



CITY OF KIRKLAND

CITY COUNCIL

James Lauinger, Mayor • Joan McBride, Deputy Mayor • Dave Asher • Mary-Alyce Burleigh
Jessica Greenway • Tom Hodgson • Bob Sternoff • David Ramsay, City Manager

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY 425.587.3111 • www.ci.kirkland.wa.us

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chamber

Tuesday, February 20, 2007

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

7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.ci.kirkland.wa.us, at the Public Resource Area at City Hall or at the Kirkland Library on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (587-3190) or the City Manager's Office (587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
 - a. Joint Meeting with Transportation Commission
4. *EXECUTIVE SESSION*
5. *SPECIAL PRESENTATIONS*
 - a. Twenty-five Year Service Awards:
Corporal Bruce Howell
Police Services Administrative Coordinator Nita Martin
 - b. Public Health Presentation
 - c. Entrepreneurship Week Proclamation
6. *REPORTS*
 - a. *City Council*
 - (1) Regional Issues
 - b. *City Manager*
 - (1) 2007 Legislative Status Report
 - (2) Agenda for Kirkland City Council Special Meeting in the Highlands Neighborhood
 - (3) Calendar Update

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

ITEMS FROM THE AUDIENCE

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

7. *COMMUNICATIONS*

- a. *Items from the Audience*
- b. *Petitions*

CONSENT CALENDAR consists of those items which are considered routine, for which a staff recommendation has been prepared, and for items which Council has previously discussed and no further discussion is required. The entire Consent Calendar is normally approved with one vote. Any Council Member may ask questions about items on the Consent Calendar before a vote is taken, or request that an item be removed from the Consent Calendar and placed on the regular agenda for more detailed discussion.

8. *CONSENT CALENDAR*

- a. *Approval of Minutes:* (1) February 6, 2007 – Special Meeting
(2) February 6, 2007

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

- c. *General Correspondence*
 - (1) Master Builders Association, Regarding the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit
 - (2) Jeannette Simecek, President, South Rose Hill/Bridle Trails Neighborhood, Regarding Hopelink and Quarterly Update on Neighborhood Impacts

- d. *Claims*
 - (1) Brian and Allison Legge
 - (2) Marina Park LLC
 - (3) Monica Muller
 - (4) Sriram and Chitra Subramanian

- e. *Authorization to Call for Bids*

- f. *Award of Bids*
 - (1) City Hall Fire Alarm Panel/Device Replacement Project, Washington Alarm of Seattle, WA

- g. *Acceptance of Public Improvements and Establishing Lien Period*

- h. *Approval of Agreements*
 - (1) Resolution R-4624, Approving a Sewer Facility Agreement with Bergevin Hill LLC and Authorizing the City Manager to Sign Said Agreement on Behalf of the City of Kirkland

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

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

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

- (2) Resolution R-4625, Approving a Sewer Facility Agreement with H-1 Development Corporation and Authorizing the City Manager to Sign Said Agreement on Behalf of the City of Kirkland

- i. Other Items of Business*

- (1) Resolution R-4626, Relinquishing Any Interest the City May Have in an Unopened Alley Except for a Utilities Easement as Described Herein and Requested by Property Owner Bonnie D. Perkins
- (2) Resolution R-4627, Relinquishing Any Interest the City May Have Except for a Utilities Easement in an Unopened Alley as Described Herein and Requested by Property Owner Ryan Leopold

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

- 9. *PUBLIC HEARINGS*

- 10. *UNFINISHED BUSINESS*

- 11. *NEW BUSINESS*

- a. Performance Audit Overview - P
- b. Resolution R-4628, Transferring 2006 General Fund Available Balance

- 12. *ANNOUNCEMENTS*

- 13. *ADJOURNMENT*

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

**CITY OF KIRKLAND**123 Fifth Avenue, Kirkland, WA 98033 (425) 587-3000
www.ci.kirkland.wa.us

To: City Council

From: Transportation Commission, Daniel Fisher Chair

Date: February 8, 2007

Subject: Transportation Commission- Council Study Session

RECOMMENDATION:

It is recommended that the Council discuss future work topics with the Commission and review past accomplishments.

BACKGROUND DISCUSSION:

This memo is divided into three sections:

1. Key issues that the commission would like to examine during 2007
2. Other 2007 work items
3. Highlights of 2006 work

1. KEY 2007 WORK PLAN ITEMS

Table 1 shows the 2007 Transportation Commission work plan as identified by the Commission. It is broken into three categories; items that occur each year, new items and items that are carried over from last year. Additionally, certain items are denoted as key items. This section of the memo describes those key projects that we would particularly like to discuss with Council at our joint meeting.

CONCURRENCY

Background. As we discussed last year, Concurrency is an important issue for the Commission. Over the past year we have made progress in determining the direction we want to head with a new Concurrency program and have begun to construct the details of a new plan. Some of our findings to date:

Concurrency is one element of the development review process. The process has other elements as well: SEPA review, Impact Fees, required frontage improvements, CTR requirements. Each of these elements plays a specific role and it is important to keep these roles in mind when developing their rules.

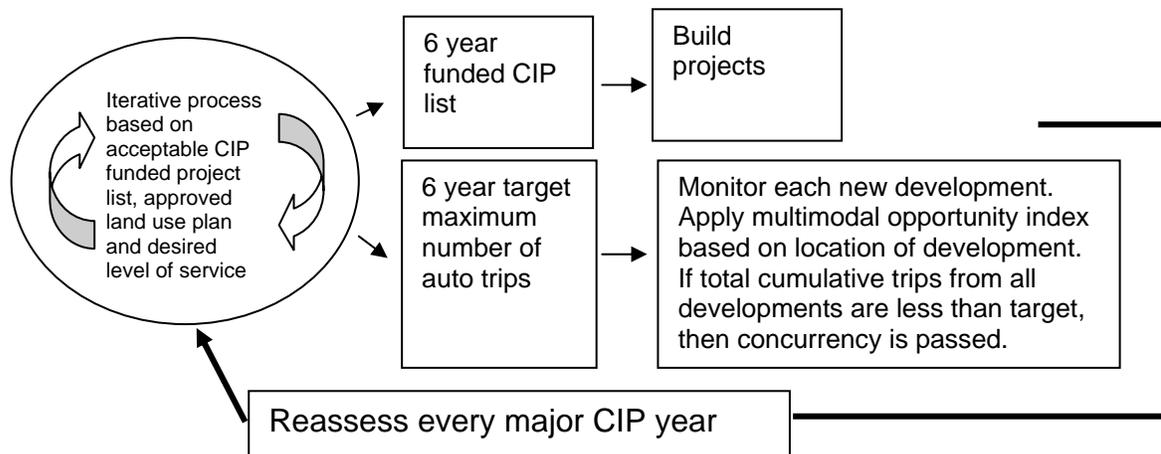
Building moratoriums based on concurrency are not desirable. In other communities these have failed to reduce traffic congestion while negatively effecting economic development. Concurrency rules should be flexible and account for special situations.

Concurrency should be multimodal. The value and effect of non-auto modes should be explicitly considered during the evaluation of developments. We have spent a fair amount of time developing such an approach as it is unique.

Concurrency should be plan driven, easy to administer and easy to understand. It has been important to us to develop a system that reflects values in the Comprehensive Plan and that takes a big picture approach as opposed to a project level look at the balance between land use and transportation. By simplifying the approach we feel it will be improved for both staff and the development community.

The Approach. First, a total number of new trips to be allowed for 6 years and a funded CIP list is developed. This is done by considering a) acceptable levels of congestion, b) available funding for auto capacity based CIP projects and c) the adopted land use. As each development is tested for concurrency, a count of total new trips from each development is compared to that target. As long as there is still room under the target, development passes concurrency. At the same time, funded CIP projects are completed in accordance with the timing that were determined when the trip numbers were approved. A new target is established and the system is recalibrated every two years in connection with major CIP years. The multimodal portion of the program comes into play based on the non-auto system facilities that are available within the vicinity of the proposed development. At locations where there are more facilities, more auto trips may be allowed because there is greater opportunity to switch to an alternate mode.

Figure 1. Schematic of new concurrency system



NE 132nd STREET PRELIMINARY DESIGN

At an estimated cost of around \$30 million NE 132nd Street widening is the most expensive project on the unfunded CIP list. Over the past year we have further solidified a plan for moving this project forward. Public works staff will be releasing an RFP shortly which will request services to develop a master plan for the NE 132nd corridor from 100th Avenue NE to 132nd Avenue NE. We have asked that this master plan be developed in phases. The first phase will document existing conditions and constraints such as sensitive areas, buildings/set backs and significant topographical features. Traffic modeling will be used in this phase in connection with the conditions and constraints to develop several fairly high-level alternates and cost estimates. The Transportation Commission will review this work at key milestones and help select the best alternative.

ITS SYSTEM PLAN

During 2006 we have had several items on our regular meeting agendas concerning ITS. These have built our knowledge base and helped us understand Kirkland's current status. As discussed with Council in October, some of our key findings are:

- ITS is no longer cutting edge, it is being implemented by WSDOT and many Cities around Puget Sound, many of which are similar in size to Kirkland.
- People expect ITS elements because they are becoming more common place. People are using more technology in their vehicles and ITS is very “customer focused” so people like it.
- Better Regional Coordination - There are opportunities to work regionally to get the most out of the regional transportation system through ITS.
- It can be, and in Kirkland should be, Multimodal.
- ITS is not entirely new in Kirkland – NE 124th St Corridor, NE 85th St Design but ITS needs a higher profile in Kirkland
- In the end ITS is about getting the most out of what we have by operating and managing the existing transportation system as efficiently and as safely as possible.

Our goal for 2007 is oversee completion of an ITS master plan. Along with background and analysis, this document will principally describe a set of projects that Kirkland can choose from to implement ITS. We are in the process of completing a detailed outline of what the plan should contain, the next step will be to convert the outline into a scope of work that can be used to secure consultant services. While we feel that there are portions of the work that can be, and may be, best done in-house there are other elements where outside expertise will be valuable.

NON-MOTORIZED PLAN

The non-motorized plan was last updated in 2001 and it is typically updated every 6 years. We look forward to taking the lead on this update and to working with the Park Board and the Planning Commission for review. In the past we have attempted to make small updates, but there are some systematic changes that are necessary which make small changes difficult. Our vision for the next update includes a substantial re-write. Perhaps the most important part of the revision will be update and clarification of the networks that represent the highest priority for new construction of bicycle and pedestrian facilities. This will feed into prioritization for the CIP. We need to emphasize and direct focus on completing key elements of the priority network. Our current thinking is that the Plan will take the form of a handbook where both staff and public can go for answers to questions that concern pedestrian and bicycle planning, construction, operations and maintenance. It might be web based or at least have a web based edition that provides links to other information. There will also be a thorough public process in association with the update. We feel that most of the work can be done during calendar 2007 but that final adoption may continue into 2008.

CTR

At the last State legislative session, important changes were made to the State’s CTR law. As a result of these changes, local agencies, including Kirkland, must prepare new local CTR ordinances. A new layer of more restrictive CTR provisions known as Growth and Transportation Efficiency Centers (GTECs) may also be implemented as a result of new state law. The Transportation Commission is making policy recommendations to the consultant. We have identified that additional financial support above the amount that is currently put toward TDM programs will be necessary. However it is important that any City contributions represent a small portion of spending compared to the contributions from employers. It is also important that City contributions be leveraged to the extent possible. We feel that a 10% decrease drive alone mode split is a reasonable goal in the City as a whole and that it is realistic to establish a GTEC with more aggressive goals in the Totem Lake urban center. <Need some timing of events here>

IMPACT FEES

The impact fee process is well underway. A rate study will be produced at the end of March and Council is scheduled to adopt a revised ordinance in May. The Commission will also review the rate study in late March and is prepared to make a recommendation to the City Council in April in time for the Council's May adoption. We note that impact fees are one of the elements that works with Concurrency, and CTR provisions to address the impacts of growth. If the Council has any particular issues that the Commission should examine, it would be helpful to discuss them at our joint session.

2. OTHER 2006 WORK PLAN ITEMS

Table 1 lists the other items in the Commission's work plan. We would be happy to discuss any of these items the Council wishes to discuss.

3. 2006 ACCOMPLISHMENTS

The following section summarizes some of the highlights from the Commission's 2005 work.

Permanent Radar Signs

The Commission recommended a policy on the location of permanent radar signs to the City Council. Council adopted that recommendation in October of 2006.

Complete Streets

In September the Council adopted an ordinance on Complete Streets that was recommended by the Transportation Commission. Cascade Bicycle Club representatives worked with the Commission to develop the recommended ordinance.

NE 132nd Street

As described in the Key Items section of this memo, work will continue on this topic in 2007. In 2006 we had several sessions on NE 132nd Street which were helpful in understanding and discussing some of the main issues involved with the project.

ITS

Similar to the NE 132nd project, in 2006 we set the stage for more progress in 2007 by clarifying base issues.

Economic Development/Neighborhood

In 2006 we invited Ellen Miller Wolf and Kari Page to meetings to discuss transportation issues of interest to the business community and to neighborhoods. We will be meeting again this year to further discuss these issues.

TABLE 1 Transportation Commission 2007 Work Plan items.

Where particular months have been identified for working on an issue, the months are noted in bold type. Key items are shaded.

Items that occur each year
Joint meeting with City Council. February.
Legislative update April (after the close of the legislative session)
Comprehensive Plan normal update, including concurrency and level of service discussion.
Neighborhood Plans Participate in preparation of neighborhood plans as needed (2007: Houghton and Lakeview)
Grants Review grant activity via regular written updates
Planning Commission Communication with Planning Commission on issues of joint interest.
Retreat Annual commission retreat.
Elect officers December.
CIP Support CIP development in a strategic manner. Review funding levels and sources as well as policies that guide priorities. Examine the funded project list at a high level. May
Neighborhoods Discuss role of transportation commission with neighborhood groups. Involve neighborhood coordinator
New items
Economic Development Explore the role of the Transportation Commission in promoting economic development, in cooperation with the economic development manager.
Concurrency Update Develop a major update to concurrency with an emphasis on multimodal considerations. KEY ITEM
NE 132nd Preliminary design. Review design and offer comments and direction at key milestones. KEY ITEM
ITS Master Plan Continue to own and champion this project. Goal for 2007 is to complete a master plan for ITS. KEY ITEM
I-405 Understand and stay informed on future phases. Make sure that mitigation takes into account lessons learned from current phases. Be proactive and work with WSDOT on project manual.
NTCP Review current policies and recommend appropriate changes to Council.
Pedestrian Safety Advise and direct as necessary to support pedestrian safety initiative.
Non-Motorized Plan Commission will oversee development of an updated plan. KEY ITEM
Items carried over from last year
Market Street Access Receive formal reports on the work of the Market Street neighborhood access project. Make recommendations to Council. February
Transit Center Participate as a stakeholder in the Transit Center project.
CTR Review policy and make a recommendation to Council on new CTR/GTEC KEY ITEM
Impact Fees Commission will review impact fee rate structure and make recommendation to Council. Consider connections to CIP and Concurrency. KEY ITEM

CITY OF KIRKLAND

123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 425.587.3400 FAX 425.587-3410

**POLICE DEPARTMENT
MEMORANDUM**

To: David Ramsay, City Manager
From: Stan Aston, Chief of Police
Date: February 7, 2007
Subject: Presentation of 25 Year Service Award

RECOMMENDATION:

Approve that Council present 25 Year Service Awards to Corporal Bruce Howell and Staff Coordinator Nita Martin at the February 20, 2007 regular City Council meeting.

POLICY IMPLICATIONS:

None

BACKGROUND DISCUSSION:

None

CITY OF KIRKLAND
Service Award



The City of Kirkland Proudly Recognizes and Honors

Bruce W. Howell

**for your contributions over the last
25 years as of December 4, 2006.**

Thank you for your service.

James L. Lauinger, Mayor

David H. Ramsay, City Manager



CITY OF KIRKLAND
Service Award



The City of Kirkland Proudly Recognizes and Honors

Nita Martin

**for your contributions over the last
25 years as of February 1, 2007.**

Thank you for your service.

James L. Lauinger, Mayor

A handwritten signature in black ink, appearing to read "James L. Lauinger", written over a horizontal line.

David H. Ramsay, City Manager

A handwritten signature in black ink, appearing to read "David H. Ramsay", written over a horizontal line.





CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay

From: Carrie Hite, Deputy Director
Jennifer Schroder, Director

Date: February 1, 2007

Subject: Public Health Special Presentation to Council

RECOMMENDATION:

City Council gain knowledge of Public Health funding crisis.

BACKGROUND DISCUSSION:

Mayor Jim Lauinger recently attended a forum presented by Seattle/King County Public Health in regards to the Public Health funding crisis. He requested a special presentation to the Kirkland City Council.

Seattle/King County is facing a funding crisis in Public Health. The funding crisis is related to several factors on the international, national, and State level that are converging on the local level. These factors have been explored at great length in the Public Health Operational Master Plan (PHOMP).

Potential Clinic Closures

The 2007 Executive proposed a stop gap measure in the budget to include expenditure authority and revenues only through June 2007 for the North and Northshore Public Health Clinics (a satellite dental clinic is considered part of the North clinic). These clinics are part of a broad safety net of private and public organizations that provide a variety of personal health care services to largely low-income and uninsured or underinsured clients. The potential closure of these clinics is driven by the Public Health funding crisis.

4410 Joint Steering Committee on Public Health Funding

In 2005, the State Legislature created the Joint Steering Committee on Public Health Funding to study financing options for the public health system. The Committee developed a work plan to understand the current state of public health and its financing, to determine where gaps exist and to make recommendations on funding priorities and financing options. The Committee reached consensus on recommendations, which are summarized below:

February 1, 2007

Page 2

- Delivery of public health services should focus on core, priority services and maximize efficiency. These core public health functions include stopping communicable disease, promoting health, investing in healthy families, protecting against environmental health risks, and helping people to access care.
- The State should provide additional funding in the amount of \$50 million annually during the 2007-2009 bienniums, as an initial investment. This funding should come from existing tobacco tax revenues that are currently deposited to the General Fund (23 cents/pack). There must be a report back to the Legislature demonstrating how expenditures have been used to meet core functions.
- Local governments should play a role in financing the additional investment in public health services. To qualify for additional State funding, local governments should be required to maintain at least their current level of funding for public health.
- The Committee recommends that that Legislature consider a four-part distribution formula in the following priority: (1) Distribute funds based on an equalization approach and require that they be used for core public health functions in order to mitigate deficiencies that result from disparities in tax bases, (2) Distribute on a per capita basis and possibly include other factors that reflect local demand for public health services in order to provide equity in funding based on need, (3) Provide a financial incentive for local jurisdictions to increase local investments in public health, and (4) Distribute funds for creative and more cost effective ideas, possibly on a multi-jurisdictional level in order to foster innovation and inter-jurisdictional cooperation.

Currently, Seattle/King County Public Health and their advocates are providing public education and information in regards to this funding crisis, and requesting support of \$100 million of new dedicated funding for Public Health in the 2007-2009 State budget.



King County Communities At Risk: Invest Now for a Healthier, Safer Future

Your help is needed today to:

1. **Restore** an eroded public health system to maintain core functions, such as communicable disease control and immunizations that protect the public every day.
2. **Address** emerging community health issues like diabetes and communicable diseases by funding activities that prevent diseases before they start.
3. **Support** \$100 million of new dedicated funding (\$50 million annually) in the 2007-2009 state budget as a first step to filling critical gaps in the public health system.

Public health is the foundation for healthier people and communities

A strong public health system provides the foundation for everyone's better health in all our communities. Every day, critical health needs are addressed by a wide range of health promotion and disease prevention activities:

- Preventing and controlling the spread of communicable diseases
- Ensuring safe food, drinking water and healthy homes
- Preventing and controlling chronic diseases, such as diabetes and asthma
- Measuring and following health issues in our community
- Supporting healthy families through family planning and promotion of healthy development in young children and mothers
- Helping people access the health care services they need
- Preparing for and responding to health emergencies

Emerging concerns threaten our community's health

New challenges are emerging, requiring vital and core public health services more than ever:

- Emerging diseases, such as West Nile virus and the threat of pandemic flu
- Rapid rise in diabetes and other chronic illnesses
- 190,000 people -- nearly 16% -- of King County residents without health insurance
- Disparities in health for ethnic and lower-income populations

Funding is needed now to meet growing challenges

Public health has been a responsible steward of public investment, but funding levels aren't meeting community needs.

- State per capita public health funding has decreased 25% between 1998-2004
- Washington state now ranks 44th in the nation for public health funding

Bi-partisan recommendation for new state dollars

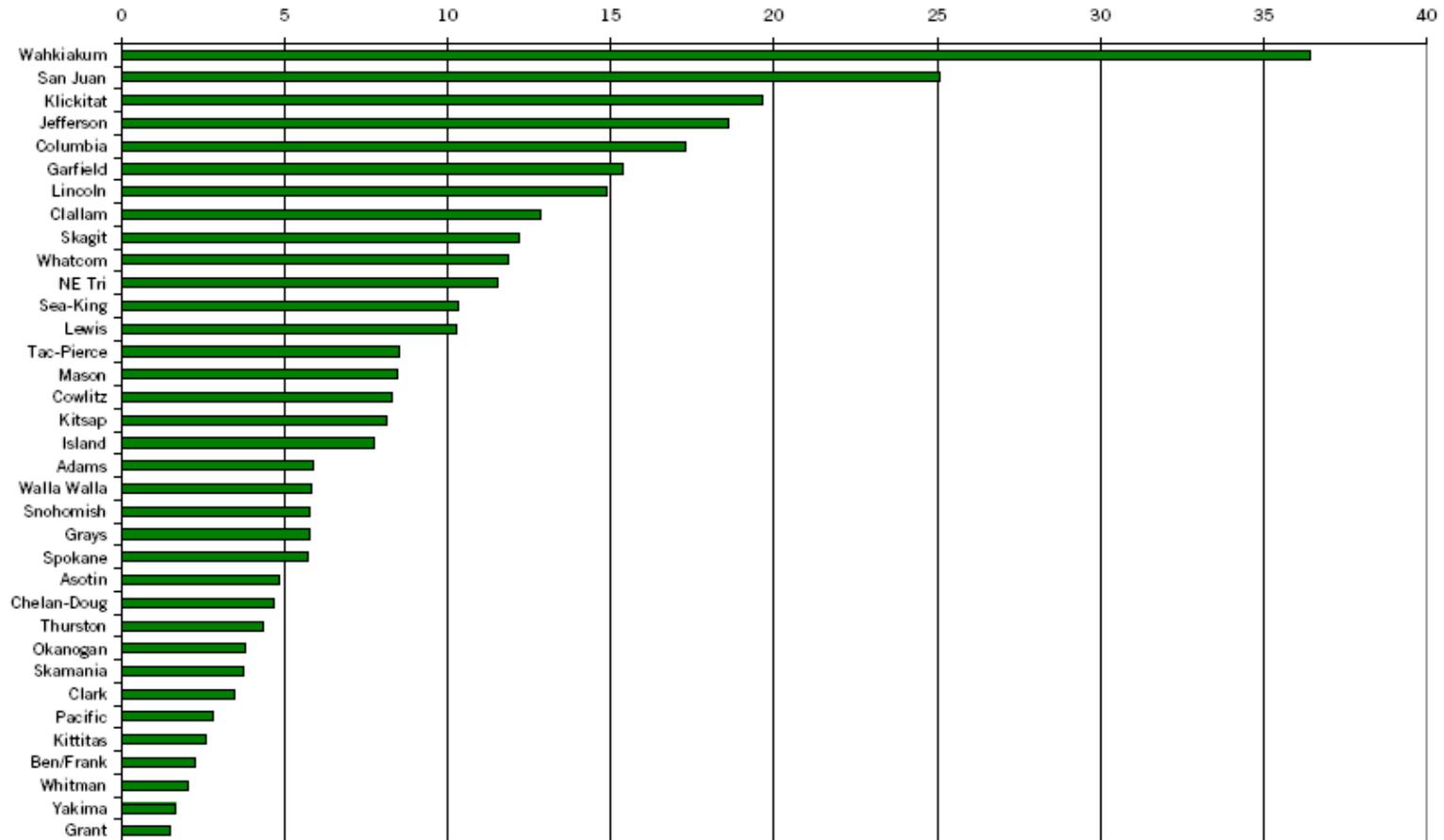
- In order to improve our communities' health and safety, the bi-partisan 4410 Joint Select Committee unanimously recommended \$100 million new, dedicated funding (\$50 million) in the 2007-2009 state budget.
- This funding is a first step to fill critical funding gaps.

What would new state support provide?

Communicable Disease	<ul style="list-style-type: none"> ✓ Expand immunization services ✓ Enhance disease investigations with aggressive prevention efforts and surveillance ✓ Improve outreach to high risk populations
Health Promotion	<ul style="list-style-type: none"> ✓ Implement new effective health promotion activities ✓ Enhance information gathering and tracking of chronic diseases ✓ Target outreach to high-risk populations
Healthy Families	<ul style="list-style-type: none"> ✓ Promote healthy development in young children and mothers by expanding cost-effective programs
Health Information	<ul style="list-style-type: none"> ✓ Improve systems to guide prevention efforts and measure the effectiveness of our services
Environmental Health	<ul style="list-style-type: none"> ✓ Increase efforts to track and control animal-borne diseases like West Nile virus
Health Services Access	<ul style="list-style-type: none"> ✓ Assist more of our community members to access the health services they need ✓ Identify specific, local access issues and systems for improvement ✓ Engage local community partners in addressing access and service gaps
Preparedness for Public Health Emergencies	<ul style="list-style-type: none"> ✓ Increase ability to respond to naturally occurring and man-made emergency health threats

Your help is needed now. Support \$100 million in new dedicated funding (\$50 million annually) in the 2007-2009 state budget as an important first step in filling the gaps and meeting the increasing demands for public health services in our communities.

Total Per Capita Local Government Contributions by LHJ in 2005 Dollars, 2004 (Total does not include permit/fee revenue or fund balance)



Note: Sea-King figures are based on BARS Report, as adjusted by Public Health Seattle King County.

Recommendations for Financing Public Health

Kathy Uhlorn
Public Health – Seattle & King County
Regional Health Administrator

Financing Public Health for the 21st Century

- In 2005, the Legislature created the Joint Select Committee on Public Health Finance.
- Representatives and Senators from both health and fiscal committees.
- Task: review all funding sources and expenditures for public health services and recommend potential sources of future funding.

Financing Public Health for the 21st Century

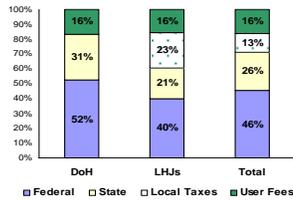
Committee's work plan - 4 Goals

- Understand public health and its financing
- Understand Public Health Performance Measurements
- Establish funding priorities
- Develop financing options

What are the Public Health Challenges of the 21st Century?

- Public Programs Competing for Fewer Discretionary Dollars
- Increased Mobility
- Technology
- Emergency Preparedness Role for Public Health

How is public health currently financed in Washington?



How is public health currently financed in Washington?

- Characteristics of the current finance structure:
- Categorical
 - Reliant on federal funding
 - Suffers from usual limitations of fees
 - Disparate levels of local support
 - Very few flexible dollars to address emerging needs

Recommendations: Delivery of Public Health Services

1. Core public health functions should be available in all parts of the state. Core public health functions include:
 - Stopping communicable disease
 - Promoting health
 - Investing in healthy families
 - Protecting against environmental health risks
 - Helping people access care
 - Preparedness for public health emergencies

Recommendations: Delivery of Public Health Services

2. Each local health jurisdiction should meet an acceptable level of performance.
3. Multi-jurisdictional or regional efforts should be undertaken whenever appropriate to increase efficiency of services.

Recommendations: Delivery of Public Health Services

4. Performance measurement tools should be developed for impact and outcome evaluation.

Recommendations: State Funding for Public Health Activities

5. The state should maintain its current investment funding and provide a stable and dedicated funding source.

Recommendations: State Funding for Public Health Activities

6. The additional investment should seek to mitigate disparities in local jurisdictional core function capacity and competence and per capita funding and to strengthen the current system.

Recommendations: State Funding for Public Health Activities

7. The state should provide additional funding in the amount of approximately \$100 million during the '07-'09 biennium, as an initial investment. This funding should come from tobacco tax revenues that currently deposited to the General Fund.

Recommendations: State Funding for Public Health Activities

- 8. A dedicated account for public health revenues should be established.
- 9. County governments should play a role in financing the additional investment in public health services.

Recommendations: Local Funding for Public Health Activities

- 10. To qualify for the additional state funding, county governments should be required to maintain at least their current level of funding for public health.

Recommendations: Local Funding for Public Health Activities

- 11. Further discussion of the establishment of local option tax authority is needed to identify the merits of authorizing any such funding, as well its purpose and character.

Recommendations: Local Funding for Public Health Activities

12. The committee adopts the Four-Part Recommended Distributional Formula.

1. Distribute funds based on a sales tax equalization approach.
2. Distribute on a per capita basis and local demand for services.
3. Provide a financial incentive for local jurisdictions to increase local investments in core public health functions.
4. Distribute funds to develop creative/cost effective public health services on an inter- or multi-jurisdictional basis.

Recommendations: Long-Term/Overall Funding

13. These funding recommendations are the first step.



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Tracy Burrows, Senior Management Analyst

Date: February 13, 2007

Subject: Kirkland Entrepreneurship Week Proclamation

RECOMMENDATION:

Council authorizes the Mayor to sign the Kirkland Entrepreneurship Week Proclamation.

BACKGROUND DISCUSSION:

Lake Washington High School DECA (Distributive Education Clubs of America) is planning events to celebrate the first annual Entrepreneurship Week USA. Lake Washington DECA joins Junior Achievement, Washington Business Week, Washington DECA and Northwest Entrepreneur Network in supporting entrepreneurship education and highlighting Washington state entrepreneurs.

Entrepreneurship Week USA provides an opportunity to focus on the innovative ways in which entrepreneurship education can bring together the core academic, technical, and problem solving skills essential for future entrepreneurs and successful workers in future workplaces. More than 70% of young Americans envision starting a business or doing something entrepreneurial as adults; and a broad coalition of partner organizations in Washington and throughout the United States are actively engaged in enhancing entrepreneurial opportunities. Entrepreneurs are crucial to the long-term growth of local communities, the state and the nation.

Deputy Mayor Joan McBride will present the proclamation at the kick-off reception on February 23rd at Lake Washington High School.



A PROCLAMATION OF THE CITY OF KIRKLAND

Designating February 24th – March 3rd as “Entrepreneurship Week” of the City of Kirkland

WHEREAS, Entrepreneurship is vital to Kirkland growth and prosperity; and

WHEREAS, Most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs and small businesses; and

WHEREAS, The Partnership for 21st Century Skills identified entrepreneurial literacy skills as one of the 21st century content areas critical to success in communities and workplaces; and

WHEREAS, More than 70% of young Americans envision starting a business or doing something entrepreneurial as adults; and

WHEREAS, A broad coalition of partner organizations in Washington and throughout the United States are actively engaged in enhancing entrepreneurial opportunities through collaboration and cooperation with the national Consortium for Entrepreneurship Education; and

WHEREAS, Encouraging youth to be excited about entrepreneurship, and working to expand the knowledge, skills, and attitudes of Washington’s youth and adults to be SUCCESSFUL entrepreneurs are crucial to the long-term growth of local communities, the state and the nation; and

WHEREAS, Washington’s Career and Technical Student Organizations offer an array of programs, activities, and competitive events focused on entrepreneurship; and

WHEREAS, The United States House of Representatives resolved to recognize the first annual National Entrepreneurship Week commencing in February on February 24, 2007; and

WHEREAS, Entrepreneurship Week USA provides an opportunity to focus on the innovative ways in which entrepreneurship education can bring together the core academic, technical, and problem solving skills essential for future entrepreneurs and successful workers in future workplaces:

NOW, THEREFORE, I, James L. Lauinger, Mayor of the City of Kirkland, Washington DO HEREBY proclaim February 24th through March 3rd, 2007 as *Entrepreneurship Week* in Kirkland, Washington.

Signed this 20th day of February, 2007

James L. Lauinger, Mayor

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001****www.ci.kirkland.wa.us**

MEMORANDUM

To: David Ramsay, City Manager

From: Tracy Burrows, Senior Management Analyst

Date: February 8, 2007

Subject: 2007 Legislative Session Status Report

The 2007 Legislative Session is in its fifth week and over 2,000 bills have been filed to date. The first legislative cut-off date is February 28th when bills must have progressed out of their house of origin.

Below is a brief summary of the status of the City's major issues that have been addressed to date:

Municipal Courts: *Kirkland supports cities' ability to form municipal courts and is working to preserve all options for providing municipal court services in the future.*

On February 6th, the House Judiciary Committee held a hearing on Rep. Roger Goodman's bill that would explicitly authorize cities to contract with one another for municipal court services. This is a very focused bill that would accomplish one of Kirkland's major goals for the legislative session. In the alternative, Senator Adam Kline has introduced a bill that would allow cities to contract with one another, would require the election of all judges, and would expand the jurisdiction of municipal courts to include several types of protection orders. This last provision could significantly expand the caseload of municipal courts without the commensurate resources to handle the workload. Kirkland will be meeting with members of the House and Senate Judiciary Committees to strategize on compromise language that would meet our objectives.

Offender Supervision *Kirkland supports a change in state law that would extend immunity to the activities of municipal probation officers conducting misdemeanor supervision except in cases of gross negligence.*

House Bill 1669, which would provide for a gross negligence liability standard for misdemeanor supervision, was heard in the House Judiciary Committee on February 6th. Representatives from the Washington State Trial Lawyers Association expressed some concern with the bill language in the hearing and will be proposing new language for the bill. As part of that potential compromise bill language, AWC has also agreed to take out the section of the bill providing that the standard of proof must be clear, cogent, and convincing. AWC is working on a compromise on HB 1669 to achieve parity with the state on the level of liability for supervision. This would be a good step towards addressing the significant issue of offender supervision liability for cities such as Kirkland.

Streamlined Sales Tax : *Kirkland supports the objectives of the Streamlined Sales Tax project, including the application of sales tax to internet and catalogue sales. Kirkland supports the seven principles for SST implementation that have been agreed upon by the Association of Washington Cities (AWC) SST Committee, including the goal of full mitigation for the sales tax revenue losses of negatively impacted cities.*

The Streamlined Sales Tax bill passed the Senate on a 45-3 vote and appears to be in a good position to pass the House as well. Representative Ross Hunter, Chair of the House Finance Committee, has scheduled SB 5089 (SST) for a public hearing on Wednesday, February 14 at 1:30. This will give local government representatives attending the AWC legislative conference an opportunity to attend the hearing and “sign in” supporting the legislation. If adopted, the effective date of the legislation would be July 1, 2008.

Local Infrastructure Financing *Kirkland supports legislation that would make additional economic development tools available to local governments, including modifications to the LIFT statute to address additional competitive funds, removal of the limit of one LIFT project per county, streamlined process, more flexibility in funding sources and uses, and other changes.*

House Bill 1277 was heard by the House Community and Economic Development and Trade Committee on February 7th and is scheduled to pass out of committee on February 11th. This bill: increases the LIFT competitive funding from \$2.5 million to \$5.0 million; repeals the one per county prohibition on using this authority; eliminates an assessed value per square foot requirement; and provides several technical changes that will make the authority more flexible.

AWC anticipates several technical amendments to the bill and a request to increase the funding in the competitive portion of the bill.

Incentives for Affordable Housing : *Kirkland supports incentives for affordable housing, including property tax exemptions to new or rehabilitated multi-family housing.*

Kirkland has worked with A Coalition for Regional Housing (ARCH) and AWC to draft House Bill 1737 that would expand cities' ability to grant property tax exemptions for new or rehabilitated multifamily housing, and in particular would allow for partial exemptions for rental housing. Reps. Springer and Eddy have signed onto the bill, which had a hearing on February 5th.

Telecommunications *Kirkland supports maintaining local franchising and opposes any legislation that would create a statewide franchise. Kirkland recognizes the importance and need for local governments to manage their rights-of-ways and be able to deliver local programming.*

House Bill 1983, which removes local government franchising authority for competitive cable and video service providers, has been referred to the Committee on Technology, Energy & Communications. This bill gives any certified local exchange carrier the right to provide cable service using the public rights of way without further authorization. A competitive cable provider must obtain permission from the Washington Utilities and Transportation Commission. The automatic authorization or the authorization given by the WUTC is a franchise. A franchise is defined as authorization to both construct and operate a competitive cable or video service in the right of way. This bill has not been scheduled for a hearing yet.

**2007 Legislative Issues Update
as of
02/12/2007**

Kirkland Legislative Contacts

Senator Eric Oemig: <http://www.sdc.wa.gov/oemig.htm>

Rep. Roger Goodman: <http://www.housedemocrats.wa.gov/members/goodman/>

Rep. Larry Springer: <http://www.housedemocrats.wa.gov/members/springer/>

Senator Rodney Tom: <http://www.sdc.wa.gov/tom.htm>

Rep. Ross Hunter: - <http://www.housedemocrats.wa.gov/members/hunter/>

Rep. Deb Eddy: <http://www.housedemocrats.wa.gov/members/eddy/>

Bill Number	Legislative Issue	Current Status – from AWC and leg.wa.gov	Action Needed/Initiated
MUNICIPAL FINANCE			
SSB 5089	Streamlined Sales Tax	This bill would conform Washington's tax structure to the streamlined sales and use tax agreement. Passed out of Ways and Means Committee. In Senate Rules.	Hearing Feb. 14 in the House Finance
HB 1072	Streamlined Sales Tax	This bill would conform Washington's tax structure to the streamlined sales and use tax agreement. Scheduled for executive action by House Finance Committee	Passed to Rules Committee for second reading Jan. 29.
HB 1342	LTAC Flexibility	Clarifies the use of existing lodging tax revenues for tourism promotion. The bill would define “tourism promotion” to also include the operation of special events, not just marketing. It also allows cities to support tourism-related facilities owned by a nonprofit organization.	Hearing Feb 1 st in House Community & Economic Development & Trade.
HB 1254	LTAC Flexibility	This bill expands the definition of “tourism related facilities” to include those owned by a nonprofit organization. It allows municipalities to contract with nonprofit organizations for tourism promotion activities.	Hearing scheduled for Feb 1 st in the House Committee.
HB 1369	City Fiscal Flexibility	This bill expands voter-approved multi-year property tax lid lifts to all local jurisdictions i.e. library and fire districts. It also removes non-supplanting language on the lid lifts for cities and counties.	Hearing scheduled for Feb 9 th in House Finance .
HB 1466	Tourism Promotion	This bill would expand “tourism promotion” to include expenditures to nonprofit organizations.	Public hearing Feb. 1 in House Community & Economic Development & Trade.
HB 1825 SB 5729	Dedicated Funding for Public Health Services	This proposal to legislation would create a health financing account and direct revenues from the cigarette tax to the account which would be spent after appropriation.	Public hearing Feb. 7 th in Senate Health & Long-Term Care
HB 1139 SB 5330	Local Sales Tax	These companion bills will modify the local sales and use tax that is credited against the state sales and use tax when a large annexation occurs.	HB 1139 Public hearing Jan. 26 th in House Finance. SB passed committee, is now in Ways & Means.

SSB 5404	Multi-Family Ten Year Property Tax Exemption	This bill will modify property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements.	Passed Committee, referred to ways and means.
HB 1737	Multi-Family Ten Year Property Tax Exemption	This bill would lower the population threshold to 5,000 and allow a partial exemption to be used for rental properties, currently authorized for owner occupied units.	Public hearing Feb. 5 th in House Housing
HB 1910	Multi-Family Ten Year Property Tax Exemption	This bill lower the population threshold to 15,000 and require an affordability component.	Public hearing Feb. 5 th in House Housing
SB 5558	Regulating House-Banked Social Card Games	This bill limits the number of licenses that may be issued for conducting house-banked social card games, grants local jurisdiction limited authority to determine the areas within which house-banked social card games may be conducted, and grandfathers existing city moratoriums that limit the number of card rooms.	Public hearing Feb. 6 th in Senate Labor, Commerce, and Research & Development
ENVIRONMENT AND GROWTH MANAGEMENT			
	Ecology Issues NPDES Phase II Permit	Stormwater permit which affects 101 cities in Washington. The permit includes details about stormwater management requirements.	Will likely be appealed by multiple stakeholders
HB 1726	Housing Density	Changes the OFM population forecasting method based to account for job growth – will likely increase King County’s share of Puget Sound growth. Also requires UGA to be sized for part-time, vacation, and second homes.	Hearing Feb 1 st in House Local Govt.
HB 1727	Housing Density	Adds local requirements for accommodating growth including provisions for a range of housing densities and mandatory use of innovative techniques if land supply is not adequate for projected population and employment growth.	Hearing Feb 1 st in House Local Govt.
HB 1358	Requiring Performance and Reasonable Measures for the Purpose of Growth Management Planning	Requires all 29 GMA-planning counties to adopt policies and performance measures that regularly review progress towards accommodating 20-year population and employment growth projections.	Hearing Jan. 25 th in House Local Govt.
SB 5286	Funding Puget Sound Clean-Up	Establishes a more coordinated state process to prioritize state funds aimed at clean-up efforts.	Hearing Feb. 2 nd in Senate Water & Energy & Telecommunications.
SB 5372 HB 1374	Puget Sound Planning and Clean-Up Reorganization	Recreates the state agency, Puget Sound Action Team, to be called the Puget Sound Partnership. This partnership will be governed by a seven-member council	Work session in House Committee 2/9.

		appointed by the Governor and confirmed by the Senate. Bill creates an action agenda which directs and coordinates efforts to restore Puget Sound Health by 2020. This agenda will effect the activities put on in surrounding counties.	
ECONOMIC DEVELOPMENT and INFRASTRUCTURE			
SB 5115 HB 1277	Local Infrastructure Financing Tool	<ul style="list-style-type: none"> ▪ Increases the competitive portion from \$2.5 million to \$5.0 million. ▪ Repeals the one per county prohibition on using this authority. ▪ Eliminates an assessed value per square foot requirement. ▪ Provide several technical changes that will make the authority more flexible. 	Feb. 12 th hearing in House Community & Economic Development & Trade
HB 1091 SB 5090	Innovation Zones	Authorizes CTED to designate innovation zones that must include a university or college, a concentration of R&D firms, and training capacity. Innovation zones will be eligible for LIFT and possibly other funding sources.	Scheduled for executive action Feb. 12 th in House committee.
HB 1361	Dedicating Existing Revenue Infrastructure Funding	Redirects part of the state Real Estate Exercise Tax (REET) for a variety of state recreational programs and also directs funding to the Public Works trust fund (PWTF).	Hearing Jan. 25 th in house local government
SB 5762	Funding for Jobs, Economic Development, and Local Capital Projects	<ul style="list-style-type: none"> • No more than 25 percent of financial assistance approved by CERB may consist of grants. • Financial assistance may be provided for the acquisition of real property not for projects located outside the jurisdiction of the applicant. • Applicants for CERB funds must demonstrate convincing evidence that a specific private development, consistent with economic development commission standards, is ready to occur. • Applicants in rural counties do not need to show that a specific private development is ready to occur but must demonstrate project feasibility and that the project is part of a local economic development plan. • Tourism projects in rural counties are also eligible for CERB funding. • Grants of up to \$50,000 are allowed for plans, studies, and analyses related to a project. • Applicants must demonstrate approval from a local jurisdiction, support from a local • Associate Development Organization, local participation, and local 	Public hearing Feb. 7 th in Senate Economic Development and Trade & Management

		matching funds.	
ENERGY			
HB 1036	Creating Sustainable Energy Trust	Entails charging all electric and natural gas retail customers a benefit charge to be then used to develop sustainable renewable resources.	Hearing Jan. 17 th in House Tech. & Energy & Communications.
HB 1037	Transmission Siting Preemption	Allows a person developing new transmission in excess of 115 kilovolts to seek site certification through the Energy Facility Site Evaluation Council (EFSEC). Substitute bill was passed with amendment brought forth.	No hearing scheduled yet.
LAW & JUSTICE			
HB 1669	Offender Supervision	This bill would provide for a gross negligence liability standard for misdemeanor supervision and provides that the standard of proof must be clear, cogent, and convincing.	Public hearing Feb. 6 th in House Judiciary.
SB 5353 HB 1590	Municipal Courts Contracting Authority	This bill includes provisions to clarify city authority to contract for municipal court services only.	Public hearing Feb. 7 th in House Judiciary.
TRANSPORTATION			
HB 1858 SB 5767	Transportation Benefit Districts	Transportation Benefit Districts are currently authorized and funding mechanisms require a vote of the people. This bill would authorize an additional \$20 in Motor Vehicle License Fees by councilmanic vote. This would be approximately \$600,000 in revenue in Kirkland. AWC is in the process of collecting bill signatures in the House and Senate for a proposed modification to TBDs.	Public hearing Feb. 5 th in House Committee Transportation
PUBLIC RECORD			
SB 5435 HB 1444	Creating the Public Records Exemptions Committee	The bill calls for a thirteen-member committee consisting of members from four legislative caucuses, reps. of local media, local gov., the state Auditor, the state Attorney General, the Governor, and four members of the public.	Senate Bill in Rules committee.
SB 5436 HB 1446	Correcting the Statute	This clarifies that the statute of limitations is one year for actions under the Public Records Act, including the failure to provide a response to a request for a public record, and for any other violation.	Feb. 8 th – Bill in Rules Committee
SB 5437	Recodification of the	This bill makes some corrections to the Public Records Act. It is not intended to	Feb. 8 th Passed to Rules

HB 1445	Public Records Act	change public records policy.	committee.
SB 5420	Requiring Website Postings Within Five Days	This bill will require all public agencies to post ordinances, rules, regulations, orders, and directives adopted by its governing body with five days of their adoption.	Feb. 8th executive action in the Senate Government Operations & Elections.
HOUSING/PROPERTY			
SB 5444 HB 1458	Requiring Notice to Property Owners Before Condemnation Decisions	This bill would ensure better notice is given to the public for proposed eminent domain condemnation actions by either public or corporate entities.	Public hearing Feb. 5 th in House Judiciary.
HB 1359	Promoting Affordable Housing for All	This bill declares that a decent, appropriate, and affordable home in a healthy safe environment for every household should be a state goal and should be accomplished for every very low income household by 2020.	Executive action Feb. 7 th in House Housing
HB 1412	Extending Timelines to Update Shoreline Master Programs	This bill provides cities with the option of taking an additional year to complete their SMPs.	Jan. 31 Passed to Rules Committee.
HB 1781	Allowing Shared Use of Best Available Science	This bill acknowledges that science used to figure out the best way to protect the environmental values in one community can be used by another community if it is applicable to the same types of land and conditions.	Public hearing Feb. 8 th in House Local Government at
SB 5104 HB 1885	Lake Washington Technical College	Creates a pilot program for an applied Baccalaureate Degree at two technical colleges in the state.	Public hearing Feb. 12 th in Senate Ways & Means.
SB 5507 HB 1463	Changing Washington's Vesting Laws	This bill would align our laws with the majority of other states. Most other states establish the applicable rules and regulations for land use applications at the time of application.	Public hearing Feb. 6 th in Senate Government Operations & Elections
HB 1733	Siting State Community Justice	This bill would require cities and counties to establish agreed-upon siting criteria for a variety of community justice facilities.	Executive action Feb. 15 th in the House Human Services.
HB 1558	GMA Task Force	This bill will create a task force comprising various interests and legislators to explore a variety of "hot button" issues surrounding implementation of the Growth Management Act	Public hearing Feb. 8 th in House Local Government
Personnel & Labor Relations			
HB 1322 SB 5340	Definition of Disability	This bill expands the definition to encompass any impairment, temporary or permanent, that is medically cognizable or diagnosable, regardless of whether the impairment has any impact on the individual's work or life.	Executive action Feb. 13 th in House Judiciary

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001****www.ci.kirkland.wa.us****MEMORANDUM**

To: Dave Ramsay, City Manager

From: Kari Page, Neighborhood Services Coordinator

Date: February 8, 2007

Subject: City Council Meeting with Highlands Neighborhood

RECOMMENDATION:

City Council assign topic areas for the upcoming neighborhood council meeting with the Highlands Neighborhood Association and provide direction on a possible agenda change.

BACKGROUND:

As part of the City Council's continuing effort to remain in touch with the interests and needs of the community, the Council will meet with the Highlands Neighborhood on Thursday, March 15, 2007. The meeting will begin at 7:00 p.m. at the City's Maintenance Center (904 8th Street, Kirkland). Staff will continue to structure the format of the meeting and invitations the same as the past, unless instructed by Council to change.

Potential topic areas suggested by Bob Kamuda, Highlands Neighborhood Chair include:

- 1. Pedestrian Safety**
 - a. Sidewalks on 116th
 - b. Improving safety of the pedestrian walkway
- 2. Emergency Preparedness**
 - a. Where to get information about the City's emergency plan
 - b. Frequency of power losses
 - c. Are there designated shelters (for day or night use) in the City?
- 3. Annexation**
- 4. Light Rail and Plan for Railroad Tracks**
- 5. Downtown Kirkland**
 - a. Downtown bars
 - b. Kirkland Teen Union Building and bus stop area
 - c. Overdevelopment of City center
 - d. How residential in the City center affects sales tax revenue
 - e. Rodent abatement program
 - f. Crime and DUI's
- 6. Totem Lake development status**
- 7. Environmental Programs**
 - a. What is the City doing to promote Natural Yard Care and reduce chemical use?
- 8. Street lights**
 - a. Replacing burned out lights

Following the last neighborhood Council meeting, several Council members suggested a slight change to the agenda to allow more time for informal exchange of questions and answers. A possible revised meeting agenda is shown below:

7:00-7:15 pm	Greeting and Introductions - Mayor James Lauinger Comments from the Neighborhood Association (Chair)
7:15-9:00 pm	Comments, Questions and Discussion – Neighbors and City Council A. Budget Update – Mayor James Lauinger B. Key Issues Update – City Council members C. General Discussion and Questions from audience
9:00 pm	Adjourn
9:00 pm	Informal social (one on one with Council)

The following outlines the planned process and timeline for this meeting: A calendar of events is provided at the end of this memo.

February 14-16	Neighborhood receives Council's invitation (with request cards) in the mail
February 20	City Council Members decide topic areas (at Council Meeting)
February 14-28	Neighborhood sends questions/requests to Neighborhood Services Coordinator
March 1	City Council and Departments receive categorized list of questions/requests
March 1-8	Departments respond to questions/requests (received by February 28th)
March 9	City Council receives list of Departmental answers (to questions/requests)
March 15	Neighborhood Council Meeting
March 30	City posts all questions and answers on the web



2007 Council Meetings in the Neighborhoods Schedule

JANUARY

Sun	Mon	Tue	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL

Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY

Sun	Mon	Tue	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

BREAK

AUGUST

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER

Sun	Mon	Tue	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

■	Council Meeting (assign topic areas)
■	Residents receive mailing and send in cards
■	Directors/Council receive list of questions
■	Council Receives questions and answers
■	Meeting Date

Wednesday, February 7th
 Thursday, March 15th
 Monday, May 21st
 Tuesday, September 25th

Central Houghton
Highlands
Moss Bay
Everest

Houghton Fire Station 1395 Households
 Maintenance Center 965 Households
 Heritage Hall 2414 Households
 Houghton Fire Station 628 Households *

* Not yet approved by City Council or Everest Neighborhood



KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES
February 06, 2007

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m.

2. ROLL CALL

ROLL CALL:

Members Present: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Members Absent: None.

3. PARKING ADVISORY BOARD INTERVIEWS

- a. Paul Maffeo (unable to attend due to flight delay)
- b. Sarah Andeen
- c. Jack Wherry

4. HUMAN SERVICES ADVISORY COMMITTEE (YOUTH) INTERVIEWS

- a. Anahita Narhjiri
- b. Kelsey Hopper
- c. Bonnie Stinson

5. TRANSPORTATION COMMISSION (YOUTH) INTERVIEWS

- a. Kelsey Hopper
- b. Dani Ferrigno

6. EXECUTIVE SESSION

- a. Discussion of Qualifications for Boards and Commission Members

7. SELECTION AND APPOINTMENT OF PARKING ADVISORY BOARD, HUMAN SERVICES ADVISORY COMMITTEE, AND TRANSPORTATION COMMISSION MEMBERS

Motion to appoint Sarah Andeen to an unexpired four year term ending 3/31/09 on the Parking Advisory Board.

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Motion to appoint Bonnie Stinson as the youth member to an unexpired term ending 3/31/07 and to the following two year term ending 3/31/09 on the Human Services Advisory Committee; and to select Anahita Narhijiri as the alternate appointee should a youth vacancy arise on the Human Services Advisory Committee in the event the youth member is unable to fulfill her entire term.

Moved by Councilmember Dave Asher, seconded by Councilmember Mary-Alyce Burleigh

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Motion to appoint Dani Ferrigno as the youth member to an unexpired term ending 3/31/07 and to the following two year term ending 3/31/09 on the Transportation Commission; and to select Kelsey Hopper as the alternate appointee should a youth vacancy arise on the Transportation Commission within the next six months, due to the youth member being unable to fulfill her entire term.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

8. ADJOURNMENT

The Kirkland City Council Special Meeting of February 6, 2007 was adjourned at 5:55 p.m.

City Clerk

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
February 06, 2007

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Members Absent: None.

3. STUDY SESSION

a. Joint Meeting with Planning Commission

Joining Councilmembers for this discussion in addition to City Manager David Ramsay were Director of Planning and Community Development Eric Shields, Deputy Director of Planning and Community Development Paul Stewart, Planning Commission members Matthew Gregory, Carolyn Hayek, Kiri Rennaker, Byron Katsuyama, Chair Janet Pruitt, and Vice Chair Karen Tennyson.

4. EXECUTIVE SESSION

a. To Discuss Potential Litigation

5. SPECIAL PRESENTATIONS

a. King County Long Term Care Ombudsman Program

Sharing information about the program were Carolyn Edmonds, Vicki Elting, Joan Gibbs Iverson and Rose Floyd.

b. Kirkland Founders Week Proclamation

c. Introduction of Juliana Elsom, Public Works Senior Finance and Operation Analyst

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the recent Enterprise Seattle Economic Forecast Conference; Kirkland Concours d'Elegance kickoff; Fire and Building department annual awards and Kirkland Firefighter Benevolent Association fundraiser; Councilmember Greenway's anticipated absence at the upcoming February 20th Council meeting due to her travel to North Carolina; a recent Puget Sound Business Journal news article relating to the economic value of historic preservation; meeting of Burlington Northern Santa Fe Corridor Advisory Committee and potentially controversial issues; Municipal Court contracting bill; Vancouver, WA Indoor Recreation Center visit; Puget Sound Salmon Recovery Plan and draft letter for Council approval; recognition of Public Works Director Daryl Grigsby's recent appointment to the American Public Works Association Board of Directors; City Council Eastside Transportation Partnership membership appointments and an upcoming Housing presentation by Henry Cisneros at Seattle City Hall.

Motion to Approve sending a proposed letter to legislators in support of the salmon recovery investment package.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Tom Hodgson

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

b. City Manager

(1) Downtown Strategic Plan Assessment and Update and Introduction of Bonnie Berk of Berk and Associates

(2) 2007 Legislative Status Report

(3) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Mark Jung, 224 7th Avenue West, Kirkland, WA

Bob Burke, Kirkland Heritage Society, 203 Market Street, Kirkland, WA
Jim McElwee, 12907 NE 78th Place, Kirkland, WA
Maxine Keesling, 15241 NE 153rd Street, Woodinville, WA

- b. Petitions
8. CONSENT CALENDAR
- a. Approval of Minutes: January 16, 2007
 - b. Audit of Accounts:
 - Payroll \$ 1,725,618.49
 - Bills \$ 2,285,980.22
 - run #651 check #'s 485203 - 485350
 - run #652 check #'s 485351 - 485407
 - run #653 check #'s 485434 - 485630
 - run #654 check #'s 485631 - 485824
 - c. General Correspondence
 - d. Claims
 - (1) John S. Andrews
 - (2) Kathy Carr and Leslie McGuire
 - (3) Sharon Daniels
 - (4) Darlene Hyatt
 - (5) Lynden and Lyca Faulkner
 - (6) Sally Jo Kempf
 - (7) Cal McAusland
 - (8) Andrew and Laura Price
 - (9) Timothy H. Thompson
 - e. Authorization to Call for Bids
 - f. Award of Bids
 - (1) A contract in the amount of \$297,024 for Carillon Woods improvements was awarded to L.W. Sundstrom, Inc.

- g. Acceptance of Public Improvements and Establishing Lien Period
- h. Approval of Agreements
 - (1) AFSCME (American Federation of State, County and Municipal Employees) 2006-2008 Contract
- i. Other Items of Business
 - (1) The 2007 ARCH Work Program and Budget were approved as presented.
 - (2) The ARCH Housing Trust Fund recommendations and conditions of the approval of the ARCH Executive Board for the Fall 2006 Housing Trust Fund to allocate \$36,592. to the St. Andrews Housing Group - 280 Clark Project were approved.
 - (3) Ordinance No. 4083 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND DISSOLVING THE BUILDING BOARD OF APPEALS AND PROVIDING THAT ADMINISTRATIVE APPEALS OF FIRE AND BUILDING DEPARTMENT DECISIONS SHALL BE HEARD BY THE CITY OF KIRKLAND HEARING EXAMINER."
 - (4) 2006 Comprehensive Plan Amendments and Related Zoning Map Amendments:
 - (a) Ordinance No. 4084 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN (ORDINANCE 3481 AS AMENDED) AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, FILE NO. ZON06-00009, AND APPROVING A SUMMARY FOR PUBLICATION."
 - (b) Ordinance No. 4085 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING MAP (ORDINANCE 3710 AS AMENDED) TO CONFORM TO THE COMPREHENSIVE PLAN AND TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, FILE NO. ZON06-00009 AND APPROVING A SUMMARY FOR PUBLICATION."

(5) Authorizing Yarrow Bay Wetlands Property Acquisition of four parcels totaling .86 acres in the amount of \$300,000.

(6) Surplus Equipment Rental Vehicles/Equipment for Sale

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Mary-Alyce Burleigh

Vote: Motion carried 7-0

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

Fleet #	Year	Make	VIN/Serial Number	License #	Mileage
C03-06	2003	Ford Crown Victoria	2FAFP71W73X141354	35074D	83,750
F102	1999	Ford Taurus LX	1FAFP52U7XG247025	26137D	31,453
F103	1999	Ford Taurus LX	1FAFP52U9XG247026	15219D	27,692
F402	1982	Ford Air-Light-Power Truck	1FDWR74N8CVA17338	05362D	57,751
PU-32	1998	Ford Ranger	1FTZR15U0WPB16264	23998D	69,787
TL-14	1988	Vermeer Chipper	1VRC1413SJ1000596	07205D	2.037 hrs

Council recessed for a short break.

9. PUBLIC HEARINGS

10. NEW BUSINESS

- a. Ordinance No. 4086, Relating to Zoning, Planning and Land Use and Amending Section 7 of Ordinance No. 4065 Relating to the Floor Area Ratios (F.A.R.) to Change the Effective Date of the Ordinance

Motion to amend Ordinance No. 4086, to reflect an effective date May 12, 2007.

Moved by Deputy Mayor Joan McBride, seconded by Councilmember Bob Sternoff

Vote: Motion carried 5-2

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

No: Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

Motion to Approve Ordinance No. 4086, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND

LAND USE AND AMENDING SECTION 7 OF ORDINANCE NO. 4065 RELATING TO THE FLOOR AREA RATIOS (f.A.R.) TO CHANGE THE EFFECTIVE DATE OF THE ORDINANCE."

Moved by Councilmember Mary-Alyce Burleigh, seconded by Deputy Mayor Joan McBride

Vote: Motion carried 5-2

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

No: Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

11. UNFINISHED BUSINESS

a. Regional Solid Waste Update

Public Works Solid Waste Coordinator Elaine Borjeson provided information to Council on the Governance Report proposed recommendations and future work program and the scope of work pertaining to the Comparative Evaluation of Waste Export and Conversion Technologies Disposal Options, and requested direction for Councilmember Greenway, the City's representative on the Metropolitan Solid Waste Management Advisory Committee, for an upcoming meeting.

b. Ordinance No. 4072 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Title 23 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4072 and its Summary, entitled " AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE): CHAPTER 5 – DEFINITIONS; CHAPTER 15 – RS ZONES; CHAPTER 17 – RSX ZONES; CHAPTER 20 – RM ZONES; CHAPTER 25 – PR ZONES; CHAPTER 27 – PO ZONES; CHAPTER 30 – WD ZONES; CHAPTER 35 – FC ZONES; CHAPER 40 – BN ZONES; CHAPTER 45 – BC ZONES; CHAPTER 47 – BCX ZONES; CHAPTER 50 – CBD ZONES; CHAPTER 52 – JBD ZONES; CHAPTER 53 – RH ZONES; CHAPTER 54 – NRH ZONES; CHAPTER 55 – TL ZONES; CHAPTER 60 – PLA ZONES; CHAPTER 90 – DRAINAGE BASINS; CHAPTER 105 – PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 110 – REQUIRED PUBLIC IMPROVEMENTS; CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 120 – VARIANCES; CHAPTER 130 – REZONES; CHAPTER 135 – ZONING CODE AMENDMENTS; CHAPTER 140 – AMENDMENTS TO THE COMPREHENSIVE PLAN; CHAPTER 145 – PROCESS I; CHAPTER 150 – PROCESS IIA; CHAPTER 152 – PROCESS IIB; CHAPTER 155 – PROCESS III;

CHAPTER 160 – PROCESS IV; CHAPTER 161 – PROCESS IVA; CHAPTER 170 – ENFORCEMENT; AND CHAPTER 180 - PLATES (FILE NO. ZON05-00001); AND ALSO REPEALING ORDINANCE NO. 4064 REGARDING OPTIONS FOR MEETING PARKING OBLIGATIONS IN CENTRAL BUSINESS DISTRICT ZONES 1, 2, AND 8 (“FEE-IN-LIEU”)."

Moved by Councilmember Jessica Greenway, seconded by Councilmember Mary-Alyce Burleigh

Vote: Motion carried 6-1

Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

No: Councilmember Dave Asher.

12. ANNOUNCEMENTS

13. ADJOURNMENT

The Kirkland City Council regular meeting of February 6, 2007 was adjourned at 11:10 p.m.

City Clerk

Mayor



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

MEMORANDUM

To: Dave Ramsay, City Manager

From: Jenny Gaus, Senior Surface Water Utility Engineer
Rob Jammerman, Development Engineering Manager
Daryl Grigsby, Public Works Director

Date: February 8, 2007

Subject: Response to January 17, 2007 letter from the Master Builders Association concerning the NPDES Phase II Stormwater Permit

RECOMMENDATION:

It is recommended that Council authorize the Mayor to sign the attached letter.

POLICY IMPLICATIONS:

The attached letter acknowledges that the NPDES Phase II permit will have cost impacts to both the development community and the City, and pledges to work with the Master Builders' Association and the development community to implement requirements in ways that are economically feasible.

BACKGROUND DISCUSSION:

The Western Washington NPDES Phase II Municipal Stormwater Permit ("Permit") requires cities to take specific actions in the following six areas to reduce stormwater pollution:

1. Public education/outreach;
2. Public Involvement and Participation;
3. Illicit Discharge Detection and Elimination;
4. Construction Site Stormwater Runoff Control;
5. Post Construction Stormwater Management in New Development and Redevelopment; and
6. Pollution Prevention/Good Housekeeping for Municipal Operations

As part of Item 5, the City will be required to adopt new stormwater design standards that are equivalent to the 2005 *Stormwater Management Manual for Western Washington*. Stormwater detention (flow control) requirements in this manual will result in significantly larger detention facilities for many development projects, and imposes new requirements for use of Low Impact Development, among other items. The Master Builders Association wrote to urge the City to examine potential cost impacts of the changes, and to look at ways of tailoring stormwater design requirements to local conditions to reduce cost impacts where possible. The attached letter pledges to work with the Master Builders Association as the City examines and adopts the required regulations.

Attachments:

- A January 17, 2007 letter from MBA of King and Snohomish Counties
- B Response letter from Mayor Lauinger



MBA of King and Snohomish Counties
335 116th Avenue SE
Bellevue, Washington 98004
t 425.451.7920 / 800.522.2209
f 425.646.5985 www.masterbuildersinfo.com

January 17, 2007

RECEIVED

James L. Lauinger
Mayor
123 5th Avenue
Kirkland, WA 98033

JAN 22 2007
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Dear City of Kirkland,

On behalf of the 4,300 member companies of the Master Builders Association of King and Snohomish Counties ("MBA"), I am writing regarding the newly issued Phase II Municipal Stormwater Permits ("Permits") by the Washington State Department of Ecology ("DOE").

As you know, the Permits will, for the first time, require 102 cities and 13 counties across Washington to implement stormwater management programs. Specifically, the Western Washington Phase II Municipal Stormwater Permit ("Permit") will apply to 32 King County cities, including Kirkland. The program is required by the federal Clean Water Act and is designed to control stormwater discharges into storm sewer systems. The program also includes controls on new development and re-development that exceed existing and federal requirements, as well as DOE's construction stormwater general permit.

The Permits impact not only the private sector, but also public works projects and other areas under the purview of local government. While Governor Chris Gregoire is proposing \$10 million in her 2007 budget to help cities and counties comply with the new stormwater rules, this funding level will not come close to covering the cost of this program to cities. The Permits not only require that local governments regulate the stormwater impacts of new development, but also mandate a series of public programs designed to control stormwater impacts of existing development, public roads, sewer systems and the like. The Permits may require monitoring and inspection programs and public education programs, as well as place restrictions on public open space and road maintenance programs. The selection of appropriate alternatives to meet these requirements will have serious financial implications for all of the cities affected by the Permits.

Given that this is a very complex and costly permit to implement, we urge you to take the time allotted to review the new requirements and decide on a proper course of action for your city. The MBA is happy and willing to work with you as you review alternatives in the year ahead.

Based on the Permit, our understanding is that cities have until March 31, 2008 to submit a status report of the development of their stormwater management plan to DOE.

One of the requirements of the Permit that affects the housing industry is a requirement that every affected city adopt an updated stormwater control manual. Under this mandate, cities will have three options:

- (1) Adopt the 2005 Stormwater Management Manual for Western Washington;
- (2) Tailor the 2005 Stormwater Manual to meet your local needs and have it approved by DOE as an equivalent;
- (3) Adopt another DOE-approved manual, such as the King County Surface Water Design Manual.

Again, we believe it is very important for cities to take their time with this process and review their options closely. **The potential impacts of this requirement should not be underestimated.** In particular, our association has long been concerned about the cost of the new requirements to new homeowners, small businesses and local governments.

For example, the cost per house to construct a stormwater detention vault using the 1992 Stormwater Manual versus the 2005 Stormwater Manual is very dramatic. One local builder reported to us recently that under the older manual, it was calculated the detention requirements on a North Snohomish County project would cost \$9,000 per house. **Under the 2005 Stormwater Manual, it is estimated to cost around \$17,850 per house, or nearly double the cost.** The detention vault size under the '92 Manual would be 200 feet long, 45 feet wide and 10 feet deep. Under the '05 Manual, the vault size is 300 feet long, 45 feet wide and 10 feet deep. This example illustrates that the increased detention requirements in the '05 Manual significantly impact the cost of housing. Moreover, there's a real concern that the increased requirements far exceed what is really needed to maintain environmental quality.

Another unintended consequence of the '05 Stormwater Manual is that some neighborhoods are concerned about new detention vaults that are more than twice as large as what they currently see being utilized.

Our industry has identified numerous other specific concerns with the Permits; however, we recognize cities are obligated to move forward with a stormwater management plan. We are simply asking you to take your time and consider tailoring plans to local needs, rather than the automatic adoption of a Manual that can be unnecessarily costly and burdensome. MBA is committed to working with you in this process.

Snohomish County is an example of a local jurisdiction that is working with DOE and community stakeholders to tailor its Phase I stormwater permit to meet the county's specific needs. We encourage you to consider this approach as a way to gain the flexibility you may need for such things as important public works projects planned for your community. At the very least, we encourage your city to take a very close look at the Permit, as there are significant ramifications.

For our part, the MBA continues to inform our members of the changes, so they will know what to expect. We are also prepared to work with cities as they move toward implementation of the Permit.

Please contact David Hoffman with questions at (425) 460-8224 or dhoffman@mbaks.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel L. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Samuel L. Anderson
Executive Officer

CC: City Manager, Dave Ramsay
Planning Director, Eric Shields
Public Works Director

February 21, 2007

DRAFT

Samuel L. Anderson, Executive Officer
Master Builders Association of King and Snohomish Counties
335 116th Ave SE
Bellevue, WA 98004

RE: NPDES Phase II Municipal Stormwater Permit

Dear Mr. Anderson:

Thank you for your January 17, 2007 letter concerning the Western Washington NPDES Phase II Municipal Stormwater Permit ("Permit"). The Permit is complex and presents both challenges and opportunities for municipalities. We do not take it lightly. Challenges include the cost of compliance and feasibility of required programs including development standards. The permit also presents opportunities for municipalities to work with each other and with associations such as yours to find economically feasible ways to improve stormwater management in our region. The success of our efforts is key to maintaining a good quality of life and a viable economy throughout Western Washington.

Kirkland has been anticipating this permit for many years. Partially in preparation for the NPDES program, the City established a Surface Water Utility in 1998. This created a stable funding source for surface water programs. In 2005 the City prepared a *Surface Water Master Plan* that describes strategies for providing surface water services to reduce flooding, improve water quality, and protect and improve fish habitat¹. This plan lays the framework for City to comply with the Permit and to meet obligations under the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) *Chinook Salmon Conservation Plan*.

Over the coming year, staff will be reviewing specifics of the Permit, and will begin discussions with the City Council about work program and cost impacts. A point of discussion will certainly be the potential costs to development and redevelopment projects in the City resulting from adoption of design standards equivalent to the 2005 *Stormwater Management Manual for Western Washington*, and how those costs could be lowered or spread equitably through City actions. The Permit, for example, allows for watershed planning and/or regional facilities plans that could potentially lower the cost to developers of providing the required stormwater detention. The use of Low Impact Development techniques (LID) may further reduce costs by helping to reduce or eliminate the need to construct detention facilities on some sites, and staff is investigating tools that would facilitate use of LID in Kirkland. We are interested in any ideas you and the MBA may have concerning implementation of the Permit as it relates to community development. We look forward to working with you and keeping you informed on these efforts, and to providing assistance and resources to developers as we move to new stormwater regulations.

¹ A copy of Kirkland's 2005 Surface Water Master Plan can be viewed at http://www.ci.kirkland.wa.us/depart/Public_Works/Storm_Surface_Water/Surface_Water_Master_Plan.htm

Letter to MBA of King and Snohomish Counties from Mayor Lauinger

February 21, 2007

Page 2 of 2

The Permit presents a great challenge to Western Washington – to improve the quality of stormwater. Meeting this challenge will be costly and will require actions many people and organizations, but the outcome of cleaner water will create a more sustainable future for all of us. Should you have specific questions about Kirkland's stormwater management programs, please feel free to contact Jenny Gaus, P.E., Senior Surface Water Utility Engineer, at (425) 587-3850 or jgaus@ci.kirkland.wa.us. Thank you for your interest in working with Kirkland on this important issue.

Sincerely
City of Kirkland

Jim Lauinger, Mayor

Cc: Daryl Grigsby, Public Works Director
Rob Jammerman, Development Engineering Manager
Jenny Gaus, Senior Surface Water Utility Engineer



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

MEMORANDUM

To: David Ramsay, City Manager

From: Teresa J. Swan, Senior Planner
Eric Shields, AICP, Planning Director

Date: February 8, 2007

Subject: RESPONSE LETTER TO JEANETTE SIMECEK'S CORRESPONDENCE

I. RECOMMENDATION:

Review the response letter and authorize the mayor to sign the letter.

II. BACKGROUND DISCUSSION:

Jeanette Simecek, President of the South Rose Hill/Bridle Trails Neighborhood Association, submitted a quarterly report dated January 15, 2007, addressing the neighborhood's concerns on the Hopelink/City's water district site at 13013 NE 65th Street. As a follow-up to the community meetings for the relocation of the Hopelink facility, the City requested that the neighborhood association provide a quarterly report on any neighborhood concerns that may arise.

On October 17, 2006, the City Council approved 0-4062, an emergency ordinance allowing Hopelink to relocate to the City's water district building prior to completion of the required Process I zoning permit. Hopelink has been operating its services from the Bridle Trails site since the week of October 23, 2006. The Process I permit was approved on November 6, 2006 with no subsequent appeal of the decision.

The neighborhood report addresses three concerns, all of which are actually city-related matters and not issues relating to Hopelink. The three issues are the request for the City to relocate the existing gate on 130th Ave NE further north, the request for the City to remove the street light poles stored on the ground west of the water tank and questions and concerns about the noise from operation of back-up generators at the site after loss of power from the December 14th windstorm.

The attached response letter addresses the three concerns.

Enclosures:

- 1 – Correspondence from Jeanette Simecek January 15, 2007
- 2 – Draft response letter from the mayor

cc: Files MIS06-00038 and ZON06-00029

DATE: 1/15/2007
 TO: Kirkland City Council and Human Services Advisory Committee
 FROM: South Rose Hill/Bridle Trails Neighborhood
 RE: Quarterly update on Neighborhood Impacts

RECEIVED
 JAN 17 2007
 CITY OF KIRKLAND
 CITY MANAGER'S OFFICE

When Hopelink Kirkland moved into the site in Bridle Trails, we agreed to provide Quarterly reports to the City on issues from the neighbor's perspective. Here is our 1st quarterly report. Thank you for the opportunity to continue as part of the process of serving those in need in our community, *and* continuing to enhance Kirkland as a great place to live.

The Neighborhood Association has compiled a list of three issues regarding mitigating the impact of Hopelink in the neighborhood.

One of the issues mentioned prominently in the mitigation meetings between Hopelink, the neighbors and city staff was moving the gate located on 130th Avenue NE northward to the driveway of the apartment complex. The neighbors made this issue the top priority because moving the gate northward would discourage transients and loitering teenagers from hanging out at the closed end of this street. We have subsequently been told that this gate cannot be moved for various reasons: the city has a policy to not gate off streets, the city does not want to place a gate pole in the middle of the sidewalk, and there needs to be enough space to turn a car around at the road end. In our view, none of these reasons are substantial enough to cancel the moving of the gate. The gate is already blocking the street so blocking the street further north should not be an issue. The poles supporting the gate can be drilled into the gutter area of the street itself, not into the sidewalk. And if the gate is placed adjacent to the driveway of the apartment complex then someone turning around may use a bit of the driveway to turn around but would probably use the street. Someone who is driving up the road now and turning around upon seeing the gate will probably be using the driveway anyway. Since moving the gate is the number one mitigation issue we would like to see more compromise from the city on some of these excuses and move it.

Lorraine and Bill were told on a walk with Teresa Swan that the light poles piled upon the parking pad on the west side of the property would be moved further toward the tank or covered up. These poles abut fence next to the public path and are visible from the path and from Lorraine and Bill's property. We would like to have these poles moved.

During the December windstorm, the backup generator at Hopelink was turned on during a period of power loss. The sound of this generator is extremely loud. Bill had sound studies done when the city used the site for a maintenance facility and is familiar with the level of sound permissible under city codes. He believes that the noise from this generator far exceeds that standard. He likens the noise to having a street sweeper parked

ENCLOSURE	1
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outside his front door, continuously running all day and night. In addition to running for two days straight during the power outage, the generator was left running unnecessarily for two additional days after power was restored to the site. When another storm was expected the following week, the generator was turned on even though power was not lost. Does code allow for auxiliary generators to exceed noise standards? This generator's noise output may be acceptable in a commercial setting but the noise restrictions for this residential zone are more stringent and need to be complied with. Also, is this generator on an automated switch and so will only turn on if power is lost? If not, it should be, otherwise the neighbors will be subjected to this excessive, continuous noise when the generator is turned on whenever there is a threat that the power may go out. And if the generator is on an automated switch, then why did the generator run for two days after the power was restored and why was it turned on when the power did not go out?

Again, thank you for the opportunity to formally communicate the neighbors' perspective.

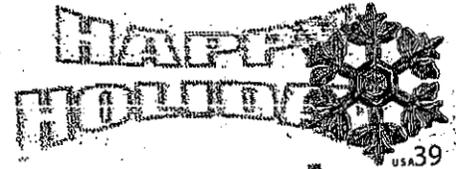


Jeanette Simecek, President
SRH/BT Neighborhood Association

South Rose Hill/Bridle Trails
Neighborhood Assoc
6619 132nd Ave NE PMB#177
Kirkland, WA 98033-8627

SEATTLE WA 981

16 JAN 2007 PM 7 T



Kirkland City Council
123 5th ave
Kirkland, WA 98033

Attn: Mayor Jim Lainger

February 20, 2007

DRAFT

Jeanette Simecek, President
South Rose Hill/ Bridle Trails Neighborhood Association
6619-132nd Ave NE
Kirkland, WA 98033-8627

Dear Ms. Simecek:

Thank you for the neighborhood association's quarterly report dated January 15, 2007, concerning the Hopelink Kirkland's relocation to the Bridle Trails neighborhood and other issues dealing with the water district site. The quarterly report raised three issues that we would like to address: relocation of the existing gate on 130th Ave NE located north of the Hopelink building, street light poles stored on the ground west of the water tank and noise from operation of back-up generators at the site after loss of power from the December 14th windstorm.

Location of the Gate within the 130th Ave NE right-of-way

At the community meetings held prior to Hopelink moving to the Bridle Trails neighborhood, neighbors raised concerns about people loitering in the parking area in front of the Hopelink building and behind the Bridal Trails Shopping Center, and vehicles being parked for extended periods of time at the southern end of 130th Ave NE. The existing location of the gate within the 130th Ave NE right-of-way, if kept closed and locked after business hours, would prevent loiterers with vehicles from parking in the area behind the shopping center. Moving the gate further to the north would not change the situation. Loiterers who come by foot can access the area behind the shopping center regardless of the location of the gate (see Attachment 1).

At the small group neighborhood meeting that occurred at the site prior to Hopelink's relocation to the Bridle Trails neighborhood, one neighbor suggested relocating the existing gate in the 130th Ave NE right-of-way further to the north and near the southern entrance to the apartment complex to prevent vehicles from being parked north of the existing gate for extended periods of time. At that meeting, city staff discussed with the neighbors the possibility of signage and agreed to look into relocating the gate (see Attachment 1).

After studying the issues of overnight parking on 130th Ave NE, the City opted to install "No Parking 10pm to 6am" signs on 130th Ave NE on both sides of the street from the Hopelink building to the southerly curb cut of the apartment complex. The reasons for not relocating the gate are as follows:

- Moving the gate to the north would block the public's ability to turn their vehicles around at the end of 130th Ave NE. The curb cut to the apartment complex east of 130th Ave NE is private property and should not be used by the public as a turn around.

Enclosure 2

Letter to Jeanette Simecek

February 20, 2007

Page 2 of 3

- Use of “No Parking” signs is a better approach than relying on a gate to control undesirable parking. The Kirkland Police Department will enforce the “No Parking” signs, whereas a gate must be closed and locked each night. There may be times when Hopelink staff will forget to close and lock the gate. In addition, the City does not install gates within rights-of-way to control parking.
- Sidewalks exist on both sides of 130th Ave NE north of the existing gate. Relocating the gate further north would block the sidewalks.
- Relocation of the gate is more costly than the fabrication and installation of parking signs.

City Street Light Poles Stored By the Water Tank

The City stores unused city street light poles west of the water tank on the water district property. The poles are currently visible from the pedestrian path on the west side of the property. The poles must be in a location so that a forklift can access the site to move them when they need to be used. According to the Public Works Department, the City has no other location to store the poles. Because of the high security required for the water tank to be able to see clearly into the site, a solid screening fence is not allowed. The Public Works Department is in the process of locating a tarp that will cover and camouflage the poles.

Noise from Operation of the Generators during the December 14th Windstorm

Two generators exist at the site. One generator is a back-up for the Hopelink building and the other generator is a back-up for the pump station. Both generators turn on automatically when power is lost and turn off automatically when power is restored. In addition, the generator for the pump house operates automatically every Thursday and Public Works staff manually turns on the generator for the Hopelink building every Thursday. The vendor who services the generators on a bi-annual basis recommends a weekly run of the generators. When power is disrupted, the generator for the Hopelink building keeps the large quantities of food in the refrigerator cold so the food will not go to waste and the generator for the pump station keeps the station operating to provide water for the area.

After the recent windstorm, power was not restored throughout the neighborhood at the same time so it must have been the case that the site regained power later than the adjacent neighbors. As soon as power was restored, the generators would have stopped operating.

As stated in the Chapter 115 of the Kirkland Zoning Code, the City’s noise regulations are based on the Noise Control Act of 1974, RCW 70.107. Use of generators is exempt from the noise regulations during power outages.

Thank you again for the neighborhood association’s quarterly report. We appreciate receiving information on the neighborhood’s concerns or suggestions. Please contact

Letter to Jeanette Simecek

February 20, 2007

Page 3 of 3

Teresa Swan in the Planning Department at (425) 587-3258 for any zoning related issues or Carrie Hite in the Parks and Community Services Department at (425) 587-3320 for any other issues that may come up before your next quarterly report to us.

Sincerely,

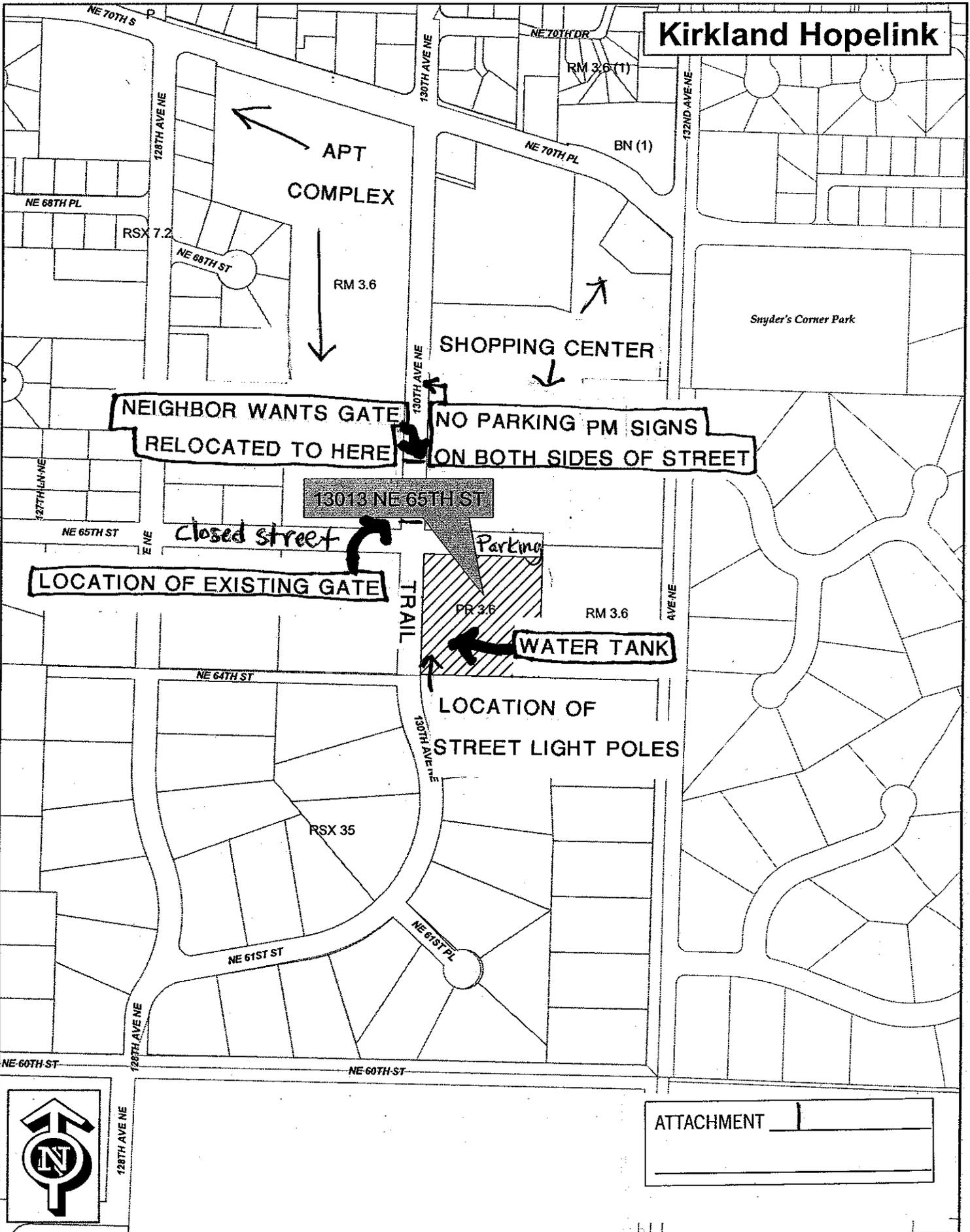
James L. Lauinger

Mayor

Attachment 1 – Vicinity Map

cc: Daryl Grigsby, Public Works Director
John Hopfauf, Street Manager
Greg Neumann, Water Manager
Carrie Hite, Deputy Director Parks and Community Services
Teresa Swan, Senior Planner

Kirkland Hopelink



NEIGHBOR WANTS GATE
RELOCATED TO HERE

NO PARKING PM SIGNS
ON BOTH SIDES OF STREET

13013 NE 65TH ST

closed street

LOCATION OF EXISTING GATE

WATER TANK

LOCATION OF
STREET LIGHT POLES



ATTACHMENT 1



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

MEMORANDUM

To: David Ramsay, City Manager
From: Kathi Anderson, City Clerk
Date: February 13, 2007
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

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

POLICY IMPLICATIONS

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

BACKGROUND DISCUSSION

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

- (1) Brian and Allison Legge
10815 115th Court NE, Apt. A 306
Kirkland, WA 98033

Amount: \$ 943.35

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

- (2) Marina Park, LLC
c/o Morris Piha, Real Estate Services
25 Central Way
Kirkland, WA 98033

Amount: Unspecified Amount

Nature of Claim: Claimant states damage to property resulted from faulty drainage system.

February 13, 2007

Claim for Damages

Page 2

- (3) Monica Muller
22544 NE Aldercrest Lane
Redmond, WA 98053

Amount: \$ 72.25

Nature of Claim: Claimant states damage to vehicle resulted from running over a large pothole in the street.

- (4) Sriram and Chitra Subramanian
6209 104th Avenue NE
Kirkland, WA 98033

Amount: Unspecified Amount

Nature of Claim: Claimant states damage to property resulted from faulty drainage system.



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Erin J. Leonhart, Public Works Facilities & Administrative Manager
Daryl Grigsby, Public Works Director

Date: February 7, 2007

Subject: CITY HALL FIRE ALARM PANEL/DEVICE REPLACEMENT –JOB NO. 04-07-PW
AWARD CONTRACT

RECOMMENDATION:

It is recommended that the City Council award the contract for the City Hall Fire Alarm Panel Replacement Project (as part of the Kirkland Facility Lifecycle Program) to Washington Alarm of Seattle, Washington in the amount of \$31,958.00.

BACKGROUND DISCUSSION:

There are approved funds in the Capital Improvement Program for replacement of the fire alarm panel and other devices at City Hall, consistent with the Kirkland Facility Lifecycle Program. The total approved funds for this work are \$51,500. The cost of consulting services is \$3,000 and the cost of installation is \$31,958.00. The total anticipated project cost is \$34,958.00.

On January 16, 2007 the City sent notice to the City of Lynnwood small works roster soliciting interested vendors. Three vendors attended an optional pre-bid conference on January 22, 2007. On Friday, February 2, 2007, the City received two bids with Washington Alarm as the low bidder with a total bid cost of \$31,958 (including Washington State Sales Tax). The total bid prices are as follows:

Contractor	Total Bid
<i>Lifecycle Model (incl. Devices)</i>	\$ 51,500
<i>Engineer's Estimate w/o Devices</i>	\$32,000
<i>Engineer's Estimate w/Devices (Alt. 2)</i>	\$72,000
Washington Alarm (incl. Devices)	\$31,958
Cosco Fire Protection, Inc.	\$ 65,069

Staff recommends that this project be awarded to the lowest responsive bidder. Reference checks were conducted on Washington Alarm and staff recommends that the Council approve award of the City Hall Fire Alarm Replacement Project, Job 04-07-PW, to Washington Alarm.

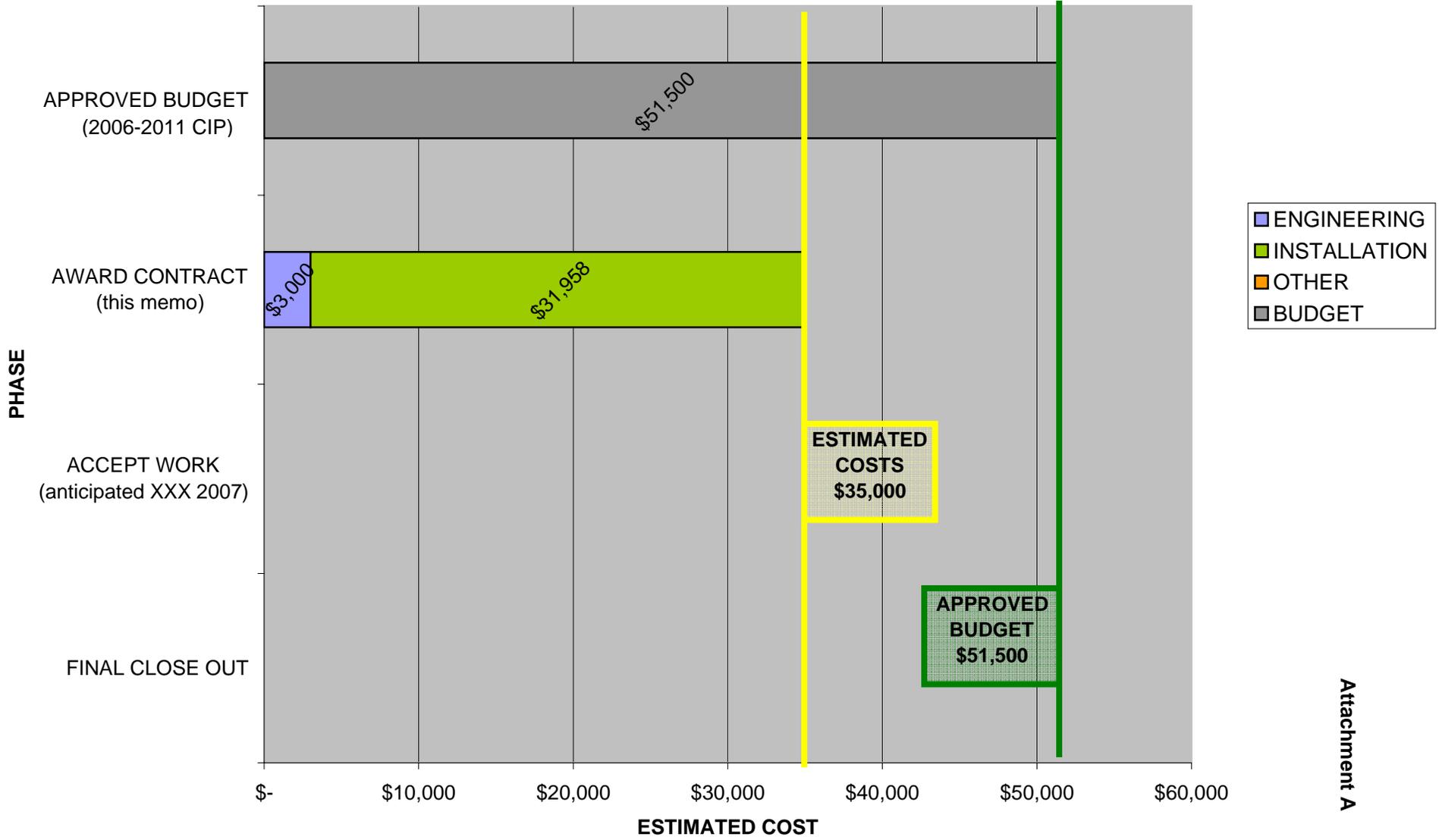
With Council award of this project, construction can be completed by May 1, 2007.

Attachment – Award Graph

cc: Tracey Dunlap, Director of Finance and Administration

BUDGET COMPARISON (Expenditures)

CITY HALL FIRE ALARM PANEL/DEVICE REPLACEMENT, JOB NO. 04-07-PW





CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587-3800
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Phillip Vartanian Development Engineer
Rob Jammerman, Development Engineering Manager
Daryl Grigsby Public Works Director

Date: January 31, 2007

Subject: CITY COUNCIL RESOLUTION APPROVING A SEWER FACILITY AGREEMENT WITH BERGEVIN HILL LLC

RECOMMENDATION:

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

POLICY IMPLICATIONS:

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

BACKGROUND DISCUSSION:

Bergevin Hill LLC installed approximately 274 lineal feet of sewer main line extension along 124th Ave NE. This public sewer main extension provides sewer service to various parcels. A Sewer Facility Agreement has been filed with the Department of Public Works to receive reimbursement for the sewer. Any property owner applying for connection to the sewer main will be required to pay \$9,848.25 per stub for the direct benefit area and \$2,462.06 per stub for the general benefit area plus normal City of Kirkland sewer connection fees.

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

CC: City Attorney

RESOLUTION R-4624

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

WHEREAS, the improvement of public health is furthered by the development of adequate sanitary sewer systems; and

WHEREAS, the Washington State Legislature enacted the Municipal Water and Sewer Facilities Act, (Chapter 35.91 RCW,) in furtherance of this goal and authorized municipalities to enter into agreements with property owners for the construction of sanitary sewer facilities and the reimbursement of such owners by "latecomers"; and

WHEREAS, The City of Kirkland concludes entering into this agreement will promote the goal of the improvement of public health;

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

Section 1. The City Manager is hereby authorized and directed to execute, on behalf of the City, the Sewer Facility Agreement between the City and Bergevin Hill LLC. A copy of this Agreement is attached as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk



SEWER FACILITIES AGREEMENT PURSUANT TO CHAPTER 35.91 REVISED CODE OF WASHINGTON

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

WITNESSETH

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

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

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

Section 4. Any owner of any real property located within the benefit area (other than those properties designated in EXHIBIT 2 as Developer's properties) who shall hereafter tap into or use said sewer facility (including not only connecting directly into, but also to users connecting laterals or branches connected thereto) shall, prior to such tap in or use, pay to the City of Kirkland, in addition to any connection or other change required by the ordinances of the City of Kirkland to be paid upon connecting to a sewer facility, their fair pro rata share of the cost of construction of said facility.

Section 5. For the purposes of determining such "fair pro rata share" the cost of construction of said facility shall be considered to be \$ 78,786.00, provided, however, the City may adjust said cost to reflect the true and final cost of construction of said facility. The "FAIR PRO RATA SHARE" of the cost of construction as designated on EXHIBIT 3, and is hereby approved by the City of Kirkland.

Section 6. Within sixty (60) days after receipt by the City of any "fair pro rata share," the City shall disburse said sum, less fifteen (15) percent thereof to be retained by the City of Kirkland to cover costs of administering the provisions of this agreement, to Developer at _____ until such time as Developer shall have received the total sum of \$ 46,040.57, or the expiration of fifteen (15) years from the date of this agreement, whichever event shall first occur. Thereafter, any amount of charge made or received by the City to tap into or use said facility shall be retained by the City. It shall be the duty of the Developer to advise the City of any change in the Developer's mailing address.

Section 7. The provisions of this agreement shall not be effective as to any owner of real property designated in EXHIBIT 3, other than Developer, until such time as this agreement shall have been recorded in the Office of the King County Department of Elections and Records and then only as to such real property owners as tap into or connect into said facility subsequent to such recording. City shall not be required to disburse any "fair pro rata share" to Developer which may not be lawfully collected from such real property owner at the time said real property taps into or connects to said facility.

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

Section 9. No person, firm, or corporation, other than Developer's, as to the real property identified as owned by Developer in EXHIBIT 4 hereto, shall be granted a permit or authorized to tap into or use said facility or extensions thereof without first paying their fair pro rata share as herein provided.

DATED at Kirkland, Washington, this _____ day of _____, _____.

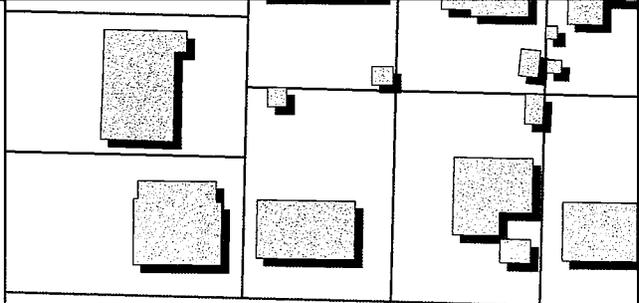
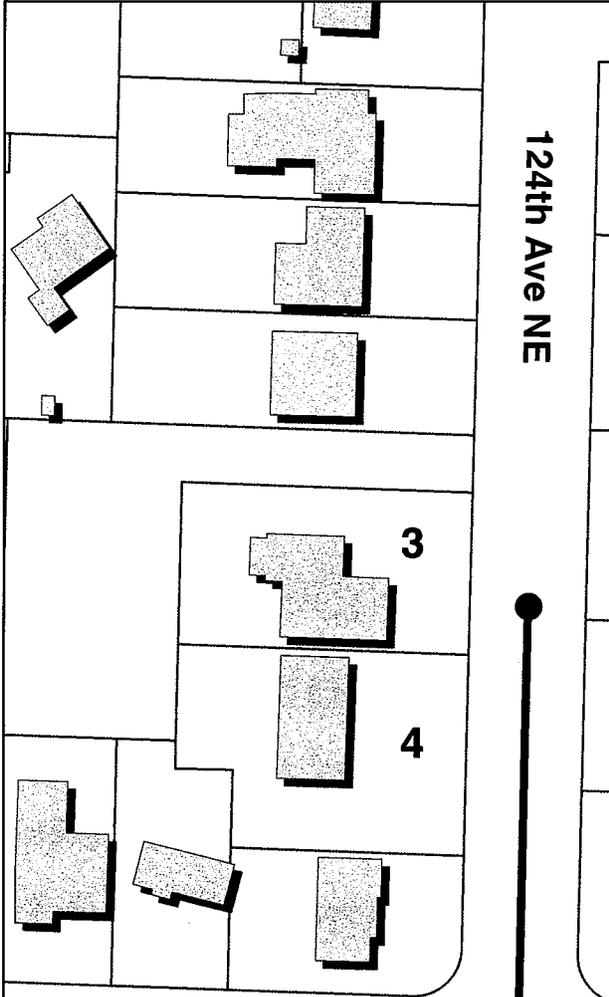
CITY OF KIRKLAND:

DEVELOPER:

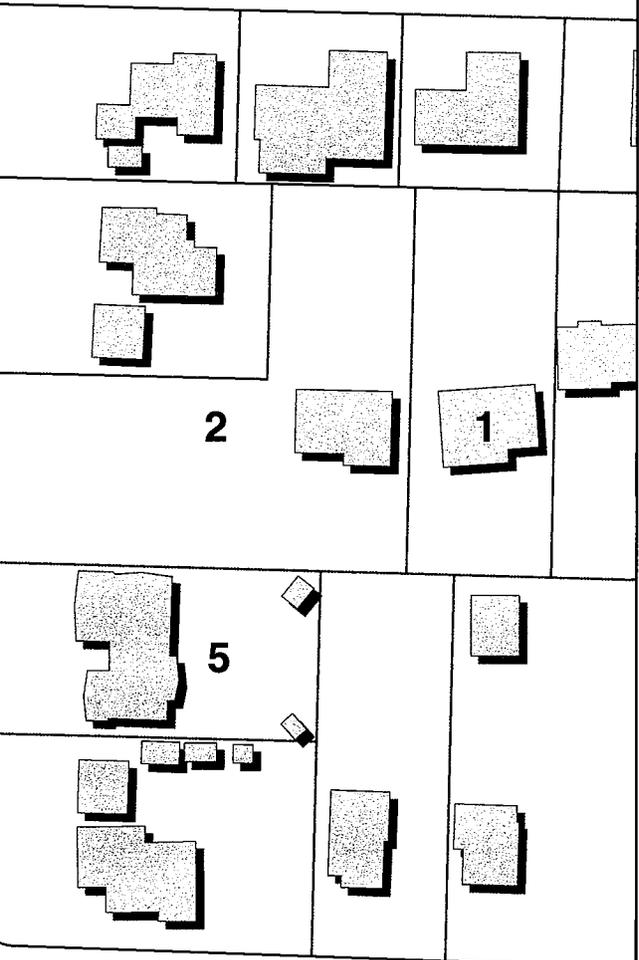
 CITY MANAGER FOR THE City of Kirkland
 KIRKLAND WHO IS AUTHORIZED TO
 EXECUTE THIS AGREEMENT ON
 BEHALF OF SAID CITY BY VIRTUE
 OF RESOLUTION NO. _____

 By: Thomas Wu
 By: _____

Exhibit 1
124th Ave NE
Bergevin Hill LLC
273.8' of sewer
constructed by
developer



NE 72nd Street



NE 70th Street

124th Ave NE

1 inch equals 100 feet
Produced by the City of Kirkland.
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No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.
Printed Jan 3, 2007 - Public Works GIS

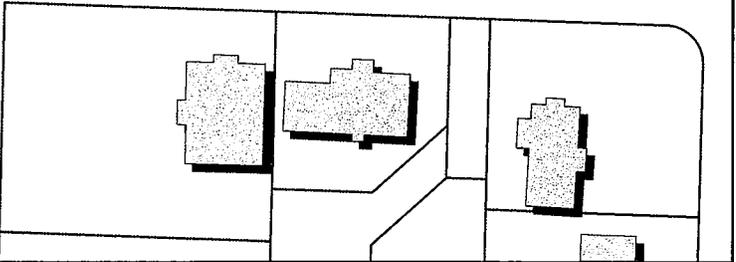
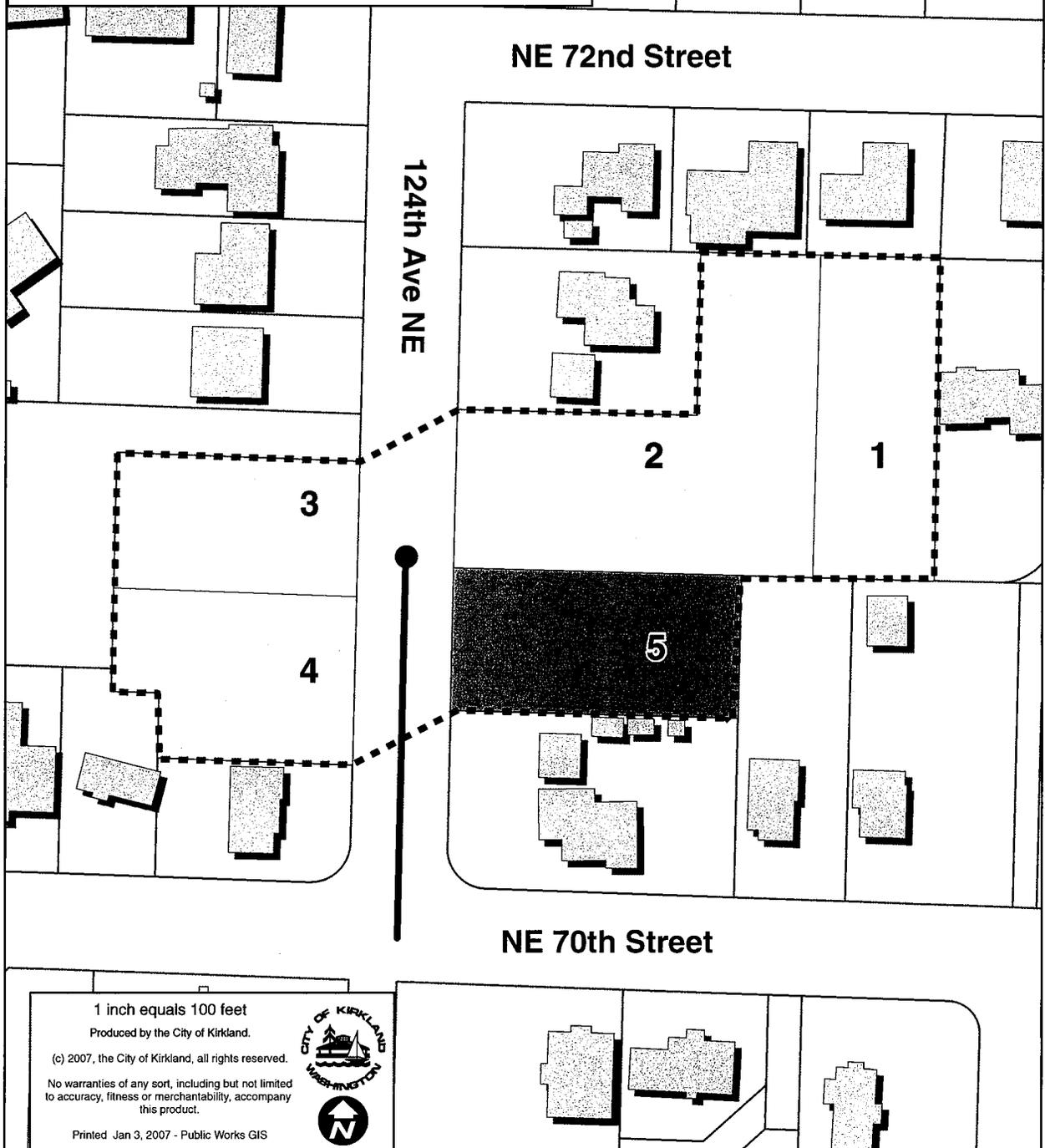


Exhibit 2
124th Ave NE
Bergevin Hill LLC
Dark Blue - Developers Property
Blue - Direct Benefit Area
Red - General Benefit Area



1 inch equals 100 feet
Produced by the City of Kirkland.
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No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.
Printed Jan 3, 2007 - Public Works GIS



Bergevin Latecomer's Assessment Roll

EXHIBIT 3

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	General Benefit	Direct Benefit	Total Cost	Reimburse Developer @ 85%	Reimburse City @ 15%
1	1241500026	Rupesh Sheth 12424 NE 70th Ct. Kirkland WA 98033	4-5 61 BURKE-FARRARS KIRKLAND DIV #20 PAR 2 KCSP 378029 REC AF # 7901040758 SD PLAT DAF N 1/2 OF 4 & N 1/2 OF W 1/2 OF 5 LESS N 102 FT OF W 150 FT SUBJ TO ESMT C OF S TRANS LN	15,139	1	0	\$2,462.06	\$2,092.75	\$369.31
2	1241500022	Keven & Karen Woody 12420 70th Ct. Kirkland WA 98033	4-5 61 BURKE-FARRARS KIRKLAND DIV #20 PAR 1 KCSP 378029 REC AF # 7901040758 SD PLAT DAF N 1/2 OF 4 & N 1/2 OF W 1/2 OF 5 LESS N 102 FT OF W 150 FT SUBJ TO ESMT C OF S TRANS LN	29,992	2	1	\$14,772.38	\$12,556.52	\$2,215.86
3	6400700262	Douglas E Peterson 7023 124th Ave NE Kirkland WA 98033	6-7 3 ORCHARD HEIGHTS ADD S 85 FT OF N 115 FT OF 6 SUBJ TO ESMT OF C OF S TRANS LN & E 30 FT OF S 85 FT OF N 115 FT OF 7	12,750	1	1	\$12,310.31	\$10,463.77	\$1,846.55
4	6400700263	Allen M Cantrell 7015 124th Ave NE Kirkland WA 98033	6-7 3 ORCHARD HEIGHTS ADD N 106 FT OF S 180 FT OF 6 SUBJ TO ESMT OF C OF S TRANS LN & E 30 FT OF S 65 FT OF N 180 FT OF 7	14,659	2	2	\$24,620.63	\$20,927.53	\$3,693.09
TOTALS				72,540			\$54,165.38	\$46,040.57	\$8,124.81

Cost Per Square Foot of Sewer Construction		Calculation of the Cost Per Stub of Sewer Construction	
Engineering Cost	\$3,000.00	4 stubs total provide with construction, 5 lots benefit 6 homes could have direct benefit and 2 will have general ben.	
Construction Cost	\$58,926.00	Therefore the following the cost per Lot:	
Tunnel System Inc.	\$14,100.00	Direct Benefit ((Total Cost @ 75%)) = \$78786.00 x .75 = \$59090.00/6=	\$9,848.25
Tunnel System Inc.	\$2,760.00	General Benefit ((Total Cost @ 25%)) = \$78786.00 x .25 = \$19696.00/8=	\$2,462.06
Total	\$78,786.00		

Bergevin Developers Assessment Roll

EXHIBIT 4

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	General Benefit	Direct Benefit	Total Cost
5	1241500019	JD Bergevin homes INC 7014 124th Ave NE Kirkland WA 98033	4 61 BURKE-FARRARS KIRKLAND DIV #20 BEG 111.30 FT N OF SW COR OF 4 TH CONTG N 90 FT TH N 88 DEG 45 MIN 08 SEC E 180.04 FT TH S 01 DEG 40 MIN 02 SEC E 90 FT TH W TO BEG SUBJ TO ESMT C OF S TRANS LN	16,200	2	2	\$24,620.63

TOTALS				16,200		2	\$24,620.63
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CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587-3800
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: John A. Burkhalter, P.E., Senior Development Engineer
Rob Jammerman, Development Engineering Manager
Daryl Grigsby Public Works Director

Date: January 31, 2007

Subject: CITY COUNCIL RESOLUTION APPROVING A SEWER FACILITY AGREEMENT WITH H-1 Development Corp.

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution authorizing the City Manager to execute a Sewer Facility Agreement with H-1 Development Corp.

POLICY IMPLICATIONS:

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

BACKGROUND DISCUSSION:

H-1 Development Corp. installed approximately 569 lineal feet of sewer main line extension along 130th Ave NE. This public sewer main extension provides sewer service to various parcels. A Sewer Facility Agreement has been filed with the Department of Public Works to receive reimbursement for the sewer. Any property owner applying for connection to the sewer main will be required to pay \$8,117.67 per stub for the direct benefit area and \$8,117.67 per stub for the general benefit area plus normal City of Kirkland sewer connection fees.

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

CC: City Attorney

RESOLUTION R-4625

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A SEWER FACILITY AGREEMENT WITH H-1 DEVELOPMENT CORP. AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

WHEREAS, the improvement of public health is furthered by the development of adequate sanitary sewer systems; and

WHEREAS, the Washington State Legislature enacted the Municipal Water and Sewer Facilities Act, (Chapter 35.91 RCW,) in furtherance of this goal and authorized municipalities to enter into agreements with property owners for the construction of sanitary sewer facilities and the reimbursement of such owners by "latecomers"; and

WHEREAS, The City of Kirkland concludes entering into this agreement will promote the goal of the improvement of public health;

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

Section 1. The City Manager is hereby authorized and directed to execute, on behalf of the City, the Sewer Facility Agreement between the City and H-1 Development Corp. A copy of this Agreement is attached as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk



SEWER FACILITIES AGREEMENT PURSUANT TO CHAPTER 35.91 REVISED CODE OF WASHINGTON

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

WITNESSETH

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

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

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

Section 4. Any owner of any real property located within the benefit area (other than those properties designated in EXHIBIT 2 as Developer's properties) who shall hereafter tap into or use said sewer facility (including not only connecting directly into, but also to users connecting laterals or branches connected thereto) shall, prior to such tap in or use, pay to the City of Kirkland, in addition to any connection or other change required by the ordinances of the City of Kirkland to be paid upon connecting to a sewer facility, their fair pro rata share of the cost of construction of said facility.

Section 5. For the purposes of determining such "fair pro rata share" the cost of construction of said facility shall be considered to be \$ 129,882.65, provided, however, the City may adjust said cost to reflect the true and final cost of construction of said facility. The "FAIR PRO RATA SHARE" of the cost of construction as designated on EXHIBIT 3, and is hereby approved by the City of Kirkland.

Section 6. Within sixty (60) days after receipt by the City of any "fair pro rata share," the City shall disburse said sum, less fifteen (15) percent thereof to be retained by the City of Kirkland to cover costs of administering the provisions of this agreement, to Developer at 815 6th St. S #111 Kirkland WA until such time as Developer shall have received the total sum of \$ 41,400.09, or the expiration of fifteen (15) years from the date of this agreement, whichever event shall first occur. Thereafter, any amount of charge made or received by the City to tap into or use said facility shall be retained by the City. It shall be the duty of the Developer to advise the City of any change in the Developer's mailing address.

Section 7. The provisions of this agreement shall not be effective as to any owner of real property designated in EXHIBIT 3, other than Developer, until such time as this agreement shall have been recorded in the Office of the King County Department of Elections and Records and then only as to such real property owners as tap into or connect into said facility subsequent to such recording. City shall not be required to disburse any "fair pro rata share" to Developer which may not be lawfully collected from such real property owner at the time said real property taps into or connects to said facility.

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

Section 9. No person, firm, or corporation, other than Developer's, as to the real property identified as owned by Developer in EXHIBIT 4 hereto, shall be granted a permit or authorized to tap into or use said facility or extensions thereof without first paying their fair pro rata share as herein provided.

DATED at Kirkland, Washington, this _____ day of _____, _____.

CITY OF KIRKLAND:

DEVELOPER:

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

 By: _____
 By: _____

Haroldson Latecomer's Assessment Roll

EXHIBIT 3

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	Future Connections (stubs)	Benefit Area (SF)	Total Cost	Reimburse Developer @ 85%	Reimburse City @ 15%
1	388810-0103	David B. Kerr-Wilson 12830 NE 88th St Kirkland, WA 98033	18 Kirkland acre trs lot 2 kc short plat no 777100 rec no 7802100929 sd plat daf - E 320 ft of W 510 ft & S 20 ft of W 190 ft less co rd.	17,280	2	17,280	\$16,235.33	\$13,800.03	\$2,435.30
3	388810-0108	Amanda Powell 3933 Lk Wash. Bl NE #100 Kirkland, WA 98033	19 Kirkland acre trs lot 2 kcps #677130 less beg SW cor tr 19 Kirkland acre trs th N 88-25-09 E 334 ft to pob th N 3-30-05 W 80 ft th S 88-25-09 W 21.14 ft to wooden fence th S 14-00-11 W 81.87 ft alg sd fence to S In sd tr th N 88-25-09 E 6.21 ft alg sd S In to pob sd sp rec#7801060890 & daf beg SW cor tr 19 th N 03-30-05 W 80 ft th E plw S In sd tr 334 ft th S plw wly In sd tr 80 ft to sly In thof th wly alg sd sly In 334 ft to topb less co rd aka lot c kclla#485122.	10,346	1	10,346	\$8,117.67	\$6,900.02	\$1,217.65
5	124190-0005	Robert Deboer 16820 119th PI NE Kirkland, WA 98033	1 65 burke-farrars Kirkland div # 21 lot 2 kcsp #1083081 rec # 8411150759 sd sp daf lot 1 blk 65 less wly 347 ft thof	32,587	3	32,587	\$24,353.00	\$20,700.05	\$3,652.95

TOTALS	60,213	6	60,213	\$48,705.99	\$41,400.09	\$7,305.90
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Cost Per Square Foot of Sewer Construction		Calculation of the Cost Per Stub of Sewer Construction	
Survey	\$3,670.00	16 stubs total provide with construction	
Engineering Cost	\$4,945.00		
Construction Cost	\$103,888.01	Therefore the cost per stub is calculated below:	
Easement	\$6,005.57	((Total Cost/Total Stubs)) = \$324,964.54/16 =	\$8,117.67
Permit Fees	\$8,284.96		
Project Management	\$3,089.11		
Total	\$129,882.65		

Haroldson Developers Assessment Roll

EXHIBIT 4

Ref No.	Tax/Parcel No.	Owner/Address	Abbreviated Legal Description	Total Area (SF)	Future Connections	Total Cost
2	388810-0113	Christopher & Kristy Raichlen 12911 NE 88th St Kirkland, WA 98033	19 kirkland acre trs parcel A of kcsp #474032 tgw ely 114.23 ft of wly 334 ft of ty 19 kirkland acre trs less S 80 ft sd por of tr 19 tgw por S 80 ft of W 334 ft sd tr 19 more partly desc as beg SW cor sd tr 19 th N 88-25-09 E 334 ft to pob th N 3-30-05 W 80 ft th S 88-25-09 W 21.14 ft to wooden fence th S 14-00-11 W 81.87 ft alg sd fence to S in sd tr 19 th N 8-25-09 E 6.21 ft to pob being a por of lot 2 kcsp 677130 rec#7801060890 tgw und 1/3 int in tr A of sd kcsp#474032 rec#7708151009 sd sp daf por tr 19 kirkland acre trs in NE 1/4 of SE 1/4 sec 4-25-5 aka lot A kc lla#485122	20,666	2	\$16,235.33
4	388810-0114 388810-0116	H1 Development 10512 NE 68th St Suite 101 Kirkland, WA 98033	20 kirkland acre trs lot 6 tgw und int in trs A & B sd sp kirkland sp#spl04-00006 rec#20050419900006 sd sp daf comm SE cor tr 20 sd add th N 158.71 ft th W 375 ft the S 158.71 ft th E 375 ft to pob.	59,625	6	\$48,705.99
6	124190-0004	Nate R. Veranth 12929 NE 87th St Kirkland, WA 98033	1 65 burke-farrars kirkland div #21 lot 1 kcps#1083081 rec#8411150759 sd sp daf lot 1 bld 65 less wly 347 ft thof.	15,480	2	\$16,235.33

TOTALS	95,771	10	\$81,176.66
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Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

To: David Ramsay, City Manager

From: Elaine Borjeson, Solid Waste Coordinator
Daryl Grigsby, Public Works Director

Date: February 6, 2007

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

RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utilities easement, in the south 8 feet of the unopened alley abutting the north boundary of the following described property: The North 60 feet of Lots 34, 35, 36 and 37, Block 169, Town of Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 53, King County, Washington.

BACKGROUND DISCUSSION:

The unopened alley abutting the property of 912 6th Street was originally platted and dedicated in 1890 as the Town of Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Bonnie D. Perkins, the owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity Map
Resolution



**PERKINS PROPERTY NON-USER VACATION
912 6TH ST**

- | | |
|---|--|
|  Perkins Property |  Building Outline |
|  Proposed Vacation |  School |
|  Granted Non-User Vacation |  Park |
|  Pedestrian Easement | |



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

Map Printed July 24, 2006 - Public Works GIS

RESOLUTION R-4626

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED ALLEY EXCEPT FOR A UTILITIES EASEMENT AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER BONNIE D. PERKINS.

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

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

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

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

Now, therefore, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owner Bonnie Perkins, the City Council of the City of Kirkland hereby recognizes that the following described right of way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utilities easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified the south 8 feet of unopened alley abutting the north boundary of the following described property: The North 60 feet of Lots 34, 35, 36 and 37, Block 169, TOWN OF KIRKLAND, according to the plat thereof recorded in Volume 6 of Plats, page 53, records of King County, Washington.

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

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk



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

To: David Ramsay, City Manager

From: Elaine Borjeson, Solid Waste Coordinator
Daryl Grigsby, Public Works Director

Date: January 29, 2007

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

RECOMMENDATION:

It is recommended that the City Council adopt the enclosed Resolution relinquishing interest, except for a utility easement, in the northeasterly 8 feet of the unopened alley abutting the southwesterly boundary of the following described property: Lots 9 through 14, Inclusive, Block 30, BLEWETT'S 1ST ADDITION TO KIRKLAND, according to the plat recorded in Volume 6 of Plats, page 82, records of King County, Washington, EXCEPT that portion described as follows: Beginning at the Northeast corner of Lot 9; Thence North 48°53'45" west along the north line of said Lots 9, 10 and 11, which line is the south margin of 13th Avenue West, a distance of 84.63 feet; Thence South 8°53'45" West 119.07 feet; Thence South 41°46'15" West 20 feet; Thence South 48°13'45" East along the north line of the alley in Block 30, 20 feet; Thence North 41°46'15" East 120 feet to the point of beginning; Situate in the City of Kirkland, County of King, State of Washington.

BACKGROUND DISCUSSION:

The unopened alley abutting the property of 625 13th Avenue West was originally platted and dedicated in 1890 as the Blewett's 1st Addition to Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated and which remains unopened or unimproved for five continuous years is then vacated. The subject right-of-way has not been opened or improved.

Ryan Leopold, the owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney believes the approval of the enclosed Resolution is permissible.

Attachments: Vicinity Map
Resolution



**LEOPOLD RESIDENCE NON-USER VACATION
625 13TH AVE W**

- | | |
|---|--|
|  Leopold Residence |  Building Outline |
|  Proposed Vacation |  School |
|  Granted Non-User Vacation |  Park |
|  Pedestrian Easement | |



Produced by the City of Kirkland.

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Map Printed November 27, 2006 - Public Works GIS

RESOLUTION R-4627

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE EXCEPT FOR A UTILITIES EASEMENT IN AN UNOPENED ALLEY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER RYAN LEOPOLD.

WHEREAS, the City has received a request to recognize that any rights to the land originally dedicated in 1890 as right-of-way abutting a portion of the Blewett's 1st Addition to Kirkland have been vacated by operation of law; and

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

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

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

Now, therefore, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. As requested by the property owner Ryan Leopold, the City Council of the City of Kirkland hereby recognizes that the following described right of way has been vacated by operation of law and relinquishes all interest it may have, if any, except for a utilities easement, in the portion of right-of-way described as follows:

A portion of unopened alley being identified the northeasterly 8 feet of unopened alley abutting the southwesterly boundary of the following described property: Lots 9 through 14, Inclusive, Block 30, BLEWETT'S 1ST ADDITION TO KIRKLAND, according to the plat recorded in Volume 6 of Plats, page 82, records of King County, Washington, EXCEPT that portion described as follows: Beginning at the Northeast corner of Lot 9; Thence North 48°53'45" west along the north line of said Lots 9, 10 and 11, which line is the south margin of 13th Avenue West, a distance of 84.63 feet; Thence South 8°53'45" West 119.07 feet; Thence South 41°46'15" West 20 feet; Thence South 48°13'45" East along the north line of the alley in Block 30, 20 feet; Thence North 41°46'15" East 120 feet to the point of beginning; Situate in the City of Kirkland, County of King, State of Washington.

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

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk



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

MEMORANDUM

To: David Ramsay, City Manager

From: Tracey Dunlap, Director of Administration & Finance
Gwen Chapman, Financial Operations Manager

Date: February 8, 2007

Subject: Performance Audit Overview

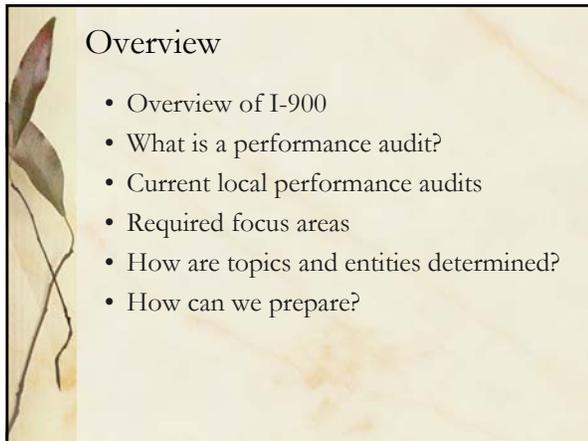
RECOMMENDATION:

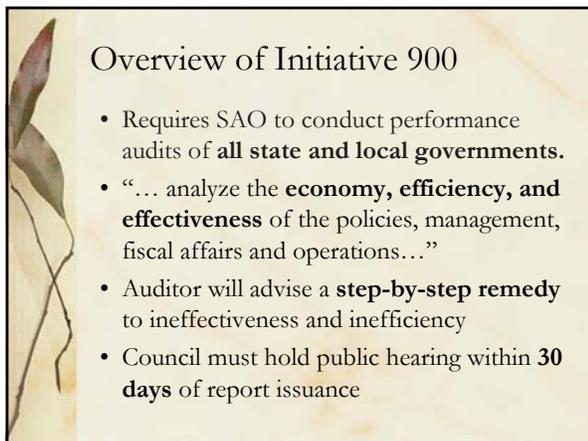
Council receive an update on the performance audit program.

BACKGROUND DISCUSSION:

In 2005, the voters passed Initiative 900 requiring the State Auditor to conduct performance audits of all state and local governments. Gwen Chapman will be in attendance to provide an overview of I-900, the current status of the performance audit program and how it may impact Kirkland.









Current local government audits

Audits we are involved in:

- Impact fees
- Overtime practices

On-going, but not involving Kirkland:

- Take-home vehicle practices
- Open public records



What is a performance audit?

Attempts to answer questions such as:

- Do programs and services achieve results?
- Is money spent for the right things?
- Can the same or better results be achieved in a more economical way?
- Is there duplication that can be eliminated?
- Are there inefficient processes that can be improved?
- Has someone else found a better way?



Required focus areas

The scope of each performance audit shall not be limited and shall:

Identify:

- Best practices
- Cost savings
- Services that can be reduced or eliminated
- Programs or services that can be transferred to private sector
- Recommendations for regulatory changes necessary to allow entity to properly carry out its functions

Analyze:

- Roles, functions and recommend changes, eliminations
- Gaps, overlaps in programs or services and make recommendations to correct
- Feasibility of pooling information technology systems
- Departmental performance data, performance measures and self-assessment systems



How are topics selected?

Six performance audit themes:

- Public interest
- How dollars flow between state and local governments
- Inherent, recurring challenges
- Matters that affect all agencies, such as pensions
- Capital projects
- Administrative costs



How are entities selected?

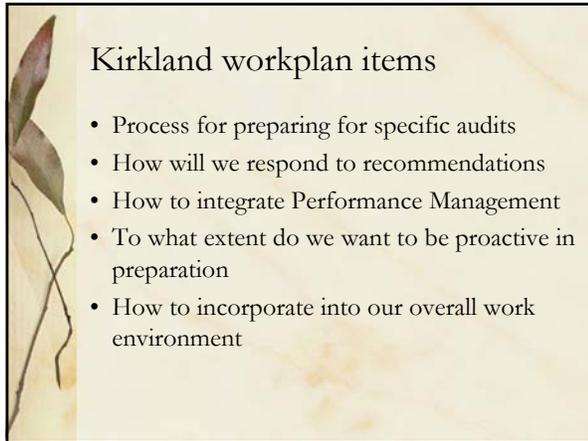
Selection is taking place in different ways:

- By type and size of entity
 - E.g. 10 largest cities, counties and state agencies (30 total)
- By questionnaire
 - Provides data to assess “opportunity”
- As part of annual audit
 - On-site auditors gather data



Performance audit readiness

- Internal assessments and strategic plans
- Performance management or quality management initiatives
- Awards received for innovation, quality improvement, etc.
- Survey results (citizen, customer, employee)
- Suggestions of areas to focus



Kirkland workplan items

- Process for preparing for specific audits
- How will we respond to recommendations
- How to integrate Performance Management
- To what extent do we want to be proactive in preparation
- How to incorporate into our overall work environment

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Teams working on state, local performance audits

By **DAVID AMMONS**

The Associated Press

OLYMPIA — Washington's audit teams are working on the first wave of 30 performance audits, with targets ranging from big-ticket agencies like education and transportation to more hidden facets of state and local government, such as use of car pools and first-class air travel.

This broad style of auditing, created by citizen initiative in late 2005, offers the country's most independent and extensive system of probing how public dollars are being spent, state Auditor Brian Sonntag said Friday.

Initiative 900 includes its own financing, a sliver of the state sales tax that generates about \$10 million a year for the audits. That means the auditor doesn't have to ask the Legislature or governor for the money.

The state auditor has always done financial audits, to make sure dollars are spent legally and properly handled. The performance audits also look at what the taxpayer gets for the money. Under I-900, the auditor looks for effectiveness, cost savings and whether services can be reduced, eliminated, combined or transferred to the private sector. The auditor also suggests "best practices," improvements and possible changes in legislation or regulations.

The initiative also requires the targeted agency to conduct a public hearing after the report is released. Sonntag also did extensive public-opinion research last year to help him decide which programs to probe. The "civic engagement" feature can help reconnect citizens with their government and their feedback can greatly improve services, he said in an interview.

In a new report this week, Sonntag said the state's pioneering effort is a model for the nation and has been written up in *Governing* magazine and praised by the Association of Government Accountants.

Sonntag, a Democratic elected official now serving his 11th year, said his agency will do the first 30 audits this year, completing 19 by the end of June.

Two are nearly complete now, dealing with debt collection and the state government motor pool.

The agency is doing four performance audits on aspects of the state Department of Transportation. Topics include the agency's organization and overhead, including possible efficiencies; management of road and bridge construction projects, including management of inventory like hot asphalt; the state ferry system's \$300 million operation; and planning and staging of road projects in heavily traveled

Puget Sound country.

At the request of Gov. Christine Gregoire, auditors are also looking at the state Department of Health's licensing of health professionals.

Another audit will look at purchasing practices of all state agencies, including whether employees are buying pricey meals and first-class air tickets on their business trips.

The main education audit is looking at the nine education service districts that serve the state's 296 local school districts.

The auditor is looking at debt collection at six agencies that account for two-thirds of the \$5 billion that is owed the state.

Real-estate leases, drug purchases, higher education and printing are other state-level programs being studied.

Local government also is included in the new performance audit law. Some of this year's targets are Sound Transit's light-rail program, the Port of Seattle's third runway project at Seattle-Tacoma International Airport, the use of impact fees, public development authorities, employee overtime and take-home vehicle practices.

Sonntag said a staff "brainstorming" session Friday was one of many self-evaluations for the new system. The intent is to be nimble enough to revise the goals and methods as studies are under way and to add projects.

The agency has augmented its audit staff by 29, and much of the work is being done by contracts with private firms, Sonntag said.

He said there has been some political pressure regarding the transportation audits, but that the system is essentially immune from suggestions that auditors pull their punches.

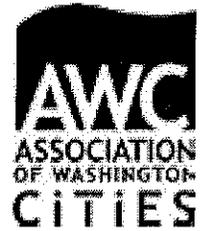
Tim Eyman, the sponsor of the performance audit initiative, said Friday he "couldn't be more pleased with the progress so far. I love the fact that they're ahead of schedule. They're being very aggressive. He's hitting the hot spots they need to be looking at.

"It's a national model. To me, the potential is just unlimited."

The agency will post the reports on the auditor's Web site. Citizens can sign up to receive the audits electronically.

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D e c e m b e r 2 0 0 6



Performance Audits of Local Government— Implementation of Initiative 900 *An Update*

Background

At the November 2005 election, Washington's voters approved Initiative 900, (Chapter 1, Laws of 2006, Regular Session). This legislation mandated that "the state auditor shall conduct independent, comprehensive performance audits of state government and each of its agencies, accounts, and programs; local governments and each of its agencies, accounts, and programs; ..." This mandate was accompanied in the initiative by a redirection of a small portion of the state sales tax to defray the added costs of state and local performance audits.

AWC was very concerned about the breadth of this initiative and was one of the lone voices, although unsuccessfully, in opposition to the measure. Our concerns were primarily that while individually tailored performance measures, adopted by individual jurisdictions, might be advantageous, a "one size fits all" approach could result in significant misrepresentations regarding local government operations.

Now, one year after passage of the initiative, the State Auditor has indicated that the next round of local government financial audits will include performance audit elements.

What Will Be Audited?

As part of the State Auditor's Office (SAO) implementation of Initiative 900, the State Auditor will conduct performance audits on the following:

- **Take-Home Vehicle Practices** (completed by 6/30/07)
- **Overtime Practices** (completed by 6/30/07)

- **Open Public Records** (completed by 6/30/07)
This audit will focus heavily on those laws discussed in Chapters 8 and 9 of the July 2006 MRSC Publication, "Public Records Act for Washington Cities and Counties" (www.mrsc.org/Publications/pr06.pdf).
- **Use of Impact Fees** (completed by 12/31/07)

A complete timeline of all audits can be found on the SAO website at www.sao.wa.gov/PerformanceAudit/PDFDocuments/PA_Work_Plan_11-14-06.pdf.

Who Will Be Audited?

- **Take-Home Vehicle and Overtime Practices:**
In November, the SAO sent questionnaires to numerous cities and counties regarding take-home vehicles and overtime practices. The SAO collected the information in order to select those cities and counties that show the most opportunity for a performance audit. The information gathering does not necessarily mean that you will have a performance audit in these areas. According to the SAO, Cities and Counties will be notified the week of December 18 whether they will be subject to a performance audit in one of these areas.
- **Public Records:** Initially, the 10 largest cities*, 10 largest counties and 10 largest state agencies (30 entities in all). This could be expanded to Ports, PUDs and Hospital Districts in the future, but "unlikely" that it will include smaller cities, counties and state agencies or other local governments.

continued

Association of Washington Cities • 1076 Franklin St SE • Olympia, WA 98501 • www.awcnet.org



1076 Franklin St SE
Olympia, WA 98501
www.awcnet.org

- **Impact Fees:** All cities with populations exceeding 40,000 along with King, Pierce and Clark counties.

**The 10 largest cities are Seattle, Spokane, Tacoma, Vancouver, Bellevue, Everett, Federal Way, Spokane Valley, Kent and Yakima.*

Costs for Audits

We have been assured from the SAO that cities will not have to pay for these performance audits. However, no funding will be available to local governments to compensate for staff time spent on the audits.

Audit Process

The audit process will be similar to each agency's annual financial and compliance audit. The SAO will schedule an entrance conference at which time they will review the objectives of the audit and assistance required from the city. Audit findings, if any, will be based upon the Government Audit Standards "Yellow Book" applications. The City will have an opportunity to respond (30 days) and likewise will have to hold a public hearing within 30 days, as outlined in I-900, to consider the findings if any are identified.

What Is Next?

AWC will meet with the Auditor after the first of the year to discuss the audits currently in process as well as future audits. With respect to the audits which have already been identified, use of impact fees is of particular concern.

The SAO workplan states, "Evaluate whether cities and counties effectively use impact fees to pay for public facilities that are in demand as a result of new development and **directly benefit** new development." However, pursuant to RCW 82.02.050, impact fees shall be used for system improvements that will **reasonably benefit** the new development. Impact fees may only be collected and spent on public facilities identified in a capital facilities plan that place additional demands on existing public facilities by new development; and additional public facility improvements required to serve new development. AWC will address this issue in our next meeting with the Auditor.

AWC will continue to have on-going discussions with the Auditor and his staff regarding the implementation of I-900. As part of our efforts to keep our members informed, please look for regular updates in our **Legislative Bulletin**. In addition, AWC will hold a workshop on performance audits at our annual conference in June.

AWC Contacts

- Victoria Lincoln at victorial@awcnet.org
- Sheri Sawyer at sheris@awcnet.org
- Phone: 360-753-4137, 1-800-562-8981



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

MEMORANDUM

To: David Ramsay, City Manager

From: Tracey Dunlap, Director of Finance & Administration
Sandi Hines, Financial Planning Manager

Date: February 9, 2007

Subject: 2006 General Fund Year-End Transfer

RECOMMENDATION:

Council approve the attached resolution authorizing the transfer of \$2,875,501 from the General Fund to the Recreation Revolving Fund and reserves.

BACKGROUND DISCUSSION:

The year-end transfer is Kirkland's way of replenishing its reserves and setting aside money for large projects that will occur in the future. The General Fund balance that is not needed to fund the current budget or other future obligations is available to transfer to other funds. A draft of the proposed year-end transfer was reviewed by the Finance Committee at their January 30th meeting. This final version reflects an update of the year end positions, which includes some additional revenue (interest income) and additional expenditures and transfers that were not included with the draft numbers previously given to the Finance Committee.

The proposed transfer of \$2,875,501 reflects available resources after all 2005-06 obligations are met. The City is able to make this transfer because it has not spent all of the funds budgeted in 2005-06 in addition to the fact that revenue was received over and above the amount budgeted. To a large extent, estimated available cash resources from 2005-06 were already committed for one-time service packages in the 2007-08 Budget process. The resources identified in this memo are not obligated yet.

Attachment A recaps the General Fund year-end results compared to budget and to the estimate prepared for 2006 during the 2007-08 Budget process. At year-end, the General Fund had a fund balance of approximately \$8.7 million. Of that total, \$5.8 million is committed in the 2007-08 Budget:

Ending Fund Balance	\$ 8,713,699
2007-08 Budgeted Working Capital & Operating Reserve	900,000
Estimated Carryovers to 2007	1,977,640
2007-08 Litigation Reserve Replenishment	100,000
2007-08 Parks Maintenance Fund Subsidy	70,000
2007-08 One-time Service Packages (General Fund)	2,790,558
Total Committed Fund Balance	\$ 5,838,198
Net Available Cash	\$ 2,875,501

Additionally, during the 2007-08 Budget process the Council made recommendations for replenishing reserves using any available 2006 year-end balance. Of the \$2.9 million net available cash, \$2.3 million has already been planned for increasing or replenishing reserves and for funding of other operating fund service packages:

Net Available Cash	\$ 2,875,501
2007 One-time Service Package (Recreation Revolving Fund)	2,545
Contribution to the Development Services Reserve	530,000
Contribution to the Contingency Fund	860,798
Contribution to the Revenue Stabilization Reserve	82,380
Contribution to the Facilities Expansion Reserve	<u>794,900</u>
Total Planned Contributions to Reserves & SP Funding	2,270,623
Remaining Available Cash	\$ 604,878

Attachment B shows actual revenue compared to budgeted revenue and compared to the estimate done during the 2007-08 Budget process in the fall of 2006. Overall, revenue performance for 2006 was close to the amount projected when we prepared the 2007-08 Budget. Actual revenue was \$573,557, or 1.1%, higher than the estimated revenue for 2006, primarily driven by higher utility taxes, interest earnings and fines and forfeits.

The Finance Committee recommends that the remaining available cash of \$604,878 be placed in the Building & Property Reserve. Note that this figure has changed from the draft number due to year-end postings for final revenue and expenditure transactions.

City of Kirkland**Available Cash for 2006 Year-End Transfer from General Fund**

	2006 Budget	2006 Estimate	Actual thru 12/31/2006	Difference Est. to Actual
Resources Forward (actual 06 cash)	3,958,622	4,190,324	4,190,324	-
Revenue	46,689,349	51,190,201	51,763,758	573,557
Total Resources	50,647,971	55,380,525	55,954,082	573,557
Total Expenditures	52,845,098	46,823,196	47,240,382	(417,186)
Fund Balance, 12/31/06		8,557,329	8,713,699	156,370

Less: Budgeted Obligations on Fund Balance

2007-08 Budgeted Working Capital & Operating Reserve	(900,000)
Estimated Carryovers to 2007	(1,977,640)
2007-08 Litigation Reserve Replenishment	(100,000)
2007-08 Parks Maint. Fund Subsidy	(70,000)
2007-08 One-time Service Packages (General Fund)	(2,790,558)
Net Available Cash	2,875,501

Less: Planned Contributions to Reserves & SP Funding

2007 One-time Service Package Funding (Recreation Revolving Fund)	(2,545)
Contribution to Development Services Reserve	(530,000)
Contribution to Contingency Fund	(860,798)
Contribution to Revenue Stabilization Reserve	(82,380)
Contribution to Facilities Expansion Reserve	(794,900)
Remaining Unobligated Balance	604,878

Recommendation:

Transfer to Building & Property Reserve	604,878
---	----------------

City of Kirkland
General Fund: 2006 Revenue Comparison by Category
Year-End Actuals

Resource	2006 Budget*	2006 Estimate	Actual thru 12/31/2006	Difference Est. to Actual
<i>Taxes:</i>				
Retail Sales Tax: General	12,392,069	15,570,767	15,658,027	87,260
Retail Sales Tax: Criminal Justice	890,000	985,000	1,036,737	51,737
Property Tax	8,117,113	8,198,463	8,127,663	(70,800)
Utility Taxes	7,171,200	7,689,084	7,932,195	243,111
Rev Generating Regulatory License	900,000	963,400	978,003	14,603
Other Taxes	464,800	443,155	432,061	(11,094)
Total Taxes	29,935,182	33,849,869	34,164,686	314,817
<i>Licenses & Permits:</i>				
Building, Structural & Equipment Permits	1,850,742	2,238,248	2,107,060	(131,188)
Business Licenses/Franchise Fees	1,184,775	1,436,081	1,375,333	(60,748)
Other Licenses & Permits	128,020	246,110	226,337	(19,773)
Total Licenses & Permits	3,163,537	3,920,439	3,708,730	(211,709)
<i>Intergovernmental:</i>				
Grants	183,668	140,038	126,048	(13,990)
State Shared Revenues & Entitlements	581,780	552,921	543,723	(9,198)
Fire District #41	3,141,052	3,069,978	3,069,978	0
EMS	489,685	489,685	495,286	5,601
Other Intergovernmental Services	438,539	631,097	652,732	21,635
Total Intergovernmental	4,834,724	4,883,719	4,887,766	4,047
<i>Charges for Services:</i>				
Internal Charges	3,531,586	3,310,797	3,291,789	(19,008)
Engineering Services	400,000	690,250	625,331	(64,919)
Plan Check & Development Fees	2,022,336	1,776,659	1,855,892	79,233
Recreation	74,000	85,876	77,976	(7,900)
Other Charges for Services	668,144	635,123	687,885	52,762
Total Charges for Services	6,696,066	6,498,705	6,538,873	40,168
<i>Fines & Forfeits</i>	1,157,550	993,700	1,133,701	140,001
<i>Miscellaneous</i>	596,546	686,025	863,316	177,291
Subtotal Revenues	46,383,605	50,832,457	51,297,072	464,615
<i>Other Financing Sources:</i>				
Interfund Transfers	305,744	357,744	466,686	108,942
Resources excluding RF	46,689,349	51,190,201	51,763,758	573,557
Resources Forward**	3,958,622	4,190,324	4,190,324	0
Total Resources	50,647,971	55,380,525	55,954,082	573,557

* Budget as of 12/31/2006

** Actual fund balance 1/1/2006

RESOLUTION R-4628

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND TRANSFERRING 2006 GENERAL FUND AVAILABLE BALANCE.

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

Section 1. The 2006 Year-end General Fund available funds in the amount of \$2,875,501 are hereby transferred to the Recreation Revolving Fund and reserve funds as follows:

<u>Fund</u>	<u>Purpose</u>	<u>Amount</u>
Recreation Revolving Fund	2007 One-Time Service Package Funding	\$ 2,545
Contingency Fund	Contribution to Contingency	860,798
Park and Municipal Reserve	Contribution to Development Services Reserve	530,000
	Contribution to Revenue Stabilization Reserve	82,380
	Contribution to Facilities Expansion Reserve	794,900
	Contribution to Building & Property Reserve	<u>604,878</u>
	Subtotal Park and Municipal Reserve	\$ 2,012,158
Total Year-end Transfer		<u>\$ 2,875,501</u>

PASSED by majority vote of the Kirkland City Council in open meeting this 20th day of February, 2007.

SIGNED IN AUTHENTICATION THEREOF on the 20th of February, 2007.

MAYOR

ATTEST:

CITY CLERK