



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
November 20, 2012

1. CALL TO ORDER
2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION
 - a. Transportation Concurrency Discussion

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Public Works Director Ray Steiger, Transportation Engineering Manager Dave Godfrey, Transportation Commission Chair Joel Pfundt and Vice Chair Sandeep Singhal.

4. EXECUTIVE SESSION
 - a. To Discuss Pending Litigation
 - b. To Review the Performance of a Public Employee

Mayor McBride announced at 6:45 p.m. that Council would enter into executive session to discuss pending litigation and to review the performance of a public employee and would return to regular meeting at 7:30 p.m.

City Clerk Kathi Anderson announced at 7:30 p.m. that Council would require additional time and would return at 7:35 p.m., which they did, resuming the regular meeting at 7:40 p.m.

5. HONORS AND PROCLAMATIONS
6. COMMUNICATIONS
 - a. Announcements
 - b. Items from the Audience

Tom Grimm
Peter Powell

Jack Arndt
Larry Abner
Eric Evans
Justin Stewart
Lobsang Dargey

c. Petitions

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

a. Approval of Minutes: November 7, 2012

b. Audit of Accounts:

Payroll \$2,635,307.76

Bills \$2,367,538.87

run #1146 checks #538950 - 538976

run #1147 checks #538979 - 539097

run #1148 checks #539098 - 539113

run #1149 checks #539140 - 539264

run #1150 checks #539265 - 539279

c. General Correspondence

d. Claims

A claim from Robert Martin was acknowledged.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) NE 68th Street and 108th Avenue NE Intersection Improvement
Project Sanders General Construction, Maple Valley, Washington

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-4942, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE CITY OF KIRKLAND'S ALLOCATION FOR THE NORTH EAST KING COUNTY REGIONAL PUBLIC SAFETY COMMUNICATIONS AGENCY (NORCOM) BUDGET."

(2) Ordinance O-4382 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDMENT OF ORDINANCE O-4299 OF THE CITY OF KIRKLAND RELATING TO GRANTING WOODINVILLE WATER

DISTRICT, A WASHINGTON MUNICIPAL CORPORATION, THE RIGHT, PRIVILEGE, AUTHORITY AND FRANCHISE TO CONSTRUCT AND MAINTAIN, REPAIR, REPLACE, OPERATE UPON, OVER, UNDER, ALONG AND ACROSS THE FRANCHISE AREA WATER AND SEWER FACILITIES FOR PURPOSES OF ITS WATER AND SEWER UTILITY BUSINESS."

(3) Resolution R-4943, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO THE CROSS KIRKLAND CORRIDOR AND THE CITY'S STORMWATER UTILITY, AND AUTHORIZING USE OF THE CROSS KIRKLAND CORRIDOR FOR STORMWATER PURPOSES."

(4) Surplus and Disposal of Equipment Rental Vehicles

(5) Report on Procurement Activities

<u>Fleet #</u>	<u>Model Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
PU-57	2005	Chevrolet Express Van	1GCFH15T95188448	39477D	179,039
P09-05	2009	Ford Crown Victoria	2FAHP71V49X121703	49173D	91,507
BG-3X	2000	John Deere Field Rake	TC1200A110274	N/A	N/A

Motion to Approve the Consent Calendar.

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

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

a. Preliminary Property Tax Levy:

(1) Ordinance O-4385, Establishing the Amount of Property Taxes to be Levied for the Year 2013, the First Year of the City of Kirkland's 2013-2014 Fiscal Biennium.

Mayor McBride opened the public hearing. Finance and Administration Director Tracey Dunlap provided background information and outlined next steps. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Ordinance O-4385, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2013, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2013-2014 FISCAL BIENNIUM."

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

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

b. Preliminary Property Tax Levy Fire District 41:

(1) Ordinance O-4386, Establishing the Amount of Property Taxes to be Levied for the Year 2013, to Pay the Fire District 41 Debt Service Assumed as a Result of Annexation of the North Juanita, Finn Hill, and Kingsgate Neighborhoods on June 1, 2011.

Mayor McBride opened the public hearing. No testimony was offered and the Mayor closed the hearing.

Motion to Approve Ordinance O-4386, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2013, TO PAY THE FIRE DISTRICT 41 DEBT SERVICE ASSUMED AS A RESULT OF ANNEXATION OF THE NORTH JUANITA, FINN HILL, AND KINGSGATE NEIGHBORHOODS ON JUNE 1, 2011."

Moved by Councilmember Toby Nixon, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 7-0

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

c. 2013-2014 Biennial Budget

Mayor McBride opened the public hearing. Finance and Administration Director Tracey Dunlap summarized the deliberations to date, changes made since the last public hearing and requested confirmation of that summary and any further direction from the Council. No further testimony was offered and the Mayor closed the hearing.

10. UNFINISHED BUSINESS

a. 2013 to 2018 Capital Improvement Program

Chief Information Officer Brenda Cooper introduced GIS Administrator Xiaoning Jiang who demonstrated an example of future software enhancements which will provide advanced linked mapping of Capital Improvement projects. Finance and Administration Director Tracey Dunlap then reviewed changes that have been made to the CIP document since last discussed and additional proposed changes and responded to Council questions and comment.

b. Resolution R-4940, Authorizing the City Manager to Sign a Settlement Agreement Between Lobsang Dargey and Tamara Agassi Dargey, Potala Village Kirkland, LLC,

and the City of Kirkland to Settle Litigation Over Plaintiffs' Challenge of the City's Moratorium as it Relates to Plaintiffs' Development of the Potala Village Project.

No action was taken on the resolution.

- c. Ordinance O-4387, Relating to Land Use and Zoning, Terminating a Moratorium Within Neighborhood Business (BN) Zones on the Acceptance of Applications for the Review and Issuance of Development Permits for Any New Development, Additions or Alterations.

No action was taken on the Ordinance.

Motion to ask staff to bring back changes to the BN zoning reflecting 48 units per acre at Council's December 11, 2012 special meeting for Council consideration.

Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Penny Sweet
Vote: Motion carried 5-2

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

No: Councilmember Dave Asher, and Councilmember Bob Sternoff.

Council recessed for a short break.

11. NEW BUSINESS

- a. Resolution R-4944, Approving the Issuance of a Process IIB Permit as Applied for in Department of Planning and Community Development File No. ZON12-00659 by Steve Lee for Kirkland Children's School Being Within a RS 8.5 Zone, and Setting Forth Conditions to Which Such Process Iib Permit Shall be Subject.

The Council was provided an opportunity to disclose any previous ex-parte communication the Council may have had with the applicant; they had none. Associate Planner Tony Leavitt then presented background information on the permit application and responded to Council questions.

Motion to suspend Council rule of procedure, section 26, to allow a vote on the matter at this evening's meeting.

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher
Vote: Motion carried 7-0

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

Motion to Approve Resolution R-4944, entitled "A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON12-00659 BY STEVE LEE FOR KIRKLAND CHILDREN'S SCHOOL BEING WITHIN A RS 8.5 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT."

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

Vote: Motion carried 7-0

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

- b. Ordinance O-4383 and its Summary, Relating to Transportation and Park Impact Fee Exemptions for Creation or Construction of Low-Income Housing and Amending Kirkland Municipal Code Chapters 27.04 and 27.06.

Planning and Community Development Director Eric Shields explained the parameters of the proposed ordinance.

Motion to Approve Ordinance O-4383 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TRANSPORTATION AND PARK IMPACT FEE EXEMPTIONS FOR CREATION OR CONSTRUCTION OF LOW-INCOME HOUSING AND AMENDING KIRKLAND MUNICIPAL CODE CHAPTERS 27.04 AND 27.06."

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

Vote: Motion carried 7-0

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

12. REPORTS

- a. City Council

(1) Regional Issues

Councilmembers shared information about a recent Puget Sound Regional Council Growth Management Policy Board meeting; Sound Cities Association dinner; Economic Development Council of King County (formerly known as enterpriseSeattle) meeting; Puget Sound Regional Council Transportation Policy Board meeting; Cascade Water Alliance Public Policy meeting; Emergency Management Advisory Committee meeting; Nourishing Networks Institute's 2nd Annual Thanksgiving Summit; Operation Spirit of Christmas; Kiwanis Christmas Tree lot opening; Councilmember Nixon's participation on a panel at the Washington State Association of Counties annual conference; Northwest University dinner; 14th CERT final exercise and upcoming class graduation; Association of Washington Cities Legislative Committee meeting; appointment of Jean White as acting coordinator of all Water Resource Inventory Areas (WRIA) in King County; upcoming Eastside Human Services annual meeting; Assistance League of the Eastside Celebration Holiday Home Tour; and the recent passing of longtime Park Board member Bob Kamuda. In addition, the Mayor extended

her thankfulness to fellow Councilmembers and City staff for the great job they do along with wishes for a happy Thanksgiving.

b. City Manager

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of November 20, 2012 was adjourned at 9:36 p.m.

City Clerk

Mayor