



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
September 16, 2008

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. Design Review Process and Downtown Zoning

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Director of Planning and Community Development Eric Shields, Planning Supervisor Jeremy McMahan, City Attorney Robin Jenkinson, Design Review Board Chair Brian Berg and Vice-Chair Carter Bagg.

4. EXECUTIVE SESSION

- a. To Discuss Pending Litigation
- b. To Discuss Property Acquisition

5. SPECIAL PRESENTATIONS

- a. Jill Kintner Proclamation

Olympic bronze medalist Jill Kintner accepted the proclamation.

- b. Janet Jonson - Twenty-Five Year Recognition
- c. Kirkland Performance Center and Recognition of Steve Lorian
- d. Day of Concern for the Hungry Proclamation

Program Coordinator Brian Anderson accepted the proclamation on behalf of the Emergency Feeding Program of Seattle-King County.

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the recent All City Boards and Commissions Dinner; Highlands Neighborhood Picnic; Concours d'Elegance; Highlands Cotton Hill Park Trail; Association of Washington Cities Legislative Committee top five priorities; and the Pro Bike/Pro Walk 2008 Conference.

b. City Manager

(1) City Council Meeting with Juanita Neighborhoods

(2) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Rob Brown, 108 2nd Avenue South, #105, Kirkland, WA
Maureen Baskin, 412 13th Avenue, Kirkland, WA
Maura Hanneman, 211 Kirkland Avenue, #503, Kirkland, WA
G.G. Getz, 11332 NE 67th, Kirkland, WA
Lisa McConnell, 5905 106th Avenue NE, Kirkland, WA
Dick Beazell, 4913 111th, Avenue NE, Kirkland, WA
Marilyn Dillard, 2053 Minor Avenue East, Seattle, WA
Kiri Rennaker, 100 20th Avenue, Kirkland, WA
Dean Tibbott, 109 2nd Street South, Kirkland, WA
Debra Sinick, 9415 110th Place NE, Kirkland, WA
Elaine Darling, 9330 Juanita Drive NE, Kirkland, WA
William Brown, 6829 117th Avenue NE, Kirkland, WA

b. Petitions

(1) Lakeview Park Homeowners Requesting Revised No Parking Signage

The petition was acknowledged.

8. CONSENT CALENDAR

a. Approval of Minutes: September 2, 2008

b. Audit of Accounts:

Payroll \$ 2,118,198.91

Bills \$ 2,257,196.32

run # 769 check #'s 501775 - 501908
run # 770 check #'s 501909 - 501944
run # 771 check #'s 502033 - 502217
run # 772 check #'s 501969 - 502032

c. General Correspondence

d. Claims

(1) Teresa Andrews

(2) Regina S. Fell

(3) Allen Jahani

(4) Chris Kahne

e. Award of Bids

(1) The contract for the NE 73rd Street Sidewalk and Watermain Improvement Project in the amount of \$418,895.79 was awarded to Dennis R. Craig Construction Company of Redmond, Washington.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Carter House Hazard Mitigation and Deconstruction with City Hall Annex Hazard Mitigation

g. Approval of Agreements

h. Other Items of Business

(1) 2007 Impact Fee Report

(2) Leasehold Excise Tax Repayment

This item was pulled and moved to item 10.a. on the evening's agenda.

Motion to Approve the Consent Calendar, with the exception of item 8.h.(2). which was pulled and moved to item 10.a. under Unfinished Business.

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

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.

Council recessed for a short break.

9. PUBLIC HEARINGS

- a. Resolution R-4725, entitled 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AND ADOPTING THE ANNUAL UPDATE FOR THE SIX-YEAR TRANSPORTATION AND STREET CONSTRUCTION AND IMPROVEMENT PROGRAM IN ACCORDANCE WITH SECTION 19.08.051, KIRKLAND MUNICIPAL CODE

Mayor Lauinger opened the public hearing. Capital Projects Manager Ray Steiger reviewed the Plan. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-4725, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AND ADOPTING THE ANNUAL UPDATE FOR THE SIX-YEAR TRANSPORTATION AND STREET CONSTRUCTION AND IMPROVEMENT PROGRAM IN ACCORDANCE WITH SECTION 19.08.051, KIRKLAND MUNICIPAL CODE."

Moved by Deputy Mayor Joan McBride, 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.

- b. 2009-2010 Revenue Sources

Mayor Lauinger opened the public hearing. Finance Director Tracey Dunlap provided a brief presentation on the process. Also providing testimony was Bill Vadino, 401 Park Place, Suite 102, Kirkland, WA. No further testimony was offered and the Mayor closed the hearing.

- c. Consideration of Taking an Official Position on the Sound Transit (A Regional Transit Authority) Proposition No. 1 Mass Transit Expansion:
Proposition No. 1, Mass Transit Expansion

The Sound Transit Board passed Resolution No. R2008-11 concerning an expansion of mass transit. This measure would expand and coordinate light-rail, commuter-rail, and (beginning 2009) express bus service, and improve access to transit facilities in King, Pierce and Snohomish Counties, and authorize Sound Transit to impose an additional five-tenths of one percent sales and use tax, and to use existing taxes to fund the local share of the \$17.9 billion estimated cost (includes construction, operations, maintenance, interest and inflation), with independent audits, as described in Resolution R2008-11 and the Mass Transit Guide. Should this measure be:

- [] Approved
- [] Rejected

Mayor Lauinger opened the public hearing. Public Works Director Daryl Grigsby introduced Matt Sheldon of Sound Transit, who reviewed Sound Transit's plans.

Additional testimony was provided by:

Sharon Riddle, 4921 102nd Lane NE, Kirkland, WA

Dave Russell, 4507 105th Avenue NE, Kirkland, WA

Mike O'Brien, 604 North 45th Street, Seattle, WA

Chuck Curran, 10411 NE 52nd Street, Kirkland, WA

Jim Erickson, 4523 102nd Avenue NE, Kirkland, WA

Jeanne Accutanza, 1514 Third Place, Kirkland, WA

No further testimony was offered and Mayor Lauinger closed the hearing.

Motion to support the Sound Transit (A Regional Transit Authority) Proposition No. 1 for Mass Transit Expansion.

Moved by Deputy Mayor Joan McBride, seconded by Councilmember Dave Asher
Vote: Motion carried 6-1

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

No: Mayor Jim Lauinger.

10. UNFINISHED BUSINESS

a. Leasehold Excise Tax

Finance Director Tracey Dunlap responded to Council comment and questions.

Motion to accept the staff recommendation on the leasehold excise tax repayment.

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

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.

11. NEW BUSINESS

a. Proposed 2009-2010 Utility Rates for the City of Kirkland

Motion to Approve the proposed 2009-2010 Utility Rates for the City of Kirkland.

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Joan McBride

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. Potential Lease of Property for Maintenance Center

Motion to authorize the City Manager to enter into an agreement to lease property adjacent to the City's maintenance center.

Moved by Councilmember Jessica Greenway, seconded by Councilmember Dave Asher

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.

c. Cemetery Business Plan

This item was postponed to a future Council meeting agenda.

d. Development Permit Moratorium Within the Central Business District:

City Attorney Robin Jenkinson explained the two options being presented for Council consideration in response to Council's request for an ordinance defining a downtown building moratorium.

(1) Ordinance No. 4139, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND IMPOSING A MORATORIUM WITHIN CENTRAL BUSINESS DISTRICT (CBD) ZONES 1, 2, 3, 4, 6, 7, AND 8 ON THE ACCEPTANCE OF APPLICATIONS FOR REVIEW AND/OR ISSUANCE OF DEVELOPMENT PERMITS FOR ANY NEW DEVELOPMENT THAT WOULD ADD OR CREATE IN EXCESS OF 500 SQUARE FEET GROSS FLOOR AREA."

Motion to Approve Ordinance 4139 entitled "AN ORDINANCE OF THE CITY OF KIRKLAND IMPOSING A MORATORIUM WITHIN CENTRAL BUSINESS DISTRICT (CBD) ZONES 1, 2, 3, 4, 6, 7, AND 8 ON THE ACCEPTANCE OF APPLICATIONS FOR REVIEW AND/OR ISSUANCE OF DEVELOPMENT PERMITS FOR ANY NEW DEVELOPMENT THAT WOULD ADD OR CREATE IN EXCESS OF 500 SQUARE FEET GROSS FLOOR AREA."

Moved by Councilmember Jessica Greenway, seconded by Councilmember Dave Asher

Vote: Motion carried 4-3

Yes: Mayor Jim Lauinger, Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

No: Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, and Councilmember Bob Sternoff.

Motion to amend the main motion to limit the moratorium to the west and east sides of Lake Street and Park Lane up to Main Street.

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

Vote: Motion failed 3 - 4

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

No: Mayor Jim Lauinger, Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

Motion to put off discussion of the moratorium until Council can conduct a public hearing.

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

Vote: Motion failed 3 - 4

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

No: Mayor Jim Lauinger, Councilmember Dave Asher, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.

(2) Ordinance No. 4139*, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND IMPOSING A MORATORIUM WITHIN CENTRAL BUSINESS DISTRICT (CBD) ZONES 1, 2, 3, 4, 6, 7, AND 8 ON THE ACCEPTANCE OF APPLICATIONS FOR REVIEW AND/OR ISSUANCE OF DEVELOPMENT PERMITS FOR ANY NEW DEVELOPMENT THAT WOULD EXCEED TWO STORIES IN HEIGHT."

No action was taken on this version of the proposed ordinance.

e. Agreement for Legal Services

Motion to Approve the agreement for legal services with the firm of Kenyon Disend as provided by the City Attorney.

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.

f. Stay of Litigation

Motion to authorize the Kenyon Disend firm to enter into a sixty day stay in King County Superior Court Case number 08-2-29048 SEA with the conditions that the petitioner/plaintiff will not make any changes to it's pending building permit

application during the stay and that the stay may be terminated by any party.
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.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of September 16, 2008 adjourned at 11:34 p.m.

City Clerk

Mayor