious in earplugs, texting or conversation). Pedestrians rarely slow down to look when crossing the driveways off Lake St/Lake Wash Blvd. These conditions are accidents waiting to happen – and they have. How can the City ever have considered a 50-100++ unit village along this primary arterial? The City must get a grip on the traffic issues for the benefit of residents and downtown business owners. The City must get a grip on fixing the traffic gridlock. To make it worse is, bluntly, irresponsible. Flag

**198 Name:** Gayle Bond on Jul 13, 2013

**Comments:**  
Flag

**199 Name:** Kay Plimpton on Jul 13, 2013

**Comments:** This project is far beyond what should be part of the city of Kirkland - the traffic impact alone on Lake Street and surrounding streets should be enough to stop irresponsible building if huge number of units.  
Flag

**200 Name:** Robert L. Style on Jul 13, 2013

**Comments:** Please add this petition to what already has been submitted regarding the impacts of traffic on Lake Street, Lake Washington Blvd, NE, 10th Ave South, and the choke points already congested on the intersections downtown Kirkland.  
Flag

# City of Kirkland: NOTICE of Dangerous Conditions on Lake Washington Blvd / Lake St S: Duty to Cure and Prevent Known Unsafe Conditions

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<b>201</b>	<b>Name:</b> Cathy Klug on Jul 13, 2013 <b>Comments:</b> Flag
<b>202</b>	<b>Name:</b> Julie Pederson on Jul 13, 2013 <b>Comments:</b> Flag
<b>203</b>	<b>Name:</b> Ray & Charlotte Kanemori on Jul 13, 2013 <b>Comments:</b> Flag
<b>204</b>	<b>Name:</b> Kim Pilcher on Jul 13, 2013 <b>Comments:</b> Flag
<b>205</b>	<b>Name:</b> Hugh Levenson on Jul 13, 2013 <b>Comments:</b> Flag
<b>206</b>	<b>Name:</b> John McCaslin on Jul 14, 2013 <b>Comments:</b> Flag
<b>207</b>	<b>Name:</b> Glen And Delpha Holden on Jul 14, 2013 <b>Comments:</b> Flag
<b>208</b>	<b>Name:</b> Susan O'Neill on Jul 14, 2013 <b>Comments:</b> Flag
<b>209</b>	<b>Name:</b> Jerry O'Neill on Jul 14, 2013 <b>Comments:</b> Flag
<b>210</b>	<b>Name:</b> Marianne Smernis on Jul 14, 2013 <b>Comments:</b> Flag
<b>211</b>	<b>Name:</b> Lee Drechsel on Jul 14, 2013 <b>Comments:</b> Flag

212	<b>Name:</b> Tom Drechsel on Jul 14, 2013 <b>Comments:</b> Flag
213	<b>Name:</b> Dr. Cynthia Morrow-Hattal on Jul 15, 2013 <b>Comments:</b> Congestion, safety, and the very nature of Kirkland are at stake here. This lovely village enticed those of us who bought our homes here because of its lack of density, its very drivable roads, and now because of greed and possible corruption we are the victims of a hideous bait and switch. Please respect the nature of our town by looking into the traffic and congestion issues which Potlatch will cause to those already living here. Thank you. Flag
214	<b>Name:</b> Lisa Rohrback on Jul 15, 2013 <b>Comments:</b> Flag
215	<b>Name:</b> Richard Satre on Jul 15, 2013 <b>Comments:</b> Flag
216	<b>Name:</b> Richard Satre on Jul 15, 2013 <b>Comments:</b> Flag
217	<b>Name:</b> Cary Badger on Jul 15, 2013 <b>Comments:</b> Permitting and Construction that impacts our neighborhood in this way needs to be addressed by our City representatives and changes/opposed in all forums and legal venues. Flag
218	<b>Name:</b> Connie Sperry on Jul 15, 2013 <b>Comments:</b> We have enough congestion in that area that the code needs to be enforced for safety of all. Flag
219	<b>Name:</b> Stan Handaly on Jul 15, 2013 <b>Comments:</b> Flag
220	<b>Name:</b> Ryan Levenson on Jul 16, 2013 <b>Comments:</b> Flag
221	<b>Name:</b> Stan Christie on Jul 16, 2013 <b>Comments:</b> Flag
222	<b>Name:</b> Sandra Hart on Jul 16, 2013 <b>Comments:</b> Flag
223	<b>Name:</b> Bahman Raisdana on Jul 16, 2013 <b>Comments:</b> Flag
224	<b>Name:</b> <i>Anonymous</i> on Jul 16, 2013 <b>Comments:</b> Flag
225	<b>Name:</b> Mary Toy on Jul 16, 2013 <b>Comments:</b> The people who live in Kirkland definitely feel that the problems with traffic, noise, pollution etc. will make this a less than desirable place to drive. You have a duty as our representatives to abide by their wishes. This is not the place I would have chosen to live if I had known what the city fathers had in mind. Please reconsider. Flag
226	<b>Name:</b> Thomas And Carol Armitage on Jul 16, 2013 <b>Comments:</b>

Flag
<p><b>227 Name:</b> Kevin Dunlap on Jul 16, 2013  <b>Comments:</b>                  Flag</p>
<p><b>228 Name:</b> Brian Rohrback on Jul 17, 2013  <b>Comments:</b>                  Flag</p>
<p><b>229 Name:</b> <i>Anonymous</i> on Jul 17, 2013  <b>Comments:</b> I currently get a black film on my window from the current pollution probably resulting from congested traffic downtown Kirkland. There are many documented health studies reporting these environmental hazards to my personal well-being. How are we mitigating this health problem with added traffic with two proposed major projects? I am not opposed to these projects, only the consequences of them.                  Flag</p>
<p><b>230 Name:</b> Michael Keyes on Jul 17, 2013  <b>Comments:</b>                  Flag</p>
<p><b>231 Name:</b> ONE WEEK COMMENT PERIOD CLOSED on Jul 19, 2013  <b>Comments:</b>                  Flag</p>
<p><b>232 Name:</b> _____ COMMENTS CLOSED _____ on Jul 19, 2013  <b>Comments:</b> _____ COMMENTS ON THIS PETITION _____ CLOSED RESPONSE MUCH MORE ROBUST THAN EXPECTED                  Flag</p>
<p><b>233 Name:</b> Teresa Pliskowski on Jul 21, 2013  <b>Comments:</b>                  Flag</p>
<p><b>234 Name:</b> Larry Granston on Jul 25, 2013  <b>Comments:</b>                  Flag</p>

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**CITY OF KIRKLAND**

**City Manager's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kari Page, Neighborhood Outreach Coordinator  
**Date:** August 26, 2013  
**Subject:** Upcoming City Council Meeting with the Everest Neighborhood

**RECOMMENDATION:**

City Council finalizes the agenda for the City Council Meeting with the Everest Neighborhood.

**BACKGROUND:**

After an extensive evaluation of the scope and schedule for the City Council Meetings with the Neighborhoods, the City Council instructed staff on July 2, to continue focusing the meetings on one neighborhood at a time. Council also asked staff to reach out to neighborhoods in the planning stage each year to see if any neighborhoods want to voluntarily combine for any particular issue or reason. In an effort to reach more people more often, Council also expects to offer at least one City Council Town Hall meeting each year.

Based upon this direction, the City Council Meetings in the Neighborhoods 2013–2014 schedule is listed below:

2013

- Spring 2013: no meeting—program evaluation
- June 8, 2013: Town Hall Meeting—How to plan for Kirkland’s business districts
- October 16, 2013: Everest Neighborhood
- November 20, 2013: Highlands/Norkirk Neighborhoods

2014

- Spring 2014: Market
- Spring 2014: South Rose Hill/Bridle Trails
- Spring 2014: Possible Town Hall meeting
- Fall 2014: Totem Lake/Evergreen Hill
- Fall 2014: Central Houghton

The Council is scheduled to meet with Everest neighborhood residents on Wednesday, October 16, 2013 6:45–8:45 p.m. at the Houghton Fire Station 6602 108<sup>th</sup> Avenue Northeast. A memo will be sent to Council regarding the details of the November 20 Highlands/Norkirk meeting on November 5.

Unless otherwise instructed by Council, staff will continue the same meeting format:

The agenda for the meeting is as follows:

6:45-7:00 p.m. Informal Casual Conversations  
7:00-7:05 p.m. Welcome and Introduction - Mayor Joan McBride  
7:05-7:10 p.m. Comments from the Everest Neighborhood Chair - Anna Rising  
7:10-7:30 p.m. Introductions from City Council Members  
7:30-8:45 p.m. General Discussion and Questions from Audience  
8:45 p.m. Social Time

The following topics were submitted by Anna Rising, the Everest Neighborhood Chair, from the Everest Neighborhood Board for discussion at the meeting. These will be added to the list of questions submitted online by residents and answers will be distributed at the meeting and posted online.

- *“ There is a perception that the neighborhoods and residents are ignored in regards to planning and zoning that may impact residents’ quality of life. This was recently felt in the Everest Neighborhood when the zoning change was proposed for the Houghton/Everest Neighborhood Center last fall. Everest residents responded with hundreds of emails to the Council and Planning Department expressing their frustrations regarding traffic congestion and safety. Several months later, when Google Phase II planning occurred (in which the building would be located in Moss Bay, but all the traffic would be routed through Everest), the City did not reach out to Everest to inform them of the potential impact. What are you doing to improve outreach and make sure you get comprehensive feedback from all impacted neighborhoods?*
- *The Growth Management Act requires us to increase density in Kirkland. A) With large residential areas taking up much of city, exactly where do you see density increasing (besides Totem Lake), and in what form? B) What specific density increases do you foresee for the Everest Neighborhood in the next 10 and 20 years? C) After last year’s discussion, what specific changes to the Houghton Everest Neighborhood Center does the Council envision?*
- *As you are aware, our Neighborhood Plan has not been updated in 25 years. Last fall, when it was proposed that the zoning for the Houghton-Everest Neighborhood Center be changed to 5 stories, it was mentioned by many people at the City that our Neighborhood Plan was very old and it was implied that it was not relevant because it was so old. We see our Neighborhood Plan as a way to express our goals for the neighborhood as well as protect us from zoning that is out of character, yet we do not have a commitment from the city that we can update our plan. What kind of commitment will you make to us regarding allowing us to update our neighborhood plan.”*

Attachment A outlines the remaining 2013 timeline for receiving the questions and answers in advance of the meetings and a map of the areas. If you have any suggestions or changes to this schedule, please contact Kari Page at (425) 587-3011.

# City Council Meetings with the Neighborhoods

## 2013

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S		
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30													30	31					30	31									

City Council Meetings in the Neighborhoods 2013 Schedule	
	<b>Spring 2013:</b> no meeting – program evaluation
	<b>Town Hall Meeting:</b> City Council Chambers, City Hall June 9, 2013
	<b>Everest Neighborhood:</b> Houghton Fire Station, 6602 108 <sup>th</sup> Avenue Northeast October 16, 2013
	<b>Norkirk and Highlands Neighborhoods:</b> Maintenance Center, 915 8 <sup>th</sup> Street November 20, 2013

Milestone	
	Residents receive mailing and submit questions
	Regular Council meeting to finalize agenda
	Directors answer questions from residents
	City Council receives questions and answers
	City Council meeting with the Neighborhood

