



KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES
October 07, 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. Briefing on Draft Environmental Impact Statement for Touchstone (Parkplace), Orni and Altom Private Amendment Requests

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Planning and Community Development Director Eric Shields, Deputy Director Paul Stewart, Senior Planner Angela Ruggeri, Public Works Development Engineering Manager Rob Jammerman, Transportation Engineering Manager Dave Godfrey, ICF Jones and Stokes consultants Ron Loewen, Jennifer Barnes and Gil Cerise, and Touchstone's traffic consultant Marni Heffron, Principal of Heffron Transportation.

4. EXECUTIVE SESSION

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

5. SPECIAL PRESENTATIONS

- a. Domestic Violence Awareness Month Proclamation

Ray Di Casparro, Eastside Domestic Violence Program Board Member, accepted the proclamation.

- b. Walk Your Child to School Proclamation

Lake Washington PTSA Council President Wendy DeLong and Ped Bee accepted the proclamation.

c. Green Tips

Senior Stormwater Utility Engineer Jenny Gaus shared information on creating Rain Gardens.

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the Enterprise Seattle quarterly meeting; Bear Creek restoration project; Growth Management Planning Committee meeting; Suburban Cities Association Public Issues Committee meeting and position on I-985; International Code Council Conference; Association of Washington Cities legislative priorities; Governor Christine Gregoire's recent visit to Kirkland; Flood Control Zone District Board of Supervisors funding vote; Mayor's meeting with downtown business owners regarding the moratorium; and the Suburban Cities Association call for nominations to regional committees.

b. City Manager

(1) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Cami Keyes, 8126 NE 115th Court, Kirkland, WA
Maureen Baskin, 412 13th Avenue, Kirkland, WA
John Gilday, 7th Avenue South, Kirkland, WA
Margit Moore, 109 2nd Street South, #335, Kirkland, WA

b. Petitions

None.

8. CONSENT CALENDAR

a. Approval of Minutes:

(1) September 16, 2008 (with additional language)

(2) September 18, 2008

b. Audit of Accounts:

Payroll \$ 1,996,363.54
Bills \$ 2,607,899.14
run # 773 check #'s 502218 - 502391
run # 774 check #'s 502415 - 502513
run # 775 check #'s 502514 - 502731

c. General Correspondence

- (1) Washington Public Interest Group (WashPIRG), Regarding City Council's Position on the '21st Century Transportation for America' Platform
- (2) Kaylee Nilan, Margaret Carnegie, Karen Tennyson, and James McElwee Regarding School Walk Route Priority
- (3) Michael Bonewits, Regarding Downtown Motorcycle Parking

Motion to Table the response to item 8.c.(2). until further information is provided concerning the status of School Walk Routes that have sidewalks, and those that have been done in the last 4 years.

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.

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

- (1) Ratifying the Purchase and Sale Agreement Between Olga and Viktor Razumovich and the City of Kirkland

h. Other Items of Business

- (1) Approving Advance of 2009 Funds for Cochran Springs/Plaza at Yarrow Bay Flood Control

- (2) Resolution R-4726, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLAT OF GARDEN GATE AS APPLIED FOR BY PHOENIX DEVELOPMENT OF

SUNDQUIST HOMES BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. FSB08-00002 AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLAT SHALL BE SUBJECT."

(3) Ordinance No. 4138 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TRANSPORTATION DEMAND MANAGEMENT, REPEALING AND REENACTING CHAPTER 7.06 OF THE KIRKLAND MUNICIPAL CODE RELATING TO COMMUTE TRIP REDUCTION, ADOPTING THE CITY OF KIRKLAND COMMUTE TRIP REDUCTION (CTR) PLAN AND IMPLEMENTING MEASURES AS REQUIRED BY RCW 70.94.527."

This item was pulled from the evening's agenda for consideration at a future City Council meeting.

(4) Resolution R-4727, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNERS JAMES W. AND KATHERINE W. OSBORNE."

(5) Authorizing the Issuance of a Cabaret Music License to Café Harlequin

Motion to Approve the Consent Calendar as amended by the motion in regard to item 8.c. (2)., with edits to items 8.c.(1). and (2). responses, the exception of item 8.h.(3)., which was pulled, and additional language to September 16, 2008 City Council meeting minutes. 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.

9. PUBLIC HEARINGS

- a. Ordinance No. 4140 and its Summary, Granting Verizon Northwest Inc. a Non-Exclusive Cable Franchise

Mayor Lauinger opened the public hearing. Chief Information Officer Brenda Cooper provided an overview of the proposed franchise.

Testimony was provided by:

Curtis Thompson, 127 3rd Avenue, Suite 302, Kirkland, WA

Mark Nelson, 299 Lake Avenue West, Kirkland, WA

Josh Dillon, Verizon Negotiator

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

- b. Ordinance No. 4141 and its Summary, Granting Northshore Utility District, a Washington Municipal Corporation, the Right, Privilege, Authority and Franchise to Construct and Maintain, Repair, Replace, Operate Upon, Over, Under, Along and Across the Franchise Area for Purposes of its Water and Sewer Utility Business

Mayor Lauinger opened the public hearing. Multimedia Services Manager Janice Perry and Public Works Engineering Manager Rob Jammerman reviewed the terms of the proposed franchise. No further testimony was offered and the Mayor closed the hearing.

- c. Resolution R-4728, Stating the City Council's Opposition to Initiative 985 on the November 4, 2008, General Election Ballot

(1) Initiative Measure No. 985 concerns transportation. This measure would open high-occupancy vehicle lanes to all traffic during specified hours, require traffic light synchronization, increase roadside assistance funding, and dedicate certain taxes, fines, tolls and other revenues to traffic-flow purposes. Should this measure be enacted into law?

YES [] NO []

Mayor Lauinger opened the public hearing. Intergovernmental Relations Manager Erin Leonhart reviewed the impacts of the proposed Initiative. No further testimony was offered and the Mayor closed the hearing.

Motion to Approve Resolution R-4728, entitled "A RESOLUTION OF THE CITY OF KIRKLAND STATING THE CITY COUNCIL'S OPPOSITION TO INITIATIVE 985 ON THE NOVEMBER 4, 2008, GENERAL ELECTION BALLOT."

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.

Council recessed for a short break.

- d. Downtown Plan and Zoning:

(1) Ordinance No. 4142, 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 or Applications for Design Review for Any New Development That Would Add or Create in Excess of 500 Square Feet of Gross Floor Area; and Repealing Ordinance No. 4139

(2) Ordinance No. 4143, Relating to Land Use and Zoning, Adopting Interim Zoning Regulations for the Review Process for City Council Initiated Amendments to the Comprehensive Plan and/or Text of the Zoning Code in Central Business District (CBD) Zones 1, 2, 3, 4, 6, 7, and 8, Including Amendments to Kirkland Zoning Code Chapter 142, Design Review

Mayor Lauinger opened the public hearing. Planning Director Eric Shields introduced the two ordinances for Council consideration.

Testimony was provided by:

Curtis Thompson, 127 3rd Avenue, Kirkland, WA

Joe Castleberry, 17411 Hwy 106, Belfair, WA

Marilyn Dillard, 2053 Minor Avenue East, Seattle, WA

Penny Sweet, 700 20th Avenue, Kirkland, WA

Jim McElwee, 12907 NE 78th Place, Kirkland, WA

Margit Moore, 109 2nd Street South, #335, Kirkland, WA

Doug Davis, 101 Lake Street South, Kirkland, WA

Rob Brown, 108 2nd Avenue South, #105, Kirkland, WA

Tim Olson, 1571 3rd Street, Kirkland, WA

Jim Balkman, 425 Lake Street South, #5, Kirkland, WA

Bill Vadino, Greater Kirkland Chamber of Commerce, 401 Parkplace, Kirkland, WA

Noel Miller, 425 Lake Street South, Kirkland, WA

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

During and following Council discussion of the issues, Council provided direction to staff for use in crafting interim regulations for further review at Council's special study session on October 16, 2008 and consideration of final drafts for adoption at Council's regular meeting on October 21, 2008.

10. UNFINISHED BUSINESS

- a. Approving 2009-2010 Utility Rates for Water, Wastewater, Solid Waste and Surface Water:

(1) Ordinance No. 4144 and its Summary, Relating to Solid Waste Collection Rates and Amending Section 16.12.030 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4144 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SOLID WASTE COLLECTION RATES AND AMENDING SECTION 16.12.030 OF THE KIRKLAND MUNICIPAL CODE."

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.

(2) Ordinance No. 4145, Relating to 2009 Sewer System Customer Rates and Amending Table 15.24.070 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4145, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO 2009 SEWER SYSTEM CUSTOMER RATES AND AMENDING TABLE 15.24.070 OF THE KIRKLAND MUNICIPAL CODE."

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.

(3) Ordinance No. 4146, Relating to 2010 Sewer System Customer Rates and Amending Table 15.24.070 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4146, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO 2010 SEWER SYSTEM CUSTOMER RATES AND AMENDING TABLE 15.24.070 OF THE KIRKLAND MUNICIPAL CODE."

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.

(4) Ordinance No. 4147, Relating to Water System Customer Rates for 2009 and Providing for Changes in Said Rates

Motion to Approve Ordinance No. 4147, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO WATER SYSTEM CUSTOMER RATES FOR 2009 AND PROVIDING FOR CHANGES IN SAID RATES."

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.

(5) Ordinance No. 4148, Relating to Water System Customer Rates for 2010 and Providing for Changes in Said Rates

Motion to Approve Ordinance No. 4148, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO WATER SYSTEM CUSTOMER RATES FOR 2010 AND PROVIDING FOR CHANGES IN SAID RATES."

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.

b. Retaining Neighborhood Traffic Control Program Procedures

Motion to accept the staff recommendation to retain the Neighborhood Traffic Control Program procedures.

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.

c. Appointing Design Review Board Alternate

Motion to select Bozurka Pejic-Morrison as an alternate appointee should an additional architect vacancy arise on the Design Review Board in the next six months.

Moved by Councilmember Jessica Greenway, 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.

11. NEW BUSINESS

None.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council Special Meeting of October 7, 2008 was adjourned at 11:23 p.m.

City Clerk

Mayor