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

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AGENDA
KIRKLAND CITY COUNCIL MEETING
City Council Chamber
Tuesday, January 6, 2009
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.

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

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
   a. City Council Policies and Procedures
4. *EXECUTIVE SESSION*
   a. To Discuss Property Acquisition
   b. To Discuss Labor Negotiations
5. *SPECIAL PRESENTATIONS*
   a. Sergeant Pat Gallagher - Thirty Year Recognition
   b. City Wide Food Drive Neighborhood Winner
6. *REPORTS*
   a. *City Council*
      (1) Regional Issues
   b. *City Manager*
      (1) *City Update* Publication
      (2) Calendar Update

P - denotes a presentation from staff or consultant

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.

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.

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

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

7. COMMUNICATIONS

a. Items from the Audience

b. Petitions

8. CONSENT CALENDAR

a. Approval of Minutes: (1) December 11, 2008

(2) December 16, 2008

b. Audit of Accounts:

Payroll $

Bills $

c. General Correspondence

(1) Charlie Howard, Transportation Planning Director, Puget Sound Regional Council, Regarding Draft Feasibility Study for Rail on the Eastside Rail Corridor

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) 2007 Crosswalk Upgrade Program

g. Approval of Agreements

h. Other Items of Business

(1) Report on Procurement Activities

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

a. Approving Kirkland Wednesday Market Temporary Location

b. Ordinance No. 4176 Relating to the Kirkland Cemetery and Repealing and Reenacting Chapter 3.92 of the Kirkland Municipal Code

c. Potential Annexation Update

11. NEW BUSINESS

a. Federal Lobbyist Funding

P - denotes a presentation from staff or consultant

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.

b. Ordinance No. 4138 and its Summary, 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

12. ANNOUNCEMENTS

13. ADJOURNMENT

P - denotes a presentation from staff or consultant

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: Marilynne Beard, Assistant City Manager
Robin Jenkinson, City Attorney

Date: December 15, 2008

Subject: CITY COUNCIL POLICIES AND PROCEDURES

RECOMMENDATION:

City Council approve the scope and timeline for update of the City Council Policies and Procedures and consider updates to the section on conduct of City Council meetings.

BACKGROUND:

Earlier this year, staff began reviewing the current Council Policies and Procedures Manual to determine which sections needed to be updated. The existing document was first developed a number of years ago and is largely composed of excerpts from the Revised Code of Washington (RCW) and the Kirkland Municipal Code (KMC) related to the City Council's conduct of business. Many of the laws have since been amended and so the manual is out-of-date. Other sections do not reflect current practice. In addition, several Council members asked that certain sections be discussed and updated such as the conduct of Council meetings and the board and commission appointment process.

After reviewing the existing document (see Attachment A), staff is recommending that the current Policies and Procedures Manual be replaced with a new resource – one that is partially an on-line reference with links to current laws supplemented by new text that will be developed over a series of meetings in 2009. Staff has already begun developing content for the CouncilNet page with links to relevant RCW and KMC sections. There are a number of examples of city council policies and procedures available on-line at the Municipal Research and Services Center website. After reviewing other cities' manuals, staff is recommending a general "table of contents" for material to be included in the revised manual. Attachment B is a draft table of contents for consideration by the Council and Attachment D is a sample of one section of the revised manual.

Staff recommends that Council work on updating the manual over a series of meetings. As a first step, Council would review the proposed table of contents to determine whether the content addresses all of the appropriate items. Based on Council priorities, a section or sections of the policies would be brought back to Council for discussion. In preparation for the discussion, Council could identify questions, issues or changes they would like to see addressed in that section. Staff would then research the topic, describe

current practice, find samples (where appropriate) of other cities' practices and then draft language along with a list of policy issues or questions to be discussed by Council.

To illustrate how this process would work, staff has prepared a draft table of contents and sample text for the proposed chapter on Council meetings. The text that appears in the sample reflects current practice with the exception of new wording options for the subsection relating to attendance by speaker phone. Some sections marked as "reserved" still need content.

Based on previous Council and staff input, various policy issues were identified for discussion regarding conduct of Council meetings.

Conduct of Council Meetings

Conduct of Council meetings is governed by Resolution 4665 which was updated in 2007 (see Attachment C). The resolution outlines the order of business as well as rules of conduct, roles and voting. Current provisions that are being recommended for Council discussion include:

- **Order of Business** – There was a suggestion from several Council members to move "Council Reports" to the end of the meeting so that guests and individuals wishing to address the Council under "Items from the Audience" or at a scheduled public hearing would have less time to wait.

  Recommendation: Council discuss whether they want to change the current order of business.

- **Council Discussion** – Current practice does not follow the rules set forth in sections 10 and 14. Section 10 limits individual Council member comments on any agenda item to two except with approval of the Mayor. Current practice does not limit the number of comments an individual Council member can offer on an agenda item.

  Recommendation: Rules of Council debate should be addressed under the section on parliamentary procedures (Revised Roberts Rules of Order) which staff recommends as an appendix to the policies and procedures. Council may want to discuss whether to amend these sections to reflect current practice. Staff will return with language reflecting Council discussion.

- **Items from the Audience** – Council rules currently require individuals to state their name and address when speaking to the Council. Staff has received numerous requests from individuals to eliminate the requirement for stating their address, especially for minors addressing the Council, to protect the privacy of individuals. Staff has also heard concerns expressed from individuals who did not realize their addresses would be posted on the internet. There is no requirement in law for providing one's address. It does provide a means of contacting individuals for follow-up if so directed by Council.

  In addition, the rule regarding the number of speakers allowed on any one topic should be clarified. It has become a more common practice for multiple individuals to speak under one three-minute segment on a topic. It is not clear whether this constitutes one or multiple speakers "for" or "against" a topic.

Recommendation: Eliminate the requirement for individuals to state their address when addressing the Council. Continue to ask individuals to provide contact information on the sign-in sheet for potential follow-up.

Discuss rules for "Items from the Audience" to provide clearer guidelines regarding the purpose and the rules for addressing the Council.

SUMMARY

At the January 6 Council meeting, staff recommends that Council address the following topics:

1. Review the proposed table of contents and determine if it will address all needed policies.

2. Discuss policy issues regarding conduct of meetings and provide further input to staff for completion of this section.

3. Identify priorities for future sections to be discussed. Identify the next section and any related questions or policy issues Council would like addressed.

CITY OF KIRKLAND
CITY COUNCIL

POLICIES AND PROCEDURES MANUAL

REVISED SEPTEMBER 2007

How To Use This Document

This procedures manual is designed to be navigated using the Table of Contents.

Click on the subject you wish to view, and you will be taken to the appropriate page.

To go back to the Table of Contents, click on the Return to TOC icon in the upper right hand corner of any page.

How to use the **search** feature in Adobe Acrobat: From the menu Edit -->Find or click CTRL + F keys

This document will be updated periodically. Please reference this intranet page for current versions.

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CHAPTER 1

1.1 CITY MISSION AND VALUES

We are committed to the enhancement of Kirkland as a community for living, working, and leisure, with an excellent quality of life which preserves the City's existing charm and natural amenities.

Basic Values
Integrity
Excellence
Respect for the Individual
Responsiveness

City Profile
Located on the eastern shore of Lake Washington, off Interstate 405 in northern King County, Kirkland is 10 miles east of downtown Seattle, west of Redmond, and just north of Bellevue.

Founded	1888
Incorporated	1905
Consolidated with Town of Houghton	1968
Population (2002) (15th in the state, 7th in King County)	45,790
Elevation	14 to 500 ft.
Land Area	11 sq. mi.
Lake Washington Shoreline	5.75 mi.
Average Temperature	53.3 degrees F
Average Annual Precipitation	33.6 in.
Miles of City Streets	145
Miles of City Sewers	101
Residential Dwellings	21,315
Miles of Water Lines	162
City Retail Sales Tax	8.8%
Fire Department Rating	4
Total City Budget (2003)	$157,678,443
Operating Budget (including utilities)	$89,362,093
Full-Time Equivalent City Employees	402
General Obligation Bond Rating: Moody's Standard and Poors	 Aa2 AA

CHAPTER 2

2.1 OPEN PUBLIC MEETINGS ACT

REFERENCE RCW 42.30

Legislative declaration

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of RCW 42.30 that their actions be taken openly and that their deliberations be conducted openly.

"Public agency" includes any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington.

Meetings declared open and public

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

Interruptions -- Procedure

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

Secret voting prohibited

No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of RCW 42.30. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under RCW 42.30.

Times and places for meetings -- Emergencies -- Exception

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, that they take no action as defined in this chapter.

Special meetings

A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering personally or by mail written notice to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

Executive sessions

Executive session are not open to the public and may be held by the City Council during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

(j) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(k) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(l) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(m) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(n) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information.

Before convening in executive session, the Mayor shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

2.2 APPEARANCE OF FAIRNESS (QUASI-JUDICIAL MATTERS) REFERENCE RCW 42.36

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct quasi-judicial hearings and make quasi-judicial decisions in a way that is both fair in appearance and in fact. A matter is quasi-judicial when the legal rights, duties, or privileges of specific parties are decided in a contested case proceeding by non-judicial decision-makers, such as city or county councils, planning commissions, boards of adjustment, and hearing examiners. The doctrine has been applied primarily to quasi-judicial land use decisions, and its purpose is to bolster public confidence in the fairness of such decisions by

> the elimination of actual bias, prejudice, improper influence or favoritism, but also in the curbing of conditions which, by their very existence, tend to create suspicion, generate misinterpretation, and cast a pall of partiality, impropriety, conflict of interest or prejudgment over the proceedings to which they relate.

Chrobuck v. Snohomish County, 78 Wn.2d 858, 868 (1971).

In practice, the doctrine should work to disqualify from the quasi-judicial decision-making process those decision-makers who have prejudged the issues, who have a bias in favor of one side in the proceeding, who have a conflict of interest, or who cannot otherwise be impartial. Also, it prohibits "ex parte" communications between a decision-maker and a proponent or opponent of the matter being decided. RCW 42.36.060. Nevertheless, it does not apply to statements made while campaigning for elective office and it is not implicated by the receipt of campaign contributions. RCW 42.36.040, .050.

If a decision-maker's participation in a quasi-judicial decision violates the appearance of fairness doctrine and that participation was challenged in a timely manner, a court can invalidate the decision. A new hearing and decision will then need to be made without the disqualified decision-maker.

As a quick summary, the Appearance of Fairness Doctrine can be described as having four prongs:

1. No contact or communication for the purpose of lobbying members of the hearing body except at the public hearing;
2. The conduct of the hearing must be fair and open with regard to all of those in attendance;
3. The procedures used during the course of the hearing process must appear to be fair; and
4. No member of the hearing body should either gain or lose or appear to gain or lose financially from the outcome of the hearing.

There are two key guidelines to follow to maintain the appearance of fairness with respect to matters which may come before the City Council. First, City Councilmembers should not have communication or contact with an applicant or other participants concerning that quasi-judicial decision outside of official meetings of the City Council. Secondly, City Councilmembers should not announce their positions regarding quasi-judicial matters in advance of hearing the matter.

2.3 CITY COUNCIL CONSIDERATION OF LAND DEVELOPMENT APPLICATIONS

REFERENCE ZONING CODE CHAPTERS 150 AND 152

The City Council makes quasi-judicial land use decisions on land development applications processed under Process IIA and Process IIB, which have different procedures.

Process IIA

On a Process IIA application, the Hearing Examiner conducts an open record (fact finding) hearing and enters a written decision. A person who submitted written or oral testimony or comments to the Hearing Examiner may appeal the decision to the City Council by filing a letter of appeal, stating the specific factual findings and conclusions that are disputed. In making a decision, the City Council considers the record before the Hearing Examiner, together with:

1. A staff report prepared for the appeal, which contains the staff report for the Hearing Examiner, the Hearing Examiner's decision, written testimony before and comments submitted to the Hearing Examiner, a summary of the testimony, comments and discussion at the hearing, and the letter of appeal;
2. Written arguments of the appellants that are submitted before or at the City Council meeting where the appeal is considered; and
3. Oral arguments of the appellants at the City Council meeting where the appeal is considered (the City Council can reasonably limit the extent of oral arguments).

The electronic sound recording of the hearing is available to the City Council prior to the City Council meeting.

The appellant has the burden of convincing the City Council that the Hearing Examiner made an incorrect decision because of erroneous findings of fact or conclusions. This means that the City Council may over turn the Hearing Examiner decision only if (1) there is an error in a material finding of fact that is essential to a conclusion, or (2) there is an error in a conclusion, whether under case authority, state statutes or city code.

Process IIB

On a Process IIB application, the Hearing Examiner also conducts an open record (fact finding) hearing, but enters a recommendation. A person who submitted written or oral testimony or comments to the Hearing Examiner may file a written challenge to the recommendation, stating the factual findings and conclusions that are contested. The person filing the challenge must mail or deliver a copy of the challenge to the applicant and every person who is qualified to submit a challenge. A person receiving a copy of the challenge may then file a written response to the challenge. In making a decision, the City Council considers the record before the Hearing Examiner, together with:

1. The Hearing Examiner's recommendation;
2. The challenges and the responses to the challenges; and
3. A draft resolution or ordinance that embodies the Hearing Examiner's recommendation.

Again, the electronic sound recording of the hearing is available to the City Council prior to the City Council meeting.

The City Council shall determine whether the application is consistent with all applicable development regulations and with the comprehensive plan where there is no applicable development regulation, and is consistent with the public health, safety and welfare.

If the land covered by the application is located with the jurisdiction of the Houghton Community Municipal Corporation, which is a municipality separate from the City, then the application also is considered by the Houghton Community Council after the City Council decision approving the application. The application is deemed approved unless the Houghton Community Council disapproves it within 60 calendar days after the City Council decision.

Procedure at Meeting

At the beginning of the City Council's consideration of the appeal or recommendation, the Mayor will give or ask staff to provide a short introduction, and will explain any special procedures that may apply to the matter, such as limitation of oral argument in the case of an appeal.

If the City Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate to make a decision, the City Council can remand the matter to the Hearing Examiner for further proceedings.

The City Council decision must be by a majority of the total membership of the City Council, which is four members.

Appearance of Fairness Doctrine

The City Council decision may be appealed to the King County Superior Court, and subsequently to the appellate courts. Until all court proceedings are completed, the ex parte communication prohibition of the appearance of fairness doctrine continues to apply to the City Council. Councilmembers should refrain from ex parte communications regarding a decision for 30 days after the decision (the appeal period to Superior Court is 30 days or less). If a decision was appealed to Superior Court, Councilmembers should check with City staff to determine whether the appeal has been completed.

2.4 VOTING RULES

REFERENCE RESOLUTION R-3792

Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has

- a financial interest in the question, or
- quasi-judicial matters where a Councilmember has an appearance of fairness problem.

A majority of the entire Council is required for the passage of any ordinance, resolution or motion.

A simple majority of the members present are sufficient for motions to:

- Adjourn, to table or continue a matter
- Go into or out of Executive Session
- Add or remove items on a Council meeting agenda
- Approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Councilmembership
- To establish the date for a public hearing, unless such hearing is required to be set by Ordinance or Resolution
- Authorize call for bids or requests for proposals
- Approve a consent calendar unless there is an ordinance, a grant or revocation of franchise or license, a resolution for payment of money included on the consent calendar

A tie vote, on a matter requiring four affirmative votes for passage, shall table the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

A non-tie vote which fails for a lack of four affirmative votes defeats the matter. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

Except as provided above, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

2.5 COUNCIL RULES OF CONDUCT

REFERENCE RESOLUTION R-3792

Regular Meetings

Regular meetings of the City Council are held the 1st and 3rd Tuesday of each month. If holidays fall on the Council's regular meeting date, the Council meeting will be held on the day immediately following.

Quorum

A majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

Order of Business

The order of business at City Council Meetings shall be:

1. Call to order
2. Roll Call
3. Special Presentations
4. Reports
   a. City Council
   b. City Manager
5. Communications
   a. Items from the Audience
   b. Petitions
6. Consent Calendar
   a. Approval of Minutes
   b. Audit of Accounts (payment of bills and payroll)
   c. Correspondence
   d. Authorization to Call for Bids
   e. Award of Bids
   f. Acceptance of Public Improvements and Establishing Lien Periods
   g. Approval of Agreements
   h. Resolutions and Ordinances
   i. Other Routine Items of Business
7. Public Hearings
8. Unfinished Business
9. New Business
10. Announcements
11. Adjournment

Consent Calendar

Any matter of a routine nature would qualify for placement on the consent calendar. Items may be removed from the consent calendar upon the request of any Councilmember. All items remaining on the consent calendar shall be approved by a single motion. Whenever an ordinance is included on the Consent Calendar, approval of the calendar shall be by roll-call-vote.

Items from the Audience

Speakers may not comment on matters which are scheduled for a public hearing or quasi-judicial matters. Items on the agenda will be marked with an asterisk when the Council cannot receive comments.

During the time of "Items from the Audience," speakers will be limited to 3 minutes each. No more than 6 speakers may address the Council on any one subject. If there are both proponents and opponents of the matter who wish to speak, only the first 3 persons speaking in favor of the matter and the first 3 persons speaking in opposition to the matter may address the Council.

Other Procedures

- No member of the City Council shall speak more than twice on the same subject without acknowledgement of the presiding officer.
- No person, including members of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
- All questions on order shall be decided by the presiding officer of the Council with the right of any member to appeal to the Council.
- Motions shall be reduced to writing when required by the presiding officer or any member of the Council. All resolutions and ordinances shall be in writing.
- The presiding officer of the Council may, at his/her discretion, call any member to take the Chair, to allow the presiding officer to address the Council, make a motion, or discuss any other matter at issue.
- The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided that at least four (4) affirmative votes be cast.
- The chair of each respective committee, or the Councilmember acting in another members place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

2.6 NEIGHBORHOOD MEETING FORMAT

In preparation for a neighborhood meeting, staff will contact the Chair of the Neighborhood Association. The purpose is to develop a list of key topics that the neighborhood would like the City Council to address. This is to be done one month in advance of the meeting. The topics will then be forwarded to the City Council.

The Mayor will work with the City Council to determine which Councilmembers will handle each topic. Once this has been determined, the City Manager assigns various staff members to work with Councilmembers in assisting them with background information on their topics.

Cards notifying residents in that neighborhood of the upcoming meeting are mailed out one month in advance of the meeting. The card will also have a place for residents to ask questions that they want addressed. They are asked to return these cards to the City by a specific date (e.g. two weeks before the meeting). Staff prepares written responses to all questions received by that date. These answers are available at the neighborhood meeting and posted on the City's web page. All cards received after that date will have the answer posted on the web page.

The actual neighborhood meeting begins with introductions, opening comments by the Mayor and welcoming comments from the chair of the neighborhood association. Councilmembers then begin addressing the selected topics. These topics may be handled by an individual Councilmember or by several depending on the number of topics selected. After each topic has been presented, the Mayor will ask if other Councilmembers would like to make any comments on this topic and if there are further questions from the audience. If there is time remaining after all the presentations, other questions from the audience can be addressed.

2.7 PUTTING TOPICS ON COUNCIL AGENDA

The agenda is normally set by the City Manager in consultation with the Mayor and Deputy Mayor. Council agenda calendars are included with all agenda packets and provide an opportunity for Council to request that items be added for future meetings. Requests to add items to the current/upcoming Council agenda can be made to either the Mayor or City Manager. However the preference is for the request to be made at the Council meeting.

2.8 SPECIAL MEETINGS OF THE COUNCIL

Efforts should be made to avoid having to schedule special meetings. Requests for such meetings should be made to either the Mayor or City Manager. At least six weeks notice should be given for these special meetings.

2.9 STAFF PRESENTATIONS AT COUNCIL MEETINGS

The City Manager works with the Mayor to determine which agenda items need a staff presentation. Presentations should not exceed five minutes. The format of the presentations includes background on the issue, requested Council action and summary of the issues and options.

CHAPTER 2

2.10 ROBERTS RULES OF ORDER IN BRIEF BASIC INFORMATION ON MOTIONS

When a motion is made, the presiding officer should identify the maker of the motion and the person who seconds the motion.

Prior to voting on a motion, the motion should be restated by the presiding officer.

Following a vote, the presiding officer should state whether the motion passed or failed and who voted on the opposing side.

RANKING MOTIONS	PRINCIPAL CHARACTERISTICS					
These motions are listed in order of rank. When any one of these motions is immediately pending, those above it are in order and those below it are not in order.	Second Required	Can Be Debated	Can Be Amended	Vote Required	Can Be Reconsidered	Can Interrupt
Privileged Motions						
13. Fix time to Which to Adjourn	yes	no	yes	maj	yes	no
12. Adjourn	yes	no	no	maj	no	no
11. Recess	yes	no	yes	maj	no	no
10. Raise a Question of Privilege	no	no	no	X*	no	yes
9. Call for the Orders of the Day	no	no	no	X*	no	yes
Subsidiary Motions						
8. Lay on the Table	yes	no	no	maj	no	no
7. Previous Question (to close debate)	yes	no	no	2/3	yes*	no
6. Limit or Extend Limits of Debate	yes	no	yes	2/3	yes*	no
5. Postpone to a Certain Time	yes	yes	yes	maj	yes	no
4. Commit (or Refer)	yes	yes	yes	maj	yes*	no
3. Amend	yes	=	yes*	maj	yes	no
2. Postpone Indefinitely	yes	yes	no	maj	+	no
1. Main Motion	yes	yes	yes	maj*	yes	no

NON-RANKING MOTIONS	PRINCIPAL CHARACTERISTICS					
Whether these motions are in order depends upon the business already under consideration and what purpose they may serve when introduced.	Second Required	Can Be Debated	Can Be Amended	Vote Required	Can Be Reconsidered	Can Interrupt
Incedental Motions						
Appeal	yes	*	no	maj	yes	yes
Close Nominations or the Polls	yes	no	yes	2/3	no	no
Consider by Paragraph or Seriatim	yes	no	yes	maj	no	no
Division of the Assembly	no	no	no	no	no	yes
Division of a Question	yes	no	yes	maj	no	no
Objection to Consideration of a Question	no	no	no	2/3	#	yes*
Parliamentary Inquiry	no	no	no	Chair	no	yes
Point of Order	no	no	no	Chair	no	yes
Reopen Nominations or the Polls	yes	no	yes	maj	#	no
Suspend the Rules*	yes	no	no	2/3*	no	no
Withdraw a Motion	no*	no	no	maj*	#	yes*
Motions that Bring a Question Again Before the Assembly						
Reconsider	yes	=	no	maj	no	no
Rescind	yes	yes	yes	*	#	no
Take from the Table	yes	no	no	maj	no	no

Key to Markings

* See *Robert's Rules of Order Newly Revised* for special rules.
X Usually no vote taken. Chair responds.
+ Only an affirmative vote may be reconsidered.
# Only a negative vote may be reconsidered.
= Debatable when applied to a debatable motion. See *Robert's Rules of Order Newly Revised*.

CHAPTER 3

3.1 CITY OFFICERS

REFERENCE RCW 35A.13

The council of a non-charter code city with more than twenty-five hundred inhabitants shall consist of seven members.

The Councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by RCW 35A, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

3.2 SELECTION OF MAYOR AND DEPUTY MAYOR

REFERENCE RCW 35A.13

Mayor Pro Tempore or Deputy Mayor

Biennially at the first meeting of the new council, the members thereof, by majority vote, shall choose a mayor and mayor pro tempore or deputy mayor to serve for a two year period or for such period as the council may specify.

3.3 ROLE OF MAYOR AND DEPUTY MAYOR

REFERENCE RCW 35A.13

The chairman of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him/her as mayor, he/she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He/she shall have no regular administrative duties.

Council Rule

Ceremonial event opportunities should be shared with the Deputy Mayor. Efforts should be made to give other Councilmembers as much advance notice as possible.

The Deputy Mayor will be a mentor for new Councilmembers including participating in the orientation.

3.4 RESIGNATION OR VACANCIES
REFERENCE RCW 35A & RCW 42.12

Vacancies
The office of a mayor or councilmember shall become vacant:

(1) if the person who is elected or appointed to that position fails to qualify as provided by law;
(2) fails to enter upon the duties of that office at the time fixed by law without a justifiable reason;
(3) councilmember fails to attend three consecutive regular meetings of the council without being excused by the council;
(4) upon death of the incumbent;
(5) upon his or her resignation (A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation);
(6) upon his or her removal;
(7) upon his or her conviction of a felony, or of any offense involving a violation of his or her official oath;
(8) or as otherwise specified in RCW 42.12.010.

Filling nonpartisan vacancies
A vacancy shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in RCW 29.15.190 and RCW 29.21.410, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy...

3.5 POWERS AND DUTIES OF THE CITY MANAGER

REFERENCE RCW 35A.13.080

The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter RCW 35A.33, and to be responsible for its administration upon adoption;

(9) To perform such other duties as the council may determine by ordinance or resolution.

An annual performance evaluation of the city manager will be conducted by the City Council.

3.6 COUNCIL REQUESTS OF STAFF

A Councilmember's request for staff work should be made to the City Manager's Office. If a considerable amount of staff work will be involved, this request will be brought to the entire Council for direction.

Requests for information should be made to either the City Manager's Office or the Department Director. Exceptions to this procedure can be made where there is an existing working relationship (e.g. staff support for a regional committee or City task force).

3.7 COUNCIL DIRECTION ON NON-AGENDA ITEMS

The Mayor should clarify with Council what action Council wishes to take on items that were not included on the agenda. Staff should ask for clarification, if needed, and provide input on timing for bringing a report back to Council.

3.8 CITY COUNCIL COMMITTEE APPOINTMENTS

Committee Appointments Procedure

Prior to the end of each year, City Councilmembers should let the Mayor know about their interests in serving on the various City Council and regional committees. The Mayor and Deputy Mayor will then meet to consider committee appointments and they will develop a recommended list of committee appointments. This list of recommended appointments will then be presented at the first City Council meeting in January for Council's consideration at which time the committee appointments will be made.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Councilmembers that are interested in filling this position should let the Mayor know before the next City Council Meeting. The Mayor and Deputy Mayor will make a recommendation for City Council's consideration to fill this vacancy at that following Council meeting.

City Council Committee assignments are noted in Appendix A.1 (page 49).

4.1 COUNCIL E-MAIL

All e-mail messages, files down-loaded from outside sources, and other electronic files (e.g. memos, reports, etc. in computer files) are considered official city business records and are subject to the Washington State Public Disclosure Act and the laws governing the retention and destruction of public records. Informational messages such as meeting notices, reminders, informal notes and telephone messages should be deleted once the administrative purpose of the message is served. Substantive electronic communications that are to be kept should be filed in hard copy form. The hard copy should be retained in accordance with the records retention schedule applicable to content of the hard copy. As provided under traditional rules of legal discovery and the Public Disclosure Act, certain e-mail messages and files are exempt from public disclosure, including privileged work product and attorney-client communications. Questions regarding records retention or public disclosure should be directed to the Office of the City Clerk.

Caution should be used when downloading files due to computer viruses. A virus checking software should scan any files downloaded from the Internet.

All uses of e-mail and the Internet must conform to all city policies and guidelines regarding standards of conduct, discrimination, equal employment, sexual harassment, unlawful activities, and interpersonal interactions.

4.2 CORRESPONDENCE PROCEDURES

Correspondence written on behalf of the City Council shall have a signature block of the following:

Kirkland City Council

By _____, Mayor

Letters on regional issues should be signed by the appropriate City Council representative.

A Councilmember writing a letter or email as an individual (as compared to correspondence signed by the Mayor on behalf the entire Council) should clarify that he/she is writing the letter or email as an individual and not speaking on behalf of the Council as a whole. Councilmembers may use Council letterhead and envelopes regardless of whether writing as an individual or on behalf of the entire body.

4.3 DISTRIBUTION OF INFORMATION AND CORRESPONDENCE

City Manager's Office Staff generally copies and distributes all information and correspondence to all Councilmembers. This includes emails sent to citycouncil@ci.kirkland.wa.us. Exceptions to this practice include personal correspondence arriving via the city, correspondence and information addressed to only one Councilmember with no cc's, and items addressed to the Mayor only. In the case of non-personal items addressed to the Mayor, the City Manager's Office determines the distribution, always erring on the side of providing copies to all Councilmembers.

City business-related correspondence is also copied to the affected Department Director responsible for drafting a response for Council review and the Mayor's signature.

CHAPTER 5

5.1 APPOINTMENT AND REAPPOINTMENT POLICY

It shall be the policy of the Kirkland City Council to make appointments to official advisory boards or commissions generally in accordance with the following:

Applicability/Definition
For the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Council
Design Review Board
Disability Board
Human Services Advisory Committee
Kirkland Senior Council
Library Board
Lodging Tax Advisory Council
Park Board
Planning Commission
Transportation Commission

Eligibility
Relatives or family members of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to an advisory board, shall not be eligible to serve on that board .

Non-Discrimination
The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age*, sex, marital status, sexual orientation, or sensory or physical handicap in the making of appointments.

*City Council has made age a qualification for specific seats on certain advisory bodies.

Concurrent Offices
At no time shall any person serve concurrently as a member of more than one of the above listed City boards.

Terms
Appointments shall be made for four-year terms. Terms shall expire on the 31st of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

Term Limitations
No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board.

Attendance
Appointees shall attend 80% of all meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60% of all meetings unless waived by the City Council.

Appointment / Reappointment

An open competitive process will be used to fill vacancies. City Council will initiate an open and competitive application process and solicit applicants for the position(s). All advisory board members completing their term and who are interested in reappointment will be required to go through the open competitive process.

Application Process

Openings for advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. If an incumbent is eligible to apply for reappointment, this information shall be included in the announcement. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the City Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the City Council.

Criteria for Reappointment

Information will be sought from the Board/Committee Chairs and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance - attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance - has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations - has good understanding of relative roles of Council, Commissioners and staff and is sensitive to staff's job. Is generally respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work toward a solution, without sacrificing his/her own principles.

Growth/improvement - has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit - reappointment provides a benefit to the commission as a body; provides or enhances balance on the commission geographically and/or philosophically.

Appointment Process

Upon receipt of applications, the Council may choose to interview all applicants or in the event of a large number of applicants, use a screening process to reduce the number of candidates for interview. The Council may establish criteria for screening. Preliminary screening may be performed by the Council serving as a committee of-the-whole, or by a Council subcommittee appointed by the Mayor for this purpose. In the event a subcommittee is utilized to screen applicants, non-subcommittee Councilmembers will be invited to convey their comments and questions regarding the qualifications of the applicants to the screening committee.

Interviews of applicants shall be conducted in open session. The chairperson of the respective advisory board (or a representative) will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council will convene in executive session to discuss the qualifications of candidates, as provided for by law. The Council shall make its appointment in open session. Following appointment, the appointee, as well as all other candidates, will be notified in writing of the Council's decision.

5.2 BOARDS AND COMMISSIONS SUMMARY

Cultural Council

REFERENCE RESOLUTION R-4353

Purpose

The Cultural Council is to promote strategic planning and development for arts, culture and heritage in the community. The City Council would like advice from the Cultural Council regarding public art acquisitions. The Cultural Council shall advise the City Council, City Manager and City staff regarding those issues referred to it by the City Council. After consultation with the City Manager, the Cultural Council may serve as the City's official representative on an arts, culture or heritage matter. The Cultural Council may submit to the City through the City Manager recommendations for other issues to be submitted to the Cultural Council as it feels is advisable.

Membership

There will be no less than 7 members and no more than 15 members of the Cultural Council. A member will serve in an individual capacity even if he or she works for an organization that may make a proposal to the Cultural Council. The membership of the Cultural Council is intended to reflect balance, taking into account such elements as the diversity of the community and connection to various geographic areas of the City.

Five members are appointed by the City Council. Cultural Council working with the city staff that will assist with the process, will appoint the remaining members. Members serve without compensation for a two or three-year term.

Qualifications

All members shall reside or own a business within the City of Kirkland or its potential annexation area. The youth member of the Cultural Council must be at least 16 but not yet 18 years of age. All members must have an interest in the arts.

Design Review Board

REFERENCE KMC 3.30

Purpose

To review and make decisions upon proposed development projects for compliance with City of Kirkland design regulations and guidelines in the downtown and Juanita business districts (range may potentially expand to other areas); and to critique existing design policies.

Membership & Terms

A five member board appointed by a majority vote of the City Council The Director of Planning and Community Development shall sit on the board as a nonvoting member for the purpose of advising the board on regulatory and urban design issues. Members serve without compensation and are appointed for a four-year term.

Qualifications
Members of the design review board shall include design professionals and building/construction experts, and residents of Kirkland capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The board shall at all times have a majority composition of professionals from architecture, landscape architecture, urban design/planning, or similar disciplines. In selecting members, professionals who are residents and/or whose place of business is within Kirkland will be preferred.

Disability Board

REFERENCE KMC 3.56

Purpose
The board shall perform all functions, exercise all powers, and make all determinations as specified in RCW Chapter 41.26 for disability boards. The board may adopt reasonable rules and regulations to carry out its authority and to govern the manner and form of filing, presentations, and hearings before the board.

Membership and Terms
The board shall be composed of two members of the City Council, one firefighter, one law enforcement officer, and one at-large member. Said two Councilmembers will be appointed by the mayor and approved by the City Council. Said firefighter and law enforcement officer are to be elected as provided under state law. Said at-large member shall be a city resident who is appointed by majority vote of the other members. All members of the disability board shall serve for a two-year term. Vacancies shall be filled for the unexpired term of a member whose death, resignation, or removal creates a vacancy. Each member shall hold office until a successor is appointed or elected.

Human Services Advisory Committee

REFERENCE R-3315

Purpose
The Committee is to review annual funding requests from human service provider agencies and to prepare recommendations to the City Council in accordance with the priorities and criteria established in the human services policy and program.

Membership & Terms
The membership of the Human Services Advisory Committee shall be composed of the City Manager, the Director of Parks and Community Development and the Human Services Coordinator together with one (1) youth representative and four (4) residents of the City of Kirkland to be appointed by the City Council. Terms are for a two-year period.

Qualifications
Each shall be a resident of the City of Kirkland; and have no financial or proprietary interest in a human service provider organization, either as staff, boardmember or otherwise.

Kirkland Library Board

REFERENCE KMC 3.28

Purpose
Established in 1951, the board is to serve as an advisory body to the Kirkland City Council and the Kirkland City Manager, and also serves as liaison to the King County rural library district and its designated librarian regarding library service issues and community interest.

Membership & Terms
Composed of five (5) members plus one (1) youth who shall be residents of the City. The members are appointed by the City Council each for a four-year term.

Qualifications
Appointees must reside within the city limits of Kirkland.

Kirkland Senior Council (KSC)

REFERENCE R-4347

Purpose
The purpose of the KSC shall be to participate in the advocacy, education and creation of programs that meet their needs. Advise the City Council and the City Manager regarding issues affecting seniors in Kirkland and make recommendations to the City Council and City Manager on senior issues of interest or associated with Council-directed items.

Membership and Terms
The KSC shall consist of no less than 11 members and no more than 21 members. At least 51% of the members shall be over the age of 50 and shall live, work or serve a population in the City of Kirkland. The terms of office shall be three years each, with one-third of the Council selected each year.

Kirkland Youth Council

Mission Statement
The Mission of the Kirkland Youth Council is to provide a vital link between the youth of Kirkland, the greater community, and the government. This alliance will promote mutual respect, ensure that the voice of youth is heard, and create and encourage opportunities for youth to give back to the community.

History
In 1994 the Community Youth Taskforce recommended the formation of a Youth Council to, "Provide the decisive community mechanism necessary to ensure that the needs of young people will receive the prominence and attention they require. It would serve as a focal point for community energy, able to forge new alliances and partnerships. Significantly, a youth board and council would enable Kirkland's youth to actively participate in the process of creating community programs and services to meet needs and interests."

Initial Recruitment
The initial recruitment and selection of Youth Council members was conducted by Jenny Wrenn, former Youth Services Coordinator, and members of the Community Youth Taskforce. The first group consisted of 5 Juanita High School students, 5 Lake Washington High School students, 2 BEST High School students, 1 Ottoson High School student, 2 students from each of the four Junior High schools, 1 student from Northstar Junior high, 1 Homeschool student, and one Private School student.

Current Recruitment
Current Kirkland Youth Council members recruit potential new members to fill existing vacancies. Applicants must complete an application and interview process. Youth Council Leadership makes the final selections.

Make Up of Membership
Kirkland Youth Council members have set their own meeting and project requirements. As long as members fulfill these requirements, they remain on the Council until graduation from high school, not to exceed 6 years.

Current membership is about 40 teens. Make up is as follows, 9-10 students from both high schools, 2 students from each Junior High, 1 student from each "choice school", 2 private school students, 1 BEST High School student, 1 Homeschool student, and 1 non-schooled student. The number of representatives from each school is based upon a percentage of each school building's population.

Leadership
The Kirkland Youth Council is governed by a group of six peer elected members who serve as the Leadership group, 2 Co-Chairs, 2 Community Representatives, and 2 City Council Representatives. Each of these positions are held for one calendar year, June – June. Members can be selected for more than one term.

Lodging Tax Advisory Committee

REFERENCE KMC 5.19

Purpose
The Lodging Tax Advisory Committee ("LTAC") is to perform the functions of a lodging tax advisory committee under RCW 67.28.1817 and also to be an ongoing advisory committee to the Kirkland City Council, with duties as described in Chapter 5.19 of the Kirkland Municipal Code.

Membership & Terms
The LTAC shall be comprised of seven voting members, each appointed by the Kirkland City Council. The Kirkland City Council may appoint nonvoting members to the LTAC. Members of the LTAC are not required to be residents of the City of Kirkland.

Voting members shall be as follows:

(1) One member shall be a Kirkland City Councilmember, who shall serve as chair;
(2) Three members shall be representatives of businesses required to collect tax under this chapter;

(3) Three members shall be persons involved in activities authorized to be funded by revenue received under this chapter.

The term of membership shall be through June 30th of the year following appointment; provided, that a member's term shall not expire until the appointment of a new member is effective. By statute, eligibility for appointment under subsections (2) or (3) of this section is mutually exclusive. The City Council shall review the membership of the advisory committee annually and make changes as appropriate. Each year, organizations representing businesses required to collect the lodging tax, organizations involved in activities authorized to be funded by lodging tax revenue, and local agencies involved in tourism promotion may submit recommendations for membership on the LTAC.

Park Board

REFERENCE KMC 3.36

Purpose

The board shall advise the City Council, the City Manager, and the Parks and Recreation Department, regarding the general supervision and control of all parks and recreational facilities and programs of the city. The board shall have the power to advise regarding conduct of any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner, and shall advise regarding control and supervision of all parks belonging to the city, and advise regarding planning, promotion, management and acquisition, construction, development, maintenance, and operation, including restrictions on, and compensation to be paid for, concessions or privileges in parks and/or playgrounds, either within or without the city limits, of parks, squares, parkways and boulevards, play and recreation grounds, and/or other municipally owned recreational facilities, including school grounds, community buildings, and improvement and ornamentation of the same; make recommendations regarding entering into written contracts with the United States, the State of Washington, any county, city or town, park district, school district, or any such public organizations for the purpose of conducting a recreational program or exercising any other power granted by this chapter.

The board shall submit to the City Council through the City Manager each year recommendations for the development of the park and recreation program and facilities as it may deem advisable, for the information and guidance of the city council in preparing the budget, for the operation and maintenance of the city parks, the recreational program and the necessary facilities, and the acquisition of land, structures, or facilities needed therefore. The board may recommend rules and regulations for the management, supervision and control of City parks and recreational facilities and programs.

Membership and Terms

There are seven members to this advisory board of park commissioners. Appointments are made by majority vote of the City Council. There is no compensation for service.

Qualifications

Reside with the city limits of Kirkland.

Planning Commission

REFERENCE KMC 3.32

Purpose

The Planning Commission shall be the principal planning advisory board for all matters relating to land use, comprehensive planning and zoning. Unless the city council assigns otherwise, all public hearings required by Chapter 35A.63 RCW to be held in the course of the adoption or amendment of the text of the zoning code, adoption or amendment of the zoning map, or adoption or amendment of regulations for the subdivision of land, shall be held by the Planning Commission.

The Planning Commission shall perform such other advisory functions (including hearings on certain land use permit applications) as shall be assigned to it by the provisions of Ordinance 2740 (the zoning code) or as may be from time to time directed by resolution or motion of the City Council.

Membership & Terms

The planning commission of the city shall be composed of seven members, appointed by majority vote of the City Council, without regard to political affiliation from among the residents of the city. The members of the planning commission shall serve without compensation. A commissioner shall be appointed to a four-year term. A commissioner will be expected to attend no less than eighty percent of all meetings in any twelve-month period for which there is no prearranged absence. City Council may waive the eighty percent attendance requirement; however, no less than sixty percent of all meetings shall be attended. A commissioner may be removed by majority vote of the City Council. Vacancies shall be filled for the remainder of the unexpired terms.

Qualifications

Reside within the city limits of Kirkland.

Transportation Commission

REFERENCE RESOLUTION R-4265

Purpose

Advise the City Council, City Manager and the Public Works Department regarding those transportation issues referred to them by the City Council. The commission shall have the power to advise regarding planning and development of those transportation issues given them by the City Council. The commission shall submit to the City Council through the City Manager recommendations for other transportation issues of interest to the Commission or associated with Council-directed items as the Commission feels is advisable.

Membership & Terms

Kirkland Transportation Commission consisting of eight commissioners, who shall be appointed by majority vote of the City Council. One member shall be a youth who, at the time of appointment, is at least 16 but not yet 18 years of age. The terms of office will be two years and no member will receive compensation.

Qualifications

Appointees must be City of Kirkland residents and residents within the annexation planning borders of the City. At least four of the seven members should have some background in transportation related issues.

CHAPTER 6

6.1 REGIONAL POLICY STATEMENTS

A draft of all proposed multi-city or regional policy statements will be placed on the Council agenda for review. Any proposed changes will follow the same procedure. An annual review of all these statements will by conducted by Council.

6.2 REGIONAL COMMITTEE SUPPORT

Staff will work with Councilmembers who are serving on regional committees. An effective way of providing staff support will be for the Councilmember(s) and staff to meet (or discuss by phone or email) prior to the committee meeting.

Regional committees are listed in Appendix A.1 (page 49).

6.3 APPOINTMENTS TO REGIONAL COMMITTEES - SUBURBAN CITIES ASSOCIATION

GROWTH MANAGEMENT PLANNING COUNCIL	
	Interlocal contract: 1. Definitions. a. Suburban Cities: Cities and towns in King County other than the City of Seattle. 2. Establishment of the Growth Management Planning Council and staff. ... the parties shall designate the following elected officials members and staff. To the extent possible, the parties' designees shall have a broad geographic representation. a. Membership for the Growth Management Planning Council (GMPC) 1) Seattle shall designate three members to exercise three votes; 2) Suburban Cities shall designate six members to exercise three votes; 3) King County shall designate six members, one of whom will be the King County Executive, to exercise six votes.

GROWTH MANAGEMENT PLANNING COUNCIL	
Operations Committee	
Staff Committee	**PSRC Memorandum Mar 11, '98: doc identified as: EXEC/EXECOMM/RSC/OTHER/RSCPURP** The Regional Staff Committee is composed of high-level staff from Regional Council constituents (city and county planning and public works departments, and executive and council offices, port, and transit, air quality and state agencies). The Committee has a leadership role, advising Regional Council staff and boards. ... This non-voting committee seeks to identify all sides of key issues. Regional Staff Committee representatives serve as non-voting members on the Transportation Policy Board and Growth Management Policy Board. Working subcommittees with additional members are created as needed by the Regional Staff Committee. Subcommittees are assigned specific tasks and dissolved when the work is completed. Exceptions are the Regional Project Evaluation Committee (RPEC), Transportation Operations Committee (TOC), and the Regional Technical Forum. RPEC and TOC are standing committees. RPEC recommends projects for ISTEA funding to the Transportation Policy Board ... The Regional Staff Committee membership reflect the need for a committee that is a workable size and also representative of the Regional Council's members. City and county representation generally reflects the composition of the Executive Board. ... Alternates need to be selected to serve in the members' absence.

GROWTH MANAGEMENT PLANNING COUNCIL	
Growth Management Policy Board	Executive Board approves individual seat for Bellevue, among others.

GROWTH MANAGEMENT PLANNING COUNCIL	
Transportation Policy Board	Executive Board approves individual seat for Bellevue, among others.

CHARTER COMMITTEES - WATER QUALITY, POLICY AND TRANSIT	
Regional Policy Committee Regional Transit Committee	**MKC Charter: Section 270.20** – Each regional committee shall consist of twelve voting members. Six members shall be Metropolitan County Councilmembers appointed by the chair of the council .... The remaining six members of each committee except the water quality committee shall be local elected city officials appointed from and in proportion to the relative populations of: (1) the city with the largest population in the county and (ii) the other cities and towns in the county. Committee members from the city with the largest population in the county shall be appointed by the legislative authority of that city. Committee members from the other cities and towns in the county shall be appointed in a manner agreed to by and among those cities and towns representing a majority of the populations of such cities and towns, provided, however, that such cities and towns may appoint two representatives for each allocated committee membership, each with fractional (1/2) voting rights.

CHARTER COMMITTEES - WATER QUALITY, POLICY AND TRANSIT	
Regional Water Quality Committee	The special purpose districts providing sewer service in the county shall appoint two members to serve on the water quality committee in a manner agreed to by districts representing a majority of the population within the county served by such districts. The remaining four local government members of the water quality committee shall be appointed in the manner set forth above for other regional committees. Allocation of membership of each committee's members who are city and town representatives shall be adjusted January 1 of each even-numbered year beginning in 1996 based upon current census information or, if more recent, official state office of financial management population statistics. In the event any areas are annexed pursuant to powers granted to metropolitan municipal corporations under state law, the populations of any cities and towns in such annexed areas shall be considered as if they were within the county for purposes in this section with regard to regional committee participation on policies and plans which would be effective in such annexed areas, (Ord. 10530, 8/24/92).

OTHER COMMITTEES AND BOARDS	
Boundary Review Board	**RCW 36.93.051** The boundary review board in each county with a population of one million or more shall consist of eleven members chosen as follows: (1) Three persons shall be appointed by the governor; (2) Three persons shall be appointed by the county appointng authority; (3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and (4) Two persons shall be appointed by the board from nominees of special districts in the county. **RCW 36.93.063** ... The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

OTHER COMMITTEES AND BOARDS	
LEOFF I Disability Board	**RCW 41.26.110(b)** Each county shall establish a disability board having jurisdiction over all members residing in the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, ...

OTHER COMMITTEES AND BOARDS	
Regional Law Safety and Justice	**N/A**

OTHER COMMITTEES AND BOARDS	
JRD-CDBG (housing funds)	**Interlocal contract**

OTHER COMMITTEES AND BOARDS	
Jail Advisory Committee	**Interlocal contract:** (Exhibit V) Committee Size and Composition The Committee shall be composed of eight persons including the following: County Executive Office Representative; City of Seattle Representative; Director, Department of Adult Detention; Suburban City Mayor Representative (3); Suburban City Police Representative (2) ... Further the representatives from the suburban cities should include representation from: cities with either correction or detention facilities; cities with "holding" facilities; and cities with no jail facilities. ... The suburban members should also, to the extent feasible, represent cities from each of the major geographical areas of the County. Appointment of Members: The City of Seattle Representative will be appointed by the Mayor of Seattle. The suburban city representatives will be appointed through a process defined by the Suburban Cities Association in conjunction with the Police Chief's Association. At a minimum this process will include final identification of Committee members by the President of the Suburban Cities Association on an annual basis. Terms of Committee Membership: The composition of the Committee shall be reviewed annually in January during which time consideration will be given to changing and/or continuing specific members of the Committee.

OTHER COMMITTEES AND BOARDS	
AFIS Advisory Committee	**N/A**

OTHER COMMITTEES AND BOARDS	
EMAS Emergency Management Advisory Committee	**County Appoints**

OTHER COMMITTEES AND BOARDS	
Local Hazardous Waste Management Plan	

OTHER COMMITTEES AND BOARDS	
Seattle King County Economic Development Council	

EXECUTIVE APPOINTMENT FOR WHICH SCA MAY BE ASKED FOR NOMINEES	
Board of Health	**State statute gives authority to county legislative body; MKCC ordinance:** MKCC Ord. 13872, June 17, 2000). Two elected officials from cities of King County other than Seattle to be appointed by the executive from nominations submitted by those cities, individually or jointly.

EXECUTIVE APPOINTMENT FOR WHICH SCA MAY BE ASKED FOR NOMINEES	
Sound Transit	**State law**

EXECUTIVE APPOINTMENT FOR WHICH SCA MAY BE ASKED FOR NOMINEES	
Workforce Development	**Federal law, State law**

CHAPTER 7

7.1 OPTIONAL CODE CITY

REFERENCE KMC 3.04 & RCW 35A.11

City classification.

Notwithstanding anything contained in the existing ordinances of the city to the contrary, the city adopts the classification of a non-charter code city operating under the council-manager plan of government as set forth in RCW Chapter 35A.13, endowed with all the applicable rights, powers, privileges, duties, and obligations of non-charter code cities as set forth in RCW Title 35A as the same now exists, including, but not by way of limitation, those set forth in RCW Chapter 35A.11 of that title, and further including any and all supplements, amendments or other modifications of that title hereafter at any time enacted. (Ord. 2079 § 1, 1969)

Rights, powers and privileges.

Each city governed under this optional municipal code, whether charter or non-charter, shall be entitled "City of . . . . . ." (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and proceedings; use a corporate seal approved by its legislative body; and, by and through its legislative body, such municipality may contract and be contracted with; may purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit.

Applicability of general law.

Powers of eminent domain, borrowing, taxation, and the granting of franchises may be exercised by the legislative bodies of code cities in the manner provided in this title or by the general law of the state where not inconsistent with this title; and the duties to be performed and the procedure to be followed by such cities in regard to the keeping of accounts and records, official bonds, health and safety and other matters not specifically provided for in this title, shall be governed by the general law. For the purposes of this title, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the passage of this title which is by its terms applicable or available to all cities or towns.

7.2 CODE OF ETHICS

REFERENCE RCS 42.23

Prohibited acts.

No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.

No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

Interest in contracts prohibited -- Exceptions.

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public

A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even through one of the exemptions allowing awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract.

Remote interests.

A municipal officer is not interested in a contract, within the meaning of RCW 42.23.030, if the officer has only a remote interest in the contract and the extent of the interest is disclosed to the governing body of the municipality of which the officer is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "remote interest" means:

(1) That of a non-salaried officer of a nonprofit corporation;

(2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

(3) That of a landlord or tenant of a contracting party;

(4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section are applicable to any officer interested in a contract, even if the officer's interest is only remote, if the officer influences or attempts to influence any other officer of the municipality of which he or she is an officer to enter into the contract.

Prohibited contracts void -- Penalties for violation of chapter.

Any contract made in violation of the provisions of this chapter is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office.

7.3 STATE PROHIBITION ON CAMPAIGNING

REFERENCE RCW 42.17.130

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

7.4. LIMITATIONS ON THE ACCEPTANCE OF GIFTS.

On July 3, 2007, the City Council passed Ordinance 4108 which is modeled after provisions in state law and allows City officers and employees to accept gifts up to $50 in a calendar year, with certain specified limitations. The Ordinance, to be codified in Kirkland Municipal Code (KMC) Sections 3.80.030 and 3.80.140, is summarized below.

Limitations of gifts

The general rule is to never accept a gift, gratuity, or anything of value if the gift, gratuity, or thing of value could reasonably be expected to influence your vote, judgment, or action.

Even if there is no reasonable expectation that a gift would influence a decision, under the City's limitations on gifts provisions, City officers and employees may only accept certain gifts and in most situations, a $50.00 gift limit applies.

KMC 3.80.030 - Definitions

There are certain items that a City officer or employee may receive because they are deemed "exempt" from the definition of gift under KMC 3.80.030(16).

- Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the City or with the recipient in connection with City matters;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials or employees or a social event hosted or sponsored by a City officer or City employee for co-workers;
- Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
- Items a City officer or City employee is authorized by law to accept;
- Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit governmental or nonprofit professional, educational, trade, or charitable association or institution;
- Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt;
- Campaign contributions reported under Chapter 42.17. RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

KMC 3.80.140 - Limitations on Gifts

- Under the City's limitations on gifts provisions, and consistent with state law, a City officer or employee may receive gifts without regard to the $50.00 limit if the item is one which is presumed not to influence the recipient. These items are listed in Section 2 of KMC 3.80.140 and include:

  (1) Unsolicited flowers, plants, and floral arrangements

  (2) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

  (3) Unsolicited tokens or awards of appreciation;

  (4) Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or acquisition of the item;

(5) Informational material, publications, or subscriptions related to official duties;

(6) Food and beverages consumed at hosted receptions related to the officer's or employee's duties;

(7) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization;

(8) Unsolicited gifts from dignitaries in another state or a foreign country intended to be personal in nature; and

(9) Food and beverages on infrequent occasions in the ordinary course of City business.

Remedy

Not accepting any gift is one sure way to know you are in compliance with the limitations on gifts provisions. In the alternative, prohibited gifts may be returned to the sender or donated to charity within 30 days of receipt. If donated to charity, you may want to consider sending a letter to the giver indicating your actions

LIMITATIONS ON ACCEPTANCE OF GIFTS Q & A

Below are some questions and answers intended to help the City officers and employees in understanding Ordinance 4108 relating to limitations on the acceptance of gifts and codified as Kirkland Municipal Code (KMC) Sections 3.80.030 and 3.80.140.

Are there times when acceptance of a gift might appear to be allowed under KMC 3.80140, but still pose a problem?

- Yes. Acceptance of a particular gift must be considered in light of the circumstances surrounding the giving. There is no substitute for asking oneself if acceptance of a particular gift is prudent, good public policy, or will create appearance problems. If the City has contractual relations with or is in the process of negotiating a contract with the person, organization, or entity offering the gift, the better course may be to refuse or return the gift.

Is there a problem under KMC 3.80.140(1) when a person gives a City officer or employee a ticket to a sporting event, concert or other performance and the officer or employee and the face price of the ticket is $50.00 or less?

- There may be if the event is sold out or the ticket entitles the officer or employee to special accommodations, such as entrance to a private suite, which is not reflected in the price of the ticket. The value of a ticket to a sold out event may exceed the face price of ticket. Access to a private suite at sports or performing art venues may include better seating or complementary food and beverages that are not available to regular ticket holders. The event tickets provided to the suite holder normally have a face value that is tied to the price of a publicly available seat. In this case, the value of access to the private suite is greater than the face value of the ticket.

One exception to the fifty dollar limitation is set forth in KMC 3.80.140(2)(f) which provides that a City officer or employee may accept food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization. Would a sit-down dinner at an Association of Washington Cities conference qualify?

- Yes. The Association of Washington Cities which is comprised of Washington cities and towns meets the governmental exception under KMC 3.80.140(2)(f).

I have been offered a complementary ticket to a fundraising gala being sponsored by a civic organization? Under the proposed ordinance, may I accept the ticket even though the value of the ticket exceeds $50.00?

- Yes. Under KMC 3.80.140(2)(g), the $50.00 limitation does not apply to admission to, and the cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.

What if the same organization wants to provide me with a complementary ticket for my guest?

- Under KMC 3.80.140(1) the value of gifts given to an officer's or employee's family member or guest is attributed to the official or employee for the purpose of determining whether the $50.00 limit has been exceeded. If you want to take a guest, you or the guest should pay for the ticket.

I am unclear on the distinction between a gift from a "single source" and a "single gift" from multiple sources which has a value in excess of $50.00. What is the real limitation?

- There are two parts to the limitation. No officer may accept gifts:

  (1) with an aggregate value in excess of $50.00 from a single source in a calendar year, nor

  (2) a single gift from multiple sources with a value in excess of $50.00.

May I accept an unsolicited gift, of a personal nature, which has a value in excess of $50.00 from a dignitary from a foreign country?

- Yes. KMC 3.80.140(h) specifically exempts such gifts.

If I can accept a gift from a foreign dignitary, may the City make a gift in return?

- No. The making of gifts from the City to private parties is prohibited by the state Constitution, Article VIII, § 7, which provides, in pertinent part, that:

No county, city or town, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual association, company or corporation, except for the necessary support of the poor and infirm, . . .

What are some examples of unsolicited promotional items of nominal value that an employee could accept from a vendor?

- An employee may keep items such as pens, note pads, refrigerator magnets and the like.

May we keep flowers, chocolates, or other gifts or treats delivered to our office from a customer or vendor?

- Unsolicited flowers, plants, and floral arrangements may be accepted, but you need to look at the relationship of the giver. Again, if the gift was given by someone who is being regulated by the City or seeks to provide goods and services to the City, you may not want to keep it. The context within which a gift is offered or the way the acceptance of the gift might be perceived must always be taken into consideration.

ORDINANCE 4108

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ON THE ACCEPTANCE OF GIFTS AND AMENDING SECTIONS 3.80.030 AND 3.80.140 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, Washington State law limits the receipt of gifts by state officers and state employees; and

WHEREAS, the City Council finds that similar provisions should be included the Kirkland Municipal Code to apply to the officers and employees of the City of Kirkland; and

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

Section 1. Section 3.80.030 of the Kirkland Municipal Code is hereby amended to read as follows:

3.80.030 Definitions.
The following words and phrases, when used in this chapter, shall have the meanings ascribed to them below:

(1) "City" means the city of Kirkland.

(2) "Doctor's certificate" means a form provided by the city and signed by a physician stating that the employee has been ill and is now able to return to work.

(3) "Employee" means a person occupying a position and who is paid a salary or wage by the city. "Employee" shall not include any person retained by the city under a written personal service or consultant contract or agreement.

(4) "Holiday" means the days designated as holidays with pay by this chapter.

(5) "Immediate family" means wife, husband, son, daughter, mother, father, grandmother, grandfather, mother-in-law, father-in-law, domestic partner, brother, sister and other relatives as designated by approval of the city manager.

(6) "Just cause" means cause, supported by evidence, for disciplinary action against an employee.

(7) "LEOFF" means the Law Enforcement Officers and Firefighters Retirement System.

(8) "Members of employee's household" means persons who reside in the same home who have reciprocal and natural or moral duties to and/or do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

(9) "Overtime" consists of any work performed by regular full-time or part-time employees required to be compensated as overtime by the Federal Fair Labor Standards Act.

(10) "Probationary employee" means any employee hired for a regular position who has not completed the probationary period.

(11) "Regular full-time employee" means any salaried employee, hired for an indefinite period of time, who works forty or more hours per week on a fixed, regular schedule and is compensated and accrues benefits based on full-time employment.

(12) "Regular part-time employee" means any salaried employee, hired for an indefinite period of time, who works less than forty hours per week on a fixed regular schedule.

(13) "Seasonal employees" means employees hired to work in positions which are cyclic in nature, begin at approximately the same time each year and last for a minimum of three months and a maximum of nine months in any consecutive twelve-month period.

(14) "Temporary employee" means an employee hired for a specific purpose or project and for a specific or definite period of time.

(15) "Uniformed employees" means employees hired as officers of the city's police and fire departments and who are under the LEOFF retirement system.

(16) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a

reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the city or with the recipient in connection with city matters;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a city officer or city employee for co-workers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurrred the day before through the day after the event;

(e) Items an official or employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt;

(h) Campaign contributions reported under Chapter 42.17 RCW;

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group;

(j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

(17) "Officer" means all elected and appointed officers of the city, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a city officer.

Section 2. Section 3.80.140 of the Kirkland Municipal Code is hereby repealed and reenacted to read as follows:

3.80.140 Limitations on gifts.

(1) No city officer or city employee may accept gifts, other than those specified in subsection (2) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars

in accordance with RCW 42.52.150(1): PROVIDED, that if the fifty dollar limit in RCW 42.52.150(1) is amended, this section shall be deemed to reflect the amended amount. For purposes of this section, "single source" means any person, corporation, or entity, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under KMC 3.80.030(16). The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) The following items are presumed not to influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a city officer or city employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the city officer's or city employee's official duties;

(g) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;

(h) Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature; and

(i) Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

Section 3 This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of July, 2007

Signed in authentication thereof this 3rd day of July, 2007

/s/James L. Lauinger
Mayor

Attest:

/s/Kathi Anderson
City Clerk

Approved as to Form:

/s/Robin S. Jenkinson
City Attorney

8.1 FREQUENTLY ASKED QUESTIONS

Office Supplies

If I purchase an office supply, will I get reimbursed?

Yes, keeping within the annual budget for that account number. For future needs, the City Manager's Office administrative staff will make that purchase on your behalf. An original cash or credit card receipt is necessary for reimbursement.

Expenses

Do I need to fill out a form for expense reimbursements?

Yes, the claim for expenses is designed to be used for travel meals, bus or taxi receipts, personal vehicle mileage, parking, lodging, and incidental expenses. In addition, for purchases of supplies under $50, you can get reimbursed via a petty cash slip. The administrative staff in the City Manager's Office will obtain a petty cash slip from the City Hall cashier on your behalf. Again, an original cash or credit card receipt is required for reimbursement.

Access to City Hall

How do I get into City Hall when it's closed? What about the inside doors?

City Councilmembers and all employees have a key card to use for entering the building before and after business hours, as well as an access code for the punch button locks on the inside doors. The administrative staff in the City Manager's Office will provide the key card and access code.

Transportation Program

Some employees have Metro flexpass cards. Are those available for Councilmembers too?

City Councilmembers and all employees are given the flexpass cards annually in August. The administrative staff in the City Manager's Office will coordinate this for the City Council usually during the last week of August. Because the cards are numbered and nontransferable, all employees must sign a form acknowledging this provision at the time the cards are issued.

Long Distance Calls

I need to return a long distance telephone call from a Councilmember in another city. Can I make that call from City Hall? If I call from home, can I get reimbursed?

City Councilmembers and all employees have a long distance access code for making business-related telephone calls from any City facility. The Information Technology Department will issue that access number with instructions on how to place those telephone calls.

If you place a business-related call from home, attach the original invoice from the telephone company to a claim for expenses and give that form to the administrative staff in the City Manager's Office to process your reimbursement.

Council Study

Do I need to reserve the Council Study?

No, the Council Study is considered the Council Office at City Hall and therefore available to Councilmembers at all times.

If another Councilmember is using the Council Study, how do I reserve another conference room for my meeting?

All conference rooms are available at City Hall to all employees to use for meetings. You may make a reservation in the Outlook public folders file using the computer in the Council Study or the administrative staff in the City Manager's Office will make that reservation on your behalf.

Reference Materials

Are reference books available for my use?

Two sets of reference manuals are available in the Council Study for Councilmember to borrow and return at their convenience.

Directories

Is there a directory of telephone numbers for other cities?

Municipal Research & Services Center of Washington publishes the Directory of Washington City and Town Officials. The publication lists telephone numbers, addresses, and names of elected officials and staff. A copy is in the reference library in the Council Study. The information is also available on the MRSC Web Page at www.mrsc.org/ city and county profile.

A.1 CITY COUNCIL COMMITTEE ASSIGNMENTS

APPENDIX
A

City Committees:

- **Finance**
- **Public Safety**
- **Long Term Capital Improvement Program**
- **Senior Action**
- **Lodging Tax**
- **Disability**
- **Economic Development**

Regional Committees:

- **Law & Justice**
- **WRIA 8**
- **Cascade Water Alliance**
- **Regional Water Quality**
- **I-405**
- **TransLake**
- **Eastside Transportation Partnership**
- **Growth Management Planning**
- **Human Services Forum**
- **KCTC**
- **Suburban Cities Association**
  - Policy Board
  - Management Board
  - District Courts
  - King County Parks Transfer

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RESOLUTION R-4665

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING FORTH THE CURRENT RULES OF PROCEDURE FOR THE CONDUCT OF KIRKLAND CITY COUNCIL MEETINGS.

Whereas, a predetermined order of business and the adoption of rules of procedure for City Council meetings will be the most expedient means of conducting Council Meetings; and

Whereas, such order of business and rules of procedure will avoid confusion and aid in the expeditious handling of business; now, therefore,

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The order of procedure herein contained shall govern deliberations and meetings of the Council of the City of Kirkland, Washington.

Section 2. Regular meetings of the Council shall be held as provided for by ordinance.

Section 3. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time to secure the attendance of absent members.

Section 4. The order of business shall be as follows:

1. Call to order
2. Roll Call
3. Special presentations
4. Reports
    a. Council Reports
    b. City Manager reports
5. Communications
    a. Items from the audience (3 minute limitation. See Section 5)
    b. Petitions
6. Consent calendar
    a. Approval of minutes
    b. Audit of accounts and payment of bills and payroll
    c. Written Correspondence

i. Routine

ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.

d. Award of bids

e. Acceptance of public improvements and establishing lien periods

f. Approval of agreements

g. Resolutions and Ordinances

h. Other routine items of business

Any matter, which because of its routine nature, would qualify for placement on the Consent calendar pursuant to this section, may be included on the Consent Calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a Resolution or Ordinance.

Any item may be removed from the consent calendar upon the request of any Councilmember. All items remaining on the consent calendar shall be approved by a single motion. Whenever an Ordinance is included on the Consent Calendar, approval of the calendar shall be by roll call vote.

7. Public hearings
8. Unfinished business
9. New business
10. Announcements
11. Adjournment

Section 5. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council:

1. During the time for "Items from the audience", speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the audience".

2. During the time for "Items from the audience", speakers will be limited to 3 minutes apiece. No more than 3 speakers may address the Council on any one subject. However, if both proponents

and opponents wish to speak, then up to 3 proponents and up to 3 opponents of the matter may address the Council.

Section 6. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Emergency items arising after the regular agenda has been prepared shall be referred to the City Manager for inclusion, as an Addendum to the agenda.

Section 7. Written Correspondence: Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council Meeting Agenda by the City Clerk, but rather transmitted to the Councilmembers in their weekly informational packet.

2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be placed by the Clerk on the agenda under the Written Correspondence - Routine Section of the consent calendar. A brief staff memorandum should accompany each letter explaining the request and recommending a course of action.

3. Significant Correspondence - Written correspondence which obviously requires some Council discussion, is of a policy nature

or for which a non-routine official action or response is required, shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the consent agenda under the item Written Correspondence Relating to Quasi-Judicial Matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

Section 8. ROBERTS RULES OF ORDER, REVISED, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this resolution.

Section 9. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. State each motion and to require a second to that motion before permitting discussion.
4. Handle discussion in an orderly way:
   a. Give every Councilmember who wishes an opportunity to speak.
   b. Permit audience participation at appropriate time.
   c. Keep all speakers to the rules and to the question.
   d. Give pro and con speakers equal opportunity to speak.
5. Put motions to a vote and announce the outcome.
6. Suggest but not make motions for adjournment.
7. Appoint committees when authorized to do so.

Section 10. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 11. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.

Section 12. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.

Section 13. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

Section 14: Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a council member has a financial interest in the question or, in quasi-judicial matters, where a council member has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

To adjourn, to table or continue a matter,

To go into or out of executive session,

To schedule a special meeting of the City Council,

To add or remove items on a Council meeting agenda,

To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,

To establish the date for a public hearing, unless such hearing is required to be set by Ordinance or Resolution,

To authorize call for bids or requests for proposals, and

To approve a consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for

payment of money included on said consent calendar, has first been removed therefrom.

Section 15: A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

Section 16: A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Council-members are present.

Section 17. Except as provided in Sections 14 and 15, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

Section 18. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

Section 19. A motion for adjournment shall always be in order.

Section 20. The presiding officer of the Council may, at his discretion, call any member to take the Chair, to allow the presiding officer to address the Council, make a motion, or discuss any other matter at issue.

Section 21. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; PROVIDED that at least four (4) affirmative votes be cast.

Section 22. The chairman of each respective committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 23. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the city of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

Section 24. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance shall be recorded in the minutes. At the request of any member, the ayes and nays shall be taken on any other question and entered in the minutes. Copies of the minutes shall be sent to the members of the Council prior to their next regular meeting.

Section 25. The City Council shall consider a Process IIA appeal under KZC Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC150.125.

Section 26. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

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

Attachment D

Chapter 6
City Council Meetings

6.01 Meeting Schedule

Regular meetings are held the first and third Tuesdays of each month at 7:30 p.m. This is set forth in Chapter 3.10 of the Kirkland Municipal Code. Should these days happen to be designated as a legal holiday the Council meeting will be held the Wednesday immediately following the legal holiday.

6.02 Public Notice of Meetings and Hearings

Pursuant to Kirkland Municipal Code 3.10.010, notice of a public hearing shall be by inclusion of the hearing in the agenda, unless publication of notice of hearing is specifically required.

6.03 Special Meetings

Special meetings may be called by either the Mayor or Deputy Mayor, or by the request of four Council Members. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, by fax or by electronic mail to each member of the Council and to each local newspaper of general circulation, and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

6.04 Neighborhood Council Meetings

[Reserved]

6.05 Study Sessions

The City Council may meet informally in a study session. The study session is the forum used by Council to for the purpose of information study, review, and general discussion. No final action is taken while in a study session unless the requirements of RCW Chapter 42.30 have been met, including the requirement of public notice for special meetings.

SAMPLE

6.06 Executive Session

[Reserved]

6.07 Placing Items on the Agenda

A. Agenda Planning
The agenda is normally set by the City Manager in consultation with the Mayor and Deputy Mayor. Calendar updates are agendas are included on all regular Council meeting agendas and provide an opportunity for Council Members to request that items be added for future meetings. City Council packets are available electronically no later than the Friday prior to the scheduled regular meeting.

B. City Council
A Council Member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or

6.08 Order of Business

The City Council, by adoption of its Rules of Procedure for the Conduct of Kirkland City Council Meetings establishes the general order of meetings. This section summarizes each meeting component.

A. Call to Order
The Mayor, or in the Mayor's absence the Deputy Mayor, presides over all meetings of the City Council, and after determining that a quorum is present, calls the meeting to order.

B. Roll Call
The Mayor or City Clerk, or designee, takes roll and announces the presence or absence of individual Council Members.

C. Special Presentation
The City Council may receive or present awards or create days for special recognition during this segment of the meeting. The Council may also take the opportunity to acknowledge outstanding achievements or give special recognition through proclamations. As described in Section 4.03 of the Manual, the Mayor has the authority to initiate and execute proclamations.

D. Reports

1. During this portion of the agenda, Council Members will share current activities on regional, state, and federal committees, boards, or commissions on which they serve.

SAMPLE

2. Provides an opportunity for the City Manager to share current information and for members of the Council to advise the City Manager of changes to the projected Council calendar.

E. Items from the Audience

During this portion of the meeting, the Mayor will invite citizens to talk with the Council about topics that are not quasi-judicial or scheduled for public hearing on the evening's agenda. Speaker's presentations are limited to three minutes. In the Council Rules, the Council has limited the number of persons who can speak for or against a particular issue, to three on each side. Speakers are asked to sign a "Sign-in Sheet" and provide their name and address at the time they speak.

F. Consent Agenda

Those matters of business that require action by the Council which are considered to be of a routine nature are placed on the consent agenda. The individual items on the consent agenda shall be approved, adopted, or enacted by one motion of the Council. Whenever an ordinance is included on the Consent Calendar approval of the calendar shall be by roll call vote.

Council Members may request to withdraw (or pull) any item and take action separately on that item.

G. Public Hearings

H. Unfinished Business

Items and topics which have been previously brought before the Council.

I. New Business

Items or topics that are new to the Council shall be scheduled for consideration under this section of the agenda.

J. Announcements

K. Adjournment

6.09 Council Attendance Policy

RCW 35A.13.020 (Council-Manager Plan of Government) directs us to RCW 35A.12.060 (Mayor-Council Plan of Government) - Vacancy for Nonattendance. A council position shall become vacant if the Council Member fails to attend three consecutive regular meetings of the Council without being excused by the Council.

6.10 Open Meeting Law

A. Applicability

SAMPLE

The open meeting law applies to the City Council and all advisory boards and commissions appointed by the City Council.

B. Meetings

All meetings of the Council shall be open to the public, except in the special instances as provided in RCW 42.30.110, as hereafter amended. A meeting takes place when a quorum (a majority of the total number of Council Members currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon.

6.11 Attendance via Speakerphone

From time to time, a Council Member will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Council Member to attend a Council meeting via speakerphone are as follows:

A. The Rare Occasion

Attendance via speakerphone (AVS) should be the rare exception, not the rule, and AVS is limited to two times per year per Council Member. Examples of situations where AVS would be appropriate include, but are not limited to:

- An agenda item is time sensitive, and AVS is needed for a quorum;
- An agenda item is of very high importance to the Council Member that cannot be physically present;
- It is important for **all** Council Members to be involved in a decision, but one Council Member is unable to be physically present.
- AVS should be limited to one agenda item, not the entire Council meeting. (Bothell)

or

A. **Teleconference participation** by Council members may be allowed under the following circumstances, subject to reasonable technical availability at the meeting location:

(1) Requests to use **Teleconference participation for <u>voting</u> purposes** shall be limited to extraordinary circumstances and must be ruled upon by the Council of the whole by specific motion before the Council main agenda begins. In such case, a microphone pickup must allow the Teleconference participant to engage in Council discussion and be heard. Telephone charges are to be at the Councilmember's own expense, unless waived in the Council motion. Adequate notice must be given to allow hookup in time for the main agenda

SAMPLE

(2) Requests to participate by **Teleconference in a <u>nonvoting</u> capacity** shall be granted provided technical capability exists and adequate notice is given, and shall be at the Councilmember's own expense, unless waived in the Council motion.

(3) No teleconference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.

Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent business, etc. (Battle Ground)

or

A. Teleconference participation by Council members may be allowed under the following circumstances, subject to reasonable technical availability at the meeting location:

1. Requests to use **teleconference participation for *voting* purposes** shall be limited to extraordinary circumstances and must be ruled upon by the Council-of-the-Whole by specific motion before the Council main agenda begins. Adequate notice for these requests must be conveyed to the Presiding Officer to permit installation of the required equipment prior to the specified Council meeting or meetings. In such case, a microphone pickup must allow the teleconference participant to engage in Council discussion and be heard. Teleconferencing charges are to be at the Council Member's own expense, unless waived in the Council motion.
2. Requests to participate by **teleconference in a *nonvoting* capacity** shall be granted provided technical capability exists and adequate notice is given, and shall be at the Council member's own expense, unless waived in the Council motion.
3. No teleconference participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.
4. Examples of extraordinary circumstances would be: emergencies or illness,
accident, unforeseen urgent business, etc.

B. *Attendance - Procedure*

1. The Council Member attending via speakerphone
   a. must be able to hear the discussion on the agenda item taking place in the Council chambers, and
   b. must be able to be heard by all present in Council Chambers.
2. When the particular agenda item is ready to be discussed, the Mayor (or presiding officer, if the Mayor is not physically present) should state for the record:

SAMPLE

a. Let the record reflect that Council Member _____ is attending via speakerphone for Agenda Item No. _____, relating to _____.
b. Council Member _____, can you hear me? [There must then be a clearly audible response in the affirmative.]
c. Let the record reflect that Council Member _____, who is attending via speakerphone, can be heard by all present in Council chambers.

3. Upon conclusion of the particular agenda item, the Mayor (or presiding officer, if the Mayor is not physically present) should state:
   a. Council Member _____, discussion on Agenda Item No. _____ has concluded. Thank you for your attendance via speakerphone. The telephone connection will now be terminated. [Connection should be terminated at this time.]
   b. Let the record reflect Council Member _____'s attendance via speakerphone has been terminated. Next on the agenda is …

C. *Notification*

If a Council Member wishes to attend a Council meeting via speakerphone for an agenda item, the Council Member should notify Council of his or her intent at the Council meeting prior to the meeting for which they wish to attend via speakerphone. This notification should be made during the Council's review of the projected agenda.

If that is not possible, the Council Member should notify the City Manager of his or her wish to attend a Council meeting via speakerphone for an agenda item not later than the business day prior to the Council meeting for which he or she wishes to attend via speakerphone. With less notice, it may not be possible to make the necessary arrangements to allow attendance via speakerphone. (Port Townsend)

SAMPLE

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: Eric Olsen, Chief of Police

Date: December 8, 2008

Subject: Presentation of 30 Year Service Award

RECOMMENDATION**:**

Approve that Council present a 30 Year Service Award to Sergeant Pat Gallagher at the regular January 6, 2009 City Council meeting.

BACKGROUND DISCUSSION:

Pat Gallagher started his law enforcement career as an intern with the Spokane County Sheriff's office in 1974. In 1975, he was hired by Spokane County as a jail assistant working in corrections and probation. In 1976, Pat was hired by the Whitman County Sheriff's Office as a Deputy assigned to Patrol where he remained until hired by the Kirkland Police Department in November of 1978. Pat has served in Patrol, Traffic, and as a member of the department's Special Response Team. He is a certified police bicycle instructor. Pat is a member of the department's Honor Guard and serves as the coordinator for that cadre. In 1998, Pat was promoted to Corporal and in 2001, he was promoted to Sergeant. He served for three years as the Community Services Unit Sergeant and in 2006, returned to Patrol where he currently supervises a Patrol squad. Pat and his wife Paula have two children, Matt and Melissa, and reside in Bothell.

CITY OF KIRKLAND

Service Award

CITY OF KIRKLAND WASHINGTON

The City of Kirkland Proudly Recognizes and Honors

Patrick Gallagher

for your contributions over the last 30 years as of November 1, 2008.

Thank you for your service.

James L. Lauinger, Mayor

David H. Ramsay, City Manager

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: December 29, 2008

Subject: Special Presentation: Neighborhood Winner of the City-wide Food Drive

Recommendation:
City Council will recognize winning Neighborhood of the City-wide Food Drive and present them with a certificate for a two hour pool party this summer.

Background:
As discussed in the joint meeting with the Human Services Advisory Committee in late October, staff followed guidance by Council to launch a Neighborhood City-wide Food Drive to help Hopelink fill their shelves for the holidays. In addition to the Neighborhood Food Drive, Youth Council, Senior Council, and City of Kirkland employees added to the efforts.

This initiative was very successful. Shona Koester, Director of the Kirkland Hopelink branch, will present the results of the City-wide Food Drive and announce the winner.

It took a lot of effort, logistics, and staff assistance to implement the City-Wide Food Drive. Special thanks goes to the committee that organized this effort: Kari Page, Marie Stake, Sharon Anderson, Regi Schubiger, Judy Manchester, Brenda Cooper, Angela Warmuth, Victoria Davies, Dana LaRue, Tom and Sharon Sherrard, the Human Services Advisory Committee, Youth Council, Senior Council, Neighborhood Associations, Shona Koester (Hopelink Director), and Carrie Hite. Also, special thanks is extended to Jason Filan and the parks crews who weathered the snow and storms to pick up all the food and deliver it to the foodbank. Kirkland can be proud of its efforts to fill the Hopelink shelves.

KIRKLAND CITY COUNCIL SPECIAL STUDY SESSION
December 11, 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, and Councilmember Bob Sternoff.
Members Excused: Tom Hodgson

Councilmember Tom Hodgson was excused as he was out of the country.

3. SPECIAL STUDY SESSION

a. Touchstone (Parkplace) Private Amendment Request

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Director of Finance and Administration Tracey Dunlap, Director of Fire and Building Fire Chief Jeff Blake, Director of Planning and Community Development Eric Shields, Senior Planner Angela Ruggeri, Transportation Engineering Manager Dave Godfrey, Transportation Engineer Thang Nguyen, Planning Commission members Vice Chair Andy Held, Chair Byron Katsuyama, Design Review Board Chair Brian Berg and Consultant Ron Loewen of ICF Jones and Stokes.

4. ADJOURNMENT

The Kirkland City Council special study session of December 11, 2008 was adjourned at 8:45 p.m.

City Clerk Mayor

KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
December 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. 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, Senior Planner Jon Regala, Design Review Board Chair Brian Berg and Vice Chair Carter Bagg.

4. EXECUTIVE SESSION

a. To Discuss Pending Litigation

5. SPECIAL PRESENTATIONS

a. Fire Captain Larry Peabody - Thirty Year Recognition

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Burlington Northern Santa Fe Railroad Advisory Board meeting; the annual Eastside Human Services Forum; Metropolitan Solid Waste Advisory Committee activities; a public hearing on a proposed jail site in Kingsgate; the Suburban Cities northern caucus and appointment of Councilmember Sternoff to the Board, and offered thanks for recent police traffic enforcement in neighborhoods.

b. City Manager

(1) Calendar Update

(2) NEC Jail Correspondence

Motion to Approve draft North and East Cities (NEC) Jail Correspondence.
Moved by Mayor Jim Lauinger, no second required
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) Severe Weather update

7. COMMUNICATIONS

a. Items from the Audience

Blair Jordan, 11410 NE 106th Lane, Kirkland, WA
Jay Arnold, 105 18th Place, Kirkland, WA
Wally Costello, 11505 NE 75th Street, Kirkland, WA
A-P Hurd, Kirkland Parkplace, Kirkland, WA
Georgine Foster, 4517 102nd Lane NE, Kirkland, WA
Justine Peshette, 11620 97th Avenue NE, Kirkland, WA
Todd Johnson, 20513 113th Drive SE, Snohomish, WA
Pete Mangouros, 10803 126th Avenue, Kirkland, WA
Penny Sweet, 700 20th Avenue West, Kirkland, WA
Linda Jones, 8725 126th Avenue NE, Kirkland, WA
William Sirokman, 7336 122nd Avenue NE, Kirkland, WA
Paul Nienaber, 12609 NE 5th Street, Bellevue, WA
Mike Nienaber, 7829 NE 14th Street, Medina, WA
Jeff Eustis, 720 3rd Avenue, #2112, Seattle, WA
Manny Mankowski, 1510 5th Place, Kirkland, WA
Ken Davidson, 520 Kirkland Way, Kirkland, WA
Gary Greenburg, 10335 NE 55th Street, Kirkland, WA
Patrick Mullany, 1111 3rd Avenue, Seattle, WA
Angelique Rice, 428 16th Lane, Kirkland, WA

b. Petitions

None.

8. CONSENT CALENDAR

a. Approval of Minutes: December 2, 2008

b. Audit of Accounts:
Payroll $ 2,175,051.58
Bills $ 1,466,514.23
run #788 check #'s 504315 - 504316
run #789 check #'s 504339 - 504458
run #790 check #'s 504459 - 504635
run #791 check #'s 504636 - 504801

c. General Correspondence

(1) Governor Christine Gregoire, Regarding Dispute Resolution Centers Funding

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) NE 126th Street/94th Avenue NE Channel Restoration Project

g. Approval of Agreements

(1) Resolution R-4734, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT TO THE JOINT AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN THE CITY OF KIRKLAND AND KING COUNTY FIRE PROTECTION DISTRICT NO. 41 TO EXTEND THE DURATION OF THE JOINT AGREEMENT THROUGH 2010"

h. Other Items of Business

(1) Ordinance No. 4164, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PURCHASING AND ADDING A NEW SECTION 3.85.160 TO THE KIRKLAND MUNICIPAL CODE TO CLARIFY THAT SOLID WASTE COLLECTION AND RECYCLING SERVICES ARE NOT SUBJECT TO THE PURCHASING CHAPTER"

(2) Ordinance No. 4165, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 3.16.065 OF THE KIRKLAND MUNICIPAL CODE RELATING TO AUTHORITY TO SIGN AGREEMENTS"

(3) Ordinance No. 4166, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE COMPENSATION FOR JUDGE PRO TEM"

(4) Ordinance No. 4167, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SALARY FOR THE CITY MANAGER"

(5) Ordinance No. 4159, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2007-2008"

(6) Implementing 2009 Sewer Capital Facility Charges

(7) Report on Procurement Activities

Motion to Approve the consent calendar.
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 at 9 p.m.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. 2007-2008 Comprehensive Plan Amendments:

(1) Ordinance No. 4156 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan as Part of the 2007-2008 City Initiated Comprehensive Plan Amendment Project, (Ordinance 3481 as Amended) and Amending Ordinance 3710 as Amended, the Kirkland Zoning Map, as Required by RCW 36.70A.130 to Ensure Continued Compliance with the Growth Management Act

Motion to Approve Ordinance No. 4156 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS PART OF THE 2007-2008 CITY INITIATED COMPREHENSIVE PLAN AMENDMENT PROJECT, (ORDINANCE 3481 AS AMENDED) AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70a.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, FILE NO. ZON07-00001 AND APPROVING A SUMMARY FOR PUBLICATION"
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.

(2) Ordinance No. 4157 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan as a Result of the Nakhjiri Private Amendment Request Ordinance 3481 as Amended, and Amending Ordinance 3710 as Amended, the Kirkland Zoning Map, As Required by RCW 36.70A.130 to Ensure Continued Compliance with the Growth Management Act

Motion to Approve Ordinance No. 4157 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS A RESULT OF THE NAKHJIRI PRIVATE AMENDMENT REQUEST ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00010."
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.

(3) Ordinance No. 4158 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan as Part of the Hart Private Amendment Request and TL9 Zoning Implementation Project, Amending the Comprehensive Plan, (Ordinance 3481 as Amended), Amending the City of Kirkland Zoning Map (Ordinance 3710 as Amended), and Amending the Kirkland Zoning Ordinance (Ordinance 3719 as Amended), to Conform to the Comprehensive Plan

Motion to Approve Ordinance No. 4158 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS PART OF THE HART PRIVATE AMENDMENT REQUEST AND TL9 ZONING IMPLEMENTATION PROJECT, AMENDING THE COMPREHENSIVE PLAN, (ORDINANCE 3481 AS AMENDED), AMENDING THE CITY OF KIRKLAND ZONING MAP (ORDINANCE 3710 AS AMENDED), AND AMENDING THE KIRKLAND ZONING ORDINANCE (ORDINANCE 3719 AS AMENDED), TO CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00023 AND FILE NO ZON06-00019 ."
Moved by Deputy Mayor Joan McBride, 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.

(4) Ordinance No. 4155 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, and Approving a Summary for Publication, Related to the South Kirkland Park and Ride

Motion to Approve Ordinance No. 4155 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, AND APPROVING A SUMMARY FOR PUBLICATION, RELATED TO THE SOUTH KIRKLAND PARK AND RIDE, FILE NO. ZON08-00002."
Moved by Deputy Mayor Joan McBride, 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.

(5) Ordinance No. 4168 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, Amending the NE 85TH Street Subarea Plan Policy NE-85-4.1B

Motion to Approve Ordinance No. 4168 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, AMENDING THE NE 85TH STREET SUBAREA PLAN POLICY NE-85-4.1B, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00017."
Moved by Deputy Mayor Joan McBride, seconded by Councilmember Mary-Alyce Burleigh
Vote: Motion carried 5-2
Yes: Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.
No: Mayor Jim Lauinger, and Councilmember Dave Asher.

(6) Ordinance No. 4169 and its Summary, Relating to Zoning, Planning, and Land Use and Amending the Use Zone Chart for the Rose Hill Business District (RH) 1B Zone, Section 53.12 of the Kirkland Zoning Code, Ordinance 3719 as Amended, to Add a New Vehicle Service Station Use Listing, and Approving a Summary for Publication

Motion to Approve Ordinance No. 4169 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE

AND AMENDING THE USE ZONE CHART FOR THE ROSE HILL BUSINESS DISTRICT (RH) 1B ZONE, SECTION 53.12 OF THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, TO ADD A NEW VEHICLE SERVICE STATION USE LISTING, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00017."
Moved by Deputy Mayor Joan McBride, seconded by Councilmember Mary-Alyce Burleigh
Vote: Motion carried 5-2
Yes: Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.
No: Mayor Jim Lauinger, and Councilmember Dave Asher.

b. Human Services Funding Recommendations - 2009-2010 Budget Adoption

Motion to Approve the funding recommendations of the Human Services Advisory Committee.
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.

c. Resolution R-4735, Adopting the 2009-2014 Six-Year Capital Improvement Program for the City of Kirkland

Motion to Approve Resolution R-4735, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2009-2014 SIX-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF KIRKLAND"
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.

d. Ordinance No. 4160, Establishing the Amount of Property Taxes to be Levied for the Year 2009, the First Year of the City of Kirkland's 2009-2010 Fiscal Biennium and Repealing Ordinance 4154

Motion to Approve Ordinance No. 4160, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2009, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2009-2010 FISCAL BIENNIUM AND REPEALING ORDINANCE 4154"
Moved by Deputy Mayor Joan McBride, 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.

e. 2009-2010 Budget Adoption:

(1) Ordinance No. 4161 and its Summary, Relating to Business License and Regulations and Amending Chapter 7.02 of the Kirkland Municipal Code

Motion to Approve Ordinance No. 4161 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS LICENSES AND REGULATIONS AND AMENDING CHAPTER 7.02 OF THE KIRKLAND MUNICIPAL CODE"
Moved by Deputy Mayor Joan McBride, seconded by Councilmember Jessica Greenway
Vote: Motion carried 5-2
Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.
No: Councilmember Dave Asher, and Councilmember Bob Sternoff.

(2) Ordinance No. 4162, Increasing the Utility Tax on Certain Utilities to Provide Revenue for City Services; Amending Kirkland Municipal Code Chapter 5.08 and Establishing Effective Dates

Motion to Approve Ordinance No. 4162, entitled "AN ORDINANCE OF THE CITY OF KIRKALND INCREASING THE UTILITY TAX ON CERTAIN UTILITIES TO PROVIDE REVENUE FOR CITY SERVICES; AMENDING KIRKLAND MUNICIPAL CODE CHAPTER 5.08 AND ESTABLISHING EFFECTIVE DATES"
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.

(3) Ordinance No. 4163, Adopting the Biennial Budget for 2009-2010

Motion to Approve Ordinance No. 4163, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING THE BIENNIAL BUDGET FOR 2009-2010"
Moved by Deputy Mayor Joan McBride, seconded by Councilmember Jessica Greenway
Vote: Motion carried 6-1
Yes: Mayor Jim Lauinger, Deputy Mayor Joan McBride, Councilmember Dave Asher, Councilmember Mary-Alyce Burleigh, Councilmember Jessica Greenway, and Councilmember Tom Hodgson.
No: Councilmember Bob Sternoff.

f. Touchstone (Parkplace) and Altom Private Amendment Requests:

(1) Ordinance No. 4170 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance

3481 as Amended, to Implement Changes to the Downtown Plan Section of the Moss Bay Neighborhood Plan and the Transportation Element

Motion to Approve Ordinance No. 4170 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE DOWNTOWN PLAN SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN AND THE TRANSPORTATION ELEMENT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016
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.

Motion to Amend Ordinance No. 4172 and its Summary, changing a sentence in the Parkplace master plan and design guidelines to read "Buildings located in the southernmost portion of the site should provide substantial and generous modulation in response to their proximity to neighboring buildings."
Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway
Vote: Motion carried 7-0
Yes: Councilmember Bob Sternoff, Mayor Jim Lauinger, Councilmember Jessica Greenway, Deputy Mayor Joan McBride, Councilmember Mary-Alyce Burleigh, Councilmember Dave Asher, and Councilmember Tom Hodgson.

(2) Ordinance No. 4171 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), and the Kirkland Zoning Map , Ordinance 3710 as Amended, to Implement the New CBD5A Zone

Motion to Approve Ordinance No. 4171 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO IMPLEMENT THE NEW CBD5A ZONE, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016
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.

(3) Ordinance No. 4172 and its Summary, Relating to Planning and Land Use and Amending Title 3 of the Kirkland Municipal Code, Chapter 3.30 Design Review Board, to Include "Kirkland Parkplace Mixed Use Development

Master Plan and Design Guidelines."

Motion to Approve Ordinance No. 4172 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING TITLE 3 OF THE KIRKLAND MUNICIPAL CODE, CHAPTER 3.30 DESIGN REVIEW BOARD, TO INCLUDE "KIRKLAND PARKPLACE MIXED USE DEVELOPMENT MASTER PLAN AND DESIGN GUIDELINES," AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016" AS AMENDED.
Moved by Deputy Mayor Joan McBride, 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.

(4) Ordinance No. 4173 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan, Ordinance 3481 as Amended, to Implement Changes to the Planned Area 5 Section of the Moss Bay Neighborhood Plan, and the Moss Bay Neighborhood Land Use Map

Motion to Approve Ordinance No. 4173 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, TO IMPLEMENT CHANGES TO THE PLANNED AREA 5 SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN, AND THE MOSS BAY NEIGHBORHOOD LAND USE MAP, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00019"
Moved by Deputy Mayor Joan McBride, 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.

(5) Ordinance No. 4174 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) Chapter 92, Design Regulations, and a Use Zone Chart in Chapter 60 and the Kirkland Zoning Map, Ordinance 3710 as Amended

Motion to Approve Ordinance No. 4174 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) CHAPTER 92. DESIGN REGULATIONS, AND A USE ZONE CHART IN CHAPTER 60 AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019."
Moved by Deputy Mayor Joan McBride, 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.

(6) Ordinance No. 4175 and its Summary, Relating to Land Use and Planning; Establishing a Planned Action for Two Areas in the Moss Bay Neighborhood Generally Located East of Peter Kirk Park, South of Central Way/NE 85th Street, West of 10TH Street, and North of Kirkland Way Pursuant to the State Environmental Policy Act, RCW 43.21C.031

Motion to Approve Ordinance No. 4175 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO AREAS IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 85TH STREET, WEST OF 10TH STREET, AND NORTH OF KIRKLAND WAY PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT, RCW 43.21C.031"
Moved by Deputy Mayor Joan McBride, 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.

11. NEW BUSINESS

None.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of December 16, 2008 adjourned at 11:24 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

To: Dave Ramsay, City Manager

From: Daryl Grigsby, Public Works Director
David Godfrey, P.E., Transportation Engineering Manager

Date: December 19, 2008

Subject: COMMENT LETTER ON RAIL FEASIBILITY STUDY

RECOMMENDATION**:**

It is recommended that the Council authorize the Mayor to sign the attached comment letter regarding the feasibility of rail on the eastside rail corridor. The study was prepared at the direction of the state legislature by the Puget Sound Regional Council in cooperation with Sound Transit.

BACKGROUND DISCUSSION:

City Council and many Kirkland residents have a keen interest in the development of the rail corridor that runs through Kirkland. In 2008, the Port of Seattle, King County and the Burlington Northern Santa Fe Railroad reached an agreement whereby the Port would purchase the rail corridor from BNSF and then sell a trail easement to King County. This transaction was expected to be complete in late 2008, but the status of the credit market made it difficult for the Port to sell the necessary bonds. The Port expects to sell the bonds to a more favorable market in early 2009.

The recently passed ST2 measure includes a maximum contribution of $50 million which may be used for engineering and design, and for the purchase of capital equipment and real estate that can either be sold or used on Sound Transit's existing transportation system. Sound Transit's investment is contingent upon three conditions being met prior to December 31, 2011.

1. Completion of the Sound Transit/PSRC feasibility study and determination that passenger rail on the Eastside BNSF corridor is feasible and would be a meaningful component of the region's future transportation system, as required by state law;
2. The Sound Transit Board's determination that the ridership forecasts, financing plan, and capital and operating cost estimates and operating plan are reasonable and that the service will provide substantial benefits to the regional transportation system in the Sound Transit District; and
3. Execution of an agreement with other public or private parties regarding the implementation of a passenger rail system.
4. If a partnership for passenger rail on the Eastside BNSF is not executed by December 31, 2011, the $50 million in ST2 plan for a partnership will be reprogrammed to further implementation of BRT service on the I-405 corridor.

This Council and past Councils have strongly supported development of a trail for walking and biking along the rail corridor. In June, Council took the following position:

"The City of Kirkland has long looked upon the BNSF right-of-way as primarily a facility for non-motorized travel. However, we are also interested in an investigation of how rail transport might function alongside a trail. There are a number of unanswered questions concerning rail operations including impact on residential neighborhoods and local street traffic, ridership potential, parking accommodation and station locations."

In 2008, the State Legislature passed SHB 3224 with the following purpose:
".. determining whether commuter rail service between eastern Snohomish County and eastern King County ... can be a meaningful component of the region's future transportation system." It required Sound Transit and the PSRC to "submit a joint report on the results to Senate & House transportation committees by Feb 1, 2009

A draft of that report has been completed. An executive summary and a powerpoint presentation on the draft report are attached. The entire report is available online. Capital costs for developing the entire corridor are estimated at about $1 billion in capital costs plus about $350 million to develop the multi-use trail. Maintenance and operating costs are estimated at about $28 million/year. Ridership on the segment between Woodinville and Bellevue is estimated to be 1,770 in 2020 with ridership on the entire corridor forecast to be 6,070 in 2020.

The draft report concludes that:

- Passenger rail is feasible on the corridor; there are no fatal flaws.
- Costs are high, but far cheaper than establishing a new corridor.
- Ridership is moderate.

Given that the direction from the legislature was to determine the answer to this question: "Can commuter rail service between eastern Snohomish County and eastern King County ... be a meaningful component of the region's future transportation system.", the report is adequate. Unfortunately, the legislature did not define what feasibility means. In particular, there is no upper limit on cost per trip that would define rail unfeasible. Many of the questions that the Council is interested in are left unanswered by the study. Mostly this is due to the fact that many of these questions are beyond the scope of the report. For Kirkland, the answers to these questions will determine whether or not rail is desirable.

PSRC's and Sound Transit's
BNSF Woodinville Subdivision Feasibility Study
(East Snohomish and King Counties)

Ad Hoc Advisory Committee

December 10, 2008

Puget Sound Regional Council
PSRC

SOUNDTRANSIT
RIDE THE WAVE

Quick Recap:

Substitute House Bill 3224

Feasibility Study on Commuter Rail Services

- Requires ST and PSRC to work together
- SHB 3224's purpose:

  ".. determining whether commuter rail service between eastern Snohomish County and eastern King County … can be a meaningful component of the region's future transportation system."

- ST and PSRC "shall submit a joint report on the results to Senate & House transportation committees by Feb 1, 2009

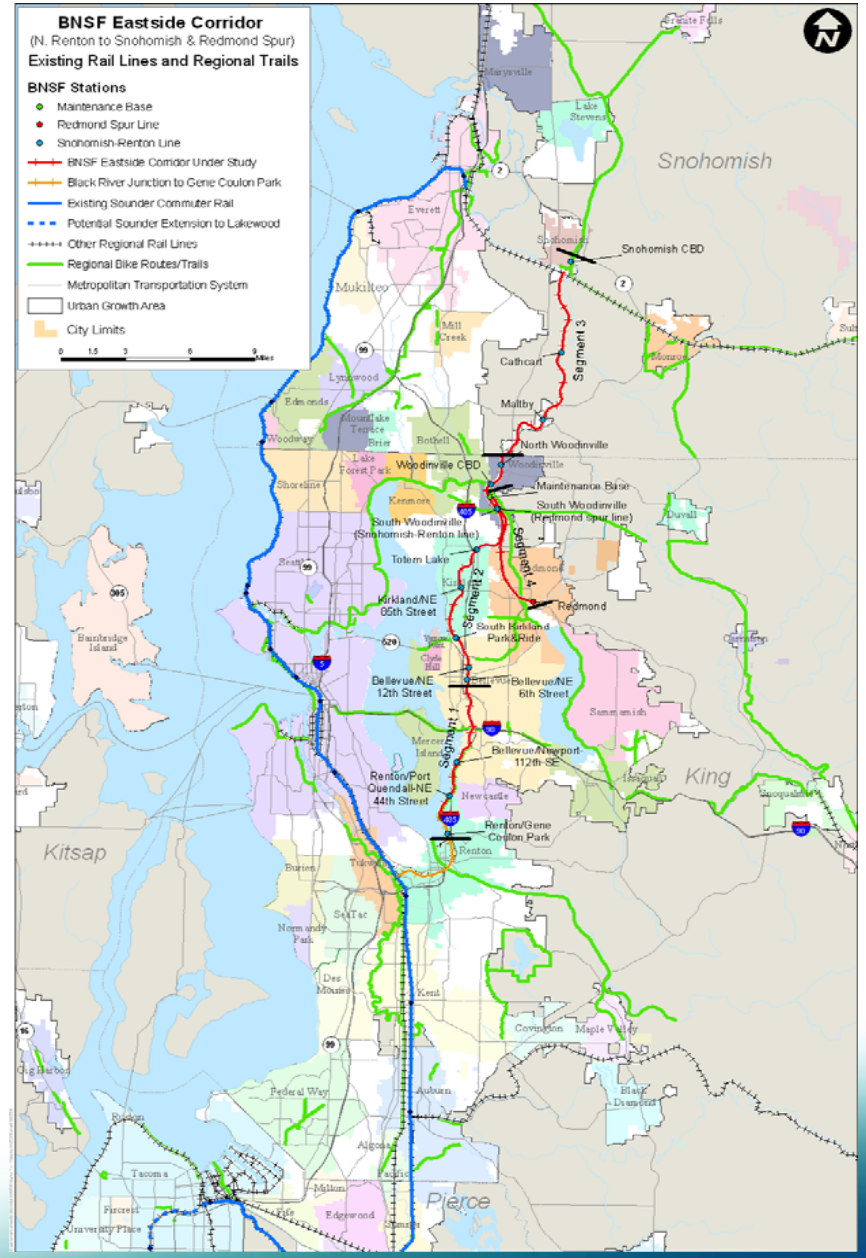
Puget Sound Regional Council PSRC

SOUNDTRANSIT RIDE THE WAVE

Quick Recap:

Description of the Woodinville Subdivision Corridor

- 34-miles from Coulon Park to Snohomish *plus* 7-mile spur from Woodinville to Redmond
- Extensively single-track
- Mostly 100-foot wide Right-of-Way
- 24 bridge structures
- 107 at-grade crossings



Puget Sound Regional Council
PSRC

SOUNDTRANSIT
RIDE THE WAVE

Quick Recap:

Condition of the Corridor

- Generally poor condition
  - Old facilities
  - Slow running speeds
- Very curvy
- Most of the ROW is not flat in cross-section
- No signals or train communication system

Quick Recap:

Status in ST2/Mass Transit Expansion

Approved by voters in the RTA District on November 4th

- $50M East King County subarea contribution; Limited to capital elements
- Potential passenger rail partnership
  - For long-term passenger rail service
- Must be committed by December 2011
  - Or, will be reprogrammed to I-405 HOV BRT service

Quick Recap:

Approach

- "Feasibility" study
  - Does not identify:
    - The optimal solution or a "preferred alternative,"
    - The lowest cost, or most cost-effective option
- Conceptual engineering only
- Identifies the cost & ridership of four primary segments
- Uses ST's ERP-reviewed costing method

Quick Recap:

Public Involvement

- Ad Hoc Advisory Committee
  - All affected jurisdictions and stakeholders
  - Meetings:
    - July 10th √
    - November 19th √
    - December 10th √
- Piggyback on Port of Seattle/King County Public Process

Puget Sound Regional Council
PSRC

SOUNDTRANSIT
RIDE THE WAVE

Quick Recap:

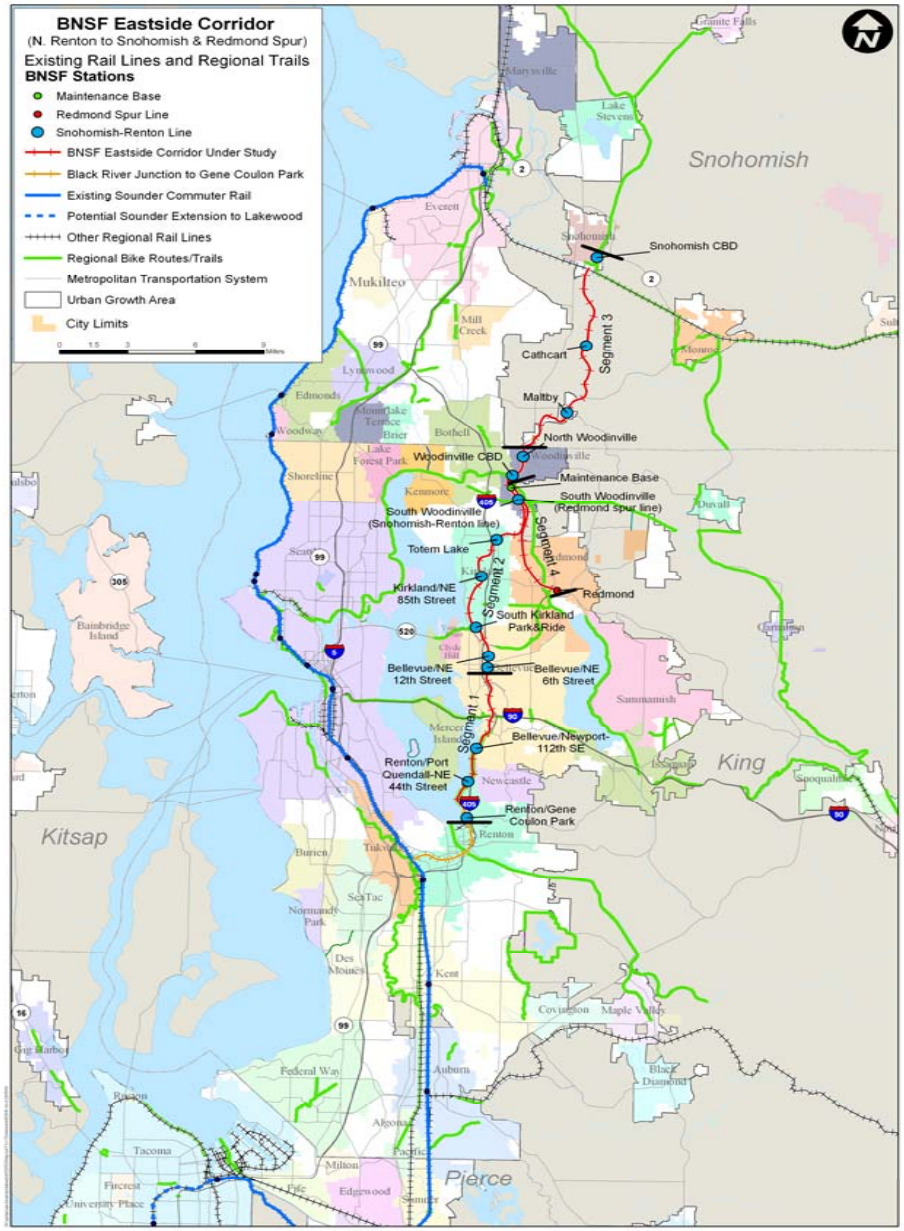
General Assumptions for the Study

- Upgrades at permanent infrastructure standards (not a demonstration project)
- Service could be either *Sounder* vehicles or DMUs
- Complete signal/communication and centralized train control systems
- No new grade-separated crossings
- New structures will accommodate freight *and* locomotive-hauled passenger trains
- Small, new yard & shops facility
- Two-direction service with 30 minute headways, each weekday
- Average speed, including stops = **24 mph** along corridor

Quick Recap:

Station Assumptions for the Study

- 16 stations
  - 2 in Renton
  - 3 in Bellevue
  - 3 in Kirkland
  - 1 in Redmond
  - 4 in Woodinville
  - 1 in Maltby
  - 1 in Cathcart
  - 1 in Snohomish
- Most would have parking
- Property acquisition necessary at some stations



Puget Sound Regional Council
PSRC

SOUNDTRANSIT
RIDE THE WAVE

Quick Recap:

Bridge/Structure Assumptions

- Significant new structures
  - Rail & trail over I-405 southbound lanes
  - Rail parallel to Wilburton trestle (trail on existing trestle)
  - Rail parallel to Snohomish River bridge (trail on existing bridge)
- Other bridges
  - Replacement of 2 low-height bridges damaged by trucks
  - Minimal upgrades to the other 20 bridges

What Work Have We Done since the Advisory Committee Last Met?

- Reconciled ridership forecasts with capital costs (southern terminus at Gene Coulon Park)
- Estimated operating & maintenance costs
- Estimated cost-effectiveness for commuter rail
- Estimated the cost of a parallel trail south of I-90

Significant Updates to the Report In Response to Other Comments

- Identified all rail and trail bridges
- Additional projects included in commuter rail cost comparison
- Expanded discussion of tourism opportunities
- Identified quantities for trail cost estimate

RIDERSHIP
(2020 daily trips)

	Cumulative Segments	Trips in 2020
Segment 2 11.7 miles	Bellevue-to-Woodinville	1,770
Segment 1+2 19.9 miles	Coulon Park-to-Woodinville	4,580* (2,810)
Segment 1+2+3 32.4 miles	Coulon Park-to-Snohomish	5,015 (435)
Segment 1+2+3+4 39.2 miles	Coulon Park-to-Snohomish with South Woodinville-to-Redmond Spur	6,070* (1,055)
	* Ridership adjusted for southern terminus at Coulon Park rather than Renton CBD	

Quick Recap:

Capital Cost Estimates for Commuter Rail

Commuter Rail System		Cost Estimate Range	Cost Estimate (2008$ millions)
Segments 1 through 4	Renton-to-Bellevue, Bellevue-to-Woodinville, Woodinville-to-Snohomish *plus* Redmond-to-Woodinville (Spur)	Low	$753
		High	$979
System Components	Vehicle Yard & Shop	Low	$57
		High	$74
	Vehicles (DMU)	Low	$64
		High	$74
	Corridor Acquisition (by Port of Seattle)		$107
TOTAL		**Low**	**$981**
		High	**$1,233**

Puget Sound Regional Council PSRC

SOUNDTRANSIT RIDE THE WAVE

Quick Recap:

How do these Cost Estimates Compare?

- Typical Commuter Rail Project Costs in U.S.
  - Range is $8 - $20 million/mile depending on needed upgrades
- "Soup-to-Nuts" cost estimate ($24-to-$30 million/mile) is higher due to:
  - Extensive structural, grade crossing and track & signal work
  - Conceptual engineering stage = higher contingency factors
  - Includes some costs likely missing from other projects' data
  - Assumes some "potential" costs (e.g., hazardous materials/soils clean-up, utility modifications)

Operations & Maintenance Costs

Cost Category	Low Range Cost Estimate (2008 $/Year)	High Range Cost Estimate (2008 $M/Year)
Vehicle operations & maintenance	6,000,000	8,000,000
Maintenance of way	2,000,000	3,000,000
Overhead and other costs	16,000,000	21,000,000
Total annual O&M costs	24,000,000	32,000,000

Conceptual Cost-effectiveness
(2008 $)

Commuter Rail Segments		Forecasted Daily Trips in 2020	Cost Estimate Range	Capital Cost Estimate	Annualized Capital Cost per Trip in 2020
Segment 2 13.5 miles	Bellevue to Woodinville	1,770	Low	$230	$22.05
			High	$299	$28.66
Segments 1+2 21.7 miles	Coulon Park to Woodinville	4,580	Low	$414	$15.33
			High	$538	$19.93
Segments 1+2+3 34.1 miles	Coulon Park to Snohomish	5,015	Low	$638	$21.57
			High	$829	$28.04
Segments 1+2+3+4 41.0 miles	Coulon Park to Snohomish plus spur	6,070	Low	$753	$21.05
			High	$979	$27.37

Quick Recap:

Capital Cost Estimates for Concurrent Trail

Segment		Lower Cost Option (2008$ millions)	Higher Cost Option (2008$ millions)
Renton-to-Bellevue	Low	$67	$72
	High	$87	$94
Bellevue-to-Woodinville	Low	$109	$128
	High	$141	$167
Woodinville-Snohomish	Low	$95	$97
	High	$124	$126
Redmond-Woodinville	Low	$27	$35
	High	$35	$46
Total	**Low**	**$297**	**$332**
	High	**$387**	**$432**

General findings

- Passenger rail service on the Woodinville Subdivision appears to be feasible
  - Genuine potential for significant ridership
  - Implementing a *permanent* service could be expensive, but far cheaper than establishing a new ROW from scratch
  - Feasibility Study revealed no clear fatal flaws
- If rail bed remains in place, a trail costs more
  - If trail uses rail bed first, passenger rail would cost more later

Conclusions

- Passenger rail could be a meaningful component of the region's transportation system
  - Segments & stations could be phased-in; most productive first
  - Rail-related capital improvements could be phased-in as corridor ridership grows
  - Corridor connects several Regional Growth Centers
- For most of the Corridor's length, a concurrent/parallel pedestrian & bicycle trail could also fit within the ROW
- Passenger rail service does not preclude freight and tourism/excursion trains

Next Steps

- Receive final comments now and issue **Final** Report in January
- Presentations to PSRC Transportation Planning Board and ST Board of Directors (12/11)
- Compile jurisdictional and agency comments in a report appendix
- Final Report to Legislative Transportation Committees in January
- Presentation to Transportation Committees, *if requested*, by February 1st
- Further study/refinement of passenger rail in the corridor
- ST request for proposals from interested partners (2009/2010)

BNSF Woodinville Subdivision Feasibility Study

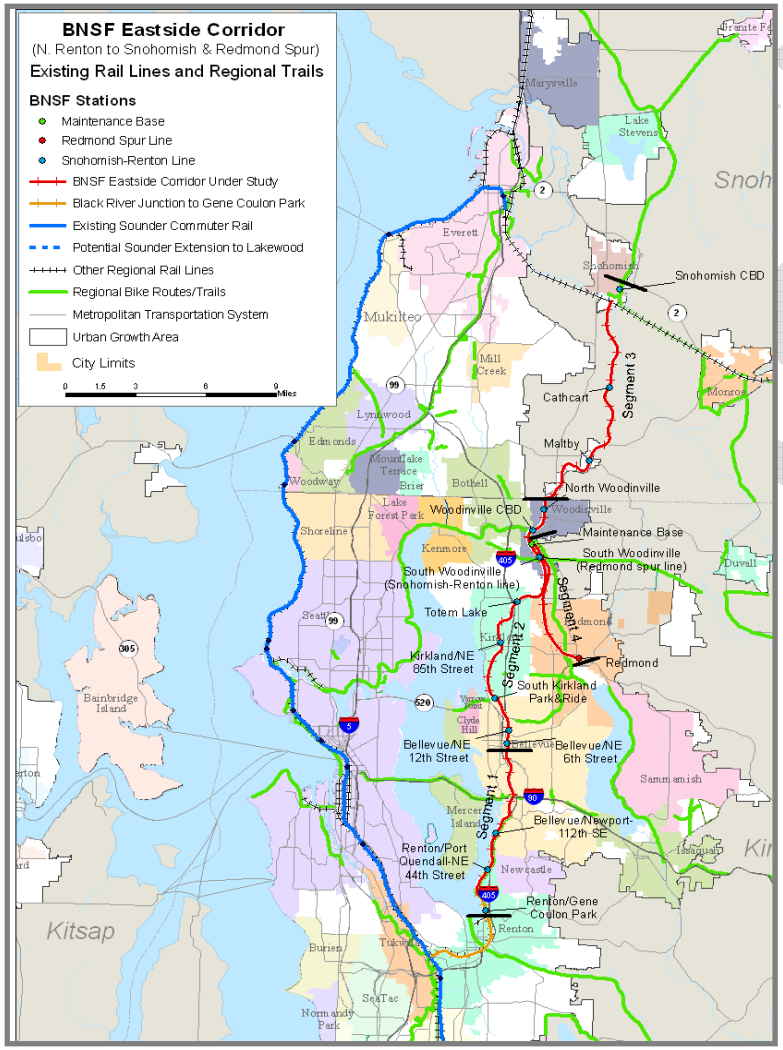
Questions? Comments?

Puget Sound Regional Council
PSRC

SOUNDTRANSIT
RIDE THE WAVE

DRAFT Executive Summary
BNSF Eastside Corridor Commuter Rail Feasibility Study

Background
In 2008, the state legislature passed Substitute House Bill 3224, directing Sound Transit and the Puget Sound Regional Council (PSRC) to complete a feasibility study to "determine whether commuter rail service between eastern Snohomish county and eastern King county ... can be a meaningful component of the region's future transportation system" and develop a cost estimate for passenger rail and a concurrent bicycle/pedestrian trail.



The Eastside BNSF corridor extends 34 miles from north Renton, through Bellevue and Woodinville, and on to Snohomish. The corridor also includes a 7-mile spur from Woodinville to Redmond. It is extensively single-tracked, with mostly 100-foot wide right-of-way and includes 24 bridge crossings, 97 curves and 107 at-grade crossings. The railbed area is level but the adjacent right-of-way on either side of the track is often sloped. In some areas, it appears the right of way has been encroached upon by adjacent uses or portions have been sold. The map locates the corridor in relation to other rail lines and trails in the region.

Future use of the corridor has been the topic of discussion among various groups in the region for several years. Burlington Northern Santa Fe (BNSF) is in the process of abandoning the corridor and the Port of Seattle has committed to acquiring it through the federal rail-banking process. Once acquired, King County intends to purchase an easement within the corridor from the Port for a bicycle and pedestrian trail. Potential future uses of the corridor, or certain segments, may include passenger rail, excursion trains, short haul freight service, and a regional trail. The Port anticipates closing on the acquisition in the first quarter of 2009.

The feasibility study builds on previous studies of passenger or commuter rail on the corridor and augments that base of information by estimating potential future ridership in the corridor identifying potential station locations, reviewing the suitability of the existing tracks for passenger rail, estimating the effect passenger rail service might have on freight rail and tourism in the region, developing cost estimates for passenger rail and a concurrent parallel bike/pedestrian trail and identifying the most beneficial and cost-effective segments.

The analysis was guided by the following general assumptions, derived from information about the condition of the rail infrastructure in the corridor and the safety requirements for passenger rail operation:

- Upgrades were identified and costs were estimated at permanent passenger rail infrastructure standards including full replacement of the track, ties and railbed (a demonstration project or a project implemented by private entities could be accomplished differently)
- Service could be provided with either *Sounder*-style vehicles (locomotives and bi-level coaches) or diesel multiple units (DMUs)
- Complete signal/communication for train detection and control, centralized train control would be provided
- All public and private grade crossings would be upgraded
- No new grade-separated crossings were included
- No evaluation has been made of the condition of existing bridges
- One small new yard and shops facility, likely located somewhere along the line north of downtown Bellevue
- Average speed, including stops = 24 mph along corridor
- Two-way service, 30 minute headways, 16 hours per day weekdays.

The study does not identify the optimal solution, a preferred alternative, or the lowest cost or most cost-effective option. That information would be developed later, in subsequent studies if deemed appropriate. Because only limited conceptual engineering data is available, the cost estimates and ridership forecasts are conservative, meaning it is recognized that the broad assumptions required during conceptual planning and design, such as installing control systems at all public and private grade crossings, may be revised through more detailed study in preliminary engineering/environmental analysis and final design. The capital cost estimates were developed using the methods employed by Sound Transit for its ST2 Plan. As required by State law, those methods were reviewed by the State's independent Expert Review Panel.

Consistent with the directing legislation, the feasibility analysis includes cost estimates and potential ridership information for various segments of the corridor that may have independent utility. Those segments are:

- Renton-to-Bellevue (Gene Coulon Park in north Renton to Bellevue CBD)
- Bellevue CBD to Woodinville

DRAFT

- Woodinville to Snohomish (this segment is outside of the Sound Transit district)
- Redmond to Woodinville spur

The study has been guided by a Steering Committee comprised of representatives of the Port of Seattle, King County, Snohomish County, PSRC and Sound Transit. The Ad Hoc Advisory Committee comprised of jurisdictions potentially affected by passenger rail service and/or a trail (the cities of Snohomish, Woodinville, Kirkland, Bellevue, Newcastle, Renton, King County and Snohomish County) reviews materials and provides input. The Ad Hoc Advisory Committee has met three times during the feasibility study process. In addition, the meetings are open to the public and feasibility study materials and reports are available on the PSRC website.

Key Findings

- Operating passenger/commuter rail on the corridor is feasible through a variety of capital improvements to facilitate higher speeds than can be achieved today and to improve the safety of the track, structures, and roadway crossings in the corridor
- The capital cost estimate for passenger rail is within the range for other lines that have been implemented across the country, although at the high end of that range due to the neglected condition of the corridor and the lack of safety and communication systems along the line
- The BNSF Eastside Corridor has the potential for significant transit ridership, connecting the regional growth centers of Renton, Bellevue, Kirkland/Totem Lake and Redmond, with trips as high as 6,070 per day
- Downtown Bellevue is the key ridership destination along the corridor, due to its concentrations of population, employment and commercial activity
- Implementation of service along the corridor requires a vehicle storage and maintenance facility which appears to be located most readily north of downtown Bellevue where there are appropriately-zoned large parcels adjacent to the track
- Throughout much of the Corridor, a pedestrian/bike trail could also fit within the existing Right-of-Way; in some locations, property acquisition would be required to accomplish both
- The estimated capital cost for a fully improved pedestrian/bike trail parallel to the rail line ranges from $297 million to $432 million depending on the width of the trail area.

The following capital cost estimates were developed based on a conceptual design and include broad assumptions for track and trackbed, rail bridges, signals/train control/crossings, stations and right-of-way; and soft costs such as administration, design and environmental review and construction management. The cost estimates include significant contingencies appropriate to the conceptual level of analysis.

DRAFT

Capital Costs

Segment 1	**North Renton (Coulon Park) - Bellevue**	**Low**	**$184**
		High	**$239**
Segment 2	**Bellevue - Woodinville**	**Low**	**$230**
		High	**$299**
Segment 3	**Woodinville - Snohomish**	**Low**	**$224**
		High	**$291**
Segment 4	**Redmond - Woodinville**	**Low**	**$116**
		High	**$150**
Subtotal		**Low**	**$753**
		High	**$979**
Yard & Shop		**Low**	**$57**
		High	**$74**
Vehicles		**Low**	**$64**
		High	**$74**
Corridor Acquisition (by the Port of Seattle)			**$107**
TOTAL		**Low**	**$981**
		High	**$1,233**

Operating costs

Operating costs are estimated at $24 to $32 million per year based on two-way service on the corridor with 30 minute headways operated 16 hours per day weekdays, along with maintenance of way, vehicle maintenance and operating costs and overhead and other costs.

Ridership

	Cumulative Segments	Trips in 2020
Segment 2 11.7 miles	**Bellevue-to-Woodinville**	**1,770**
Segment 1+2 19.9 miles	**Coulon Park-to-Woodinville**	**4,580* (2,810)**
Segment 1+2+3 32.4 miles	**Coulon Park-to-Snohomish**	**5,015 (435)**
Segment 1+2+3+4 39.2 miles	**Coulon Park-to-Snohomish with South Woodinville-to-Redmond Spur**	**6,070* (1,055)**
*** ridership adjusted for southern terminus at Coulon Park, rather than Renton CBD**		

Sound Transit 2

Sound Transit 2, the high capacity transit package of investments approved by voters in November 2008, includes a $50 million capital contribution to a potential passenger rail partnership. If a partnership is not implemented by the end of 2011, the funds will be reprogrammed to further the implementation of HOV BRT service in the I-405 corridor. Sound Transit 2 does not include any additional funds for commuter or passenger rail on the Eastside BNSF corridor.

DRAFT

January 7, 2009 **DRAFT**

Mr. Charlie Howard
Transportation Planning Director, PSRC
1011 Western Ave, Suite 500
Seattle WA 98104-1035

Dear Mr. Howard:

Thank you for the opportunity to comment on the draft feasibility study for rail on the Eastside Rail Corridor. Council appreciates the work that went into preparing the report both by PSRC and Sound Transit staff.

The City of Kirkland has taken the following position on use of the corridor.

"The City of Kirkland has long looked upon the BNSF right-of-way as primarily a facility for non-motorized travel. However, we are also interested in an investigation of how rail transport might function alongside a trail. There are a number of unanswered questions concerning rail operations including impact on residential neighborhoods and local street traffic, ridership potential, parking accommodation and station locations."

Unfortunately the study, although it may answer the question that the legislature posed in SHB 3224, does not answer the questions that are of most interest to the Kirkland City Council. We understand that most of these questions are beyond the scope of the report. In our judgment however, we feel that feasibility is truly defined by how the stations fit in communities, whether adequate parking is supplied, how operations will impact neighbors and what costs, for items such as grade crossing upgrades for example, will be borne by cities. Feasibility is also defined by an upper reasonable bound for cost per rider. Again, you were not given such a definition by the legislature and so the report does not address these issues.

Until a clearer and more complete definition of feasibility is presented, we feel that it is premature to conclude that rail operations are feasible or decide whether or not there are fatal flaws. Almost any project is *feasible* given enough money. Perhaps the better questions are: is rail *practical* or *desirable*?

Given the cost estimates; about $1 billion in capital costs for the rail line, plus about $350 million for the multi-use trail along with maintenance and operating costs of about $28 million/year, we believe it will not be practical for a private party to operate passenger rail in the corridor. Nor is there a public agency likely to fund subsidize operations in the foreseeable future. Certainly Sound Transit 2 does not include such funding.

It's exciting to anticipate use of the corridor as a unique facility for safe and convenient walking and cycling while preserving the option for rail usage in the future should it become practical and desirable. Thank you once again for your work on the report and offering the opportunity to comment.

Sincerely,

Kirkland City Council

By: James L. Lauinger, Mayor

cc: 45th and 48th District Legislators

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: Daryl Grigsby, Public Works Director
Ray Steiger, P.E., Capital Projects Manager

Date: December 24, 2008

Subject: 2007 CROSSWALK UPGRADE PROGRAM – NE 120TH PLACE AT CASA JUANITA
ACCEPT CONSTRUCTION

RECOMMENDATION:

It is recommended that City Council accept the construction work for the 2007 Crosswalk Project, as completed by Dennis R. Craig Construction of Redmond, Washington, and establish the statutory lien period.

BACKGROUND DISCUSSION:

The purpose of this ongoing program, funded every two years in the CIP, is to install crosswalk improvements at various locations throughout the City. Locations for safety improvements are determined using a nationally recognized ranking system that considers traffic volume, speed limits, and the number of travel lanes. Other factors used in prioritizing the projects include connections in the pedestrian network, spacing between crosswalks on arterials, and the level of general pedestrian usage including vulnerable populations such as children and seniors. A list of some of the other crosswalk enhancements that have been constructed under this program include: Lake Washington Boulevard at NE 45rd Street, Central Way at Market Street, NE 70th Street at the South Rose Hill Park, NE 116th Street at McAuliffe Park, NE 124th Street at approximately 108th Ave NE.

This project is located on NE 120th Place, north of 98th Ave NE, next to the Casa Juanita Apartments (Attachment A). The project consisted of shifting the location of an existing mid-block crosswalk and installing improvements to increase the safety of the crosswalk. Safety improvements included the installation of an illuminated double mast arm traffic pole with overhead signs, two new sidewalk ramps meeting the requirements of the Americans with Disabilities Act, and the construction of traffic islands filled with low-maintenance Dream Turf in the center turn lane.

The biennial project has a total budget of $70,000, unchanged since its inception in 1996, and at their regular meeting of May 20, 2008, Council authorized an additional $35,000 from the REET II reserve fund to bring the total project budget to $105,000. At that same meeting Council awarded the contract for the 2007 Crosswalk Upgrade Program Project to Dennis R. Craig Construction in the amount of $74,145.85. After contract award, the Contractor requested to postpone the start date of construction due to scheduling of other projects. On site construction began on September 2, 2008 and was completed on December 10, 2008. Total payments made to the Contractor were $78,590.98 which included adjustments due to increases in required material quantities (Attachment B). Total project expenses were $104,181; remaining funds will be returned to the REET II reserve.

Attachments: (2)

Revision Date: 4/17/2008 By: AFM
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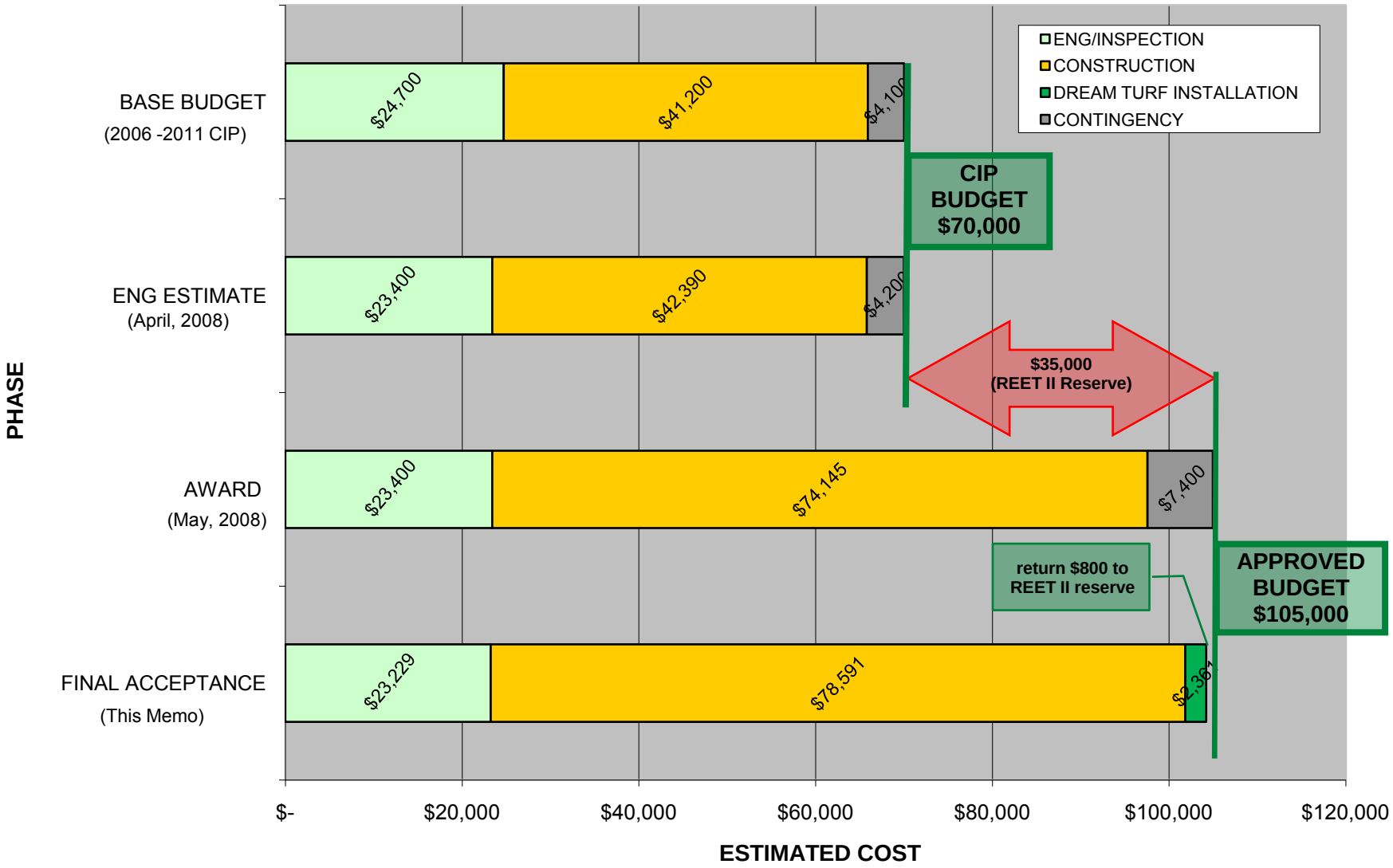
CROSSWALK UPGRADE PROGRAM - 2007

PROJECT BUDGET REPORT



Attachment B

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: Barry Scott, Purchasing Agent

Date: December 19, 2008

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF JANUARY 6, 2009

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

The City's major procurement activities initiated since November 26, 2008 are as follows:

	Project	Process	Estimate/Price	Status
1.	Marina Dock Resurfacing Project	Small Works Roster	$100,000	Contractors notified on 12/9. Bids due on 12/22.

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

Council Meeting: 01/06/2009
Agenda: Unfinished Business
Item #: 10. a.

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, City Manager

From: Carrie Hite, Deputy Director
Jennifer Schroder, Director

Date: January 6, 2009

Subject: Kirkland Wednesday Market Relocation

RECOMMENDATION:

City Council approve the temporary location of Kirkland Wednesday Market in Marina Park.

BACKGROUND DISCUSSION:

The Kirkland Wednesday Market was started downtown in 2001. The City assisted the Market with startup funds for the first three years of its operation. Currently, it is operated self sufficiently by a subsidiary board of the Kirkland Downtown Association. The Kirkland Wednesday Market has been successful, and an asset for Kirkland. It operates from Mid-May through Mid-October, Wednesdays, 2:00-7:00 p.m.

In May of 2008, the City of Kirkland Public Works Department and Special Events Coordinator met with the Kirkland Downtown Association (KDA) to inform them that construction for the new transit center, and then the sewer pump station would require that the Kirkland Wednesday Market be relocated for up to 4 years, beginning in September of 2009. Construction is slated to begin on or after September 20, 2009. The Kirkland Downtown Association has the option to continue operations at the existing site until construction begins. However, because this time period is in the middle of their market season, they have submitted a special events permit application to the City identifying a preferred location in the public parking lot at Lake and Central to begin in May 2009 through October 2012.

Applications for special events are reviewed and evaluated based on certain criteria, such as the City's ability to support the event, feasibility, stakeholder interest (i.e. businesses, neighborhood associations, boards and commissions, residents), public safety, traffic circulation, bus and walk routes, emergency routes, parking availability and/or impact. The City has been working diligently with the downtown businesses to consider all alternative locations.

In November, staff presented to Council several locations downtown to consider for a temporary location of the Kirkland Wednesday Market. One of the locations was the parking lot at Lake and Central. Council removed this off the list for consideration, and added Heritage Park. Staff met with the Kirkland Downtown Association and Kirkland Wednesday Market representatives to consider all options. After analyzing the options with their priorities, they selected three preferred sites. Please see Attachment A for a site analysis and Attachment B for the location map. They discussed these three preferred sites with their full board. Their board selected one preferred site, Marina Park.

Kirkland Wednesday Market representatives have canvassed all businesses that adjoin Marina Park, as well as businesses located on Lake Street. Staff sent out public service announcements, and posted a feedback link on the City and the Kirkland Downtown Association websites. In addition, staff and representatives of the KWM planned an open house for the evening of December 18th. Unfortunately, due to weather, this open house was cancelled. A notice of the cancellation was distributed via the emergency public service announcements, and on the City website. In addition, an email address was advertised to send feedback. The results of the public comment and downtown businesses overall are positive. There were 40 comments submitted. Of those, there were five were concerns voiced in relation to the Marina Park site all related to parking. Attachment C is a summary of the input from all public comment (emails and business canvassing).

In addition to the public comment, staff have assessed this new temporary location to determine any impacts on park users, traffic, parking, public safety, bus and walk routes, and emergency routes. All internal departments have approved this new temporary location subject to Council approval.

ATTACHMENT A
KIRKLAND WEDNESDAY MARKET
2009 RELOCATION ANALYSIS

No	Location	Square Footage / 10 x 10 Booths	# Impacted Parking Stalls Paid	Unpaid	Power/ Water	Bus Line	Restrooms	Vendor Parking	Comments
1	Park Lane East (Current site)	13,000 sq ft. 60+ booths	0	15	Yes	Third Street	Peter Kirk Park	No	No go – have to move mid season + too near construction
2	Main Street (Kirkland Ave to Park Lane) *Potential to block o/w drive behind Banner Bank	11,000 sq ft. 50+ booths	0	15	Yes	Central	Peter Kirk Park	No	No go – too small + near construction work (dust and traffic) + uncertainty over when Antique Mall starts construction Bank access to their drives and armored car access. One way exit for hotel and delivery trucks. Move needs to take place at the beginning of the season – vendors do not respond well to mid-season changes.
3	Main Street (Park Lane to Central – potential to wrap around onto Park Lane east)	13,500 sq ft. 60+ booths	0	16	Yes	Central	Peter Kirk Park	No	No go – too near construction work (dust and traffic). Main street towards Central, wrap around would cause safety issues and upset Park Lane merchants. Move needs to take place at the beginning of the season – vendors do not respond well to mid-season changes.
4	Kirkland Ave / Marina Park (west of Lake Shore Plaza Dr)	11,500 sq ft. 65+ booths	0	0	Yes	Market/Central or Kirkland Ave	Marina Park	Off-site, Heritage Park gravel lot	No go – traffic and boat concerns in summer
5	Kirkland Avenue (Tour Dock to Lake St.)	19,000 sq ft. 70+ booths	0	27	Yes	Market/Central or Kirkland Ave	Marina Park	Off-site, Heritage Park gravel lot	No go – traffic and boat concerns in summer
6	Marina Park Public Path	15,000 sq ft. 65+ booths	0	0	Yes	Market/Central	Marina Park	Off-site, Heritage Park gravel lot	Best location – but concerns over visibility and vendor parking
7	Heritage Park	475+ linear ft 50+ booths	0	0	Yes	Market	Marina Park	Yes, on-site	No go – City advised already having problems getting events there with the neighborhood. Heritage Park is also too small, - 60 booths required for market.

Potential Wednesday Market Locations

Support Marina						
Comments Received via Email: 23				**Business Signatures Collected: 17**		
1	Joseph Abdallah			1	Kyle Jackson	Axia Financial
2	Henry Brown			2	Jack Frost	Earthlight
3	Lisa Cox			3	Jenny Ruffell	Bella Bambini
4	Jessi Dickason			4	William Olson	The Shop
5	Beau Edwards			5	Adriane Markwood	Bikini Beach
6	Matt Icon			6	Alex Meyler	Alex Meyler
7	Carla Jurczyk			7	Doug V.	Sureel
8	Charlotte Kanemori			8	Penny Sweet	The Grape Choice
9	Joyce Kirk			9	Bev W.	Seduce
10	Debbie Lamont			10	Magdelina Witt	Dermavita
11	Diana & Michael Lyons			11	Kevin Cummings	Wilde Rover
12	Bea Nahon			12	Connie Danger	Wax On
13	Janis Rabuchin			13	Daniel O'Reilly	Epicurean Edge
14	Ivette de Rubens			14	Larry Stepek	Café Harlequin
15	Danielle Sanine – also consider Heritage Park					
16	Claudette Siroky					
17	Roger Talkov					
18	Martin L. Wheeler					
19	Annie Thorgrimson					
Unsupportive of Marina (All due to parking concerns)						
1	Paula Heddle	Barkz		1	Shauna B.	Kirkland Skincare
2	Dennis Johnson	River Rock Garden		2	Susan Paur	Kirkland Tattoo
				3	Rameek Thompson	Salon Rameek
Other (no opinion on Marina)						
1	Mary Horvitz – Lake & Central Parking Lot preferred					
2	Doug Sollitt – comments were based on the market moving to Heritage Park					

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: January 6, 2009

Subject: Cemetery Business Plan

RECOMMENDATION:

City Council to approve the Cemetery Business Plan, repeal the Kirkland Municipal Code Chapter 3.92 and adopt the new Chapter 3.92.

BACKGROUND DISCUSSION:

Finance Committee Recommendation

The Cemetery Business Plan was presented to Council in September 2008. The Council directed staff to work with the Finance Committee to discuss proposed pricing, and other business considerations, and then bring back the plan to Council for full approval. The Finance Committee made the following recommendations:

1. Revised proposed pricing for the cemetery (see Appendix G).
    - Pricing reflects fully loaded costs with exception of the niches.
    - Niche pricing reflects current prices plus 20%.
    - Non-resident pricing reflects an additional 50%.

2. Revised the Kirkland Municipal Code 3.92 (see Appendix B.2).
    - New code gives Cemetery Board the authority to set prices as needed.
    - New code reflects an annual CPI adjustment for services.
    - New code defines resident for purposes of authorizing resident pricing.

3. Revised Cemetery Business Plan to reflect the option future expansion.

Cemetery Background

The Kirkland Cemetery was founded in 1888. The City has been operating it since 1909. The Cemetery has been through several expansions and improvements since then. The City completed a design and

feasibility study in 1990 and completed several recommendations from that plan. Most recently, the City Council has requested a business analysis and plan be completed. Attached is this plan.

The City operates the cemetery within the guidelines of both the Administrative Policy of the Kirkland Cemetery, Chapter 6, Policy 6-5 (see Appendix A,) and the Kirkland Municipal Code Chapter 3.92 (see Appendix B.1 – to be repealed). This plan provides an overview of the business and operations of the Cemetery, including a historical summary, current capacity information, pricing and area comparisons, revenue and expenditure history from 2005 to current, a SWOT analysis, and some options for City Council to consider.

Some financial issues to consider in the business plan include:

- Every year, the subsidy of the cemetery increases. In addition, the city recently sold out of all available burial plots. So, the revenues for the cemetery will decrease.
- Maintenance costs of the cemetery will continue in perpetuity.
- The City still owes $180,000 on revenue bonds that were issued in 1991 for improvements of the site. The estimated payoff of this debt is 2014.
- We have some opportunities that may help increase revenues in order to reduce budget impacts. However, some of these opportunities will need funds to implement (i.e. expansion).

The Cemetery Board, Park Board, and Finance Committee recommendation is to increase revenue without substantially increasing cost. With additional staff time, the city could pursue marketing the remaining niches, market the cremation interment option to families, amend the KMC to competitively price the burial options, consider a nonresident pricing differential for the remaining niches, research and initiate a site buy back program, research and initiate an abandon site recapture program, institute a perpetual maintenance fund for any recaptured plots. This option would increase revenues, thus decreasing the general fund subsidy of the cemetery, until all the niches/urn plots are sold. In addition, the Finance Committee would like to recommend that the Park Board keep options open for possible future expansion. A possible option could be to complete a conceptual design for the Cornwall property, to include an urn garden, and additional niche walls.

Kirkland Municipal Cemetery
Business Plan
2008

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Appendix A – Administrative Policy of the Kirkland Cemetery, Chapter 6, Policy 6-5

Appendix B – Kirkland Municipal Code Chapter 3.92

Appendix C- Cemetery Price List

Appendix D – Cost Breakdown

Appendix E – Debt Service Breakdown

Appendix F – Cemetery historical map

Appendix G – Recommended Pricing

Executive Summary

The Kirkland Cemetery was founded in 1888. The City has been operating it since 1909. The Cemetery has been through several expansions and improvements since then. The City operates the Cemetery within the guidelines of both the Administrative Policy of the Kirkland Cemetery, Chapter 6, Policy 6-5 (see Appendix A,) and the Kirkland Municipal Code Chapter 3.92 (see Appendix B). The plan outlined provides an overview of the business and operations of the Cemetery. Included in this plan is a historical summary, current capacity information, pricing and area comparisons, revenue and expenditure history from 2005 to current, a Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis, and some options for Council to consider.

Some of the current financial issues the City faces include:

- Maintenance costs of the Cemetery will continue in perpetuity.
- Every year, the General Fund subsidy of Cemetery maintenance increases. In addition, the City recently sold out all available burial plots: consequently, the revenues available for Cemetery maintenance will decrease.
- The City still has $180,000 of outstanding revenue bonds that were issued in 1991 for improvements of the site. The estimated payoff of this debt is 2014. Currently, 75% from the sale of plots is used to retire the debt.
- The City has some opportunities that may help increase revenues in order to reduce future budget impacts. However, some of these opportunities will need funds to implement (e.g. expansion)

The Cemetery Board, comprised of the Finance Director, Parks and Community Services Director, and several City staff, the Park Board, and the Finance Committee all recommend increasing revenue without substantially increasing cost. With additional staff time, the City could pursue marketing the remaining niches, and cremated remains option to families, amend the KMC to competitively price the burial options, consider a nonresident pricing differential for the remaining niches, research and initiate a site buy back program, research and initiate an abandoned site recapture program, and institute a perpetual maintenance fund for any recaptured plots. These actions would increase revenues, thus decreasing the General Fund subsidy of the Cemetery until all the niches/urn plots are sold. In addition, the Finance Committee would like to recommend that the Park Board keep options open for possible future expansion. A possible option could be to complete a conceptual design for the Cornwall property, to include an urn garden, and additional niche walls.

Kirkland Municipal Cemetery Description

The Kirkland Municipal Cemetery is located at 12036 NE 80th Street in Kirkland, Washington. The Cemetery was established in 1888 as part of Peter Kirk's plan for a model town.

The Cemetery's care and maintenance, which was at first the responsibility of individual plot owners, have undergone periods of neglect. Care and maintenance is presently provided by the Kirkland Department of Parks and Community Services.

The Cemetery has a capacity of up to 6,819 lots, including both burial plots, niches, and urn plots. Currently there are 358 urn plots and 711 niche units available, totaling 1,069 remaining urn and niche sites for sale (however, no burial plots remain). Of the total 6664 owners of the Cemetery lots, Kirkland residents own 2,974 (44%) and non-residents own 3,690 (56%).

Historical Background

As mentioned above, the Kirkland Municipal Cemetery was established as part of the plan for a model town which was to be developed by Peter Kirk. Peter Kirk arrived in the area in 1886 from England, with plans to develop an integrated iron and steel mill with an associated community to support the enterprise. Kirk's vision was to build the model town with a strong foundation of humanitarian principals, designed to care for the mental and physical well-being of its citizens. The historic character of the Kirkland Municipal Cemetery is an irreplaceable asset to the City and the Kirkland Community. This unique history should be protected, documented, and enhanced in future work.

Peter Kirk along with Leigh S.J. Hunt, who envisioned a world-market manufacturing center, together with George Heilbron and Walter Williams, formed the Kirkland Land and Improvement Company. Land for the Cemetery was set aside within the original town plan in 1888 and ultimately filed in 1890. The original plan for the Cemetery included an orderly grid divided into four blocks by two broad avenues. At the center intersection, a wide circle was planned with space provided for a monument or fountain. The depression of 1893 halted the plans of the Kirkland Land Company, as well as the Cemetery. The Cemetery management was turned over to a newly formed Kirkland Cemetery Association on January 7, 1891. The three trustees of the association, Harry French, E.M. Church and J.W. Demott, were selected for their positions in the community as civic minded residents. The three trustees were the first grave purchasers of plots in the Cemetery.

Peter Kirk was not successful with his plan for the steel mill. The Kirkland Land and Development Company was dissolved in 1910, selling its assets to the Seattle development firm of Burke and Farrar. The Cemetery property was offered to the town and was accepted by Mayor A.B. Newell and the town council on December 3, 1909. A new survey of the Cemetery was completed on May 16, 1910 by civil engineer, H.M. Lowe. The City, at that time, maintained responsibility for the streets and alleys of the Cemetery but the condition of the lots and the overall maintenance of the Cemetery property was the responsibility of the lot owners. In the early years of the Cemetery, it was customary to hold a spring clean-up day preceding Memorial Day that was concluded with family picnics on the grounds and a baseball game or dance. The local American Legion post held annual Memorial Day ceremonies including decoration of the graves of veterans. The community displayed a sense of commitment and pride in its Cemetery in those years.

However, the sense of community involvement and level of commitment to the Cemetery has varied through the years. As the depression affected the community, both the care of the facility and size and elaborateness of the monuments were reduced. In addition, competing cemeteries opened in Redmond, Bothell and Bellevue, as well as Seattle.

The formation of the national Works Progress Administration (WPA) in 1938 provided the opportunity for a number of civic improvement projects. Kirkland purchased additional cemetery property to the north and east of the original site. Federal funds were provided for the clearing and grading of these areas, the planting of poplar and other trees, and the construction of an ornamental fence around the facility.

As the old portion of the Cemetery was reaching capacity, unused but owned lots were occasionally resold. The areas named Baby Haven and Lawn Haven were platted in 1938. As these areas began to fill, an additional parcel of land was purchased to the north. This section was platted and named Everett Memorial Park after the former mayor and civic leader who was the first to be buried in the new section.

A new plat of the entire Cemetery was drawn and approved in November 1952. The alleys between blocks which had been used for access to the interior graves as well as subsequent water lines became available for grave sites. The northwest corner of the Everett section was dedicated to welfare cases although that identity has become less apparent over the years.

Problems of maintenance which had been troublesome through the years became an increasing issue during period of 1950-1960. In 1958 the state Attorney General ruled that the City was obligated to continue care of the Cemetery but did not have the power to establish a perpetual care fund. In 1965 the City Council passed an ordinance creating a new Cemetery Improvement Fund that receives revenues from plot sales, which it hoped would serve the purpose of a perpetual care fund. This fund is still in existence, and pays for the upgrades and improvements of the Cemetery. However, revenues to the fund have not been significant enough to continue a perpetual maintenance allocation. In 1970 the Department of Parks and Community Services was assigned the primary responsibility for the care and maintenance of the Cemetery. In 1975, the ornamental fence was replaced with a chain link fence in order to combat the vandalism which had become an increasingly serious problem.

In 1988, City Council requested that a master plan be prepared for the Cemetery which was completed in 1990. The plan proposed expansion and improvement of the cemetery in three phases. The first phase proposed the improvement of plantings and irrigation, and the addition of a columbarium. The second phase proposed improvements of the entry drive, walls, sign, gate, circulation pattern and maintenance yard. It also proposed additions of new single depth graves, double depth lawn crypts, an urn garden and columbaria. The third phase added to each of the property types for sale, and proposed improvements/additions of the office, parking area, fountain, entry obelisk, campanile, and plantings. Revenue bonds in the amount of $380,000 were sold to finance Cemetery improvements. These bonds were then refinanced in 2001, and are projected

to retire in 2014. The debt service on the bonds is finance from the ale of burial plots, urn plots and niches.

With this capital fund, the City was able to complete most of the improvements/expansion proposed in the master plan. The caretaker's house was removed from the site and the City developed this site for double depth burials (100 lots). A road that went east and west through the Cemetery was removed allowing for 64 additional burial plots. Two areas to the north along the existing entrance were also developed for single burials (353 lots). In addition, 7 niche walls were added to the cemetery totaling 944 niche units. Two small in-ground urn gardens were developed for a total of 457 lots. In 2001-2003, three more areas of burial sites were developed, totaling 352 burial plots. The parts of the master plan that were not completed include the campanile, shop and office buildings, and improvements in the storage area. Please see map, Appendix F.

In 1986, the City signed the right to purchase the Cornwall property. In 1993, the City signed a Memorandum of Understanding to exchange properties with Mr. Cornwall. The City moved Mr. Cornwall in to the 8204 120th Ave NE house, with the stipulation that he can live there until the end of his life. The City then converted Mr. Cornwall's property at 8055 122nd Avenue NE, and used it to expand the cemetery, as noted above.

Current Capacity

The table below summarizes the current capacity at the cemetery. While there are still a large number of urn sites available, there are no burial sites available for purchase. However, services are expected to continue in plots that are owned but have not yet been filled.

Cemetery Lot Availability June 16, 2008					
Total Capacity		**Lots Sold**	**Lots Remaining**	**Capacity**	**Capacity Available**
Burial Plots					
Single:	5377	5,377	0	x1	0
Double:	100	100	0	x2	0
Urn Plots					
Plots:	432	74	358	x1	358
Niche Units:	910	199	711	x2	1,422
Total		**6,819**	**1,069**		**1,780**

Current Pricing Comparisons

The table below summarizes the current charges at the Kirkland Cemetery and other surrounding facilities. The last fee increase was implemented in 2003. Please see Appendix C for complete Kirkland pricing information.

Cemetery Comparisons				
Current City of Kirkland Prices		Burial Lot Prices	Niche Prices	Services Fees
Kirkland Cemetery	Single	1,000 - 1,200		665
	Urn	700	950 - 1560	320
Public Cemeteries				
Bay View, Bellingham	Single	1,421		572 – 827
	Urn	1,006	1,230 – 1,640	99 – 350
Auburn	Single	1,495 – 3,495		1,060
	Urn	495 – 3,195	1,545 – 1,695	375
Woodinville	Single	1,200		923 – 1,188
	Urn	1,200	n/a	350
Private Cemeteries				
Sunset Hills (Cedar Lawn)	Single	9,813 -		1,295
	Urn		3,267	595
Acacia	Single	3,261		1,295
	Urn	1,677	3,200 – 3,800	395
*On full size single burial lot can accommodate 2 urns				

Revenue vs. Expenditure History

Revenue and expenses for the Cemetery are accounted for in three different funds. The Parks Department provides for the operation and maintenance of the Cemetery and services for interment procedures, ongoing maintenance service including mowing, edging, weeding, installation of markers, and verification of gravesites. The Finance Department performs the administrative functions for the Cemetery, including sale and tracking of plots, interment arrangements, and coordination with the Parks department. Following is a description of these funds.

Fund 122 – Cemetery Operating Fund

The Cemetery Operating Fund tracks the direct expenses associated with operating and maintaining the City of Kirkland Cemetery. The majority of the budget for this fund is the non-labor costs associated with cemetery operations. In addition, there is a $60,000 inter-fund transfer to the General Fund that reimburses the General Fund for a portion of the labor costs associated with Finance and Parks administrative and maintenance costs associated with the Cemetery. The Parks labor associated with maintenance and services is budgeted in the Parks Maintenance budget in the General Fund (Fund 010), as discussed below.

Revenue
Revenues for the Cemetery Operating Fund come from 25% of the proceeds from the sale of burial lots and niches, and 100% of fees (interment services and markers).

Expenditures
As discussed above, an annual transfer of $60,000 to the General Fund covers a portion of the administrative and maintenance labor costs in Finance and Parks. Other direct expenditures include the purchase of rough boxes (liners), supplies and rental fees.

Fund 154 - Cemetery Improvement Fund

This fund is used for cemetery improvements and to repay the debt service on the outstanding bonds sold to finance the 1992 Cemetery improvements.

Revenue
The Cemetery Improvement Fund receives 75% of the revenue from the proceeds of sale of burial plots and niches.

Expenditures
Expenditures from the Cemetery Improvement Fund are for payments to retire the $380,000 cemetery improvement debt. This debt is scheduled to be retired in 2014. See Appendix E for debt service breakdown. Also included in expenditures are burial plot buy-backs and minor improvements.

Fund 010 – General Fund

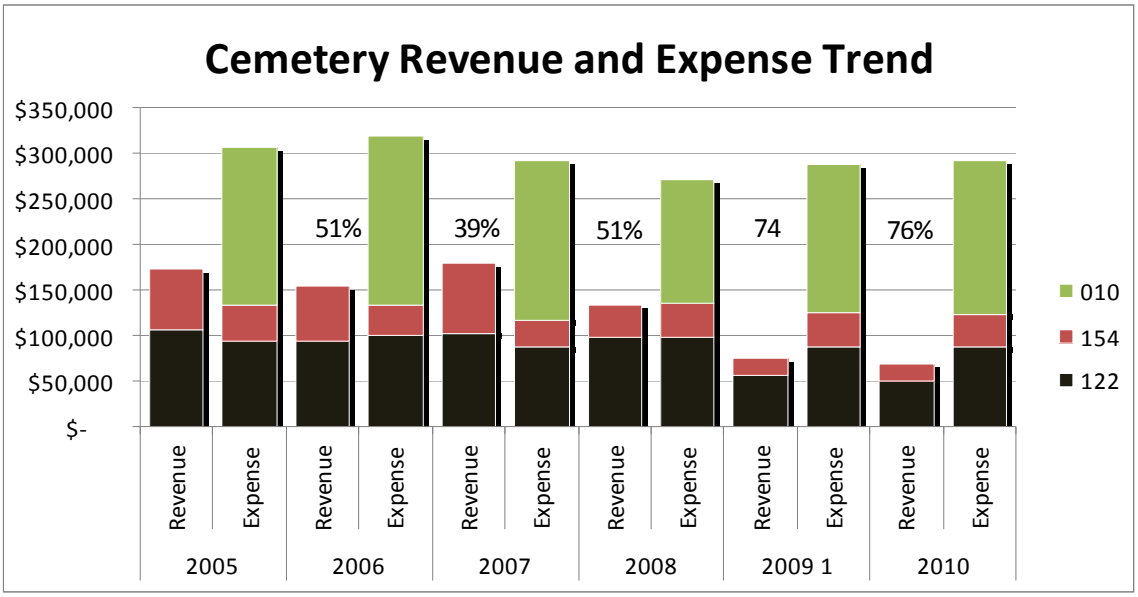
While not identified separately in the budget, the General Fund budget includes both Finance and Parks adminsitrative time, and parks maintenance and operations time. Some of the administrative costs are reimbursed by Fund 122 through an inter-fund transfer, so those costs have been reflected in that fund. However, this only amounts to a partial reimbursement to cover all costs for Cemetery administration, maintenance and operations.

Revenue

There are no direct cemetery revenues in the General Fund. The inter-fund transfer from Fund 122 reimburses some of the administrative costs and is shown as an expenditure in Fund 122. As a result, the General Fund figures shown in the analysis below do not include this transfer as a revenue or the partial administrative costs that it funds as an expenditure.

Expenses

Personnel costs associated with Finance and Parks activities related to the Cemetery are budgeted in the General Fund. The costs shown in the analysis reflect the maintenance and operations costs budgeted in the Parks Maintenance fund. Below is a graph that demonstrates the revenue and expenditure history from the three different funds that are used to operate the cemetery. Appendix D is the specific breakdown of these funds.



Cost of Service

When calculating the cost of service, there are several areas to consider. In order to operate the Cemetery, the City incurs administrative time in both Finance and Parks, pays for debt service, and incurs labor cost for burials and maintenance, equipment and supply costs. The costs below are based on average labor expended (primarily in the General Fund) plus a share of non-labor costs budgeted in Fund 122.

The table below provides a brief history of the number of burials and cremation interments by year.

	Burials	Cremation Interments
2005	42	32
2006	34	29
2007	37	20
Average	38	27

The average cost for these services is calculated by applying the estimated number of hours expended by Parks Maintenance on each service, including benefits and overhead in the General Fund (fully loaded costs). These costs do not include the direct expenses in Cemetery Operating Fund (e.g. liners, markers, etc.), which are added in the following table.

	Average General Fund Cost Per Service (010) *	
	Burials	Cremation Interments
2005	$ 1,575	$ 498
2006	$ 1,586	$ 483
2007	$ 1,608	$ 505
2008	$ 1,628	$ 501

*This includes labor costs only

To present the full cost for these services, the costs budgeted in Cemetery Operating Fund were added to the General Fund labor costs by applying a factor of .76 to the General Fund costs. In other words, for each $1 in the General Fund, $0.76 is added for the expenses in the Cemetery Operating Fund.

	Total Average Cost Per Service (010 & 122)*	
	Burials	Cremation Interments
2005	$ 2,772	$ 875
2006	$ 2,792	$ 850
2007	$ 2,831	$ 890
2008	$ 2,865	$ 880

*This includes labor, administrative, and citywide overhead

The cost of operating the cemetery and providing burial services, continues to be subsidized by the general fund. Because there is no perpetual maintenance fund that was developed from the sale of plots/niches, this subsidy will continue to increase as labor costs rise, and the sale of plots diminishes.

SWOT ANALYSIS

The following SWOT analysis describes the strengths, weaknesses, opportunities, and threats for the Kirkland Municipal Cemetery.

STRENGTHS

- **Lack of cemeteries:**
  There are 5 cemeteries on the Eastside:
  - City of Redmond Cemetery – operated by Cedar Lawns Memorial Park
  - Cedar lawns Memorial Park – Burials are done by Sunset Hills Memorial Park.
  - Sunset Hills Memorial Park, Bellevue
  - Chapel of the Resurrection, Cedar Park Church in Bothell
  - Woodinville Cemetery – non-profit

  With the limited number of cemeteries on the eastside, a cemetery in Kirkland is an asset to the region.

- **Possible expansion:** There are some potential growth opportunities that include the Cornwall property and the homes located east of maintenance yard. Currently, the City owns the Cornwall property, but would need to purchase any additional properties for expansion opportunities. Descriptions of potential properties are listed in the Opportunities section.

- **Niche Wall/Urn Space:** We still have 1,069 niche and urn spaces available. Based on the average cost today, this can bring in almost $1 million from sales. Based on the previous year's sales average, these lots will be sold out in approximately 20 years.

- **Kirkland Charm:** The Kirkland Cemetery has a unique character unlike other cemeteries in the surrounding areas. The charm and nature of the Kirkland Cemetery make it an appealing place with its large trees and historical significance. Cemeteries are more than a place to inter the deceased, they are a placeholder in history and mark those who walked with us and before us.

WEAKNESSES

- **Low-priced:** There's a substantial difference in pricing between burial lots at private cemeteries such as Sunset in Bellevue and the low prices of lots at the Kirkland Cemetery. These low prices have made Kirkland appealing to those in need of service. As a result, we've sold out a few years earlier then once predicted. In a memo dated December 7, 2005 the prediction was that we would have burial lots available through 2012 (this was based on yearly average sales).

- **Expensive to operate, limited revenues:** Cemeteries are extremely expensive to operate. They require a high level of maintenance and care to the grounds and to each individual headstone, aside from the routine upkeep of the site. Revenues are decreasing based on the number of plots/niches available for sale.

- **Community involvement:** In the 1920s the population of Kirkland was less than 2000, but the Cemetery was supported by more than 30 clubs and fraternal societies. Among the many civic clubs was the American Legion Post who hosted an annual Memorial Day observance with an elaborate parade downtown involving veterans of the Civil War and the Spanish-American War and World War I; firefighters, Boy Scouts and others. A Cemetery service was followed by the parade with prayers, singing, a special address by a featured speaker and ending in the decoration of veteran graves. A baseball game or pot-luck picnic dinner usually followed the formal ceremony. This annual ceremony always sparked new concerns for the cemetery. However, this community stewardship of the cemetery is lacking today.

- **Set fees in KMC:** Our current ordinance limits staffs ability to set a fair market price for burial lot and urn fees without first seeking Council approval. This restriction creates a long process and extensive staff time to make appropriate changes which should be reviewed annually, and thus results in prices falling well below market rates.

OPPORTUNITIES

- **Inventory records and grave sites:** While researching the cemetery to complete this business plan, we have discovered a document dated February 13, 1987 revealing approximately (60) lots that were identified as "abandoned" or where the owner was listed as "uncertain". In order for the City to reclaim or purchase those lots, specific steps must be followed. At this time none of the appropriate actions have taken place to reclaim the plots. This process would require additional resources conduct the research and implement.

- **Amend Kirkland Municipal Code Chapter 3.92 to charge fair market value:** Burial sites in Kirkland could be valued appropriately. There have been concerns in the past about keeping rates reasonable for residents. However, actual experience is that customers come from all over the state to take advantage of the prime location and inexpensive fees. As mentioned above, there are 6,664 owners of the cemetery lots. Kirkland residents total 2,974 (44%) and outside Kirkland owners are 3,690 (56%).

- **Burial site buy-back:** This could be marketed to those who currently own sites at the Kirkland Cemetery, but have either moved away from Kirkland or have decided to make arrangements elsewhere. Over the last 5 years, the City has had over 20 sites sold back to the city. These sites were purchased back at the original purchase price. The City could offer to buy back additional plots at a profit to current owners. All re-sales would stay "on hold" until a market value price has been established.

- **Contract burial services:** The City could opt to contract for burial services. For example, Automatic Wilbert Vault Company has provided contracted services for burials at numerous cemeteries for 104 years. They set everything up for the graveside if needed. Below are sample costs for contracted service compared to current City costs. The

contracted costs will only cover a burial with no complications. This option would diminish the quality control and personalized service we are able to provide for customers.

Example of Contracted single lot burial fees, with no complications:	
Open/close graves	$550
- Tent, lowering device, greens & chairs	$200
- Rough box delivered in loads of 10	$173 each
- Rough box delivered; single	$335 each
- Saturday; Overtime	$70 per hour
- Sunday; Overtime	$530 for 6 hours
- Additional overtime	$140 per hour
Contracted cremated remains fees	
- Open/close cremation	$350
- Open/close niche placement	$350
Total weekday burial price =	$923
Total weekend burial price =	$1,188
Average cost of burial by Kirkland staff:	**$1,628**

- **Marketing Opportunities:** Current available urn garden and niches could be marketed.
  - Advertise on the Kirkland TV station
  - Advertise in Kirkland Courier
  - Article in the City Update
  - Prepare and send to funeral homes in the area a marketing brochure they can hand out to a customer.

- **Cremated Remains:** A new revenue opportunity would be to offer burial of ashes to families with family members already buried at the Kirkland Cemetery. (i.e allowing family members to place cremations on past family members plots). This is currently allowed under State law and Kirkland Cemetery rules.

- **Markers:** The area around the fountain could be converted from the current concrete courtyard to one that would host engraved pavers. These pavers would be sold and inscribed in memory of individuals that have spread their ashes off site.

- **Rental facility:** A facility for memorial services for the deceased with or without the body present could be built. Typically these services take place at the funeral home and may include prayers, poems, or songs to remember the deceased. Pictures of the deceased are usually placed at the altar where the body would normally be to pay respects. A rental facility would be of great service to those families in need of a place to gather after the

funeral and could generate additional revenue. However, in order to operate this, the City would incur both capital and operating expenses. Staff would need to complete a projected capital and ongoing maintenance budget to determine if this would be financially feasible.

- **Cornwall house:** The City owns the Cornwall house located in the northwest corner of the property on the downhill slope. The topography of the land doesn't work well with utilizing the property for gravesites. The property is still developable, but would require some work to incorporate it into a Cemetery plan. One possibility is to incorporate the house and maintenance yard into one facility, using it for storage of supplies. Another option would be to sell this property and use the proceeds for major maintenance projects or other uses. The current market value is approximately $524,000.

- **Other expansion opportunities**: A cluster of 3 homes is located next to the entry way to the cemetery and the land is fairly level. Staff presented City Council a report with estimated longevity of burial plots back in June of 1998. At that time Council instructed staff to meet with neighbors regarding the possible purchase of these properties. Negotiations began in early 1999 when staff approached the neighbors and started to talk about buying the properties. They all were somewhat interested, however their asking price was above the actual value of the homes. At that point all negotiations were dropped. Expansion would include costs for land acquisition, demolition and development costs, possible change in zoning, street improvements, site development plan, and increase maintenance and operational costs. Depending on the number of plots that could be developed, this would be hard to complete without a major capital cost. Expanding the cemetery without a self supporting perpetual maintenance fee would also increase the future General Fund subsidy of the Cemetery.

Threats

- **Increased subsidy**: Because we do not have a perpetual maintenance fund, and given the current operations, there will always be a subsidy with the cemetery. The costs will continue to exceed revenues, which will increase the City subsidy to continue the current level of maintenance for the Cemetery.

- **Loss of Historic site**: If the City opts to lease, sell, or does not have funds to maintain the cemetery, this could result in the loss of an historic asset for the city.

- **Neighborhood Concerns:** If the City opts to expand the Cemetery, there could be some neighborhood concerns that would need to be addressed.

Options

1. Maintain the capacity of the cemetery as is with no change to rates and no capital expansion to add plots. This option does not reduce the financial impact on the city, as the subsidy would continue to increase every year.

2. Maintain the capacity of the cemetery as is but increase revenue. The city could pursue:

- Marketing the remaining niches
- Market the cremated remains option to families
- Amend the KMC to competitively price the burial options.
- Consider a nonresident pricing differential for the remaining niches.
- Research and initiate a site buy back program.
- Research and initiate an abandon site recapture program
- Institute a perpetual maintenance fund for any recaptured plots.

This option would increase revenues, thus decreasing the General Fund subsidy of the cemetery, until all the niches/urn plots are sold. Potentially, with the addition of a perpetual maintenance fund, this option would allow the city to continue operations, and minimize the subsidy. To fully implement all the tasks within this option, would require additional staff resources.

3. Implement planning and expansion of the cemetery with currently owned properties and/or acquiring additional adjacent property. Expansion could include a rental facility, property acquisition and development, developing more plots. This option would cost the City a substantial amount in capital costs and it would also increase operational and administrative costs.

4. Lease out Cemetery to a private provider. The City would continue to own the Cemetery, but would not operate it. Contract out maintenance and operations and/or transfer responsibilities to a private business. As shown previously, the cost for a private burial service is approximately 30% less than the cost for the City to provide this service. However, this option may impact other parks maintenance functions, as the parks maintenance crew fits in cemetery operations as needed. The crew that performs the burials is allocated to other parks maintenance year around throughout the City.

Recommendation:

Staff, the Cemetery Board, the Park Board, and the Finance Committee all recommend option two: Maintain the capacity of the Cemetery as is, but increase revenue. Based on the analysis completed, the Cemetery will always be subsidized, as long as the City continues to own the facility. Option two provides an alternative to maximize the revenue potential of the Cemetery's remaining resources to reduce or manage the amount of subsidy required for potentially another 20 years. In addition, the Finance Committee recommends that the Park Board keep options open for possible future expansion. A possible option could be to complete a conceptual design for the Cornwall property, to include an urn garden, and additional niche walls.

APPENDIX A

Administration and Operation of the Kirkland Cemetery
Chapter 6
Policy 6-5
Effective Date: October, 2003

A. PURPOSE

1. To provide policy guidelines and operational rules for the administration of the City of Kirkland Cemetery. This policy applies to all persons utilizing the City of Kirkland Cemetery.

B. DEFINITIONS

1. "Border," the concrete edging around the marker to protect the marker from damage and to allow trimming around the marker.

2. "Burial," the placement of human remains in a grave.

3. "Cemetery," any place used and dedicated for cemetery purposes by the City.

4. "Cemetery Committee," the group of City of Kirkland staff which oversee the operations and activities of the City of Kirkland Cemetery.

5. "Columbarium," a structure or other space containing niches for permanent inurnment of cremated remains.

6. "Committal," that part of a funeral service which places the remains of the deceased to his/her final resting place.

7. "Cremated Remains," a human body after cremation in a crematory.

8. "Disinterment," the removal of buried human remains from a grave.

9. "Foundation," the concrete poured below ground level to support and stabilize a memorial.

10. "Funeral," a memorial service for a deceased person.

11. "Human Remains or Remains," the body of a deceased person, and includes the body in any stage of decomposition except cremated remains as defined by RCW 68.04.020.

12. "Interment," the disposition of human remains by cremation and inurnment or burial in a place used or intended to be used and dedicated for cemetery purposes.

13. "Inurnment," the disposition of cremated human remains within an urn.

14. “Liner,” any concrete or composite material container that is buried in the ground to provide outer protection and into which human remains are placed in the burial process.

15. “Marker,” any grave headstone, memorial or monument that is intended to permanently mark a grave.

16. “Next of Kin,” relative most nearly related i.e.:

a. Spouse

b. Children

c. Parents

d. Brothers and Sisters

17. “Niche,” a space in a columbarium or urn garden used or intended to be used for inurnment of cremated human remains.

18. “Open and Close,” the term used for referring to the opening of a gravesite and closing of a gravesite after remains are placed.

19. “Plot,” a space of ground in a cemetery used, or intended to be used, for burial.

20. “Staff or Crew,” refers to City of Kirkland personnel that are assigned administrative duties and maintenance duties for the City of Kirkland Cemetery.

21. “Urn Liner,” a container whose purpose is to provide outer protection for the ground burial of cremated remains.

22. “Vault,” any container which is buried in the ground and sealed to provide outer protection and into which human remains are placed in the burial process.

C. CEMETERY ADMINISTRATION AND GENERAL PROVISIONS

1. Rules and Regulations
   These rules and regulations may be administratively amended at any time by the City, and shall be so changed and amended when any rule is found to be detrimental to the best interest of the plot owners as a whole or when new conditions require the adoption of other or further regulations.

2. Cemetery Committee
   The Cemetery Committee is made up of the Director of Finance and Administration or designee, Parks Director or designee and representatives from the Parks Maintenance and Cemetery Administration staff. The committee shall periodically review and make recommendations to the City Manager on fees, policy or operational plans. Any exceptions to or issues with these items will be reviewed by the committee on an as needed basis.

3. Cemetery Fees and Charges.
   All prices for burial lots and cremated remains sites are approved by the City Council. See KMC 3.92.020. All other service fees and charges are approved by the City Manager or approved designee, upon recommendation from the Cemetery Committee. As the City Manager's designee, the Director of Finance and Administration is authorized to waive or reduce fees in accordance with KMC 3.92.010

4. Method of Payment
   All sales shall be paid in full at the time arrangements are made in the form of cash, approved check, or credit cards acceptable to the City.

5. Cemetery Hours
   The Cemetery is open to the public during the following times:
   Gates open at 8:00 a.m. each morning and are locked at dusk, seven days a week.
   Cemetery Administration is located at City Hall which is open 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.

D. LOT SALES AND OWNERSHIP

1. All plots in the cemetery are conveyed to the purchaser by a warranty deed when paid for but the rights of the owner, successor or assign are subject to such rules and regulations as set by the City of Kirkland.

2. Interest in Cemetery Plots
   Interest in Cemetery plots shall be governed by RCW 68.32 as now and hereafter amended. The City shall endeavor to determine the legal next of kin, but the City shall not be held responsible for failure to do so. Persons representing themselves as next of kin may be required to provide a notarized statement to this effect. The City shall not be responsible for activities authorized by persons falsely representing themselves as next of kin.

3. Selling or Transferring of a Plot
   When an owner of a plot wishes to sell or transfer the plot to another individual, or sell it back to the City, he/she must provide the City with a "Quitclaim Deed" showing transfer of ownership. If the original owner of the plot(s) is deceased, the executor or heir(s) must show proof of their authority to devise or ownership of the property, i.e. Letters Testamentary, Decree of Distribution, or a copy of the will. The City may repurchase plots from the current owner and is authorized to offer no more than 75% of the current plot price or offer the same amount as credit toward other plots in the Cemetery.

4. Designated Blocks

a. Blocks 47 and 48 are designated as an urn garden for cremation interments only.

b. Baby Haven block is for burial of children under the age of 2.

c. Block 34 has double depth sites, appropriate for joint plots.

d. Entryway, Flag Plaza and Historical Section walls are for cremated remains.

All remaining blocks are for single plots only.

E. INTERMENT SERVICES

1. Funerals, Interments, and Committals

Funerals, interments, and committals within the City of Kirkland Cemetery shall be under the control of the Parks and Community Services Department. All plots shall be opened and closed by employees of the City. Canopies, artificial grass, lowering devices, tractors, and other equipment provided by the City shall be used exclusively for all interments, inurnments, entombments and disinterment. All Cemetery and gravesite charges must be paid prior to interment.

2. Concrete Liners

All interments shall be in concrete liners or vaults designed and manufactured for this purpose. Concrete liners are sold by the City. Vaults may be purchased from a third party, but must meet the Cemetery specifications before use on Cemetery grounds.

3. Burial Permit

A burial permit from the King County Department of Health must be secured by the funeral home before an interment will be permitted. The City shall not be responsible in any manner for securing any permit. Cremated remains must be properly labeled and accompanied by a cremation and disposition authorization form to the Cemetery to certify identity of the cremated remains.

4. Arrangements

All families or designated representatives shall be required to complete an Interment Authorization form in person at the Cemetery Administration desk in City Hall, accepting responsibility and authorizing and designating the exact location of the plot for burial. Funeral directors or designated representatives who sign on behalf of the family are accepting financial responsibility and liability for any decisions or actions taken under their direction. Under no condition shall the City of Kirkland Cemetery open a plot without proper authorization.

Any funeral home accepting financial responsibility on behalf of a family must deliver to the Cemetery Administration Office payment in full for all charges at the time arrangements are made.

5. Notice of Interment or Disinterment

The City must be notified at least 24 hours before any interment so the plot or niche may be properly prepared, and at least one week's notice shall be given prior to any disinterment. The City of Kirkland Cemetery reserves the right to delay an interment when scheduling conflicts occur.

6. Authorization for Interment

The City of Kirkland Cemetery may open a plot for any purpose on proper authorization by any lot or niche owner of record or the legal next of kin and duly filed at City Hall unless there are written notarized instructions to the contrary on file with the City's cemetery administrative office.

7. Interment Agreements

When a lot is jointly owned, authorization for interment will be granted to either the plot owner(s) or their heirs as governed by RCW 68.32. An agreement may be made between common plot owners to the right of burial but the City shall not undertake to enforce such an agreement.

8. Funerals Burials and Committals—Days and Hours Allowed

Normal burial hours shall be restricted to weekdays between the hours of 9:00 a.m. and 3:00 p.m. The City recognizes that mitigating circumstances may arise necessitating a burial outside of normal hours. This can be arranged, subject to the availability of City staff. Overtime fees will be incurred if the burial is requested after 3:00 p.m. or on a Saturday or holiday. No burials will be allowed on Sunday.

Requests for an emergency waiver of this policy or any provision of this policy may be made to the Parks and Community Services Director or his designee, as the designee of the City Manager, who shall have sole discretion to approve or deny the emergency waiver request. The emergency waiver request shall include payment for any and all additional expenses to the City for these services.

9. Interments per Individual Plot

The interment of two casket burials in one plot shall not be allowed except in the designated area for double depth burials. Regular graves are designated for one casket and a maximum of two cremated remains. No interment other than that of a human being shall be permitted.

10. Welfare Burials

A welfare burial is available if the plot is pre-owned by the deceased or applicant. Burials will follow the Department of Social and Health Services (DSHS) guidelines for the disposition of remains.

11. Disinterment

For disinterment of remains (including cremated remains), the applicant must have written authorization from the closest living relative. Provisions concerning permission to remove remains shall be governed by State law in RCW 68.50 as now or hereafter amended.

F. MARKERS

1. Services Provided:

a. The Cemetery shall make available for purchase markers such as monuments and memorials.

b. The City crew shall construct foundations and borders on markers when required. However, the owner or owner's estate is responsible for all costs incurred in doing this.

c. Placement of markers may be performed by the City or can be contracted for by a City-approved vendor upon authorization of the City.

2. Upright markers are allowed only on certain plots adjacent to the older sections of the Cemetery. Upright markers will not exceed a height of four feet (48 inches) from ground level. Concrete borders at the front and back of an upright memorial must be a minimum of 2 inches, not to exceed 4 inches in width and on the sides.

3. All flat memorials placed in the Cemetery shall have either a concrete or granite border with a minimum of a 2-inch border, not to exceed 4 inches.

4. A full-scale drawing of all upright markers and/or oversized flush markers must be submitted to the City for approval before purchase.

5. Markers must be set level with and conforming to the slope of the lawn and placed in line with adjacent stones so as to present a uniform appearance. The Cemetery reserves the right to inspect all markers/memorials after installation and to require or make changes if improperly set.

6. Only flush memorials are allowed to mark cremated remains inurned on an occupied grave space when the first interments is already marked with a headstone. The marker shall be placed adjacent to the existing marker and directly over the inurned cremated remains.

7. The City will provide a vase form free of charge. Vases may be purchased through Cemetery Administration located at City Hall. Vases not purchased through Cemetery Administration must be pre-approved.

8. All inscriptions for niches are subject to the approval of the City of Kirkland and shall be limited to the name of the deceased and year of birth and death.

9. Marker setting and on-site engraving shall be scheduled during normal business hours with and authorized by the Parks and Community Services Department at least one working day prior to the work being done. The City reserves the right to remove any marker which was set or engraved without permission and does not conform to the standards set forth in these rules and regulations.

10. The City does not bind itself to maintain, repair, or replace any markers or monumental structures erected upon the plot which are lost or damaged due to weather, age, vandalism, or normal maintenance. The City will endeavor to see that the headstone remains in good condition.

G. MAINTENANCE AND LANDSCAPE REGULATIONS

1The City will provide the maintenance of plot sites. Maintenance of plot sites includes seeding, leveling of sites, mowing and also trimming around the markers. The City may place sod on an as needed basis.

2. Cut flowers and bouquets are allowed year round.

3. Artificial flowers and decorations are allowed from November 1 to March 30.

4. The City of Kirkland shall have the authority to remove all floral designs, flowers, weeds, tress, shrubs, plants, or herbage of any kind from the Cemetery as soon as, in the judgment of the management, they become unsightly, dangerous, detrimental, diseased, or when they do not conform to the standards maintained. The City shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached. The Cemetery shall not be responsible for plants or plantings of any kind damaged by the elements, thieves, vandals, or by other causes beyond its control. The City reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained.

5. Planting of flowers and shrubs is allowed with prior approval from the City to assure the items do not interfere with maintenance and are in the correct location. Hooked poles for hanging flower baskets are not allowed.

6. The City is not responsible for damage to or theft of cut flowers, potted plants, displays, or containers. Anyone leaving such articles in the Cemetery does so at his/her own risk.

7. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, and similar articles upon plots shall not be permitted.

8. Only personnel authorized by the City shall trim, prune, or remove any part of the trees or shrubs in the Cemetery. If any tree or shrub situated on any grave by means of its roots, branches, or similarly becomes detrimental, dangerous, or objectionable to the adjacent plots, walks, or avenues, or the City is unable to maintain the grounds, the City shall have the right to enter upon the plot and remove the tree(s), or shrub(s), or any part(s) thereof as it may see fit.

9. No lot or plot shall be defined by fence, railing, hedge or by any unauthorized memorial. A plot shall not be decorated with any trees or shrubs without prior approval. Any items placed improperly or without permission shall be removed at the owner's expense.

APPENDIX B.1

Kirkland Municipal Code
Cemetery

Chapter 3.92
CEMETERY

Sections:

3.92.010 Service rates.
3.92.020 Prices for burial lots and cremated remains sites.

3.92.010 Service rates.

The city manager is authorized and directed to determine and establish the rates to be charged for opening and closing and for such other services as the city may render incidental to the operation and maintenance of the Kirkland Cemetery. In establishing such rates, the manager shall take into consideration the cost to the city in rendering such a service and the charges made by other cemeteries in the area for such services. The rates scheduled to be established by the city manager, or any modifications or amendments thereto, shall become effective on the filing of same with the director of finance for the city. (Ord. 3573 § 22, 1997: Ord. 2590 § 1, 1981)

3.92.020 Prices for burial lots and cremated remains sites.

(1) Prices for burial lots in the Kirkland Cemetery are established as follows:

(a) Historic Section:

Single Depth — Non Pre-Set	$1,200.00
Infant Plots	$ 300.00
Partial Plots	$ 500.00

(b) Nonhistoric Section:

Single Depth — Pre-Set	$1,000.00
Double Depth — Pre-Set	$2,000.00
Urn Garden Plots	$ 700.00

(2) Prices for cremated remains sites (niche walls) in the Kirkland Cemetery are established as follows:

(a) Historic Section — Niche Walk Wall/Flag Plaza Niches:

Level 1 $1,140.00
Level 2 $1,300.00
Level 3 $1,300.00
Level 4 $1,560.00

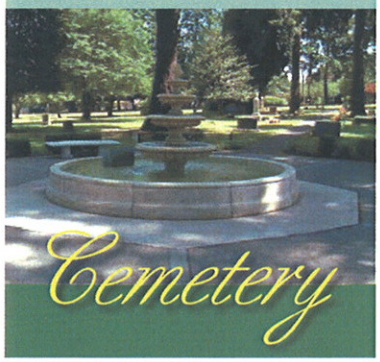
(b) Nonhistoric Section — Entry Wall Niches:

Level 1 $ 950.00
Level 2 $1,090.00
Level 3 $1,090.00
Level 4 $1,265.00
Level 5 $1,265.00

Level 6 $1,090.00

(Ord. 3722 § 1, 1999; Ord. 3652 § 1, 1998)

City of Kirkland



Cemetery Rate Schedule

Effective October 1, 2003

Cemetery Lots

Historic Section

- Single Depth – Non Pre-Set $1,200.00
- Infant Plot 300.00
- Partial Plot (Currently all sold) 500.00

Non-Historic Section

- Single Depth – Pre-Set (Currently all sold) $1,000.00
- Double Depth – Pre-Set 2,000.00
- Urn Garden Plot 700.00

Niche Walls

Historic Section

Niche Walk Wall/Flag Plaza Niches

- Level 1 ..... $1,140.00
- Level 2 ..... 1,300.00
- Level 3 ..... 1,300.00
- Level 4 ..... 1,560.00

Non-Historic Section

Entry Wall Niches

- Level 1 ..... $950.00
- Level 2 ..... 1,090.00
- Level 3 ..... 1,090.00
- Level 4 ..... 1,265.00
- Level 5 ..... 1,265.00
- Level 6 ..... 1,090.00

Service Charges

Interment and Disinterment	Regular Hours	Sat/Holiday
Single Plot Non Pre-Set	$665.00	$870.00
Single Plot Pre-Set	$665.00	$870.00
Single Plot Infant	$320.00	$470.00
Double Plot Pre-Set		
1st Opening	$665.00	$870.00
2nd Opening	$665.00	$870.00
Disinterment	$665.00	$870.00
Disinterment/Re-interment	$1,330.00	$1,740.00

Inurnment	Regular Hours	Sat/Holiday
Urn Garden	$270.00	$405.00
Graveside Services	$320.00	$470.00
Niche Opening	270.00	$405.00

Miscellaneous Charges

Flush Markers (Sold by City)** ..... Value based on size & type of marker

Marker Setting

- Veterans $200.00
- Flush $320.00
- Upright $440.00

Niche Lettering $165.00

Liner Sales** $250.00

Urn** ..... Value based on type of urn

*** These items subject to sales tax*

All costs are for normal services and sizes. There may be additional costs for any requests that are beyond the scope of these services or have larger sizing needs.

Appendix D
Cemetery Cost Breakdown

Cemetery Revenue and Expense Subsidy Trend

2005		2006		2007		2008 Projection		2009 Projection		2010 Projection	
Revenue	Expense	Revenue	Expense	Revenue	Expense	Revenue	Expense	Revenue	Expense	Revenue	Expense
$ 106,682	$ 94,132	$ 93,241	$ 100,892	$ 101,757	$ 87,626	$ 98,196	$ 97,320	$ 56,000	$ 87,425	$ 51,000	$ 87,425
$ 65,985	$ 38,224	$ 61,196	$ 32,652	$ 76,976	$ 28,949	$ 34,447	$ 39,124	$ 18,000	$ 37,093	$ 18,000	$ 36,030
$ -	$ 174,166	$ -	$ 184,831	$ -	$ 174,923	$ -	$ 133,645		$ 163,625	$ -	$ 168,323
$ 172,667	**$ 306,522**	**$ 154,437**	**$ 318,375**	**$ 178,733**	**$ 291,498**	**$ 132,643**	**$ 270,089**	**$ 74,000**	**$ 288,143**	**$ 69,000**	**$ 291,778**
$ 133,855		**$ $163,937**		**$ 112,765**		**$ 137,446**		**$ 214,143**		**$ 222,778**	
44%		51%		39%		51%		74%		76%	

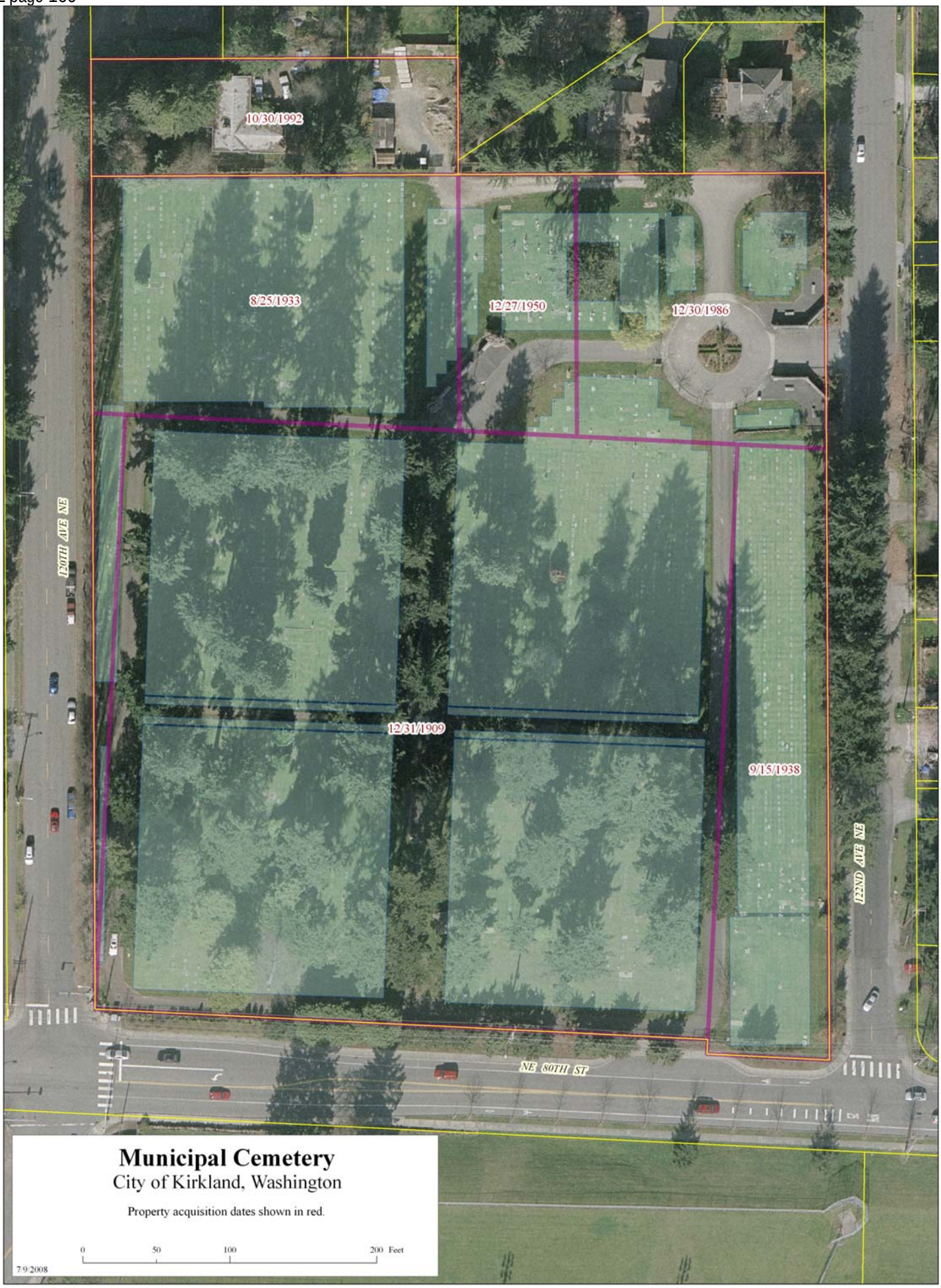
City of Kirkland
2001 Limited General Obligation Bonds

Purpose: Refunds 1994 LTGO Cemetery Improvement Bonds

Denomination	$5,000	Date of Bond Sale	7/6/2001
Amount of Issue	$330,000	Net Interest Rate	4.690%
Ordinance	3790	Org:	2100009011

DEBT SERVICE SCHEDULE

Year	Interest Dates: June 1	December 1	Interest Rate	Maturity Date	Principal Amount	Total Payment	Principal Balance
2001	0	5,895	4.00%	12/1/2001	15,000	20,895	315,000
2002	6,774	6,774	4.00%	12/1/2002	20,000	33,549	295,000
2003	6,374	6,374	4.00%	12/1/2003	25,000	37,749	270,000
2004	5,874	5,874	4.00%	12/1/2004	25,000	36,749	245,000
2005	5,374	5,374	4.00%	12/1/2005	25,000	35,749	220,000
2006	4,874	4,874	4.00%	12/1/2006	20,000	29,749	200,000
2007	4,474	4,474	4.13%	12/1/2007	20,000	28,949	180,000
2008	4,062	4,062	4.13%	12/1/2008	25,000	33,124	155,000
2009	3,546	3,546	4.25%	12/1/2009	25,000	32,093	130,000
2010	3,015	3,015	4.40%	12/1/2010	25,000	31,030	105,000
2011	2,465	2,465	4.50%	12/1/2011	25,000	29,930	80,000
2012	1,903	1,903	4.65%	12/1/2012	25,000	28,805	55,000
2013	1,321	1,321	4.75%	12/1/2013	25,000	27,643	30,000
2014	728	728	4.85%	12/1/2014	30,000	31,455	0
Totals	50,786	56,681			330,000	437,467	


10/30/1992
8/25/1933
12/27/1950
12/30/1986
12/31/1909
9/15/1938
120TH AVE NE
12ND AVE NE
NE 80TH ST
Municipal Cemetery
City of Kirkland, Washington
Property acquisition dates shown in red.
0
50
100
200 Feet
7/9/2008

	MUNICIPAL				PRIVATE					COMPARABLES				RECOMMENDATION		
In Ground Burial Plots	*Bellingham* Bayview	*Auburn* Mtn. View	Woodinville memorial mead	Edmonds Memorial	Acacia Lake City	Chapel of Resurrctn Bothell	Evergreen Washelli Seattle	Cedar Lawn Redmond	Sunset Hills Bellevue	Average Municapal	Municipal Top Range	Comparable Private *Cedar Lawn*	Fully Loaded Capitol Costs	*Kirkland* Current Prices	Resident	Non-Res
Single Depth – Premier or Historic Section	1,464.00	1,950.00		900.00					25,000.00	1,378.50	1,950.00		2,400.00	1,200.00	2,400.00	3,600.00
Single Depth – Main Section	1,310.00	1,595.00	1,500.00	720.00	9,895.00		5,750.00	3,800.00	9,813.00	1,225.00	1,595.00	3,800.00	2,400.00	1,000.00	2,400.00	3,600.00
Double Depth		3,995.00					10,305.00		14,000.00	2,997.50	3,995.00		4,800.00	2,000.00	4,800.00	7,200.00
Upright Headstone Section		3,595.00						8,000.00		3,595.00	3,995.00	8,000.00	2,400.00	1,200.00	2,400.00	3,600.00
Infant Plot	396.00	295.00		540.00						382.75	396.00		800.00	300.00	800.00	1,200.00
Cremation Plots																
Urn Garden Plot (single)		495.00	1,500.00		1,315.00		8,500.00	1,900.00		898.33	700.00	1,900.00	800.00	700.00	800.00	1,200.00
Urn Garden Plot Companion (2)	557.00	1,140.00			8,355.00					848.50	1,140.00		1,800.00	1,400.00	1,800.00	2,700.00
Urn Garden - Upright Headstone Section		3,195.00								3,195.00	3,195.00		n/a	n/a		0.00
Urn Garden Family Plot (4 - 6)	1,057.00				1,000,000.00			15,000.00		1,057.00	1,057.00	15,000.00	n/a	n/a		0.00
Niche Wall - Premier location																
Niche Wall - Single		480.00			985.00			895.00	3,267.00	480.00	480.00	895.00	n/a	n/a		0.00
Niche Wall - Double		735.00								735.00	735.00		n/a	n/a		0.00
Niche Wall - Level 1	1,444.00									1,292.00	1,444.00		250 per niche	1,140.00	1,368.00	2,052.00
Niche Wall - Level 2							6,150.00			1,300.00	1,300.00		250 per niche	1,300.00	1,560.00	2,340.00
Niche Wall - Level 3										1,300.00	1,300.00		250 per niche	1,300.00	1,560.00	2,340.00
Niche Wall - Level 4	1,689.00				12,095.00					1,624.50	1,689.00		250 per niche	1,560.00	1,872.00	2,808.00
Niche Wall - Main location																
Niche Wall - Level 1	1,268.00	1,545.00		1,450.00						1,303.25	1,545.00		250 per niche	950.00	1,140.00	1,710.00
Niche Wall - Level 2		1,695.00								1,392.50	1,695.00		250 per niche	1,090.00	1,308.00	1,962.00
Niche Wall - Level 3		Sold								1,090.00	1,090.00		250 per niche	1,090.00	1,308.00	1,962.00
Niche Wall - Level 4	1,689.00	Sold		4,950.00						2,634.67	4,950.00		250 per niche	1,265.00	1,518.00	2,277.00
Niche Wall - Level 5										1,265.00	1,265.00		250 per niche	1,265.00	1,518.00	2,277.00
Niche Wall - Level 6										1,090.00	1,090.00		250 per niche	1,090.00	1,308.00	1,962.00
Mausoleum																
Single					32,995.00	6,750.00										0.00
Double						9,660.00										0.00
Capital Costs																0.00
Service Fees													Service fees			
Open/Close - Adult Burial - Weekday	589.00	895.00	550.00	510.00			2,205.00	1,495.00	1,495.00	641.80	895.00	1,495.00	1,630.00	665.00	1,630.00	2,445.00
Open/Close - Adult Burial - Wknd/Hday	n/a	1,345.00	970.00	815.00				1,995.00		1,000.00	1,345.00	1,995.00	1,630.00	870.00	1,630.00	2,445.00
Child Open/Close - Weekday	268.00	250.00	550.00	510.00						379.60	550.00		500.00	320.00	500.00	750.00
Child Open/Close - Wknd/Hday	n/a	700.00	970.00	815.00						738.75	970.00		500.00	470.00	500.00	750.00
Open/Close - Cremation plot - Weekday	220.00	375.00	350.00	220.00			1,455.00			287.00	375.00		500.00	270.00	500.00	750.00
Open/Close - Cremation plot - Wknd/Hday	n/a	670.00	560.00	365.00						500.00	670.00		500.00	405.00	500.00	750.00
Niche Opening - Weekday	185.00	375.00	n/a	75.00						226.25	375.00		500.00	270.00	500.00	750.00
Niche Opening - Wknd/Hday	n/a	670.00	n/a	365.00						480.00	670.00		500.00	405.00	500.00	750.00
Set up fee (for full services) - Weekday	included	195.00	200.00	225.00						235.00	320.00		320.00	320.00	320.00	480.00
Set up fee (for full services) - Wknd/Hday	n/a	195.00	200.00	225.00						272.50	470.00		470.00	470.00	470.00	705.00
Endowments																
Percentage of any property sale	25%	15%	*					10%	10%		25%	10%	n/a	n/a	n/a	n/a
Fee																

ORDINANCE NO. 4176

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE KIRKLAND CEMETERY AND REPEALING AND REENACTING CHAPTER 3.92 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Chapter 3.92 of the Kirkland Municipal Code (KMC) is hereby repealed.

Section 2. A new Chapter 3.92 of the KMC is hereby adopted to read as follows:

3.92.010 Maintenance and operations

The Director of Parks and Community Services, or his or her designee, shall be responsible for the maintenance and operation of the Kirkland Cemetery. The Director of Finance and Administration, or his or her designee, shall be responsible for administering the finances of the Kirkland Cemetery.

3.92.020 Cemetery Committee.

The City Manager is authorized and directed to establish the Cemetery Committee. The committee will consist of the Director of Finance and Administration or designee, the Director of Parks and Community Services or designee, and representatives from the Parks Maintenance and Cemetery Administration staff.

The Cemetery Committee shall periodically review and make recommendations to the City Manager on: (1) Cemetery policies; (2) Long term and operational plans for the cemetery; and (3) rates to be charged for services, burial lots and cremated remains sites.

In determining such rates, the Cemetery Committee shall take into consideration the cost to the City in rendering services, increases in the Consumer Price Index or other indicies, and the rates charged by other cemeteries in the area for services, burial lots and cremated remains sites. The rates recommended by the Cemetery Committee to the City Manager shall become effective upon approval by the City Manager and the filing of the rates with the Director of Finance.

3.92.030 Charges for residents and non-residents.

The rates charged for burial lots and cremated remains sites (niche walls), and services shall be based on whether the lot or site is purchased for a resident or a non-resident of the City of Kirkland. The rates charged for burial lots and cremated remains sites (niche walls) for non-residents of the City of Kirkland shall be fifty percent higher than the rate for residents of the City of Kirkland. For the purpose of this Chapter, a person shall be considered a resident of the City of Kirkland if: (1) he or she was born in the City of Kirkland or has lived in the City of Kirkland for a period of ten or more continuous years at any point in his or her life; or (2) he or she has an immediate family member who currently resides in the City of Kirkland. For the purpose of this Chapter, an "immediate

family member" shall be the spouse, significant other, parent, child or sibling of the person.

Section 3. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2009.

Signed in authentication thereof this _____ day of _____, 2009.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Council Meeting: 01/06/2009
Agenda: Unfinished Business
Item #: 10. c.

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: Marilynne Beard, Assistant City Manager
Tracey Dunlap, Director of Finance and Administration

Date: December 18, 2008

Subject: POTENTIAL ANNEXATION UPDATE

RECOMMENDATION:

Council review and comment on the proposed methodology and timeline for update of the potential annexation fiscal model.

BACKGROUND:

In May 2008, after two years of study, the City Council voted to delay a decision on annexation of the City's PAA (potential annexation area) until the City's budget was completed and the financial model was updated to reflect the adopted budget. With the adoption of the 2009-2010 Budget, staff is preparing to update the financial projections for annexation. The complexity of the financial model and related analysis will require the better part of January and February to complete. The purpose of this memo is to confirm the proposed timeline for the update and to confirm the assumptions that will be used in preparing the update.

As noted earlier, the purpose of the financial update is to determine whether the actions taken to balance the 2009-2010 budget produce a different financial outcome for annexation. To that end, staff will update the annexation financial model in a series of steps:

1. Input the adopted 2009-2010 Budget into the model.
2. Review inflationary and other growth assumptions to determine if they are still valid.
3. Update departmental staffing plans for the PAA to reflect current service levels.
4. Adjust for any known changes that have taken place or that will take place prior to annexation (e.g. transition to NORCOM, move of Toyota dealership, availability of King County funding).

We plan to model an effective date of January 1, 2011 to recognize the long-term nature of the projection, although it is likely that the effective date may fall sometime during 2010. If the decision is made to proceed with annexation, a detailed cash flow analysis will be developed to determine the optimal effective date from a revenue perspective as well as a plan for funding the transition needs in advance of that date.

The resulting model will reflect a "base case" for annexation that will assume many of the same service levels and assumptions used in the most recent rendition of the financial analysis. Unfortunately, there will still be many unknowns that cannot accurately be portrayed in the model, but that we can identify and attempt to quantify as either an upside or downside risk:

- Totem Lake Mall – Originally factored into the model as a revenue increase in 2011, we may need to revisit this assumption given the delayed start.

- Park Place – This project cannot be accurately factored in as a revenue impact since the exact project is not defined at this time.

- Casino Revenue – A legislative initiative to allow Kirkland to grandfather in the existing casino without allowing card rooms in other areas of the city would constitute a potential positive revenue change.

- State Funding – The City is approaching the deadline for eligibility for state annexation incentive funding. Given the State's budget difficulties, annexation funding may not be available beyond the current deadline. The City's legislative agenda includes support for seeking an extension to the annexation funding deadline.

- Regional Jail – The City's investment in and use of a regional jail facility will be under study for at least another year before we can determine our level of participation in the project.

- Failure of the Voted Utility Tax –The 2009-2010 Budget assumes passage of the voted utility tax which will be the assumption rolled into the base case. Voter rejection of the measure represents a potential downside risk.

Another consideration is the "starting point" for assumptions to be used in the update of the model. At the end of the last process, the model had been updated to reflect an alternative service delivery model. In this scenario, the Police Department had submitted an option for three patrol districts (instead of four) and the Fire and Building Department had submitted an alternative staffing model to compensate for the anticipated closure of the Woodinville Fire and Life Safety District's Kingsgate station. For the "base case" scenario, staff will begin with the latest iteration of the model and also prepare a version that reflects the original public safety service level assumptions (e.g. four patrol districts). The most recent version of the financial model (with the lower public safety staffing levels) resulted in a deficit of $6.014 million, the majority of which was attributable to Kirkland ($4.5 versus $1.6 in the PAA). A copy of the staff report presented at the April 15 Council meeting is included as Attachment A.

At the May 20th meeting, the City Council provided direction to staff with regard to annexation:

- The Annexation Subcommittee would be disbanded and annexation issues would be addressed as a Council of the whole. If an annexation subcommittee was re-formed, a change membership would be considered.

- Staff was to pursue legislative initiatives in the 2009 session to seek extension of the deadline for annexation funding eligibility and potentially support a change in gambling laws to allow for grandfathering existing casinos in annexation areas (Note: These items are included in the adopted legislative agenda).

- A direct communication letter to residents of the PAA was not used in favor of an update to the City's annexation web page.

- The City Council agreed to consider annexation petitions from residents of the PAA but not to initiate any petitions from the City.

- Staff was to update the financial model after conclusion of the 2009-2010 budget process.

- The City would not "release" the PAA to another city or cities at this time, but would initiate discussions with King County regarding the future of the PAA.

With regard to the final bullet, the City was made aware of a study being conducted by the City of Bothell (at the urging of King County) to determine whether they were interested in annexing Kirkland's PAA (assuming Kirkland was not planning to proceed). The City of Bothell reports that the study, first scheduled to be completed in mid-October, is still being finalized. Staff anticipates forwarding the report and a recommendation to the Bothell City Council in early January. Although Bothell is also conducting a financial analysis, the financial results will necessarily be different. Bothell has a different service system and level of service than Kirkland, a different tax base and a different configuration for fire services. Their consultant is taking a different approach to the analysis and it is likely that the Bothell City Council applied different policy parameters and assumptions. Consequently, Bothell's report will not necessarily inform Kirkland's financial update other than to know whether they consider the annexation more or less financially viable for them. Staff will report back to Council when Bothell's report is released.

We also recently received a copy of a letter from Attorney General Rob McKenna's office that discusses the definition of "commence annexation." As you may recall, "commence" is a key term that defines eligibility for state annexation incentive funding. The letter does not constitute an official opinion from the Attorneys General but does provide an idea of their working definition. According the letter, "commence" is any action taken by the City to begin the annexation process. Under this definition, a resolution calling for an election would qualify as "commence" and make the City eligible for state funding if such action were taken prior to January 1, 2010. Under this scenario, an election would not need to take place in 2009. The City may want to contact a member of its local legislative delegation and ask that a formal AG opinion be requested.

If an election were held in 2009, it could take place at a special election, the primary or the general election. Since it is the Council's intent to ask annexation voters to assume their portion of outstanding debt (requiring a 60% approval and validation of 40% of the voters in the last general election) the timing of an election will be important. Given the turnout for the 2008 general election, validation will be difficult to secure before 2010.

Staff would like to schedule a study session to review the updated annexation financial information on March 3rd. The comprehensive nature of the annexation financial model is a very powerful analytical tool that provides the capability to test different budget balancing strategies (i.e. various uses of expenditure control, tax increases and optimistic/pessimistic growth assumptions). For the initial update, we will evaluate the base case under the 2009-2010 budget assumptions, model the two public safety staffing variations noted above and identify the upside and downside risks. If additional "what if" scenarios are identified at the first study session, we will schedule additional discussion.

On January 6, we are requesting feedback on three policy questions:

1. Is the direction provided by Council at the May 20th meeting still valid?
2. Are the base case assumptions to be used in updating the financial model appropriate for this exercise?
3. Is there additional information that would be helpful for Council to have for discussion?

CITY OF KIRKLAND
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MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager
Tracy Burrows, Intergovernmental Relations Manager
Tracey Dunlap, Director of Finance and Administration

Date: April 3, 2008

Subject: POTENTIAL ANNEXATION UDPATE

RECOMMENDATION:

City Council receive additional information on the potential annexation as requested at their January 15 meeting and provide direction to staff regarding next steps.

BACKGROUND:

On January 15, the City Council received a briefing on the potential annexation of Finn Hill, Juanita and Kingsgate. At that meeting, the Council was presented with four policy options for annexation:

Option 1— Go to Phase 3 with Election in November 2008
Proceed to Boundary Review Board as Soon as Possible

a. Conduct public hearings on PAA zoning and proceed to Boundary Review Board
b. Develop alternative level of service plan and assess its impacts on Kirkland and the PAA
c. Pursue additional funding from King County and the State
d. Initiate negotiations with the Woodinville Fire & Life Safety District
e. Provide information updates to Kirkland and the PAA

Option 2– Continue Phase 2 through April 2008, Potential Election Dates: November 2008, Spring or Fall 2009; No Change in Annexation Area Boundary

a. Develop alternative level of service plan and assess its impacts on Kirkland and the PAA
b. Pursue additional funding from King County and the State
c. Initiate negotiations with the Woodinville Fire & Life Safety District
d. Provide information updates to Kirkland and the PAA

Option 3— Continue Phase 2 through Fall 2008, Potential Election Date: Fall 2009 Involves Change to Annexation Area Boundary

a. Develop alternative level of service plan and assess its impacts on Kirkland and PAA
b. Pursue additional funding from King County and the State
c. Initiate negotiations with the Woodinville Fire & Life Safety District
d. Analyze adjusted annexation boundary excluding Woodinville Fire & Life Safety
e. Analyze different ways of phasing in annexation, i.e. one neighborhood at a time
f. Provide information updates to Kirkland and the PAA

Option 4— No Go to Phase 3

a. Pursue alternatives to annexation with the PAA, including incorporation and annexation to neighboring cities
b. Pursue additional funding from King County and the State and additional time from the State
c. Provide information update to Kirkland and the PAA

Council requested that staff pursue activities in options two and three and report back to Council in March or April regarding the following work items:

1. Pursue additional funding from the State and King County and legislative action that would extend the deadline for eligibility for State funding beyond January 1, 2010.

2. Engage in discussions with Woodinville Fire and Life Safety regarding alternatives for providing fire and emergency medical services to the Kingsgate area.

3. Identify staffing and service delivery alternatives to reduce the revised financial gap between estimated revenues and expenditures that result from annexation.

4. Identify the implications of annexing the PAA excluding the Woodinville Fire and Life Safety territory.

5. Study the feasibility of a phased annexation over a longer period of time.

6. Develop an annexation financial scenario that adjusts for potential increases in the key expenditure areas of wages and benefits.

7. Identify potential additional income assuming an aggressive economic development effort and full build-out of commercial areas.

Council opted to delay a direct mail informational flyer until Council is able to provide more definite direction regarding next steps.

Since the January 15 meeting, staff has been working with the Annexation Subcommittee to follow-up on the items requested by Council. Because of the volume and complexity of the information, the

Subcommittee recommended that an additional study session on annexation be scheduled. A second study session is scheduled for May 7. This memo provides a discussion of the findings associated with each of the tasks identified by Council.

Additional Funding and Timeline Changes

The State legislature held their 2008 session which ended in late March. During the session, the legislature did not consider amendments to the annexation incentive legislation passed in 2006 and no other action was taken to increase funding available for annexations. King County has not identified additional funding to be provided to the City but did include a budget proviso in their 2008 budget calling for County staff to provide GIS assistance to Kirkland in support of the potential annexation. The original funding proposal from King County for $2.5 million received in November 2007 is expired. The annexation subcommittee has requested a meeting with King County Executive Ron Sims and County Councilmember Jane Hague to discuss additional one-time funding assistance and reaffirmation of the original funding proposal presented last year. Staff is in the process of scheduling that meeting.

Discussions with Woodinville Fire and Life Safety District (WFLS)

On February 26, the Annexation subcommittee met with Dennis Johnson, Chief of the WFLS district. Chief Johnson shared the commissioners' concerns about Kirkland's annexation and the impact on the district. If Kirkland annexes the entire PAA, WFLS would experience s revenue loss in excess of $1 million which would necessitate closing one fire station in their area. They advised the City that their plan is to close the Kingsgate Station and one other station in the district and consolidate the two stations to a new location that can better serve revised boundaries. If Kirkland does not annex that area, the district would renovate or rebuild the Kingsgate station. Chief Johnson also shared the commissioners' request for the Kirkland City Council to make a decision as soon as possible regarding annexation so that they can continue their planning processes. The subcommittee inquired about the potential for contracting for fire services with WFLS and both Chief Johnson and Chief Blake emphasized that this would be problematic and a temporary solution at best.

Subsequent to the meeting with WFLS, Kirkland city staff met with staff from the City of Woodinville to discuss the potential for Woodinville taking the Kingsgate area into their PAA if Kirkland did not annex that area. Woodinville staff was open to the discussion; however, they needed to check in with their City Council. They did point out that the population of the Kingsgate area (7,190) would represent a significant increase to their current population of 10,390.

Alternative Service Delivery

City staff was asked to identify staffing and other reductions to their original annexation estimates and to provide a description of how the reductions would impact the PAA and Kirkland. In response, each of the departments developed two alternative service delivery plans—one for the entire PAA and one for the PAA excluding the Woodinville Fire and Life Safety District. For each of these staffing plans, the departments identified staffing adjustments that would reduce overall costs with the fewest impacts to service delivery. In addition, the departments detailed the specific level of service impacts of the staffing plans to (1) the residents of the PAA and (2) the current residents of Kirkland (*see* Table 1 at the end of this memo).

Alternative Service Delivery Plan for the PAA Overall

For the alternative staffing plan for the PAA overall, the departments were given general guidance to identify a 10 percent reduction in staffing costs. While the actual percentage reduction varied somewhat from department to department, the overall reductions achieved a 13 percent reduction in required staff. This 13% reduction represents 21 fewer FTE's in the alternative service delivery plan. The most significant changes to service delivery were:

- The reduction from four to three police patrol districts for the PAA.
- The assumption that the maintenance responsibility for O.O. Denny Park would remain with the Finn Hill Park District.
- Change to the minimum fire station staffing requirements for the Totem Lake station.

The attached Table summarizes the staff reductions associated with the alternative service delivery plan for the PAA. The summary discusses both the impacts to the PAA residents and the existing City residents. Some of the impacts of service level changes are limited to the PAA. For example, these changes will mean that it will take longer to complete neighborhood plans for the PAA and it may take longer to respond to requests for neighborhood traffic calming in that area. In other instances, the staffing adjustments may impact our responsiveness to requests within the PAA and the City, as in the case of requests for guide signs or red curb painting. The specific impacts of the alternative service delivery plans for Police, Parks, and Fire are discussed below.

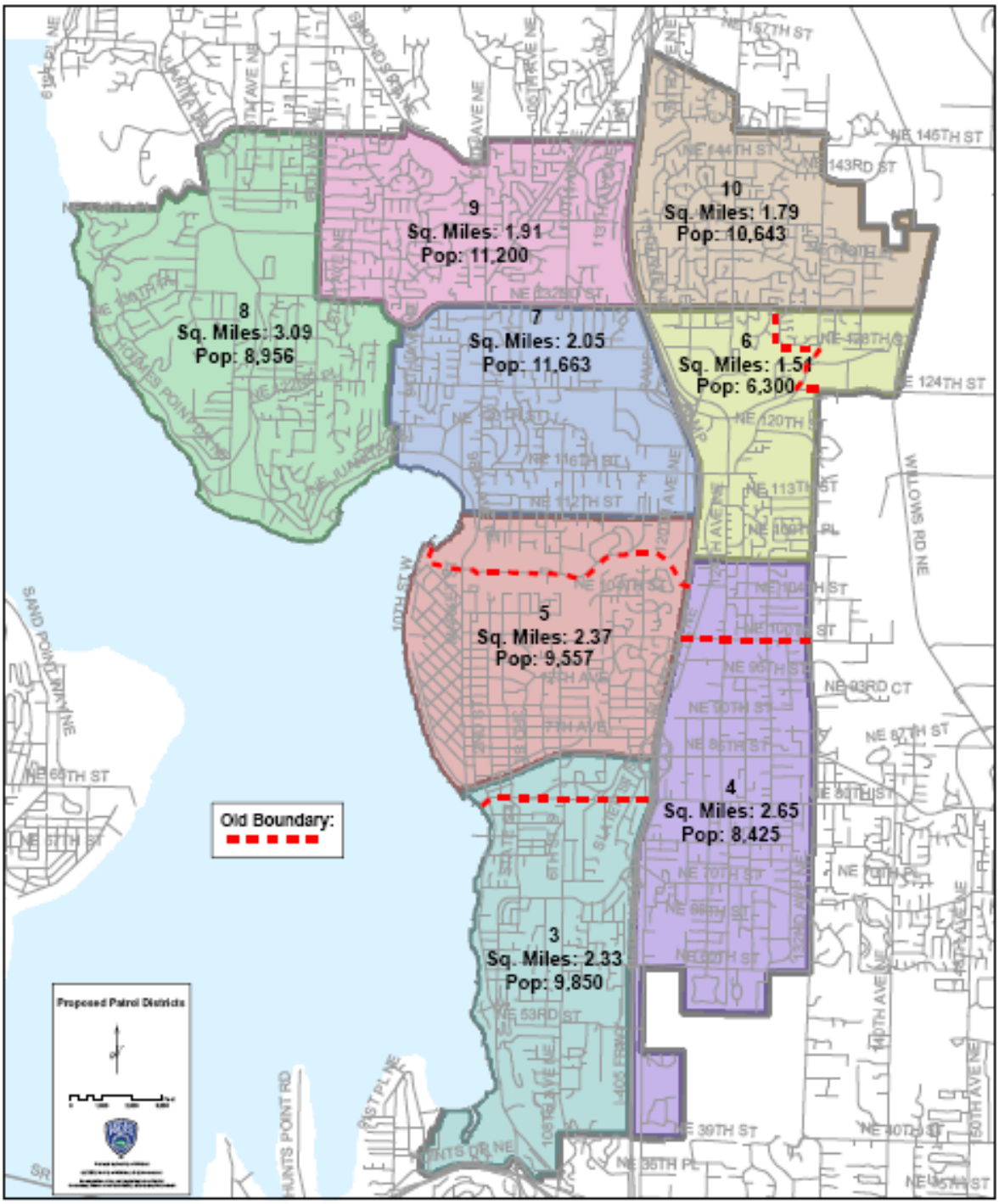
Police Patrol Districts

To achieve staffing economies in Police Department, the department reduced the number of patrol districts serving the area from four to three. The patrol district map was revised based on the population of each of the districts, projected calls for service within the districts, and the ease of transportation access within the district.

Currently, the police department handles just under 38,000 calls for service (incidents) each year. These calls for service include both when the officer is dispatched to an incident by the Dispatch Center and when the officer observes a potential incident and initiates a response. These incidents include traffic stops, arrests, and on-view contacts. Based on historical data, the department projects approximately 26,000 Calls for Service (Incidents) each year in the PAA. Approximately one-third of these calls will require a minimum of two officers to sufficiently handle the call (such as domestic violence calls).

The revised boundaries of the PAA three districts reflect the geographic constraints associated with the area. The challenges include the lack of east to west arterials and the high volume of traffic on north-south arterials and I-405. In addition, NE 132nd Street is the one clear direct route for officer response from one district to another. The map below illustrates the proposal for the three patrol district boundaries.

Proposed Patrol Districts



The following Table illustrates the differences between the 4 District and 3 District staffing plans. The Table also shows the current staffing levels for the relevant positions as a comparison.

	Revised 4 District		3 District Plan		Current Staffing	
	FTE's	FTEs/1000 Population	FTE's	FTEs/1000 Population	FTE's	FTEs/1000 Population
Captain	1	0.03	1	0.03	2	0.04
Lieutenant	2	0.06	1	0.03	4	0.08
Investigations/Narc	6	0.17	5	0.15	6	0.13
Sergeant	4	0.12	4	0.12	4	0.08
Corporals	4	0.12	4	0.12	4	0.08
Traffic Officers	4	0.12	3	0.09	4	0.08
K-9	1	0.03	1	0.03	1	0.02
Patrol Officers	22	0.64	18	0.52	24	0.51
	44	1.28	**37**	1.08	**49**	**1.03**
Communications*	8	0.23	8	0.23	18	0.38
Records	4	0.12	3	0.09	5	0.11
Admin Support	2	0.06	1	0.03	2	0.04
Evidence Officer	0.5	0.01	0.5	0.01	1	0.02
Corrections Officer	4	0.12	3	0.09	11	0.23
	18.5	**0.54**	**15.5**	**0.45**	**37**	**0.78**
Total FTE	**62.5**		**52.5**		**86**	

*Communications FTEs are shown as a "placeholder" for NORCOM charges that will be in effect in 2009.

There are a number of Police positions that will remain at the same staffing level post-annexation. These positions are noted below and are not included in the Table above.

Chief	1.0	Family/Youth Advocate	1.0
Detective Sergeant	1.0	Lead Records	1.0
Community Service Unit Sergeant	1.0	Corrections Lieutenant	1.0
Pro-Act Sergeant	1.0	Communications Supervisor	1.0
Admin Corporal	1.0	Lead Communications Tech	3.0
Pro-Act Officer	3.0	Family Violence Unit Detective	1.0
Training Officer	1.0	Parking Enforcement	2.0
Community Service Unit Officer	1.0	Admin Coordinator	1.0
School Resource Officer	1.0	Admin Associate	1.0
Neighborhood Resource Officer	1.0	ProAct PSA	1.0
Police Analyst	1.0		

Impact of Three Patrol District Plan

The Police Department projects that the PAA will generate approximately 26,000 annual calls for service. There will be service impacts associated with adopting a three district, but these impacts will be manageable. The most noticeable result of the three district plan will be the need to have a more refined system of prioritizing of calls for service. The response to life-threatening or in-progress crimes will be enhanced in the PAA. However, lower priority calls are likely to have longer response times than is current practice within the City.

One of the most noticeable impacts of adopting a three-district plan will be the increased demand for back-up support. Specifically, we anticipate that there will be an increase in the need for current city officers to assist the PAA officers with backup emergency calls. To manage this demand for assistance, the boundaries of the current north districts (5, 6 & 7) borders would be redrawn to aid in reducing the work load and coverage area in these districts. By doing this we would reduce area and population in the north districts and give this area to the two remaining south districts (3 & 4). This should spread the impact of increased calls to all districts and would be monitored for issues.

The proposed four district plan would have given the Police Department the opportunity to have a command level officer on duty at all times. Under a three district plan, there will be an increased number of hours where a command staff person is on duty, but there will still be times during weekends or late evenings when a sergeant or corporal is the highest ranking staff member.

Management of Additional Demands

We have listed several impacts of reducing the number of districts and staff covering the PAA. Emergency assistance and the preservation of life would always be our top priority. As mentioned above, the Police Department's greatest challenge will be in providing a standard level of service for lower priority response calls.

Some of the possible methods of prioritizing and handling the additional calls for service include:

1. Limiting the types of calls officers are required to handle (e.g. non follow-up calls handled as mail out reports, raise the dollar threshold on reporting non-injury accidents, barking dog complaints and others).

2. Offering internet-based report by victims; easy to use question/answer templates for reporting non follow-up type case which allow officers to be available for other calls. This can be done on the internet, by setting up a reporting station at various locations in the city (fire stations, police department, and community center).

3. Working a different schedule with patrol that allows for different staffing levels for peak times. Currently by contract we are locked into a twelve-hour schedule that does not allow for flexibility. We are currently working with the union on this issue and will continue whether annexation takes place or not to address the City and union's interests.

The staffing levels we proposed for the three districts will have impacts to service levels in the existing city and PAA. These impacts will be manageable, but will mean that new methods of managing calls will be employed and that lower priority calls will likely have longer response times.

Maintenance of O.O. Denny Park

Another significant adjustment with the alternative service delivery proposal is the change in the plan for maintenance for O.O. Denny Park. O.O. Denny Park is owned by the City of Seattle and, under an agreement with the original donors of the property, the City of Seattle will retain ownership provided that the property is maintained as a park. The maintenance of O.O. Denny Park is currently funded by a special levy of the Finn Hill Park District. Under the proposed alternative service delivery plan, the Park District would retain responsibility for park maintenance. The District is planning on a November 2008 ballot measure for the levy renewal that would provide funding for park maintenance for up to the next six years.

Without taking on the maintenance responsibilities at O.O. Denny Park, the Parks Department is able to eliminate two groundskeeper positions for a savings of approximately $205,000 in annual operating costs associated with the PAA.

Fire Staffing Configuration

The alternative service delivery plan includes a proposed change to the current firefighter staffing requirements for the Totem Lake station. Currently, the Fire Department requires a total of five positions to staff an engine company and a medical aid unit – three firefighters for the engine company and two for the medical aid unit. This reflects a service level enhancement approved several years ago that allows for the Totem Lake Station to respond to two separate aid calls simultaneously or one fire and one aid call simultaneously.

Under the alternative service delivery plan, at the Totem Lake Station this would be reduced to a total of four staff that has the flexibility to work as part of either the engine company or the aid unit. The station would be equipped with both an aid vehicle and a fire engine. With this level of staffing, the station personnel retain the ability to respond to two medical emergency calls at the same time or <u>one fire call</u>. Also, it gives the station the ability to staff an engine company with four firefighters in the event of a fire emergency, giving the team greater capacity to handle fire related actions. However, the station staff would require automatic aid assistance to respond to simultaneous medical and fire calls.

It should be noted that the Fire Department is considering this change in staffing configuration on a city-wide basis because it does offer increased flexibility in staffing. This alternative staff configuration at the Totem Lake station would result in an overall reduction in three staff positions—one for each of the three eight-hour shifts needed for 24/7 coverage.

<u>Alternative Service Delivery Plan – Excluding the Woodinville Fire & Life Safety District</u>

Each of the City Departments also prepared an alternative service delivery plan for the PAA excluding the Woodinville Fire & Life Safety District. By excluding the Woodinville District, we would eliminate the need

for an additional engine company to serve the Kingsgate area, saving approximately $1.5 million in annual operating costs and the capital costs associated with expanding Fire Station 27.

While excluding the District would lead to considerable cost savings for the Fire Department, there were not comparable economies for the other City departments. For the most part, the exclusion of the Woodinville District diminished the benefits of the economies of scale that could be realized in serving the entire area. For example, parks maintenance staffing would not be reduced at all because there are no public parks in the portion of the PAA in the Woodinville Fire District. Likewise, the Police Department would continue to need three patrol districts to serve the PAA, so their savings was limited to one traffic officer and one communications staff person. In total, 19.6 additional positions could be eliminated if the WFLS area were not annexed.

Because the exclusion of the Woodinville Fire & Life Safety District eliminates approximately 25% of the revenue base associated with the PAA, and there were not comparable savings in staff reductions, this alternative service delivery option was not financially sustainable.

Revised Financial Outcomes

At the end of the first phase of the annexation analysis (late 2006/early 2007), the financial model projected that there was a financial gap in both the existing City and the PAA. The gaps were roughly proportionate and scenarios were generated that illustrated potential actions that would close the gap. <u>These scenarios indicated that the actions taken to close the gap in the existing City would also close the gap in the PAA</u>. A number of follow up issues were identified for evaluation in Phase 2, including:

- The impacts on fire staffing if the Kingsgate station was relocated.
- The impacts of the City assuming responsibility for the maintenance of O.O. Denny Park, which is currently maintained by the Finn Hill Parks District.

In late 2007, the financial results were updated to take into account new information, including:

- The adopted 2007/08 budget.
- The costs of adding an engine company due to the expected relocation of the Kingsgate station.
- The costs of maintaining O.O. Denny park if the Finn Hill Park District dissolved.
- Assumption of the anticipated Fire District 41 debt associated with station consolidation.
- Updated facilities cost estimates.

These changes added sufficient costs to the PAA that the logic that the actions taken to balance the existing City's budget would balance the PAA no longer held true (Attachment A). To further evaluate the financial feasibility of annexation, the City Council requested that a number of options be generated for consideration:

- Identify Alternative Service Delivery (ASD) for the PAA that would reduce costs.
- Model with higher wage (6 percent) and benefit (10 percent) inflation continuing throughout the projection period.
- Model the effects of high commercial economic development activity in the PAA.
- Consider excluding the Woodinville Fire and Life Safety District (WFLSD) service area.

Staff prepared four scenarios that consider these factors. In addition, a discussion of the impact of subsequent financial events in the existing City on the annexation analysis follows the scenarios.

Alternate Service Delivery (Entire PAA)

Attachment B reflects the financial results under the alternate service delivery assumptions developed since December. Key changes include:

- Assumption that the City will not assume responsibility for O.O. Denny Park.
- Adjustment to Police patrol districts from 4 to 3 in the PAA.
- Change in minimum Fire staffing configuration.
- Overall reduction in staffing needs of approximately 20.7 FTEs (13 percent).

The service level adjustments produce a gap in the PAA that is roughly proportionate to the gap in the existing City, which returns the discussion to the earlier logic – that the actions taken to balance the budget in the existing City should also balance the PAA.

High Personnel Cost Inflation

Attachment C begins with the revised baseline (alternate service delivery) and sets wage inflation at 6 percent and benefit inflation at 10 percent throughout the projection period (rather than the long-term projections of 5 percent and 6 percent used in the previous scenario). What is evident from the graph is that this level of wage and benefit growth is not sustainable over the long-term in the existing City or the PAA. These assumptions mean that salaries would double every 12 years and benefit costs would double every 7.2 years. In this scenario, the projected shortfalls in both the City and the PAA more than double over the projection period. If this circumstance were to occur, the City would have to dramatically alter its service levels and taxation policies, since revenues are not expected to grow at that pace over the long-term regardless of annexation.

Maximize Commercial Development in the PAA

To test the sensitivity of the model to economic development assumptions in the PAA, the level of new commercial development and redevelopment was set to "full build out" by 2025. An overview of the square footage assumptions for the high economic development scenario is summarized in Attachment D. In brief, the baseline results reflected a doubling in commercial square footage in the PAA from the current 638,000 sq. ft. to 1.3 million sq. ft. In the high economic development scenario, commercial growth increases from 638,000 sq. ft. to over 2 million sq. feet (roughly triple the current level). This scenario represents a 5.65 percent increase in revenues to the PAA by 2026, resulting in some reduction in the gap over the long-term (Attachment E), but still leaves a gap of 5 percent in 2026. It is important to note that this scenario is intended to provide an upper boundary that maximizes the potential of the commercial areas and is not likely to occur as shown.

Concerning potential expansion of the commercial districts within the annexation area, there are only a few properties that could possibly redevelop to commercial uses. The commercial areas are mostly surrounded by existing condominium and apartment complexes. Adjacent to the north Finn Hill

commercial district are one vacant property and a daycare facility and adjacent to the Kingsgate commercial district is a daycare facility, all of which could be rezoned and developed as commercial uses.

The PAA's industrial area in Totem Lake north of NE 124th Street has the greatest opportunity for commercial redevelopment. Current uses in the western portion of the area are generally located in older buildings and include Allied Waste Management operations, various auto repair shops, catering services, door sales, a karate school, and wholesale heating, air conditioning, plumbing and electrical companies. Toyota of Kirkland plans to remove the Graham Steel Corporation building and replace it with a new showroom. The eastern portion of the industrial area contains newer office and warehouse buildings. Staff has identified at least six vacant parcels that can be developed. Even so, redevelopment to retail uses may be hampered by the lack of convenient access to NE 124th St. from most of the properties in this area.

In addition, we have recently determined that three industrially zoned parcels south of NE 124th Street and east of 132nd Ave NE are in our PAA. The parcels contain a dry cleaner, a body repair shop and a utility substation.

The existing Totem Lake (TL) 7 zoning proposed for the industrial area would allow for vehicle and boat sales, retail variety or department stores containing at least 75,000 square feet of floor area, and retail strip centers of seven or more businesses along with various types of industrial wholesale trade uses. The potential for additional retail uses could be increased by allowing freestanding retail uses with less than 75,000 square feet. If this were done, these uses would also be allowed in the portion of the TL 7 zone currently within the City west of 132nd Ave. NE.

Alternate Service Delivery (PAA excluding WFLSD)

The other major alternative evaluated was adjusting the boundaries of the PAA to exclude the service area of the Woodinville Fire and Life Safety District, eliminating the need to add an engine company. This scenario was generated under the alternate service delivery assumptions, adjusting staffing accordingly, which resulted in an additional reduction in the total FTEs of 19.6 (15 percent). However, the revenue reduction caused by removing this area is over $4 million, which represents a 25 percent reduction. Given these figures, the gap in the PAA worsens under this scenario *(see* Attachment F).

This alternative (excluding WFLSD) with 6/10 percent wage/benefit growth shows the same dynamics as under the prior scenario, with the higher cost growth rates being unsustainable in both the City and the PAA. Maximizing economic development in the PAA does not perform as well without the WFLSD area because the Kingsgate PAA offers the largest potential commercial redevelopment area, so reducing this area reduces the potential benefits. Under this scenario, the revenue in the PAA increases 3.2 percent by 2026, rather than the 5.65 percent for the full PAA described earlier.

Summary of Attachments

		Baseline	Description	Outcome
11/07 Baseline Adjusted	A	Nov/Dec 2007 Baseline	Updated results including: • Kingsgate Fire Staffing • O.O. Denny Maintenance • FD 41 debt • Updated revenue and expenditures	• Proportionally increased gap in PAA • Balancing existing Kirkland no longer closed PAA gap
	B	With Alternate Service Levels	• Reduce staffing by 20.7 FTE's (13%) • Change from four to three patrol districts • O.O. Denny Park maintenance by Park District • Change in fire staffing configuration	• Actions taken to balance City budget addresses PAA gap
	C	Alternate Service Levels and High Personnel Costs	• Increase wage inflation from 5% to 6% and benefits from 6% to 10%	• Not sustainable over time
	D/E	Alternate Service Levels and Maximum Commercial Development	• Assume "full build out" to maximum commercial use by 2025.	• Increases PAA revenue 5.65% • Reduces PAA gap in 2026 from -9% to -5% • High risk to plan on such aggressive growth
	F	Alternative Service Delivery Excluding Woodinville Fire & Life Safety	• Eliminate need for Kingsgate fire staffing • Additional FTE reduction • Reduces PAA revenue by $4 million	• Revenue loss is greater than expenditure savings (worsens PAA gap)

Other Factors in Projections

A number of events have occurred that impact the existing City projections that have not been incorporated into the model at this stage to allow for the discussion of impacts versus the Phase 2 baseline projections. These changes include:

- Delay of Totem Lake Redevelopment
- Reduction in baseline sales tax due to:
    - No growth in receipts from 2006 to 2007, reducing the baseline starting point,
    - Reduction in Costco revenues of 33 percent due to the opening of two new stores by 2009 (recovering over 5 years).
- In December 2007, a variety of financing options were identified as available for the existing City share of facilities expansions (up to $31 million). While no specific decisions were made, it would be reasonable to include a portion of the resources (approximately $15 million) toward the existing City's share of the required facilities is expansions.
- Move of the sales tax generated from Toyota auto sales from the existing City to the PAA.

The net impact of the first three items is to worsen the existing City's financial situation, meaning that the actions necessary to balance the budget for the existing City become more pronounced. However, assuming that these events do not impact the PAA directly, the actions to balance the budget would work more efficiently over the larger base.

The move of the Toyota sales facility to the PAA changes the dynamics between the existing City and the PAA, but does not result in additional revenue in the overall picture. While the existing City outlook worsens with the move, the PAA projection improves significantly given the smaller revenue base in that area.

Next Steps

If the decision is made to proceed with placing annexation on the ballot, there will be a series of issues that will be analyzed in depth:

- **State Sales Tax Credit** – The 10-year state sales tax credit is an integral part of the annexation financial analysis and came out of the recent legislative session intact. The State has not issued formal guidance as to how the state sales tax credit will be administered and what specific documentation will be required to demonstrate shortfalls. At this stage, we are monitoring the experience of Auburn, who had an annexation that qualifies for the credit last year, and Renton, who had a qualifying annexation vote last fall. Auburn's experience to date has provided two insights: (1) that detailed record-keeping will be necessary to demonstrate qualifying costs, and (2) that timing is critical to maximize the credit. We will continue to stay in contact with both jurisdictions to track their "lessons learned".

  Indications are that to get definitive guidance from the State may require requesting an Attorney General's opinion on specific issues. One issue that we are considering for this option is to confirm the definition of "commencing" annexation as acceptance of an affirmative vote. If the City does not hold the election until the November 2009 election, this definition will be necessary to ensure that we meet the January 1, 2010 deadline.

- **King County Funding**—In 2007, King County offered the City $2.5 million in funding, of which $1.0 million was for capital and $1.5 million was for general purposes. This offer expired in March of 2008. Staff is pursuing an extension of this offer and additional funding that would factor into how transition costs could be handled.

- **Transition Costs and Cash Flow Considerations**—If the election is held in late 2009, there will be transition costs in 2009 and 2010, which will occur before there is any cash flow from the PAA. The identification and timing of these transition costs and the cash flow implications will be a priority analysis if the decision is made to proceed so that those costs can be factored into the 2009/10 budget process.

Annexation Phasing Considerations

City Council asked staff to study the feasibility of annexing smaller portions of the PAA incrementally over time. Although there were no specific parameters assigned to "smaller," we can discuss the implications of various options.

There are limitless combinations of approaches to proceeding with annexation in smaller increments. A few options are described below, ranging from "largest" to "smallest":

1. **Exclude Woodinville Fire and Life Safety District Only**—This option involves annexing the entire PAA except for the area currently served by WFLS. This eliminates the need to fund an additional engine company, creates a smaller service area (by about 10,000 residents) and eliminates a significant portion of the estimated revenue.

2. **Annex One Neighborhood at a Time**—This option involves annexing one neighborhood at a time (i.e. Upper Juanita, Finn Hill or Kingsgate).

3. **Annex Identifiable Sub-Areas**—This option could involve areas as small as a subdivisions or combinations of subdivisions, working outward from the existing City boundaries. Under this scenario, the areas farthest from the existing boundaries would be the last to annex.

As we've seen in our most recent annexation study, there are many complex elements to take into consideration before proceeding with any annexation. The discussion below summarizes how those elements might be impacted based on the size of the annexation area:

Election or Petition

State law does not set upper or lower limits for each annexation method. In other words, an election could be held for a very small annexation area and a petition could be used for a very large area. In either method, the City Council is the final decision maker inasmuch as they will either accept or reject an annexation election or petition after those processes are complete. In any case, the proposed annexation would need to go before the Boundary Review Board.

Under a petition method, any property or group of properties can petition to annex to a city if they gather signatures of at least 10 percent of the residents of the area to be annexed or owners representing at least 10 percent of the value of the properties to be annexed. The petition is submitted to the City Council who can determine whether or not to accept the petition. If accepted, an annexation petition must be signed by property owners representing at least 60 percent of the area to be annexed. The annexation petition can also ask that residents accept outstanding debt. The petition must be validated by staff to ensure that petition signers represent the current property owners. If accepted, the annexation must go before the Boundary Review Board.

Under the petition method, city staff is charged with validating all of the signatures on both of the petitions, developing zoning for the area and preparing materials for presentation to the Boundary Review Board. If the annexation is approved by the BRB and Council, the City must shortly thereafter conduct a census, update all of the City's base maps and coordinate with a variety of utility providers and other public agencies to assure taxes and fees are properly assessed. The petition method of annexation is lengthy and time intensive, even for small annexations. As an example, the most recent annexation of the Morningstar subdivision (which consisted of six homes) took nearly a year to complete.

An election can be called by City Council resolution or can be initiated by a petition of 20 percent of the voters in the annexing area (that voted in the last election). If an election is initiated by petition, the City Council must accept the petition and hold the election. In both cases (whether the election is initiated by the City Council or by petition), the city bears the cost of the election. As noted in earlier memos, the cost of an election depends on when the election is held (general, special, primary) and the number of other items on the ballot.

Because of the cost of holding an election, it is obviously a more cost-effective choice for larger annexations; whereas the smaller annexation (i.e. by subdivision) lends itself more to a petition method, even though it requires more staff work. It should be noted that when any area is officially involved in an annexation (by petition or election) it cannot be part of any other annexation effort simultaneously.

Financial Analysis

For any annexation, the relative impact on revenues and expenditures is measured by estimated marginal new revenue that would be generated by the annexed properties and the estimated cost of extending services to the area. The annexation financial model incorporates the existing city and has the ability to calculate fiscal impacts by neighborhood (i.e. Kingsgate, Finn Hill and Upper Juanita). The model is interactive inasmuch as it relies on underlying GIS data to take into consideration the impacts future development potential on both revenues and the need for new services. The GIS element is not easily manipulated or changed, so using the model for sub-area analysis would be time consuming and costly (with exception of the WFLS option #1 which is already in development as an option and requires the least amount of update to the model). Consequently, analyzing the financial impacts of sub-areas that are not already identified in the model would require a separate set of new calculations (i.e. begin the financial analysis "from scratch").

Impact on Fire Districts

If annexation of an area is considered that is not contiguous with a fire district, different rules apply depending on the amount of the district being annexed (for a complete discussion regarding annexation of fire districts, refer to the 2005 special report by Berk and Associates included as an appendix to the 2005 Annexation Fiscal Study). One consideration to keep in mind is the potential financial impact on the annexed fire district. For instance, annexation of a significant portion of Fire District #41 may eliminate much of their tax base but require that they still be in existence in order to provide service to the remaining area. Since District #41 contracts with Kirkland for fire and emergency medical services, we would need to be assured that they would have sufficient remaining tax base to continue to pay their share of costs.

Impact on State Funding

In order to be eligible for State annexation funding, the City must annex an area with a population of at least 10,000 residents. To maximize the State assistance, the City would need to annex an area representing at least 20,000 people. Annexing smaller areas would mean that the City would forego the State funding. Even though the State funding is time-limited (ten years), it can contribute significantly to necessary equipment and facility debt service payments while it is available. If the City were to eventually annex the entire area, the same equipment and facilities would still be necessary but would need to be purchased without benefit of the State funds. Another consideration is timing. Even if the City annexes in increments of 10,000 residents, it is not likely that we could annex more than one area before the deadline expires (assuming a significant time extension isn't made available by the legislature). If the legislature were to extend the deadline for five to several years, it may be possible to annex three larger areas and still be eligible for funding.

Service Level Planning Impacts

It is certainly possible to annex small enough areas that don't trigger new staff or that trigger smaller increments of new staff. Depending on the time frame over which the smaller annexations would be accomplished, service levels would necessarily fluctuate for both Kirkland and the annexation area. This would occur because a very small annexation (e.g. one subdivision) may not trigger any new staff but would expand the service area for existing staff. The next subdivision might not trigger an entire FTE, but a partial FTE may be impractical to hire. Most likely, the next area might also be absorbed. In the meantime, the City would have received an increment of new revenue. When the next small area is annexed, it may be clear that new staffing is needed. If full-time staff is hired, it may be more than is needed to service the three small annexation areas and so service levels could temporary exceed the original levels. The revenue from all three small annexation areas may or may not be sufficient to fund the FTE(s) needed to properly serve the new area. In addition, the City would have to have "banked" or set aside the new revenue from first two annexations so that it could contribute when the new FTE is triggered. While this example may seem unnecessarily convoluted, it illustrates the inefficiencies that may result from very small annexations, unless they are accomplished over a very long period of time.

Annexation of Non-Contiguous Areas

The city cannot annex areas that are not contiguous to its existing boundaries unless the property(s) will be used for "municipal purposes." If the city does not own the property, then 100 percent of the property owners must agree to the annexation (and a legitimate public purpose must still exist). An example of this would be a city-owned property that will be used for a park, cemetery or other municipal purpose. Given this limitation, smaller annexation areas would each have to approve annexation (either by election or petition) before areas farther away could be annexed. Depending on the boundaries of the non-annexing area, this could leave islands of non-contiguous properties that would like to annex but are unable to. Another consideration is vehicular access. Even though a portion of the area to be annexed may be contiguous to Kirkland, if street access isn't available, this type of annexation may not be practical.

Impact on County Funding

In November, King County presented the City with an offer of annexation transition assistance funding in the amount of $2.5 million that was contingent on an effective date for the annexation of March 1, 2009. At this point, it is clear that a November 2008 election is not possible (and so a March 2009 effective date is also not possible) given the additional data requested by Council and the resulting compressed time frame for preparing for an annexation election. Therefore, the City would need to request a revised offer from King County that acknowledges the new time frame. If the City chooses to pursue small annexation areas over a longer period of time, the County may be inclined to change the level of financial support. This is an issue that needs further discussion with King County once the City has narrowed its options regarding annexation.

Impact on Facilities Planning

As noted above, smaller, incremental annexations would result in a slower hiring process. Consequently, the need for significant new facilities wouldn't be triggered for some time. The City is currently facing a shortage of space at City Hall and at the Maintenance Center. The ability to move forward with a major facility expansion or construction has been deferred until a decision on annexation is made. If the City did not pursue annexation, then City Hall would be expanded at its current location (and would include public safety facilities with the Municipal Court remaining off-site). If the annexation were to occur, a separate public safety building would be needed at another site. Given the scarcity of available properties in Kirkland, the City would want to purchase a property that could serve its long term needs for a public safety facility. If annexations are completed over a long period of time (as in scenarios 2 through 4 above) the prudent course would be to purchase a building or property now that would allow for expansion later. As an alternative, the City could lease office space for some functions that would need to move out of City Hall. The recent Public Safety Building Feasibility Analysis described the "essential services standard" that must be met for some police and corrections functions. It may be more cost-effective to expand the Police Department in the existing City Hall and move other functions (such as development services) out to a leased facility.

Impacts to Existing Levels of Service

Smaller, incremental annexations may have the effect of minimizing impacts to Kirkland residents because the change would be very small. If the primary objective is to lessen the amount of change occurring at any one time, then smaller incremental annexations may be an option, despite the issues noted in earlier sections of this memo. In order to add some certainty to the plan, the Council may want to commit to a schedule over a defined number of years so that residents in the City and in the PAA have some idea of when they might be impacted.

Next Steps and Timing Considerations

As we near the 2009–2010 Budget process, staff will need direction regarding assumptions to use in preparing the budget. If annexation is proceeding, then one-time resources would need to be set aside for the remaining work to be done, an election and transition.

Following Council discussion regarding the information provided in this memo, staff will need direction regarding next steps. Based on the financial implications of excluding the Woodinville Fire & Life Safety District, staff does not recommend pursuing this option. Further, careful consideration should be given to the implications of phasing in small annexations through the petition method. Policy options to consider include:

Option 1— Proceed to Phase 3 with an annexation election to be held in Fall 2009

- Finalize zoning
- Prepare county action declaring intent to hold an election
- Prepare materials for the Boundary Review Board
- Conduct further transitional planning work

Option 2— No Go to Phase 3

- Pursue alternatives to annexation with the PAA, including incorporation and annexation to neighboring cities
- Pursue additional funding from King County and the State and additional time from the State
- Provide information update to Kirkland and the PAA

Table 1 Summary of Staff Reductions

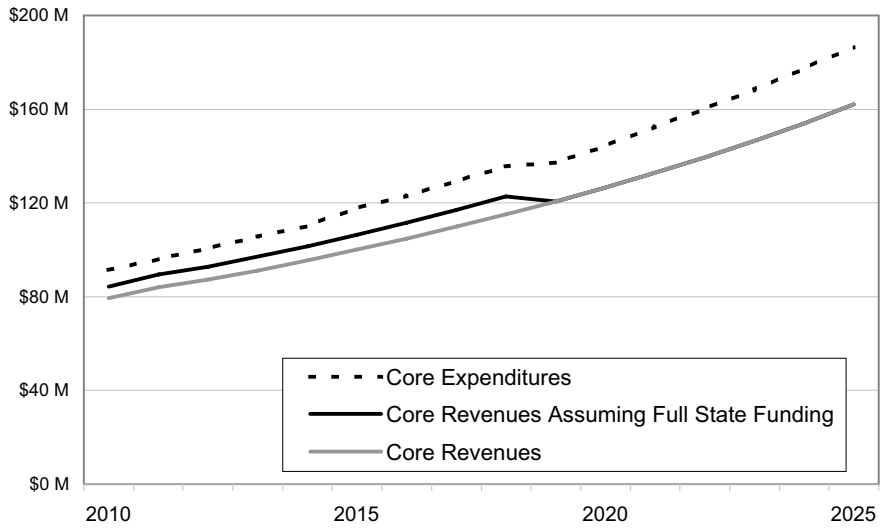
Department	Original # FTEs	Revised # FTEs	Explanation of Staff Reduction	Level of Service (LOS) Impact to PAA	Level of Service (LOS) Impact to City
City Attorneys Office	1.5	1.5	**Reduction in $15,000** of prosecution professional services because of reduced case load due to adjustments in police staffing.	Prosecution services reduction consistent with reduction in case loads anticipated from adjustments to police staffing.	None anticipated.
City Manager's Office	8.7	7.7	**.5 probation officer:** Probation officers currently have a high case load, that case load will continue at the same level after annexation. **.5 Policy Analyst:** Resources would be focused on current priorities.	Probation officer reduction consistent with reduction in case loads anticipated from adjustments to police staffing.	CMO policy work would be focused on highest priority needs. Support for special projects or initiatives, such as recruitment and retention incentives, performance measurement, percent for art, and the Active Living Program would be more limited.
Fire and Building	22	19	**3 Firefighters:** The reduction of three firefighters will be a change in the way we respond to emergencies in the Totem Lake area. While this reduces three positions from the annexation staffing model, this will require a transfer of three firefighters from the Totem Lake station to the annexation staffing. By doing this we will reduce the daily staffing at the Totem Lake station from five per day to four per day. This will eliminate the independent staffing of the fire engine and medical aid unit. However, having four staff on duty per day will still give us the ability to respond on two medical aid calls or one fire call; four firefighters on an engine company gives us a greater capability to handle fire related actions at a fire emergency.	This would not directly change the level of service to the PAA, but it would have an overall impact on services in the Totem Lake and Kingsgate area; because it reduces the daily number of firefighters available to respond to emergencies. It is believed that this change has the potential to have only a slight negative impact, but should be evaluated as this new staffing concept is used to deliver service.	See PAA impacts on level of service above. If this is unacceptable, we have may be able to make other reductions in the Department, however they would not have the same costs reduction as this proposal.
Human Resources	2.0	1.8	**.10 HR Analyst & .10 HR Coordinator:** Should not be a significant impact as other City Departments are adjusting/lowering their number of FTE's. A lower number of new hires City-wide correspondingly decreases the amount of HR staff time.	None anticipated—HR will need to work in cooperation with City Departments to ensure timely & successful recruitments that will allow adequate service levels in the PAA.	None anticipated.
Information Technology	8.5	7.5	**1.0 Senior Design Specialist:** IT would cut this MMS position and allocate $10,000 to an intern to do simpler graphics work.	None different from City overall.	May lead to delays in completion of graphics work for internal customers. Citizen communication would take priority. Departments may have to take on some of their own work.
Parks	6.75 4300 hrs	4.75 3300 hrs	**2 Grounds person & 1,000 hours of seasonal labor** City does not take on managing OO Denny Park	Contained to a specific geographic region (OO Denny). Residents of area most likely able to see visible difference in level of service compared to other PAA sites. No likely impacts to other areas.	No foreseeable impact to level of service in Kirkland.
Recreation/Community Services	6.7 .5 seasonal	5.7 0 seasonal	**.50 Recreation Coordinator, .50 Program Assistant, & seasonal summer youth outreach staff:** This will reduce recreational programming only after additional indoor recreational space is available in Kirkland. Until that time, recreational programming and staff will expand as much as possible under current space limitations and will be operating at full capacity.	No impact until after additional recreational facilities are available for greater expansion of programs. Once additional capacity is available, this reduction will impact the rate of expansion of new programs. We could develop our online business model, trying to drive more business online. We could seek business sponsorships to try to support more recreation programs.	Same as in PAA. Once new facilities are in place, demand for new programs may outpace our ability to plan and coordinate them.
Planning and Community Development	10	9	**1 Associate Planner Area 3 (long Range Planning):** The Associate Planner and Senior Planner were targeted to start neighborhood planning, zoning code and comprehensive plan updates in the PAA. If the Associate Planner is deleted, our department could manage resources differently as described.	The most likely result of losing the Associate Planner would be a slow down in neighborhood planning in the PAA. Another option is to reallocate staff performing neighborhood planning in Kirkland to the PAA. If this were to occur then some neighborhood planning could take place in the PAA.	There would not be an impact to neighborhood planning in Kirkland unless long range staff is reallocated to the PAA. If this were to occur, then neighborhood planning would slow down in Kirkland.

Department	Original # FTEs	Revised # FTEs	Explanation of Staff Reduction	Level of Service (LOS) Impact to PAA	Level of Service (LOS) Impact to City
Police	62.5	52.5	**1-Lieutenant:** No 24 x 7 Command Staff coverage. Increased workload. Managers will oversee twice as many supervisors. **1-Detective:** Caseload will increase across the division. Lower priority cases may go uninvestigated in City and PAA. **1-Traffic Officer:** Complex enforcement issues in PAA. Greater number of traffic accident reports by district officers will slow response time to other calls for service by these district officers **4-Patrol Officers:** Calls for service (CFS) will increase in PAA when transition from King County to Kirkland. Department will see increases in time non-emergency calls. **1- Records Clerk** **1 Admin Support** **1 Corrections Officer**	*Impacts discussed in Council memo.*	*Impacts discussed in Council memo.*
Public Works General Fund	21.92 Seasonal: 2000 hrs 4000 hrs	20.42 Seasonal: 760 hrs 2757 hrs	**1 Street Utility person (.50 FTE Sign Shop & .50 FTE Signal Shop):** Safety concerns, liability issues, and emergencies take priority, specifically: • "Regulatory" signs (those that carry the letter of the law). • "Traffic Signal" operation will not be impacted. • "Streetlight" work prioritized next and could be delayed for days or weeks. All other signal shop activities could be delayed even longer. **.50 FTE Neighborhood Traffic Control Coordinator:** Concerns would be handled by priority according to assessment of safety considerations. **1240 Hrs Street Seasonal:** Seasonal staff service downtown garbage cans, perform tree and brush maintenance, paint medians and islands, and paint curbs (red and yellow), The reduction represents over half the need. **1243 Hrs Grounds Seasonal:** With 30% less staff, we estimate that the path and trail work, ROW tree management and weed control in medians, landscapes and sidewalks will take 1/3 longer to respond to and the maintenance cycle will be 1/3 longer than our current cycle.	**1 Street Utility person:** Level of service would decrease. Lower priorities would be delayed, specifically: • "Warning" signs could be delayed for hours. • "Guide" signs could be delayed for days depending on the situation. • "Crosswalk" work could be delayed for hours or days in some situations. All other sign shop activities could be delayed even longer. **Neighborhood Traffic Control Coordinator:** Kirkland's traffic control program is more comprehensive than the county's. However, we cannot predict the level of pent-up demand there is for traffic calming in the neighborhoods. If demand is low, we believe .5 would be adequate. If demand is high neighborhoods would be on a waiting list for service; and responses would be slower. **1240 Hrs Street Seasonal:** Responses to calls in the PAA will take twice as long or maintenance will be done at twice the interval than in Kirkland. **1243 Hrs Grounds Seasonal:** Staff hours would be stretched to cover more area, and the LOS would be less than that of Kirkland.	**1 Street Utility person:** Same as PAA. **Neighborhood Traffic Control Coordinator:** No LOS impact. **1240 Hrs Street Seasonal:** High priority areas would remain consistent. **1243 Hrs Grounds Seasonal:** High priority areas would remain consistent.
Public Works General Fund—Facilities	1.5	1.25	**Facilities Technician:** From a Tech 2 to a Tech 3 this would amount to a reduction in expenses of $10,000/year. This would reduce the skill-level of available technicians and, therefore, there would likely be a greater dependence on contract help in the long-term. Contracting out labor could cause repairs to take longer.	**Facilities Technician:** Initially, impact would be minimal since the buildings being maintained should be newer (City Hall expansion and Public Safety Building).	**Facilities Technician:** Same as PAA.
Public Works General Fund—Fleet	2	2	N/A	N/A	N/A
Public Works Surface Water Fund	11.5	11.5	N/A	N/A	N/A

Scenario: Phase-II Baseline With Annexation

Tax Policies	Expenditure Management Policies	Development
No change in tax policy 1% property tax limit	Hiring rate reflects current policies	Baseline

Plus Additional Costs



Current Kirkland	2010	2015	2020	2025
Core Expenditures (000's)	64,672	83,353	107,003	137,610
Facility Debt Service (000's)	2,295	2,303	2,288	2,254
Subtotal Expenditures	**66,967**	**85,655**	**109,291**	**139,864**
Core Resources (000's)	62,741	78,551	97,907	122,627
State Sales Tax Credit ('000's)	0	0	0	0
Subtotal Revenues	**62,741**	**78,551**	**97,907**	**122,627**
Net Resources (000's)	**(4,226)**	**(7,104)**	**(11,384)**	**(17,238)**
Deficit as % of Expenditures	**-7%**	**-9%**	**-11%**	**-13%**

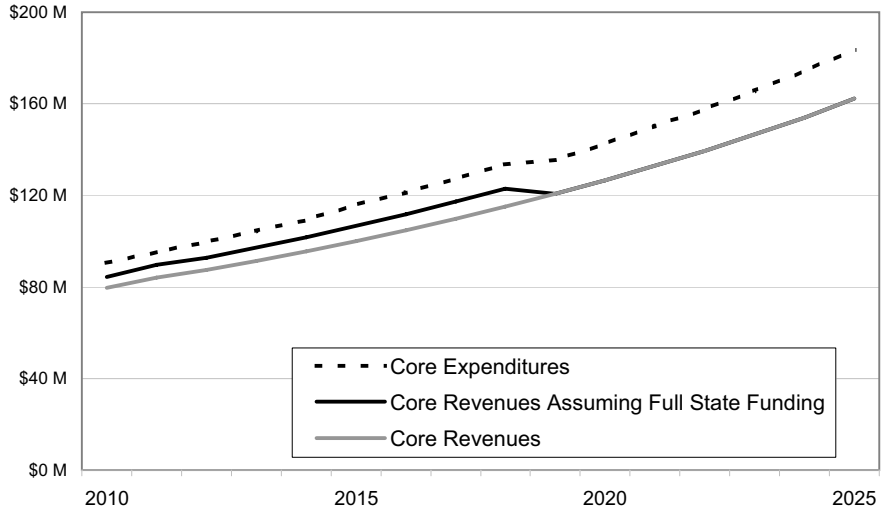
Increment from PAAs	2010	2015	2020	2025
Core Expenditures (000's)	18,282	26,084	34,181	45,636
Facility Debt Service (000's)	6,078	6,070	993	1,027
Subtotal Expenditures	**24,360**	**32,154**	**35,174**	**46,662**
Core Resources (000's)	16,646	21,468	28,594	39,486
State Sales Tax Credit ('000's)	4,929	6,527	0	0
Subtotal Revenues	**21,576**	**27,995**	**28,594**	**39,486**
Net Resources (000's)	**(2,784)**	**(4,159)**	**(6,580)**	**(7,176)**
Deficit as % of Expenditures	**-15%**	**-16%**	**-19%**	**-16%**

Entire City	2010	2015	2020	2025
Core Expenditures (000's)	82,954	109,437	141,184	183,246
Facility Debt Service (000's)	8,373	8,373	3,281	3,281
Subtotal Expenditures	**91,327**	**117,809**	**144,465**	**186,527**
Core Resources (000's)	79,388	100,019	126,502	162,113
State Sales Tax Credit ('000's)	4,929	6,527	0	0
Subtotal Revenues	**84,317**	**106,546**	**126,502**	**162,113**
Net Resources (000's)	**(7,010)**	**(11,263)**	**(17,963)**	**(24,414)**
Deficit as % of Core Expenditures	**-8%**	**-10%**	**-13%**	**-13%**

Scenario: Phase-II Baseline With Annexation & Alternative Service Delivery (ASD)

Tax Policies	Expenditure Management Policies	Development
No change in tax policy 1% property tax limit	Hiring rate reflects current policies Alternative Service Delivery (ASD) & 3 Police districts in PAA	Baseline

Plus Additional Costs



Current Kirkland	2010	2015	2020	2025
Core Expenditures (000's)	64,906	83,567	107,443	138,110
Facility Debt Service (000's)	2,295	2,303	2,288	2,254
Subtotal Expenditures	**67,201**	**85,869**	**109,731**	**140,365**
Core Resources (000's)	62,741	78,551	97,907	122,627
State Sales Tax Credit ('000's)	0	0	0	0
Subtotal Revenues	**62,741**	**78,551**	**97,907**	**122,627**
Net Resources (000's)	**(4,460)**	**(7,318)**	**(11,824)**	**(17,738)**
Deficit as % of Expenditures	**-7%**	**-9%**	**-11%**	**-13%**

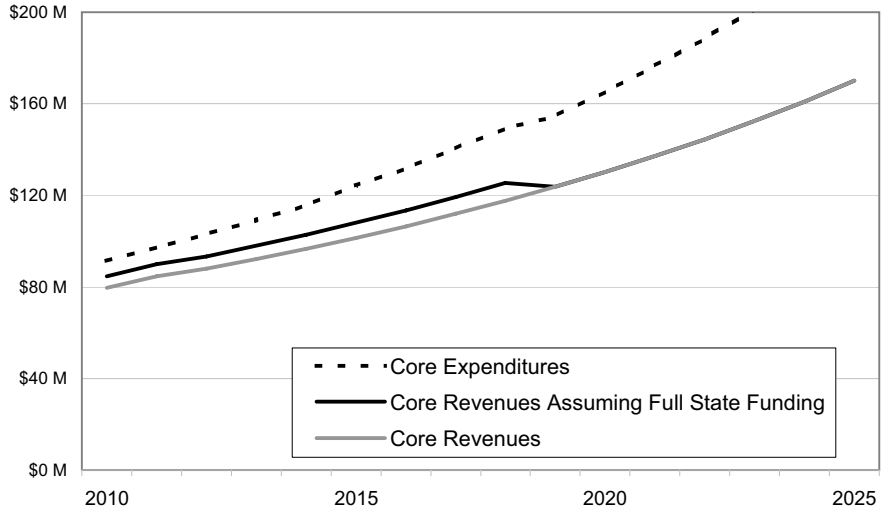
Increment from PAAs	2010	2015	2020	2025
Core Expenditures (000's)	17,149	24,053	31,821	42,240
Facility Debt Service (000's)	6,078	6,070	993	1,027
Subtotal Expenditures	**23,227**	**30,123**	**32,814**	**43,267**
Core Resources (000's)	16,744	21,516	28,638	39,543
State Sales Tax Credit ('000's)	4,929	6,527	0	0
Subtotal Revenues	**21,673**	**28,043**	**28,638**	**39,543**
Net Resources (000's)	**(1,554)**	**(2,080)**	**(4,175)**	**(3,724)**
Deficit as % of Expenditures	**-9%**	**-9%**	**-13%**	**-9%**

Entire City	2010	2015	2020	2025
Core Expenditures (000's)	82,056	107,620	139,264	180,351
Facility Debt Service (000's)	8,373	8,373	3,281	3,281
Subtotal Expenditures	**90,428**	**115,992**	**142,545**	**183,632**
Core Resources (000's)	79,485	100,068	126,545	162,170
State Sales Tax Credit ('000's)	4,929	6,527	0	0
Subtotal Revenues	**84,414**	**106,594**	**126,545**	**162,170**
Net Resources (000's)	**(6,014)**	**(9,398)**	**(15,999)**	**(21,462)**
Deficit as % of Core Expenditures	**-7%**	**-9%**	**-11%**	**-12%**

Scenario: Phase-II Baseline With Annexation & A.S.D. & High Personnel Costs (6% Salary & 10% Benefit Inflation)

Tax Policies	Expenditure Management Policies	Development
No change in tax policy 1% property tax limit	Hiring rate reflects current policies Alternative Service Delivery (ASD) & 3 Police districts in PAA	Baseline

Plus Additional Costs



Current Kirkland	2010	2015	2020	2025
Core Expenditures (000's)	65,641	89,943	124,321	173,642
Facility Debt Service (000's)	2,295	2,303	2,288	2,254
Subtotal Expenditures	**67,936**	**92,246**	**126,609**	**175,896**
Core Resources (000's)	62,857	79,562	100,586	128,339
State Sales Tax Credit ('000's)	0	0	0	0
Subtotal Revenues	**62,857**	**79,562**	**100,586**	**128,339**
Net Resources (000's)	**(5,079)**	**(12,684)**	**(26,023)**	**(47,557)**
Deficit as % of Expenditures	**-8%**	**-14%**	**-21%**	**-27%**

Increment from PAAs	2010	2015	2020	2025
Core Expenditures (000's)	17,363	26,092	37,351	54,174
Facility Debt Service (000's)	6,078	6,070	993	1,027
Subtotal Expenditures	**23,440**	**32,162**	**38,344**	**55,201**
Core Resources (000's)	16,786	21,873	29,611	41,742
State Sales Tax Credit ('000's)	4,929	6,527	0	0
Subtotal Revenues	**21,715**	**28,400**	**29,611**	**41,742**
Net Resources (000's)	**(1,725)**	**(3,762)**	**(8,733)**	**(13,459)**
Deficit as % of Expenditures	**-10%**	**-14%**	**-23%**	**-25%**

Entire City	2010	2015	2020	2025
Core Expenditures (000's)	83,004	116,035	161,672	227,816
Facility Debt Service (000's)	8,373	8,373	3,281	3,281
Subtotal Expenditures	**91,376**	**124,407**	**164,953**	**231,097**
Core Resources (000's)	79,643	101,435	130,197	170,082
State Sales Tax Credit ('000's)	4,929	6,527	0	0
Subtotal Revenues	**84,572**	**107,961**	**130,197**	**170,082**
Net Resources (000's)	**(6,804)**	**(16,446)**	**(34,756)**	**(61,016)**
Deficit as % of Core Expenditures	**-8%**	**-14%**	**-21%**	**-27%**

Attachment D

Kirkland Annexation Analysis

Change in Development Assumptions in PAA -- Commercial Area Only

	From: "Baseline"		To: "Maximum"	
Neighborhood	Scenario	Buildout % in 2025	Scenario	Buildout % in 2025
Kingsgate	Base	80%	High	100%
Finn Hill	Base	40%	High	100%
Juanita	Base	80%	High	100%

Change in Commercial Square Feet

	Current PAA	Baseline PAA	Difference Current & Baseline	% Difference Current & Baseline
Net Sq Ft Added (Retail)	387,817	550,654	162,837	41.99%
Net Sq Ft Added (Non-retail)	250,422	737,334	486,912	194.44%
Net Sq Ft Added (Total)	638,239	1,287,988	649,749	101.80%

	Current PAA	Maximum PAA	Difference Current & Maximum	% Difference Current & Maximum
Net Sq Ft Added (Retail)	387,817	887,656	499,839	128.89%
Net Sq Ft Added (Non-retail)	250,422	1,147,434	897,012	358.20%
Net Sq Ft Added (Total)	638,239	2,035,091	1,396,852	218.86%

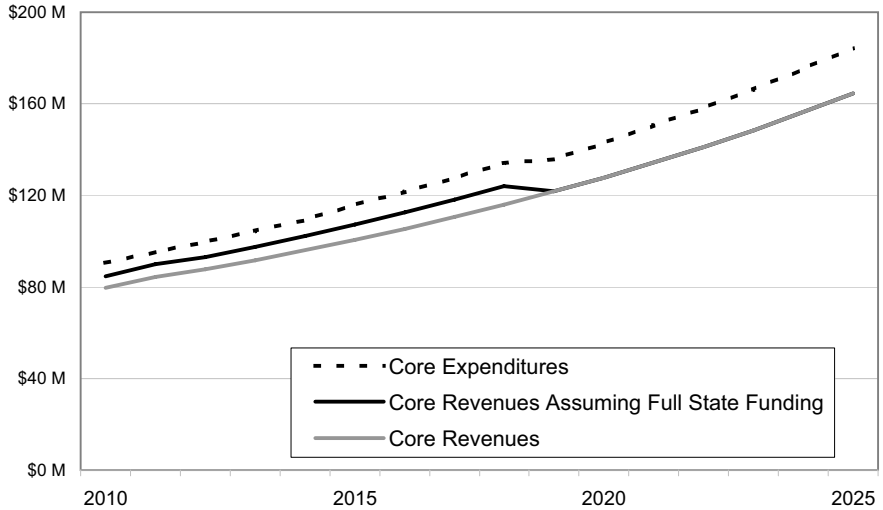
Change in 2026 Revenues with Change in PAA Development Assumption from Baseline to Maximum under ASD Option

Revenue	Kingsgate	Finn Hill	Juanita	PAA Total
Total Revenue Change	$ 2,395,514	$ 130,950	$ 256,570	$ 2,783,034
Total Baseline Revenue in 2026	$ 21,555,454	$ 20,457,682	$ 7,244,851	49,257,987
% Change Compared to 2026 Baseline	11.11%	0.64%	3.54%	5.65%

Scenario: Phase-II Baseline With Annexation & Alternative Service Delivery (ASD) and Maximum Commercial Development in PAA

Tax Policies	Expenditure Management Policies	Development
No change in tax policy 1% property tax limit	Hiring rate reflects current policies Alternative Service Delivery (ASD) & 3 Police districts in PAA	Baseline in Current City & Maximum Commercial Development in PAA

Plus Additional Costs



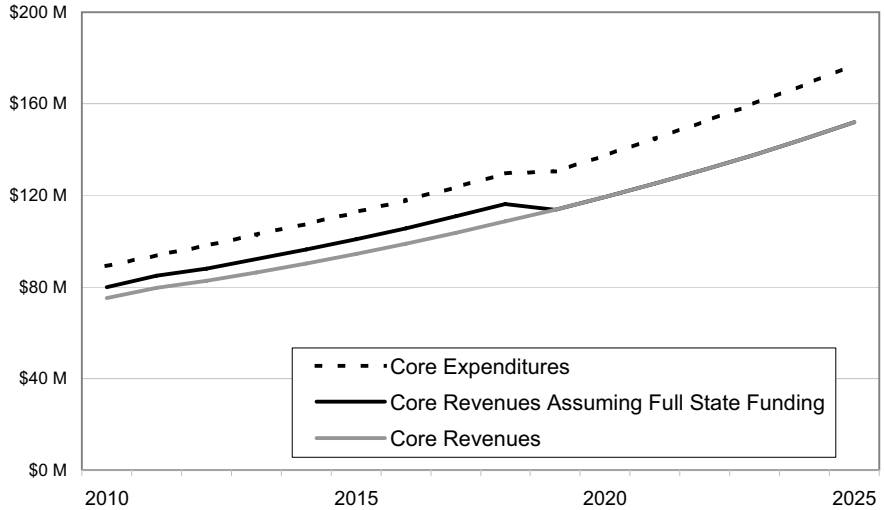
Current Kirkland	2010	2015	2020	2025
Core Expenditures (000's)	64,928	83,549	107,430	138,173
Facility Debt Service (000's)	2,299	2,303	2,285	2,247
Subtotal Expenditures	**67,227**	**85,853**	**109,715**	**140,420**
Core Resources (000's)	62,753	78,580	97,962	122,721
State Sales Tax Credit ('000's)	0	0	0	0
Subtotal Revenues	**62,753**	**78,580**	**97,962**	**122,721**
Net Resources (000's)	**(4,474)**	**(7,273)**	**(11,753)**	**(17,699)**
Deficit as % of Expenditures	**-7%**	**-9%**	**-11%**	**-13%**

Increment from PAAs	2010	2015	2020	2025
Core Expenditures (000's)	17,276	24,073	32,044	43,005
Facility Debt Service (000's)	6,066	6,061	1,004	1,042
Subtotal Expenditures	**23,342**	**30,134**	**33,048**	**44,047**
Core Resources (000's)	16,903	21,995	29,795	41,702
State Sales Tax Credit ('000's)	4,955	6,603	0	0
Subtotal Revenues	**21,858**	**28,598**	**29,795**	**41,702**
Net Resources (000's)	**(1,484)**	**(1,536)**	**(3,253)**	**(2,345)**
Deficit as % of Expenditures	**-9%**	**-6%**	**-10%**	**-5%**

Entire City	2010	2015	2020	2025
Core Expenditures (000's)	82,204	107,622	139,474	181,178
Facility Debt Service (000's)	8,365	8,365	3,289	3,289
Subtotal Expenditures	**90,569**	**115,987**	**142,763**	**184,467**
Core Resources (000's)	79,656	100,575	127,757	164,423
State Sales Tax Credit ('000's)	4,955	6,603	0	0
Subtotal Revenues	**84,611**	**107,178**	**127,757**	**164,423**
Net Resources (000's)	**(5,958)**	**(8,809)**	**(15,006)**	**(20,044)**
Deficit as % of Core Expenditures	**-7%**	**-8%**	**-11%**	**-11%**

Scenario: Phase-II Baseline With Annexation Without WFLS & Alternative Service Delivery (ASD)

Tax Policies	Expenditure Management Policies	Development
No change in tax policy 1% property tax limit	Hiring rate reflects current policies Alternative Service Delivery (ASD) & 3 Police districts in PAA	Baseline



Current Kirkland	2010	2015	2020	2025
Core Expenditures (000's)	65,227	83,855	107,724	138,418
Facility Debt Service (000's)	2,297	2,306	2,296	2,270
Subtotal Expenditures	**67,525**	**86,161**	**110,021**	**140,688**
Core Resources (000's)	62,681	78,442	97,686	122,175
State Sales Tax Credit ('000's)	0	0	0	0
Subtotal Revenues	**62,681**	**78,442**	**97,686**	**122,175**
Net Resources (000's)	**(4,844)**	**(7,719)**	**(12,335)**	**(18,513)**
Deficit as % of Expenditures	**-7%**	**-9%**	**-11%**	**-13%**

Increment from PAAs	2010	2015	2020	2025
Core Expenditures (000's)	15,402	20,156	26,585	35,372
Facility Debt Service (000's)	6,234	6,225	825	851
Subtotal Expenditures	**21,636**	**26,381**	**27,409**	**36,223**
Core Resources (000's)	12,438	16,073	21,624	29,735
State Sales Tax Credit ('000's)	4,861	6,406	0	0
Subtotal Revenues	**17,300**	**22,480**	**21,624**	**29,735**
Net Resources (000's)	**(4,336)**	**(3,901)**	**(5,785)**	**(6,487)**
Deficit as % of Expenditures	**-28%**	**-19%**	**-22%**	**-18%**

Entire City	2010	2015	2020	2025
Core Expenditures (000's)	80,630	104,011	134,309	173,790
Facility Debt Service (000's)	8,531	8,531	3,121	3,121
Subtotal Expenditures	**89,161**	**112,542**	**137,430**	**176,911**
Core Resources (000's)	75,119	94,516	119,309	151,911
State Sales Tax Credit ('000's)	4,861	6,406	0	0
Subtotal Revenues	**79,980**	**100,922**	**119,309**	**151,911**
Net Resources (000's)	**(9,181)**	**(11,620)**	**(18,121)**	**(25,000)**
Deficit as % of Core Expenditures	**-11%**	**-11%**	**-13%**	**-14%**

CITY OF KIRKLAND
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MEMORANDUM

To: David Ramsay, City Manager

From: Erin J. Leonhart, Intergovernmental Relations Manager

Date: December 19, 2008

Subject: FEDERAL LOBBYIST FUNDING

RECOMMENDATION

It is recommended that the City Council consider funding a Federal lobbyist in 2009 with a combination of Council Reserve and Economic Development Professional Services funds.

BACKGROUND

Since 2006, the City has contracted with federal and state lobbyists (Jake Johnston and Mike Ryherd) to represent our interests in Washington, D.C. and Olympia. The federal lobbyist has had a particular focus on requests for federal funding where the state lobbyist's focus tends to be on legislation. In Kirkland's 2009-2010 budget, funds were approved to continue state lobbyist support at $30,000 per year but federal lobbyist services were not funded.

The key assets that a federal lobbyist brings to the City are access to and relationships with key Congressional elected officials and staff. Having a presence in Washington, D.C. significantly enhances the City's likelihood of securing federal appropriations. Specific assistance comes in the form of:

- Advising Kirkland about the creation of supporting materials for requests;
- Contacting key congressional staff to obtain support for the City's funding requests;
- Monitoring the budget and appropriations process; and,
- Coordinating meetings in Washington, D.C. with City of Kirkland representatives and key congressional staff.

In 2008, for the FY'09 Federal budget, the City submitted federal appropriations requests for:

1. Homeland Security training for first responders in the Police and Fire Departments ($675,000)
2. Emergency Services equipment ($500,000)
3. Juanita Beach Park Outdoor Community Facility and Education Pavilion ($200,000)
4. NE 120th Street Extension ($1.5 million)

Congress has delayed the final consideration of its 2008 appropriations work until February of 2009 when the Obama Administration will be in place so we do not know if any of these requests will be included in the final budget for FY'09.

Although the City has not yet received funding through the appropriations process, the federal lobbyist has helped build the City's reputation and relationships that it needs on many levels. As an example of this effort, earlier this year Congressman Inslee appeared before the City Council to discuss shared priorities and the City has built a working relationship with Senator Murray's office on the issue of affordable housing.

There are three sources of available funding in the 2009 session: economic stimulus, federal transportation bill and traditional appropriations. The 2009 session provides Kirkland with unique opportunities for these sources:

- President-elect Obama has expressed a strong interest in **economic stimulus funding** for infrastructure projects, and it is rumored he will sign a stimulus bill in January immediately after the inauguration;
- The **federal transportation bill** is scheduled for its five-year reauthorization and House Transportation Committee Chairman Jim Overstar and Ranking Member John Mica have pledged to make critical infrastructure investments a top priority for the new Congress;
- Washington's congressional delegation is well-positioned to assist, with three members on the House Transportation Committee, Congressman Dicks on the House Appropriations Committee and Senator Murray as Chair of the Senate Transportation Appropriations Subcommittee; and
- Kirkland's lack of success in securing **traditional federal appropriations** improves our position for 2010 funding.

Conversations with staff and the Jake Johnston have resulted in the following list of requests for the 2010 federal budget:

1. Homeland Security training for first responders in the Police and Fire Departments ($675,000)
2. Emergency Services equipment ($500,000)
3. NE 120th Street Extension ($1.5 million)
4. 116th Ave NE/Bridle Trails Non-motorized Facilities ($3 million)

The last two projects are good candidates for the three likely sources of funding in 2010: economic stimulus, traditional appropriations and transportation bill reauthorization. Staff has also developed the attached list of potential economic stimulus projects (Attachment A). These opportunities come at a time when the City of Kirkland's out of state travel budgets have been reduced or eliminated and the Federal Lobbyist Service Package Request for 2009 was not funded.

OPTIONS

Due to the likelihood of a stimulus package being signed in January, time is of the essence with this request to fund federal lobbying services for 2009. In addition, appropriations requests are due to Kirkland's congressional delegation in February and the delegation must submit recommendations in March. Jake Johnston has presented the following service level options for 2009:

1. **Option One (Core Federal Funding) –** This option would provide all the necessary counsel and support to the City to prepare and file its federal funding requests within all appropriate funding vehicles and monitor the progress of the funds throughout the year. This option does not include in-person lobbying on behalf of the City in the district or in Washington, D.C. Proposal cost: $15,000 plus minimal expenses.

2. **Option Two (Core Federal Funding + District Engagement) –** This option would provide all the necessary counsel and support to the City to prepare and file its federal funding requests within all appropriate funding vehicles and monitor the progress of the funds throughout the year. This option includes a district engagement strategy to continue the City's efforts to deepen its relationships with its congressional delegation and key district staff. This option does not include in-person lobbying on behalf of the City in Washington, D.C. Proposal cost: $24,000 plus minimal expenses.

3. **Option Three (Core Federal Funding + District Engagement + DC Lobbying) –** This option would provide all the necessary counsel and support to the City to prepare and file its federal funding requests within all appropriate funding vehicles and monitor the progress of the funds throughout the year. This option includes a district engagement strategy to continue the City's efforts to deepen its relationships with its congressional delegation and key district staff. This option also includes a minimum of two rounds of

meetings with the congressional delegation offices in Washington, D.C. and a persistent lobbying strategy with the D.C.-based and district-based staff.

Recognizing that the City does not currently have the budget to travel to D.C. for meetings, Jake Johnston would conduct meetings representing the City to explain and secure support for the City's requests. He will provide detailed recaps of each meeting to the City. Proposal cost: $30,000 plus expenses (estimated at $1000). Expenses can be kept to an absolute minimum by conducting D.C.-based meetings at times when Jake is already scheduled to be in D.C., reducing Kirkland's responsibility to the cost of lodging and associated minor travel expenses.

4. **Option Four (Full Support Similar to 2008) –** This option would provide the level of service in Option 3 above plus support of a City contingent to Washington, D.C. Proposal cost: $39,000 plus expenses.

RECOMMENDATION

Staff recommendation is Option Three funded with $26,000 of Council Reserves and $5,000 of Economic Development Professional Services. This option would ensure that Kirkland has representation both within the state and in Washington D. C. to best capitalize on this year's unique opportunities. The suggestion to utilize funds from Economic Development is related to the strong push for economic stimulus opportunities. There will be a remaining $17,000 of Professional Services in the 2009 budget for other Economic Development needs.

PSRC Timing Priority	Job Priority	ID#	Agency	Project	Stimulus request ($1000)	Jobs Temporary	Jobs Permanent	Final Design Complete/Bid ready (projections as of 12/16/08)	Total Project Cost ($1000)	Project Type	NEPA Approval Date	Right of Way Certification / Approval Date
4	4	1	Kirkland	116th Ave NE/Yarrow Creek Fish crossing/stream enhancements	$565	30	--	Third quarter 2009	$800	water quality/habitat	2nd qtr 2009	3rd qtr 2009
4	4	2	Kirkland	116th Ave NE/Bridle Trails Non-motorized Facilities	$3,000	30	--	Third quarter 2009	$4,000	Non-motorized/widening	2nd qtr 2009	3rd qtr 2009
1	2	3	Kirkland	116th Ave NE/Highlands Non-motorized Facilities	$675	40	--	First quarter 2009	$907	school walk route	na	na
4	4	4	Kirkland	116th Ave NE rural Low Impact Development project	$565	40	--	Third quarter 2009	$900	sustainable pilot/pedestrian	2nd qtr 2009	3rd qtr 2009
7	6	5	Kirkland	124th Ave NE Roadway expansion	$3,000	40	200	Second quarter 2010	$3,500	capacity/widening	na	3rd qtr 2009
9	5	6	Kirkland	Downtown Kirkland Transit Center/Park Lane pedestrian corridor	$300	25	25	Second quarter 2009	$7,000	transit/pedestrian	na	na
3	1	7	Kirkland	NE 120th Street Extension	$2,250	40	1200	Second quarter 2009	$3,000	capacity/new road	na	3rd qtr 2009
6	7	8	Kirkland	NE 85th Street Corridor Improvements Project	$5,261	50	200	Second quarter 2010	$6,576	safety/speed and reliability/pedestrian	na	na
5	8	9	Kirkland	Park Place Commercial Area Traffic Improvements	$2,000	50	5000	First quarter 2010	$4,210	new capacity	na	na
5	8	10	Kirkland	Park Place Kirkland Way/6th Street Traffic Signal	$425	20	20	First quarter 2010	$600	new capacity	na	na
8	10	11	Kirkland	Urban pedestrian corridor (Park Lane) Low Impact Development project	$750	25	--	Fourth quarter 2009	$1,226	sustainable pilot/pedestrian	na	na
2	9	13	Kirkland	Annual Street Preservation Program	$3,000	30	--	Second quarter 2009	$5,000	maintenance	na	na
--	13	14	Kirkland	Third Street watermain replacement	$90	10	--	Second quarter 2009	$120	fire flow and new capacity	na	na
--	11	15	Kirkland	North Reservoir seismic upgrades	$1,050	20	--	Second quarter 2009	$1,400	emergency preparedness	na	na
--	3	16	Kirkland	Juanita Beach Park Enhancements	$375	12	--	First quarter 2009	$500	water quality/habitat	na	na

CITY OF KIRKLAND
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To: Dave Ramsay, City Manager

From: Thang T. Nguyen, Transportation Engineer
David Godfrey, P.E., Transportation Engineering Manager
Daryl Grigsby, Public Works Director

Date: December 17 , 2008

Subject: CTR Plans, GTEC and TRPP Grant Applications Update

This is an update on the progress of the CTR Plan and Ordinance adoption and other commute trip reduction programs (Green Bike) the City of Kirkland is involved in. The City of Kirkland CTR Ordinance has been updated to satisfy the new CTR Efficiency law.

Recommendation
It is recommended that the Council authorize the Mayor to sign the attached CTR Ordinance.

Background:
Synopsis
In 2006, the Washington State Legislature passed the Commute Trip Reduction Efficiency Act to update the CTR law that has been in effect since 1991. This action required local jurisdictions to update their CTR ordinances and it offered the opportunity to create optional Growth and Transportation Efficiency Centers (GTEC) in regionally designated Urban Centers. A process was laid out that consists of the following basic steps:

1. Jurisdictions prepare plans for CTR and GTEC
2. Draft plans are reviewed by PSRC
3. Plans are updated based on comments from PSRC and from Council
4. Final plans are submitted to the State Commute Trip Reduction Board for approval
5. Jurisdictions enact ordinances to put the approved plans into effect.

The City Council approved the CTR and GTEC plans last September. A resolution was passed by Council approving the designation of Totem Lake as a GTEC in February 2008. We are in the process of amending our CTR ordinance to put the CTR Plan into effect. The adopted CTR Plan has been modified with updated information on the CTR sites' mode split and corresponding CTR goals. The City Council also approved a budget of $50,000 to fund the CTR plan. The City will use the $50,000 to leverage outside funds to support our CTR efforts.

At the time the CTR Plan was prepared the City CTR goal was based on the 2005 commute trip survey. Since then a new 2007 survey became available and the CTR Board required the goal to be updated based

on the new survey data. The City CTR goal for 2011 is 67% drive-alone rate and 11 vehicle mile of travel (VMT).

What will the new plan require from CTR employers?

The new CTR law requires CTR employers to make a minimum 10% decrease from 2007 levels of drive alone commuters. This decrease is to be accomplished by 2011. Employers that have more than 100 employees reporting to a single location are considered affected CTR employers. There are 12 such employers in Kirkland today and Google and Nintendo will also be affected CTR employers.

The ordinance will put the plan into action by prescribing the requirements employers must follow in order to comply with the Kirkland's CTR regulations and the penalties for not doing so. Previous efforts have been successful by requiring implementation of a range of simple measures such as designating an employee coordinator, making bus schedules available, requiring progress reports every two years, offering new employees information and distributing information to all employees on a regular basis. Often, employers take steps beyond these to encourage ridesharing, walking, bicycling and transit ridership. When employers don't meet their goal there are no specific punitive penalties. Rather, we work with the employer to attempt to make progress toward their goal. We expect that the same system of encouragement versus penalties will be included in the new ordinance. The plan calls for use of a wide range of tools to reduce drive alone trips. New tools that will be used to help employers reduce drive alone trips include:

- Evaluate market for a car sharing service.
- Develop a telework program to encourage employers to implement telework at their work sites.
- Work with business groups to increase management support for CTR.
- Increase networking opportunities among CTR work sites to coordinate ridesharing activities.
- Work with King County Metro to improve ride matching services to commuters.
- Continue to implement land use regulations that encourage development of high density centers to promote higher transit services and use.
- Continue to implement development regulations that encourage connection to non-motorized and multi-modal facilities.
- Work with employers to implement parking management strategies to discourage driving alone.

Changes to the ordinance affecting the employers:

	Current	**New**
CTR worksite must identify themselves	Within 120 days of adopted CTR Ordinance	90 days
Submit a CTR program	150 days of being affected	90 days of being affected
Program implementation	Implement CTR program within 180 days of approval	Implement CTR program within 90 days of approval
New CTR affected site must complete a baseline survey	90 days after being identified as a CTR employers	Same requirement
Modification to CTR Program	At the written request of the	At the written request of the

Elements	employer any time between annual survey	employer but not within 90 days of the regular survey
Implementation of Modified CTR Program Elements	n/a	Within 60 days of approval
Goals		
	Within 2 years meet 15% reduction in SOV & VMT from baseline	Within 1 year after the adoption of the CTR Ordinance, meet 2.5% reduction in SOV and VMT from baseline
	Within 4 years meet 20% & VMT reduction	Subsequent years must show good faith effort to reduce additional SOV trips
	Within 6 years meet 25% & VMT reduction from baseline	Reduce 10% SOV and 13% VMT of baseline by year 2011
	Within 12 years meet 35% & VMT reduction from baseline	
Goal Modification	Employers may request goal modification 60 days prior to the date the worksite is required to submit its program requirements and annual report	Same as current
Employee Commute Survey	Survey every two years in March	Biennial Measurement
Survey Process	Written or On-line Survey	On-line survey unless the employee has no access to on-line survey
Submission of Program Report	None	Regular progress report
Worksite Exemption	May be granted based on hard-ship, bankruptcy, unable to reduce trips with the CTR program	No Change
Penalty	$250 per day	No Change
Appeal of the Penalty	Within seven (7) calendar days of receiving a violation notice from the City	No Change

Staff will report to the Council the progress of our grant application and CTR performance after each biennial survey.

Growth and Transportation Efficiency Centers (GTEC) Update

Our GTEC plan was submitted to the CTR Board for State funding but was not selected. However, the State will be paying for an employer commute survey for our Totem Lake GTEC. This is an approximately

$25,000 service package. With this survey, we will be better equipped to modify our GTEC plan to fit the needs of the Totem Lake area and increase our changes to get outside funding in the next GTEC funding cycle.
We've also receive $850 from the State for incentive to increase participation in the commute survey and 118 employers have agreed to take the commute survey. WSDOT is currently processing the commute survey data for Totem Lake.

State CTR Funding
Governor Gregoire and the CTR Board are advocating for increasing funding for CTR and GTEC programs. The following is Governor Gregoire 2009-2011 budget proposal for transportation:

1. Expand CTR
$2.5 million is provided for grants to cities and counties to expand CTR to increase voluntary participation by medium-sized employers (50 to 100 employees) in affected urban growth areas and provide state technical support for the expanded program. The CTR board is directed to establish criteria for grants and statewide trip reduction goals for medium-sized employers, and report biennially on achievement of the goals as part of the board's legislative report.

2. Continue GTEC
$2.5 million is provided for grants to local governments primarily for small employers (under 50 employees) pursuant to GTECs, state technical support, and measurement of the effectiveness of the program.

3. Expand Vanpool
$14.5 million solely for grants for public transit agencies to cover the capital costs of vans. At least $5 million must be used for vanpool grants in congested corridors in King, Pierce, Snohomish, Thurston, Clark and Spokane Counties. $1 million must be granted to rural transit agencies.

4. Eliminate funding for TRPP
The Trip Reduction Performance Program is not funded. Funding is redirected into other programs.

5. Expand park and ride capacity
$500,000 is provided to expand park and ride lot capacity through short-term lease agreements and relocation incentives for carpools and vanpools.

This is the first step in a long series of budget discussions. The governor's budget next will go to the state Legislature for consideration. Both the state House and Senate will present their own proposals during the legislative session. Then all sides have to reach agreement.

WSDOT will be tracking the budget discussions and will adjust work plans, contracts, grant applications and more as necessary once the Governor signs the budget next year.

Green Bike Project
The City of Kirkland, King County and other cities teamed up and received a $225,000 TRPP grant to fund our Green Bike Project (GBP). The goal of the GBP is to SOV trips.

The Green Bike Project (GBP) will provide 200 new commuter bikes - and 100 tune ups for existing bikes - to commuters in return for their pledge to reduce drive-alone commuting by 60% during the project. This program is open to all CTR employers located within the jurisdictions that are participating.

The GBP started at the end of August 2008 and will conclude on May 31, 2009. At the end of the project, participants who fulfill their pledge will earn sole ownership of their green bike, for participants that opted to use their own bikes they received a $75 REI voucher and are eligible for the $1,000 REI gift card drawing.

Seventeen worksites are participating and all 200 bikes and 100 bike tune-ups have been given away to qualified participants. Twenty-five (25) employees at the City of Kirkland are participating in the GBP. Fifteen are receiving new bikes and ten are receiving bike tune-ups. No other CTR employers within Kirkland opted to participate. As indicated above in Governor Gregoire 2009-2011 budget proposal, the TRPP grant will be eliminated to fund other programs. Thus, at this time it is unlikely that the Green Bike will continue.

City of Kirkland
Commute Trip Reduction Plan

August 2008

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INTRODUCTION

In 1993, the City of Kirkland adopted the Commute Trip Reduction Ordinance (KMC 7.06). The purpose of this ordinance was to comply with the Commute Trip Reduction Act RCW 70.94.521 adopted by the Washington State Legislature in 1991. This law requires employers of 100 or more employees who arrive between 6 and 9 a.m. to develop and implement a program to encourage their employees to reduce vehicle miles traveled and single occupant vehicle trips.

In 2006, the Washington State Legislature passed the Commute Trip Reduction Efficiency Act which amended the requirements for local governments in those counties experiencing the greatest automobile-related air pollution and traffic congestion to develop and implement plans to reduce single-occupant vehicle trips. This plan has been prepared in accordance with these revisions to RCW 70.94.521.

The Commute Trip Reduction Plan is a collection of jurisdiction-adopted goals and policies, facility and service improvements and marketing strategies about how the jurisdiction will help make progress for reducing drive alone trips and vehicle miles traveled over the next four years. Building upon the success of the existing commute trip reduction program, the jurisdiction strives to meet the goals of the plan for the future by working in partnership and coordination with other agencies and employers.

This proposed Plan has been developed through extensive involvement by employers, transit agencies, organizations and individuals from throughout the City who helped identify strategies and ways for successful achievement of the goals. This plan helps to support the achievement of the City's vision and the goals of its comprehensive plan.

Benefits of the CTR Program to City of Kirkland

Although the Commute Trip Reduction Program only applies to a few sites in the City of Kirkland, the CTR program will continue to grow and address a variety of transportation and environmental issues. Several trends are increasing the value of CTR in Kirkland, particularly as an alternative to expanding roads and parking facilities. The major transportation problems facing Kirkland are traffic and parking congestion, inadequate mobility for non-divers, and various economic, social and environmental costs associated with high levels of automobile travel; all problems that can be addressed by CTR. The value of CTR is further enhanced by the following trends:

- *Rising facility costs.* The cost of expanding highways and parking facilities is increasing. In many cases it is more cost effective to manage demand than to continue expanding supply. If the CTR program is successful, it will help reduce the demand on state, regional and local streets. This in turn helps to reduce the need to expand the roadway system.

- *Increased urbanization.* In Kirkland, the majority of people and jobs are located in urban areas, where traffic and parking problems are significant and alternative modes are cost effective.

- *Demographics*. As the population becomes older and more mature, it will become more important to increase the availability of quality travel options for non-drivers. Senior citizens will be more dependent on transit and non-motorized travel options.

- *Energy Costs*. Vehicle fuel costs have risen dramatically and are projected to increase in the future due to depletion of oil supplies and environmental constraints. Rising costs have increased the demand for non-drive alone travel alternatives. The vanpool market, in particular, has exceeded demand and there are currently waiting lists for available vanpools.

- *Consumer preferences and market trends*. CTR is addressing current consumer preferences in which more consumers want to live in more multi-modal communities where it is possible to walk and bicycle safely, use neighborhood services, and have access to quality public transportation.

- *Environmental concerns*. CTR helps to address concerns over air pollution, sprawl and other environmental impacts by reducing the demand for automobiles. Automobiles comprise 55% of air pollutants. For each car that is taken off the road, there is a significant benefit to the environment.

In summary, the CTR program is a cost-effective program that addresses a number of issues in the City of Kirkland. Although CTR has been applied to only a few work sites, the program will continue to grow and expand as solutions are needed to complex transportation and environmental issues.

I. BASELINE ASSESSMENT

Affected CTR Work Sites

Under the CTR ordinance, there are twelve affected worksites in the City of Kirkland. To be a CTR- affected work site, the work site must contain 100 or more employees who arrive at the work site between 6 a.m. and 9 a.m. The CTR-affected worksites in Kirkland include the following sites:

Work Site	Address
Kirkland City Hall	123 5th Avenue
FileNET an IBM Company	720 4th Avenue
Digio Broadband Inc.	8815 122nd Avenue NE
Who's Calling Inc.	5000 Carillon Point
Eagle Home Mortgage	10510 Northup Way
Kenworth Truck Company	10630 NE 36th Place
DR Horton	12931 NE 126th Place
Evergreen Health Care	12040 NE 128th Street
House Values Inc.	11332 NE 122nd Way
Lake Washington Technical College	10605 132nd Avenue NE
Wireless Data Services North America Inc.	10809 120th Avenue NE
Electronic Evidence Discovery	3933 Lake Washington Blvd.

The attached map of the jurisdiction shows the locations of the CTR worksites (see Appendix A). A site profile has been prepared for each CTR-affected work site. The site profile describes the existing conditions such as the availability of transit and non-motorized facilities, transit routes, parking, and available CTR program elements.

Major Issues Regarding Land Use and Transportation Conditions Around CTR Work Sites

City of Kirkland – 123 5th Avenue

Existing and planned land use conditions:	The city offices are located on the in the Downtown Activity Area, north of the Central Business District, in a High Density Residential zone. The City plans for further growth to occur within the Central Business District.
Existing and planned transportation facilities:	This worksite is located at the intersection of 5th Avenue and 1st Street, northeast of Lake Washington. The adjacent streets have sidewalks and on-street parking. There are no dedicated bike lanes. The city plans add or improve signalization within the Downtown Area. No other major roadway improvements are planned for this area.
Existing and planned transit services and facilities:	Metro Transit and Sound Transit bus routes serve the downtown area, including local service throughout Kirkland, Redmond, and Bellevue; and commuter service to Seattle, Redmond, Bothell, and Everett. There is a transit center in Downtown Kirkland, near this site. Metro plans to provide two new frequent-service core routes, to expand the hours of service on existing routes, and to increase the frequency of service near this worksite.
Existing parking conditions:	The worksite contains free parking to employees and visitors. Free on-street parking is available for city employees.
Existing CTR Program	City of Kirkland provides flexpass to employees, alternative work schedules, bicycle and shower facilities and subsidies for carpooling, vanpooling, bicycling and walking. The City offers a monetary incentive for participating in non-drive alone modes and a telework program to its employees.

City of Kirkland

Parking lot

Street parking

Street parking on 5th Avenue

City of Kirkland	City of Kirkland
ID Number:	E80739
Total Number of Employees:	290
Affected CTR Employees:	111
2011 Drive Alone Goal:	67%
2011 VMT/Employee Goal:	9 Miles/day
Services Available:	Metro Transit and Sound Transit
Bus Routes:	MT 230, 234, 236, 238, , 245, 251, 254, 255; ST 540
Parking:	Parking is free and there are some capacity constraints for on-site parking; employees are allowed to use on-street parking spaces.
Recommended CTR Strategies:	Increase subsidies for carpooling and vanpooling; Reduce parking capacity for employees.

FileNET / an IBM Company – 720 4th Avenue

Existing and planned land use conditions:	This business is located in the Everest Industrial High Tech Area, east of the Central Business District. The area is zoned Office.
Existing and planned transportation facilities:	This worksite is located on 4th Ave NE just east of 6th Street, a minor arterial. The worksite has sidewalks along the street frontages, and connections to the Downtown Activity Center. There are no marked bicycle lanes. The roadway improvements planned near this worksite include adding a traffic signal at the intersection of Kirkland Way and 6th Street, including controlled pedestrian crosswalks.
Existing and planned transit services and facilities:	There are eight Metro Transit and one Sound Transit bus routes that serve the worksite area, with local service throughout Kirkland and commuter service to University District, downtown Seattle, Redmond, Bothell and Bellevue. There is a transit center to the west. King County Metro plans to provide two new frequent-service core routes, to expand the hours of service on existing routes, and to increase the frequency of service near this worksite.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program	Employer offers flexpass to its employees.

FileNET, an IBM Company

Building

Parking lot

Parking garage

6th Street with building on the right side

City of Kirkland	FileNET an IBM Company
ID Number:	E86660
Total Number of Employees:	140
Affected CTR Employees:	92
2011 Drive Alone Goal:	62%
2011 VMT/Employee Goal:	8 Miles/day
Services Available:	Bus
Bus Routes:	MT 230, 234, 236, 238, 245, 255, 277, ST 540
Parking:	Free; capacity is constrained
Recommended CTR Strategies:	Offer subsidies for carpooling and vanpooling; implement telework for selected employees.

Digio Broadband, Inc. – 8815 122nd Avenue NE

Existing and planned land use conditions:	This business is located in the Rose Hill Business District, east of I-405. The area is zoned Commercial. The vision in the 85th Street Subarea Plan includes a more compact land use pattern, with less of "strip" development feel and better pedestrian mobility. Policies in the Plan aim to create a mixed-use development, with retail on the ground floor and office or residential in the upper floors.
Existing and planned transportation facilities:	This worksite is located on 122nd Ave NE just north of NE 85th Street and west of 124th Ave NE, two major arterials. It has easy automobile access to I-405. The worksite has sidewalks along the street frontages and no marked bicycle lanes. The roadway improvements planned near this worksite include expanding the intersection of NE 85th Street and 124th Ave NE, expanding the intersection at NE 85th Street and 120th Ave NE, and adding a queue bypass from NE 85th Street to I-405 heading northbound.
Existing and planned transit services and facilities:	There are four Metro Transit, one Community Transit and one Sound Transit bus routes that serve the worksite area, with local service throughout Kirkland and commuter service to University District, downtown Seattle, Lynnwood and Redmond.
Existing parking conditions:	This business is located in the Rose Hill Business District, east of I-405. The area is zoned Commercial. The vision in the 85th Street Subarea Plan includes a more compact land use pattern, with less of "strip" development feel and better pedestrian mobility. Policies in the Plan aim to create a mixed-use development, with retail on the ground floor and office or residential in the upper floors.
Existing CTR program	Digio participants in the transportation management program that is offered by the property management. Program includes a $25/month subsidy for non-drive alone uses.

Digio Broadband, Inc.

Building

Bicycle storage

Parking lot

Carpool parking

City of Kirkland	Digio Broadband, Inc.
ID Number:	E85583
Total Number of Employees:	167
Affected CTR Employees:	59
2011 Drive Alone Goal:	65%
2011 VMT/Employee Goal:	9 Miles/day
Services Available:	Bus
Bus Routes:	MT 230, 238, 254, 277, ST 540, CT 441
Parking:	Free; no capacity constraints
Recommended CTR Strategies:	Supplement existing subsidies from property manager to encourage more carpooling and vanpooling; implement telework program.

Who's Calling, Inc. – 5000 Carrillon Point

Existing and planned land use conditions:	This business is located in the south end office area in the Carillon Business District. The area is zoned Commercial.
Existing and planned transportation facilities:	This worksite is located on Carillon Point just east of Lake Washington Blvd and Lakeview Drive, major arterials. The worksite has sidewalks along the street frontages and no marked bicycle lanes.
Existing and planned transit services and facilities:	There is one bus route that serves this worksite by Metro Transit, with service to Kirkland, Bellevue and Redmond.
Existing parking conditions:	The worksite contains pay parking for employees and visitors. Employer provides a $72/month subsidy for transit. Reduced rates are offered to carpoolers.
Existing CTR program:	Employer provides a $72 monthly subsidy for transit and offers a reduced parking rate for carpoolers.

Who's Calling, Inc.

Sidewalk and crosswalk

City of Kirkland	Who's Calling, Inc.
ID Number:	E89854
Total Number of Employees:	180
Affected CTR Employees:	105
2011 Drive Alone Goal:	TBD
2011 VMT/Employee Goal:	10 Miles/day
Services Available:	Bus
Bus Routes:	MT 230
Parking:	Pay; no capacity constraints
Recommended CTR Strategies:	Offer subsidies for carpooling and vanpooling; implement telework and parking cash out program for employees.

Eagle Home Mortgage – 10510 Northup Way

Existing and planned land use conditions:	This business is located in the south end office area in the Yarrow Bay Business District. The area is zoned Office.
Existing and planned transportation facilities:	This worksite is located on Northup Way just east of Lake Washington Blvd, a major arterial. It has easy access to SR 520. The roadway improvements planned near this worksite include expanding the intersection at Lake Washington Blvd and NE 38th Pl, and adding a queue bypass onto SR 520 from Lake Washington Blvd. The worksite has sidewalks along the street frontages and no marked bicycle lanes.
Existing and planned transit services and facilities:	There are five bus routes that serve this worksite by Metro Transit and there is a park-and-ride near the worksite with additional local and commuter service to Redmond, Bellevue, Kenmore, Downtown Seattle, and the University District.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer promotes carpooling by offering priority spaces for carpoolers. They also offer guaranteed ride home for their employees.

Eagle Home Mortgage

Building

Bus stop across street from building

Parking garage

Northup Way looking west

City of Kirkland	Eagle Home Mortgage
ID Number:	E89417
Total Number of Employees:	134
Affected CTR Employees:	86
2011 Drive Alone Goal:	69%
2011 VMT/Employee Goal:	10 Miles/day
Services Available:	Bus
Bus Routes:	MT 220, 234, 230, 243, 255, 256
Parking:	Free; no capacity constraints
Recommended CTR Strategies:	Offer subsidies for carpooling and vanpooling; implement telework program for selected employees; provide flexpass to employees.

Kenworth Truck Company – 10630 NE 36th Place

Existing and planned land use conditions:	This business is located in the south end office area in the Yarrow Bay Business District. The area is zoned Office.
Existing and planned transportation facilities:	This worksite is located on Northup Way just east of Lake Washington Blvd, a major arterial. It has easy access to SR 520. The roadway improvements planned near this worksite include expanding the intersection at Lake Washington Blvd and NE 38th Pl, and adding a queue bypass onto SR 520 from Lake Washington Blvd. The worksite has sidewalks along the street frontages and no marked bicycle lanes.
Existing and planned transit services and facilities:	There are five bus routes that serve this worksite by Metro Transit and there is a park-and-ride near the worksite with additional local and commuter service to Redmond, Bellevue, Kenmore, Downtown Seattle, and the University District.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer offers Flexpass to their employees and charges $7/month for covered parking. Employer also a registered carpooler program and a company provided van for business related trips.

Kenworth Truck Company

Building entrance

Parking lot

Parking lot

Park and Ride

City of Kirkland	Kenworth Truck Company
ID Number:	E80069
Total Number of Employees:	404
Affected CTR Employees:	293
2011 Drive Alone Goal:	65%
2011 VMT/Employee Goal:	10 Miles/day
Services Available:	Bus
Bus Routes:	MT 220, 234, 230, 243, 255, 256
Parking:	Free; no capacity constraints
Recommended CTR Strategies:	Increase subsidies that are offered to employees to increase vanpooling and carpooling; implement telework program.

DR Horton – 12931 NE 126th Place

Existing and planned land use conditions:	This business is located in the north end of the City in the Totem Lake Urban Center. The area is zoned Industrial. The City expects a large portion of the future growth in the City to occur within the Totem Lake Urban Center. This will include higher densities and higher intensity land use directly around Totem Lake Mall, and compact land use patterns to support nonmotorized use and mass transit. A mix of medical, retail, office and housing uses are anticipated.
Existing and planned transportation facilities:	This worksite is located on NE 126th Place just north of Slater Way, a minor arterial. It has access to NE 124th Street, a major arterial. The worksite has sidewalks along the street frontages to facilitate pedestrian connections; however, pedestrian use is limited by the BNSF tracks to the south. There are marked bicycle lanes on either side of the street. The roadway improvements planned near this worksite include improving the intersection of NE 126th Street and 132nd Pl NE.
Existing and planned transit services and facilities:	There is one bus route that serves this worksite by Metro Transit, with commuter service to Redmond.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer offers a carpool incentive of $50/carpooler per month.

DR Horton 12931 NE 126th Place (newly affected CTR work site)

Building entrance

Pedestrian trail on 126th Place

132nd Street

128th Lane looking south

City of Kirkland	DR Horton
ID Number:	TBD
Total Number of Employees:	TBD
Affected CTR Employees:	TBD
2011 Drive Alone Goal:	TBD
2011 VMT/Employee Goal:	TBD
Services Available:	Bus
Bus Routes:	MT 291
Parking:	Free; no capacity constraints
Recommended CTR Strategies:	Increase subsidies for carpooling and vanpooling; implement telework program for selected employees.

Evergreen Health Care – 12040 NE 128th Street

Existing and planned land use conditions:	This business is located in the north end of the City in the Totem Lake Urban Center. The area is zoned Institutional. The City expects a large portion of the future growth in the City to occur within the Totem Lake Urban Center. This will include higher densities and higher intensity land use directly around Totem Lake Mall, and compact land use patterns to support nonmotorized use and mass transit. A mix of medical, retail, office and housing uses are anticipated.
Existing and planned transportation facilities:	This worksite is located on NE 128th Street east of Totem Lake Blvd, a major arterial. It has access to I-405. The worksite has some sidewalks along the street frontages. There are no marked bicycle lanes. The roadway improvements planned near this worksite include widening 120th Ave NE from three to five lanes, extending NE 130th Street between Totem Lake Blvd and 120th Ave NE, and installing traffic calming devices and pedestrian improvements on 120th Ave NE.
Existing and planned transit services and facilities:	There are seven bus routes that serve this worksite by Metro Transit, with local service to Kirkland and Bellevue and additional commuter service to Seattle, Redmond, Woodinville and Bothell.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer offers flexpass to employees and promotes non-drive alone alternatives on a regular basis. They also provide priority parking spaces for carpoolers.

Evergreen Health Care

Carpool parking

Parking garage

City of Kirkland	Evergreen Health Care
ID Number:	E80101
Total Number of Employees:	2688
Affected CTR Employees:	750
2011 Drive Alone Goal:	63%
2011 VMT/Employee Goal:	9 Miles/day
Services Available:	Bus
Bus Routes:	MT 230, 236, 238, 252, 255, 291, 935
Parking:	Free; no capacity constraints
Recommended CTR Strategies:	Offer subsidies for carpooling and vanpooling; implement telework program for selected employees.

House Values, Inc. – 11332 NE 122nd Way

Existing and planned land use conditions:	This business is located in the Totem Lake Urban Center. The area is zoned Office. The City expects a large portion of the future growth in the City to occur within the Totem Lake Urban Center. This will include higher densities and higher intensity land use directly around Totem Lake Mall, and compact land use patterns to support nonmotorized use and mass transit. A mix of medical, retail, office and housing uses are anticipated.
Existing and planned transportation facilities:	This worksite is located on NE 122nd Way just south of NE 124th Street, a major arterial. It has easy access to I-405. The worksite has sidewalks along the street frontages and no marked bicycle lanes. The roadway improvements planned near this worksite include adding a queue bypass onto southbound I-405 from NE 124th Street and expanding the intersection of NE 124th Street and 116th Ave NE.
Existing and planned transit services and facilities:	There are two bus routes that serve this worksite by Metro Transit, with service to downtown Seattle, Bellevue and Kenmore.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer offers a subsidy to employees who participate in non-drive alone modes.

House Values, Inc.

Entrance

Parking lot behind building

Street parking on 122nd Way

City of Kirkland	House Values, Inc.
ID Number:	E80336
Total Number of Employees:	460
Affected CTR Employees:	304
2011 Drive Alone Goal:	75%
2011 VMT/Employee Goal:	11 Miles/day
Services Available:	Bus
Bus Routes:	MT 255, 935
Parking:	Free; no capacity constraints
Recommended CTR Strategies:	Offer flexpass to employees and implement telework program for selected employees.

Lake Washington Technical College – 10605 132nd Avenue NE

Existing and planned land use conditions:	This business is located just east of the Totem Lake Urban Center. The area is zoned Institutional. The City expects a large portion of the future growth in the City to occur within the Totem Lake Urban Center. This will include higher densities and higher intensity land use directly around Totem Lake Mall, and compact land use patterns to support nonmotorized use and mass transit. A mix of medical, retail, office and housing uses are anticipated.
Existing and planned transportation facilities:	This worksite is located on 132nd Ave NE, a minor arterial. The worksite has sidewalks along the street frontages, and no marked bicycle lanes.
Existing and planned transit services and facilities:	There is one bus route that serves this worksite by Metro Transit, with service between Bothell and Kirkland.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer offers subsidies to staff and students for participating in non-drive alone modes.

Lake Washington Technical College

School entrance

Carpool parking

Bus stop at east entrance

City of Kirkland	Lake Washington Technical College
ID Number:	E86595
Total Number of Employees:	621
Affected CTR Employees:	125
2011 Drive Alone Goal:	76%
2011 VMT/Employee Goal:	10 Miles/day
Services Available:	Bus
Bus Routes:	MT 238
Parking:	Free; no capacity constraints
Recommended CTR Strategies:	Increase subsidies for carpooling and vanpooling; offer flexpass to employees; implement telework program to selected employees.

Wireless Data Services North America, Inc. – 10809 120th Avenue NE

Existing and planned land use conditions:	This business is located at the south end of the Totem Lake Urban Center. The area is zoned Office. The City expects a large portion of the future growth in the City to occur within the Totem Lake Urban Center. This will include higher densities and higher intensity land use directly around Totem Lake Mall, and compact land use patterns to support nonmotorized use and mass transit. A mix of medical, retail, office and housing uses are anticipated.
Existing and planned transportation facilities:	This worksite is located on 120th Ave NE, which is a minor arterial north of NE 112th Street. It has access to I-405. There are sidewalks to the north of the worksite, but pedestrian connections to those sidewalks are not defined. There are no marked bicycles lanes.
Existing and planned transit services and facilities:	There are two bus routes that serve this worksite by Metro Transit, with local service to Bothell and Woodinville and commuter service to Seattle.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer offers flexpass to its employees.

Wireless Data Services North America, Inc.

Building

Parking north of building

Parking south of building

End of sidewalk

City of Kirkland	Wireless Data Services North America, Inc.
ID Number:	E80353
Total Number of Employees:	255
Affected CTR Employees:	126
2011 Drive Alone Goal:	TBD
2011 VMT/Employee Goal:	10 Miles/day
Services Available:	Bus
Bus Routes:	MT 236, 260
Parking:	Free; capacity is constrained.
Recommended CTR Strategies:	Implement parking management program; implement telework program to selected employees.

Electronic Evidence Discovery Inc. 3933 Lake Washington Blvd.

Existing and planned land use conditions:	This business is located in the south end office area in the Yarrow Bay Business District. The area is zoned Office.
Existing and planned transportation facilities:	This worksite is located on Lake Washington Blvd, a major arterial. It has easy access to SR 520. The roadway improvements planned near this worksite include expanding the intersection at Lake Washington Blvd and NE 38th Pl, and adding a queue bypass onto SR 520 from Lake Washington Blvd. The worksite has sidewalks along the street frontages and no marked bicycle lanes.
Existing and planned transit services and facilities:	There are five bus routes that serve this worksite by Metro Transit and there is a park-and-ride near the worksite with additional local and commuter service to Redmond, Bellevue, Kenmore, Downtown Seattle, and the University District.
Existing parking conditions:	The worksite contains free parking to employees and visitors.
Existing CTR program:	Employer offers Flexpass to employees..

Electronic Evidence Discovery 3933 Lake Washington Blvd.

Work site is located at the Plaza at Yarrow Bay

City of Kirkland	Electronic Evidence Discovery
ID Number:	E80311
Total Number of Employees:	177
Affected CTR Employees:	137
2011 Drive Alone Goal:	59%
2011 VMT/Employee Goal:	10.2 Miles/day
Services Available:	Bus
Bus Routes:	MT 230
Parking:	Free; some capacity constraints
Recommended CTR Strategies:	Continue to offer flexpass and offer subsidies for carpooling and vanpooling; implement telework program.

Summary of Existing CTR Programs in the City of Kirkland

Overall, the City's CTR program has received strong participation from its affected work sites. Many of them offer subsidies and transit passes to their employees and have supporting transit services, bicycle and pedestrian facilities.

- Six out of the eleven sites offer either a Flexpass program or monthly subsidy for transit.
- The majority of work sites do not charge for parking. Only two sites charge their employees for parking.
- Eleven out of the twelve work sites have access to transit (transit stop is within a quarter mile from the work site).
- Eleven out of the twelve work sites have sidewalks that connect to their work site.

Supporting Comprehensive Plan Policies

As part of the CTR planning process, the City reviewed its current Comprehensive Plan to identify policies that support the CTR program. The most current version of the City of Kirkland Comprehensive Plan was adopted in December 2004.

Key goals and policies that support CTR include the City's vision for the Downtown Activity Center and Totem Lake Subarea, including a mixed-use center that is supportive of transit, pedestrian and bicycle use.

The City's policies also support pedestrian-oriented streetscape environment for residential and commercial activity. It also encouraged mixed-use development patterns that provide a variety of commercial and residential opportunities, including both multi-family and small lot single-family residences.

Other Transportation Plan policies include producing design standards for a safe, usable non-motorized transportation network throughout the City, effective public transit, and a well-developed pedestrian and bicycle network.

The Appendices include an analysis of the comprehensive plan goals and policies that support CTR. The CTR Planning Guide included a list of goals and policies that CTR-affected jurisdictions should incorporate into their comprehensive plans. The analysis shows that there are a number of goals and policies that are not yet incorporated in the Kirkland Comprehensive Plan. During the next update cycle, the appropriate steps could be taken to create a stronger basis for the City's CTR program.

Supporting Transportation Policies, Plans and Projects

The City is currently performing a number of actions to encourage transit and non-motorized transportation. These actions include the following:

Ordinances are being developed to encourage density and non-motorized mobility. The City is in the process of revising the zoning code to require bike racks for commercial developments and requiring pedestrian connections from commercial buildings to public walkways and access to adjacent properties. The subdivision Ordinance KMC 22.28.170 stress the same requirements for residential developments.

The Kirkland Zoning Code requires various element that support CTR. The design guidelines requires multi-modal connection and transit oriented development features. In the downtown area, mixed use developments are encouraged by requiring ground floors to be commercial retail. Parking requirements for downtown Kirkland is less than elsewhere in the City to encourage multi-modal.

The City has adopted the following plans that support non-motorized transportation:

- The Complete Street Program which strives to connect bike lanes and sidewalks throughout the City.
- Non-Motorized Transportation Plan that includes bike facilities and pedestrian facilities.
- Crosswalk Upgrade Program
- Annual Sidewalk Maintenance Program
- School Walk Route Program

The following projects are planned and funded to be constructed near existing CTR-affected worksites:

- A new traffic signal, including controlled pedestrian crosswalk at Kirkland Avenue and 6th Street Project Number TR 0065, scheduled for completion in 2009. Total cost: $400,000

- Traffic calming and pedestrian amenities on 120th Avenue NE from Totem Lake Boulevard to NE 128th Street. The project includes installation of various traffic calming measures, parking, pedestrian and landscape improvements. Project number ST 0070, scheduled to begin design in 2007. Total cost: $500,000

- Installing sidewalks on NE 112th Street from NE 87th Street to NE 90th Street. Project number NM 0049, scheduled for completion in 2011. Total cost: $200,000.

The following projects are planned but not funded for construction near existing CTR-affected worksites:

- There are plans by King County to convert an Burlington Northern Santa Fe railroad line into a multi-purpose trail, which would provide additional choice for commuters.
- Queue bypasses lanes are planned for the following interchanges:
    - From 85th Street onto I-405,
    - From Lake Washington Boulevard onto SR 520,
    - From 124th to I-405, and
    - From 116th to I-405

- A transit center is planned in the Totem Lake Urban Center.

In addition to these projects, roadway improvements are also planned that include installation of non-motorized facilities.

Supporting Transit Plans and Projects

King County Metro and Sound Transit provide service to the City of Kirkland. King County has a six-year transit development plan that outlines goals and policies for improving transit in King County. There are a number of service enhancements that are being planned which will support CTR-affected work sites. Improvements to transit services and facilities include the following:

- King County Metro and the City are working to implement a new transit center in Totem Lake.
- Transit services in the Totem Lake neighborhood will be revised to connect transit routes to the new transit center.
- Increase frequencies on Sound Transit Route 545.

Planning Coordination and Cross Boundary Issues

The City of Kirkland developed its CTR plan in coordination with other CTR-affected jurisdictions in King County. The City of Kirkland also met with representatives from East King County jurisdictions to discuss the proposed GTEC plans.

The City of Kirkland has a number of cross boundary issues that affects its CTR Plan. Many of the commuters who travel to CTR-affected work sites live outside of Kirkland. Commuters travel to Kirkland from Seattle, Bellevue, Snohomish County and South King County. Interstate 405 is the major state facility that commuters use to travel to the City of Kirkland. The City is working with WSDOT to improve I-405 and to provide local access to the facility.

To address other cross boundary issues, the City is working with regional partners on the following:

- Working with King County Metro to provide transit service to the regional hubs.
- Working with Sound Transit to improve transit access to the City.
- Working with WSDOT to coordinate state highway projects, including I-405.
- Working with the PSRC to coordinate on regional TDM issues.

II. and III. BASELINE AND GOALS FOR 2011

The goal of the CTR program is to reduce drive alone vehicle use and vehicle miles traveled among employees who work in CTR-affected worksites by 10% and 13% respectively. The targets are based on the most recent CTR work site drive alone and vehicle miles traveled rates.

The target was established by taking the most recent SOV rate and multiplying the rate by 10%. This number was then subtracted from the most recent SOV rate and the result established the target for 2011.

Example:

2007 SOV Rate (78% * .10) = 7.8%
Target Rate = 2007 SOV Rate (78%) – (7.8%) = 70%

Area of Jurisdiction	2007 SOV Rate	Goal	2011 SOV Target Rate	2007 VMT	Goal	2011 Target VMT
City of Kirkland (overall)	**75%**	**10%**	**67%**	**12.48**	**13%**	**11**

Employer	2007 SOV Rate	Goal	2011 SOV Target Rate	2007 VMT	Goal	2011 Target VMT
Kirkland City Hall	74%	10%	67%	10.5	13%	9
Digio Broadband Inc	72%	10%	65%	12.4	13%	11
Eagle Home Mortgage	77%	10%	69%	15.4	13%	13
Evergreen Health Care	70%	10%	63%	10.2	13%	9
FileNET Corporation	69%	10%	62%	9.4	13%	8
House Values Inc	83%	10%	75%	12.5	13%	11
Kenworth Truck Company	72%	10%	65%	12.4	13%	11
Lake Washington Technical College	84%	10%	76%	13.2	13%	11
Who's Calling Inc	TBD	10%	TBD	TBD	13%	TBD
Wireless Data Services North America Inc	TBD	10%	TBD	TBD	13%	TBD
DR Horton	TBD	10%	TBD	TBD	13%	TBD
Electronic Evidence Discovery	66%	10%	59%	10.2	13%	9

TBD- to be determined

In addition to the CTR goals and targets, the City has established a mode split target in its Comprehensive Plan. The mode split goal for 2022 is 65% for drive alone vehicles and 35% for non-drive alone vehicles.

To ensure progress in achieving CTR goals, employers should try to achieve a 2.5% reduction in drive-alone from their base drive-alone survey result.

IV. STRATEGIES FOR ACHIEVING GOALS AND TARGETS

Potential Actions for the City to Eliminate Barriers

The following potential actions have been identified as strategies that will help the City of Kirkland achieve its 2011 goal:

- Transit:

  Transit ridership among CTR-affected work sites is low, the City will continue to work with Metro Transit to increase transit ridership at CTR-affected work sites by increasing awareness of transit services and working with employers to offer transit subsidies.

  Sound Transit has plans to increase the frequency of Route 545. King County Metro plans to test the feasibility of adding wi-fi technology on buses. These service enhancements may help increase transit ridership.

- Parking:

  To increase the percentage of commuters using transit, vanpool, carpool and non-motorized forms of transportation, the City should work with CTR employers to implement a parking fee program. Parking fees should be charged to drive alone vehicles and discounts should be applied to non-drive alone vehicles. Other parking management techniques that can be used include giving priority spaces to carpools and vanpools and offering parking cash out to employees for choose not to drive alone.

  In addition to working with its CTR-affected work sites, the City should explore updating its Comprehensive Plan with policies that support parking pricing and parking management at CTR work sites.

- Local Networking Opportunities:

  To increase opportunities for ridesharing and creating partnerships between employers, the City will create local networking opportunities for affected employers. Local networking with other CTR-affected employers will offer opportunities to discuss CTR and transportation issues, conduct joint promotions, and offer coordinated programs that can benefit their employees.

- Land Use

  The City will implement its current land use policies that encourage the development of Centers. Employers will be encouraged to locate in the Centers where higher levels of services, such as transit, non-motorized and TDM programs

are offered. Higher densities will be allowed which will help increase transit and ridesharing activities.

- Employer Assistance

  To help CTR-affected work sites achieve their goals, the City and Metro Transit will continue to provide assistance to employers with implementing their programs. Metro Transit will help promote CTR programs at work sites through transit fairs and preparing public information materials.

- Management Support and ETC training

  The City will work with major employers and business organizations to increase support for CTR programs. It will also develop guidelines for Employee Transportation Coordinators and provide training to help them implement their programs.

- Subsidies

  The City will work with CTR-affected work sites to provide subsidies, i.e. Flexpass and vanpool incentives, to encourage commuters to shift to non drive alone modes of travel.

- Construction Mitigation

  WSDOT and the City are currently preparing for upcoming construction projects on major highways and arterials. These projects are expected to cause traffic delays for motorists. To help reduce the traffic impacts that will be caused by construction activities, the City will work with WSDOT, Metro Transit and employers to develop programs that will help reduce drive alone trips on facilities that are impacted by construction. These programs will help ease traffic congestion and further increase awareness of alternative travel options for commuters.

Recommended Strategies to Achieve Goals

Based on the potential actions that were identified, the following strategies are planned that will help the City make progress towards its 2011 goal. These strategies will be performed in coordination with other King County cities, King County Metro Transit, and other partners. The strategies listed below have been selected because of the following reasons:

- Strategy has received support from affected employers.
- Past experience has shown that the strategy is effective in reducing drive alone trips.
- Strategy is able to be implemented by the City during the next four years.
- Strategy is cost effective.

Strategy	Description
Policies and Regulations	
Employer Notification and Enforcement	This program would improve the system of requiring new CTR affected employers and existing CTR affected employers to notify their jurisdiction about program changes. The City will use its business licensing program to help identify new employers.
ETC Training and Guidelines	Employer Transportation Coordinators (ETCs) are essential for a successful CTR program. Their job duties should include coordination of annual fairs, conducting promotions, distributing information, notifying the jurisdiction about program changes, and reporting employee numbers. Guidelines and training should be provided to ETCs to assist them with their duties. Employers should provide them with the necessary resources (time and funding) to be successful.
Review Parking Policies	The City will review the development code for parking requirements that discourage single-occupancy vehicle use. The City will consider establishing parking maximums for new development and look to reduce parking supply to encourage alternative travel modes.
Amend Comprehensive Plan to include language about the CTR Efficiency Act	The City should review its Comprehensive Plan and add new policies to correspond with its CTR plan, if necessary.

Strategy	Description
Services and Facilities	
Transit Services	King County Metro Transit will continue to provide transit services to CTR work sites, where service is currently available. King County Metro Transit will make service enhancements based on its updated Six-Year Transit Development Plan.
Vanpool Services	King County Metro Transit will target adding 5 new vans city-wide in 2008.
Carpool Services	The City and King County Metro Transit will continue to encourage carpooling and use of www.rideshareonline.com or Pierce Transit staff to assist in carpool matching services.
Bicycling and Walking Amenities	King County Metro Transit will work with major employers to encourage the provision of amenities such as bike lockers, access to shower facilities and changing facilities to increase usage of non-motorized transportation.
Telework Program	The City will work with King County Metro Transit to create a telework education program that would educate employers on how to implement telework at their work site, if applicable. The program includes education on human resource policies and information technology assistance to allow employees to work from home.
Car Sharing Service	The City will evaluate the market for a car sharing service, such as Flexcar, near CTR sites.
Alternative and Flexible Schedules	The City will work with employers to encourage them to offer alternative and flexible work schedules for their employees, including compressed work weeks.
Employer Assistance	The City will coordinate with King County Metro Transit to provide assistance to affected employers to help them meet the requirements of the CTR Efficiency ACT and implement their programs.
Marketing and Incentives	
Management Support	The City and King County Metro Transit will work with CTR worksite managers and owners to educate them about the benefits of CTR to their

Strategy	Description
	organizations.
Subsidies	The City will encourage employers to offer subsidy programs to persuade employees to shift to non-drive alone commute modes. Examples include six-months of free vanpool participation, transit pass subsidies, and a one-time payment or gift card for starting a carpool.
Parking Management	Employers are encouraged to charge employees for parking or allow their employees to receive cash for their parking spot if they choose to not use their parking space, which could be used toward transit costs or vanpool costs.
Marketing and Education	This program would expand education efforts to CTR employees about alternative commuting including workshops, information brochures, and advertising.
Transportation Fairs	The City will work with King County Metro Transit and major employers to conduct on site promotions, transportation fairs, and challenges to increase awareness and use of commute alternatives.
Networking Opportunities	The City and King County Metro Transit will work with the major employers to create networking opportunities to discuss CTR issues, coordinate ridesharing programs, and conduct joint promotional efforts.
Programs to Help Mitigate Construction Activities	The City will work with WSDOT and Metro Transit to develop programs to help mitigate impacts that will be caused from road construction activities. Programs will focus on reducing drive alone trips on specific facilities, i.e. Interstate 405 during construction.

V. REQUIREMENTS FOR MAJOR EMPLOYERS

Employers that are affected by the CTR Law will be required to implement the following program elements:

Required Element	Description
Designate Employee Transportation Coordinator	The Employee Transportation Coordinator is the point of contact between the employer and its workforce to implement, promote and administer the organization's CTR program. He/she is also the point of contact between the employer and the local jurisdiction to track the employer's progress in meeting CTR requirements Affected employers will be responsible for providing adequate training for the ETC, allow them to attend networking meetings, and provide them with the necessary time to administer the program.
Regular Distribution of Information to Employees	Information about commute alternatives will be distributed at least monthly to employees. Information packets will be distributed to new employees at CTR-affected work sites. Examples of information that will be distributed will include: • Description of the employer's commute options program • Transit system maps and schedules • Vanpool rider alerts • Weekly traffic alerts • Wheel Options campaign promotional materials
CTR Reporting	Once a year, The employer is required to complete the Employer Report and Program Description Form to determine if progress is being made towards achieving the goals. Reports will be submitted to the City.
CTR Survey	Biennially, the CTR affected employers shall distribute and collect Commute Trip Reduction Program Employee Questionnaires (surveys) to achieve at least a 70 percent response rate.
Implementation of a Set of Measures	The employer is required to implement a set of measures that are designed to increase the percentage of employees using some or all of the following modes: • Transit • Vanpool • Carpool • Bicycle or walking • Telework, Compressed Work Week, or Flexible Work

Required Element	Description
	Schedule • Other non-single occupant vehicle modes Measures to reduce drive alone trips and vehicle miles traveled include, but are not limited to: • Provision of preferential parking or reduced parking charges for high occupancy vehicles • Instituting or increasing parking charges for single-occupant vehicles • Provision of commuter ride matching services • Provision of subsidies for transit fares • Provisions of vans for vanpools • Provisions of subsidies for carpooling or vanpooling • Provision of car sharing services • Permitting the use of the employer's vehicles for carpooling or vanpooling • Permitting flexible work schedules • Cooperation with transportation providers to provide additional regular or express service to the worksite • Construction of special loading and unloading facilities for transit, carpool, and vanpool users • Provision of bicycle parking facilities, lockers, changing areas, and showers • Provision of a program for parking incentives such as a rebate for employees who do not use the parking facility • Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes • Establishment of a program of alternative work schedules such as compressed work week schedules (such as 4/40 or 9/80) • Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services • Employers or owners of worksites may form or utilize an existing transportation management association or other transportation-related associations by RCS 35.87A.010 to assist members in developing and implementing commute trip reduction programs

VI. FINANCIAL PLAN

In the City's CTR financial plan, the city has identified the different funding sources that are used to fund the program. In addition, the City has identified expenses for administering the program and a list of unfunded programs. The unfunded programs are necessary to help the City achieve its 2011 goals and targets. These programs could potentially be funded by various grants, employer contributions and City funds.

Funding Sources

The City's CTR program is funded by two primary sources: WSDOT CTR Funds and City of Kirkland operating revenue:

Source of Funding	Responsible Agency	Estimated Amount for 2008	Estimated Amount for 2009	Estimated Amount for 2010	Estimated Amount for 2011
CTR Funds	WSDOT	$26,500	$26,500	$26,500	$26,500
Contributions from City of Kirkland	City of Kirkland	$16,000	$16,000	$16,000	$16,000
King County Metro Transit Funds	King County Metro	$20,000	$20,000	$20,000	$20,000
TOTAL		**$62,500**	**$62,500**	**$62,500**	**$62,500**

Program Expenses

The cost of implementing is shared primarily by the City, the transit agency, and the employers. The following CTR program expenses have been identified:

Expense	Responsible Party	Estimated Annual Cost 2008	Estimated Annual Cost 2009	Estimated Annual Cost 2010	Estimated Annual 2011
Prepare local CTR plan, Comprehensive Plan, and CTR ordinance	City of Kirkland	$5,000	$5,000	$5,000	$5,000
Employer Notification	City of Kirkland	$2,500	$2,500	$2,500	$2,500
Administer CTR program (contract management, annual reporting, program review, surveys, coordination meetings)	King County Metro Transit (under contract with the City)	$25,000	$25,000	$25,000	$25,000
Administer Program for Transportation Management Plans	City of Kirkland	$10,000	$10,000	$10,000	$10,000
Employer Incentives	King County Metro	$20,000	$20,000	$20,000	$20,000
TOTAL		**$62,500**	**$62,500**	**$62,500**	**$62,500**

Financial Gaps

The following table summarizes program areas that are not currently funded. However, some potential funding sources have been identified for the applicable organization to target.

Service or Strategy	Target Market	What Strategy Will Accomplish	Financial Gap
Develop Management Support	Chief Executive Officers, program managers	Increase management support for CTR program by giving employer recognition and describing benefits of program to CEOs	$ 25,000
Telework Education	CEOs, ETCs	Training and assistance to help set up telework programs,	$ 25,000
Transit, vanpool and carpool subsidies	Commuters at CTR-affected work sites	Subsidies to encourage commuters to shift to transit, vanpool and carpools	$50,000
Marketing and Promotions	Commuters at CTR-affected work sites	Increase awareness of transit and ridesharing programs.	$50,000
TOTAL			**$150,000**

The following funding sources have been identified that potentially could be used to fund CTR programs:

- Congestion Management Air Quality Grants
- Surface Transportation Program Grants
- Employer Trip Reduction Performance Grants
- Washington State Construction Mitigation Funding
- Transit Agency Funds
- Local Jurisdiction Funds
- Major Employers

Summary

The following table shows the amount of money necessary to implement all of the proposed strategies listed in the previous tables. There are insufficient funds at this time; however, some potential funding sources were identified in the previous table for the jurisdiction or transit agency to target.

Budget Summary	Estimated Annual Cost 2008	Estimated Annual Cost 2009	Estimated Annual Cost 2010	Estimated Annual 2011
Existing Funding	$42,500	$32,500	$32,500	$32,500
Existing Expenses	$42,500	$32,500	$32,500	$32,500
Unfunded Programs	$150,000	$150,000	$150,000	$150,000
Needed Funds	**$150,000**	**$150,000**	**$150,000**	**$150,000**

VII. IMPLEMENTATION STRUCTURE

The City plans to work in partnership with King County Metro Transit and its affected work sites to implement the CTR program.

Organization	Responsibility
City of Kirkland	The City will be responsible for developing and implementing their local CTR plan. It is responsible for ensuring that CTR plan is consistent with its local comprehensive plans. As part of its CTR plan, the City will set the goals and targets for the affected employers. For CTR program administration, the City is responsible for ensuring that affected employers are in compliance with the CTR law.
King County Metro Transit	In partnership with the City, King County Metro Transit will be responsible for employer outreach, conducting marketing and promotional activities, and providing services to CTR-affected work sites.
Major Employers	Employers that are affected under the CTR law are responsible for notifying the City when they are affected. Employers are responsible for implementing their CTR program requirements, including information distribution, designating an ETC, submitting program reports, delegating adequate time for ETCs to perform duties and implementing program elements.

CTR Program Activities

Program Strategy or Service	Agency Responsible	Scheduled Date for Implementation
Policies and Regulations		
Update Comprehensive Plan	City of Kirkland	2008
CTR Program Enforcement	City of Kirkland	On-going
Implement Vision of Downtown Kirkland and Centers	City of Kirkland	On-going
Review Parking Policies	City of Kirkland	2008 - 2011
Services and Facilities		
Transit Services	King County Metro Transit	On-going
Vanpool Services	King County Metro Transit	On-going
Sounder and Regional Express Bus	Sound Transit	On-going

Ridematching services	King County Metro Transit	On-going
Bicycle and Pedestrian Facilities	City of Kirkland	On-going
Marketing and Incentives		
Wheel Options Campaign	City of Kirkland and King County Metro Transit	2008 – 2011 (conducted twice a year)
Management Support	King County Metro Transit and City of Kirkland	On-going
Subsidies	King County Metro Transit	On-going
Parking Management	City of Kirkland and King County Metro Transit	On-going
Marketing and Education	King County Metro Transit	On-going
Promotional Events	King County Metro Transit	On-going
Marketing and Education	King County Metro Transit	On-going

VIII. DOCUMENTATION OF CONSULTATION

The City's CTR Plan was developed in consultation with the following organizations:

- Metro Transit
- City of Bellevue
- City of Redmond
- City of Bothell
- City of Mercer Island
- City of Issaquah
- City of Woodinville
- City of Renton

The City conducted the following outreach and coordination meetings:

- In the first week of January, we mailed out information to all CTR sites about the new CTR Efficiency requirements and invited them the CTR workshops in January 2007.

- The City of Kirkland participated in an interlocal meeting to discuss about the CTR and GTEC plans with the following jurisdiction on April 30th: Bothell, Mercer Is., Woodinville, Renton, Bellevue, Redmond, and Issaquah.

- The City met with King County on March 12th to talk about strategies for GTEC and matching funding from K.C. for the GTEC.

- The City plans to send out copies of the draft CTR plans to CTR-affected work sites and have them review and comment on the draft plans.

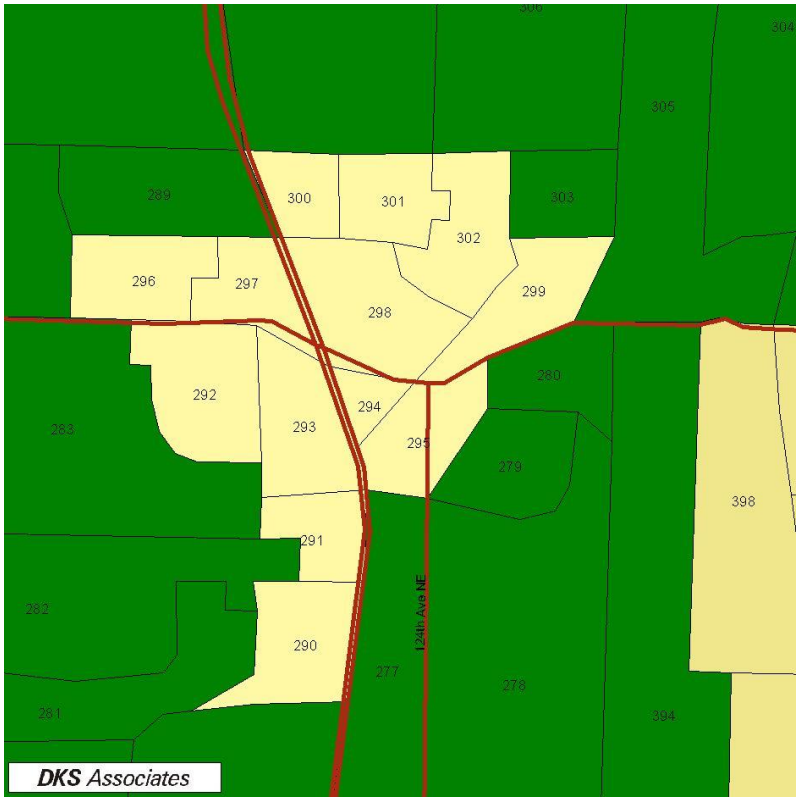
- On January 29, 2007, a CTR Employer Workshop was held for all affected employers at the City of Kirkland's offices. During these workshops, employer requirements to comply with the CTR law and CTR strategies were discussed. A summary of the workshop can be found in Appendix F.

IX. GROWTH AND TRANSPORTATION EFFICIENCY CENTER

The City has elected to designate the Totem Lake Neighborhood as a Growth and Transportation Efficiency Center. The purpose of a Growth and Transportation Efficiency Center is to increase access to the neighborhood while reducing the number of drive alone trips.

The GTEC program is a collection of jurisdiction-adopted goals and policies, facility and service improvements and marketing strategies about how the City will help make progress for reducing drive along trip and vehicle miles traveled for the GTEC over the next six years. The program also specifies a financial plan and organizational structure for implementing the program strategies and services. Building upon the success of the existing commute trip reduction (CTR) program, the City strives to meet the goals of the plan for the future by working in partnership and coordination with other agencies.

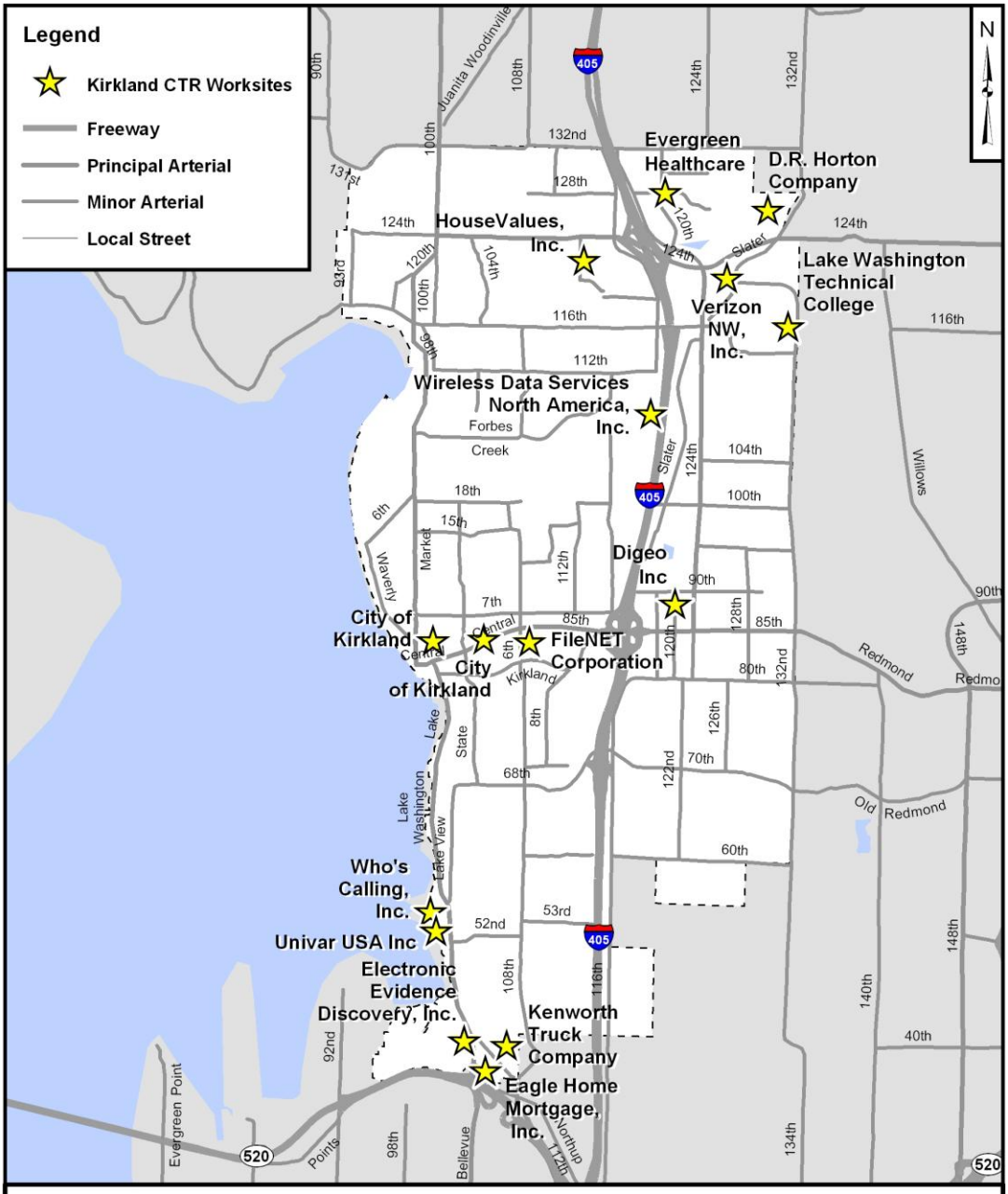
The City has prepared a draft Growth and Transportation Efficiency Center program. The draft program is contained in a separate document titled, "Growth and Transportation Efficiency Center for Totem Lake." Shown below is the area of the proposed designated GTEC:



APPENDICES

Appendix A

CITY OF KIRKLAND
VICINITY CTR WORKSITE PLANS



Perteet

February 21, 2007

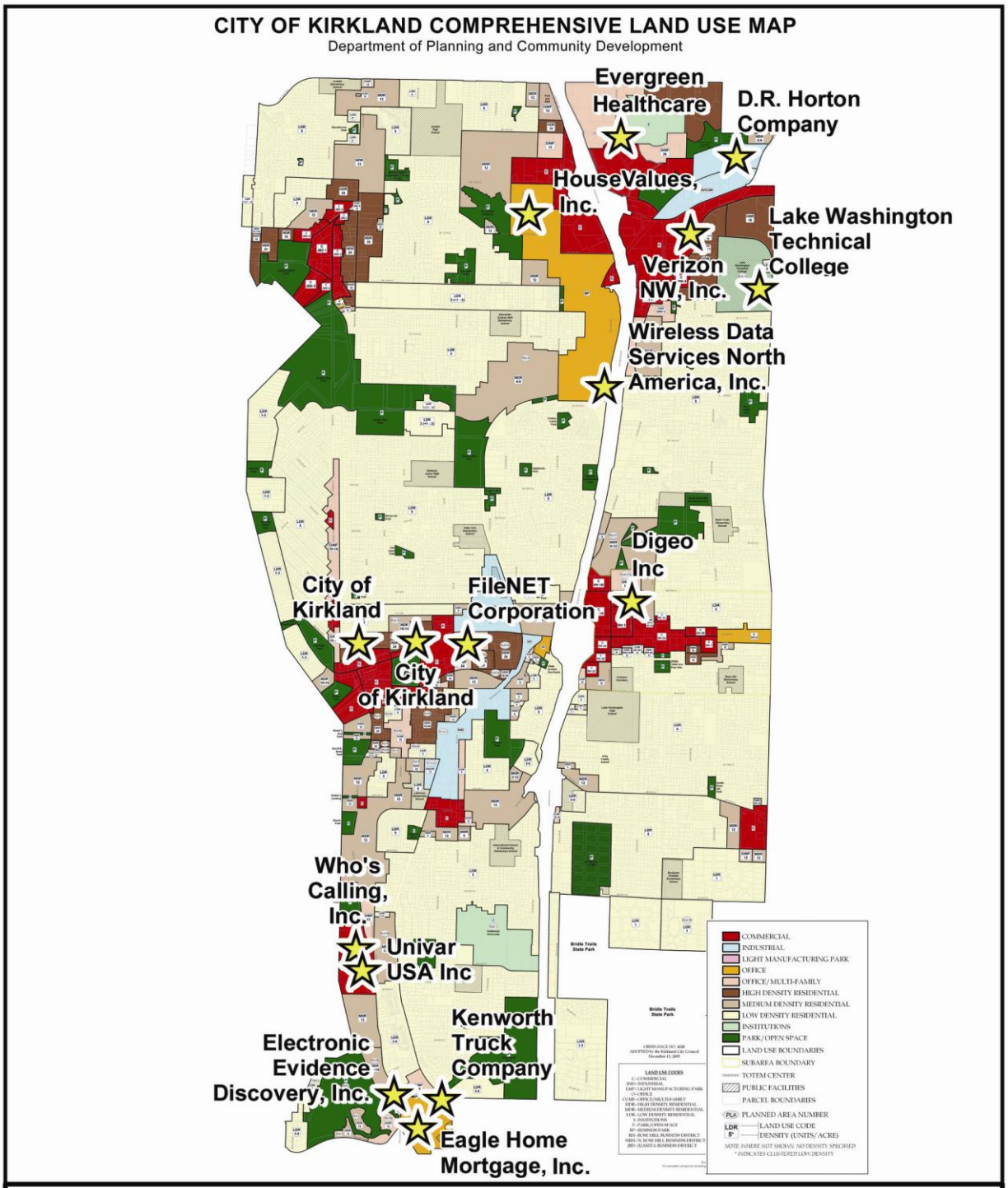
0 0.25 0.5 1 Miles

City of Kirkland
Kirkland CTR Worksites

Figure A

Appendix B

CITY OF KIRKLAND COMPREHENSIVE PLAN



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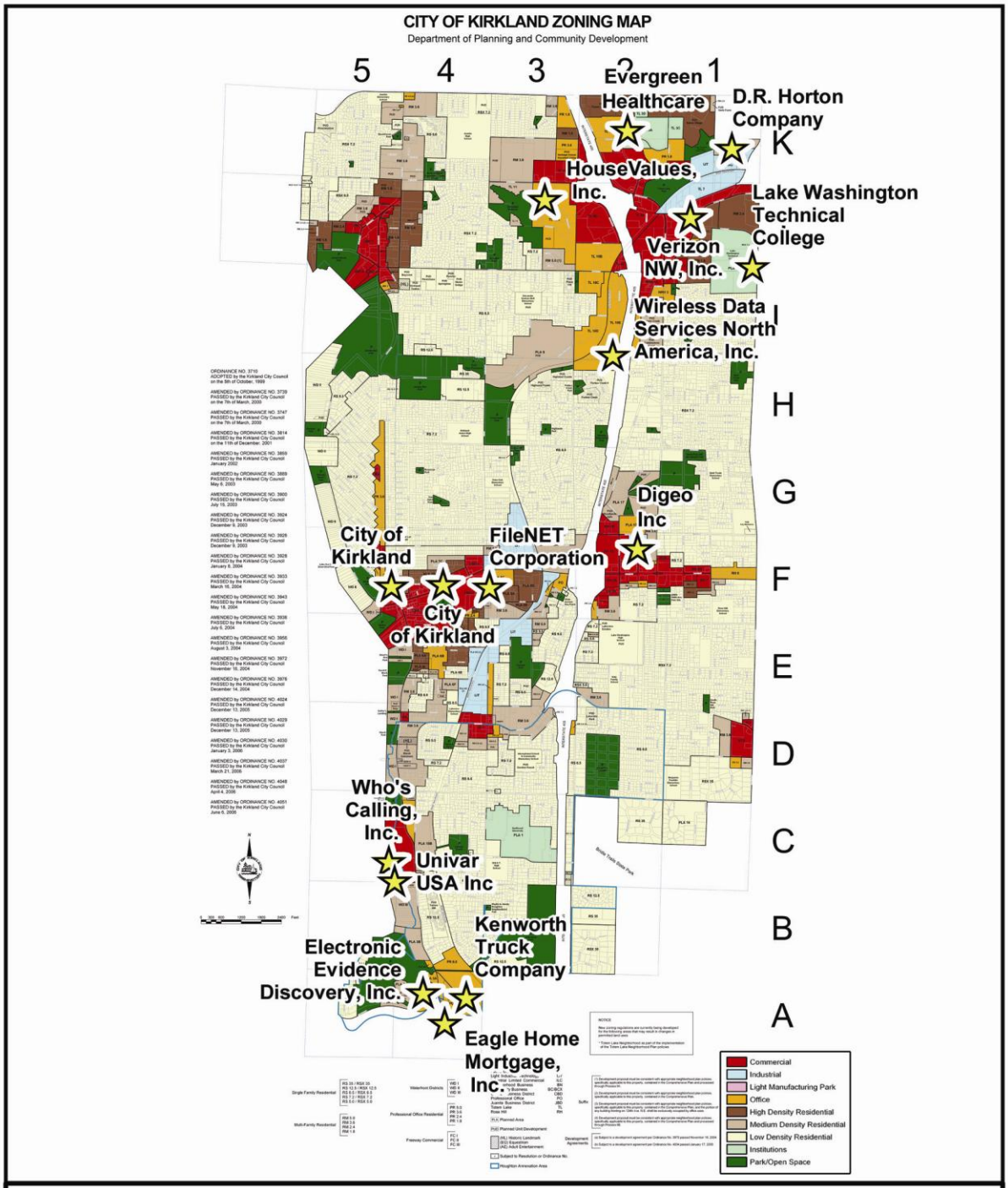
February 21, 2007

City of Kirkland
Kirkland CTR Worksites
2005 Land Use
Source Map Date: 12/13/05
Figure B

Appendix C

CITY OF KIRKLAND ZONING MAP



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February 21, 2007

City of Kirkland
Kirkland CTR Worksites
2006 Zoning Map
Source Map Date: 06/06/2006
Figure C

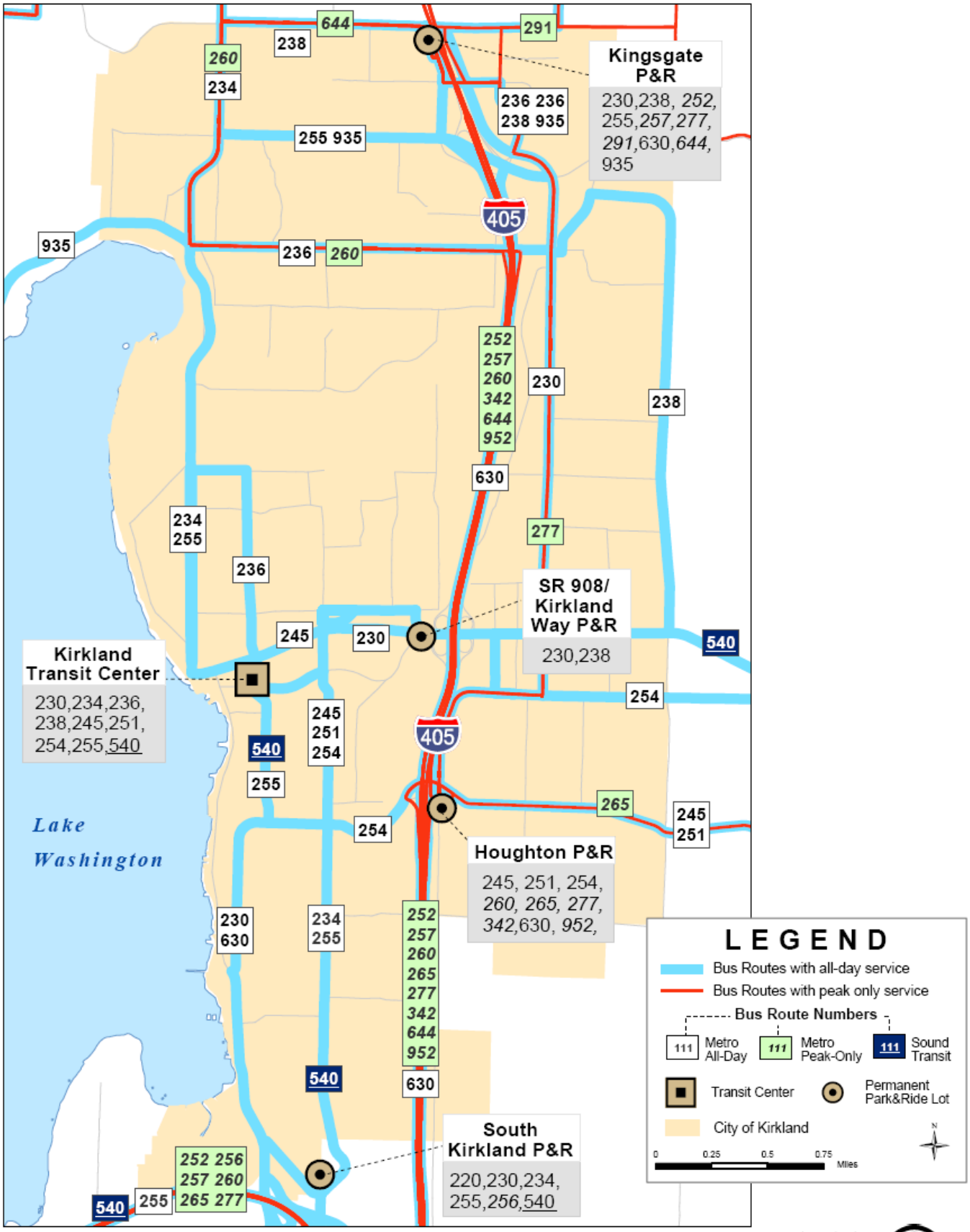
Appendix D

CITY OF KIRKLAND
TRANSIT SERVICES AND FACILITIES

Perteet
February 21, 2007

0 0.25 0.5 1 Miles

City of Kirkland
Kirkland CTR Worksites
Transit Routes, Bus Stops, and
Park & Ride Facilities
Figure D



KIRKLAND
Transit Routes

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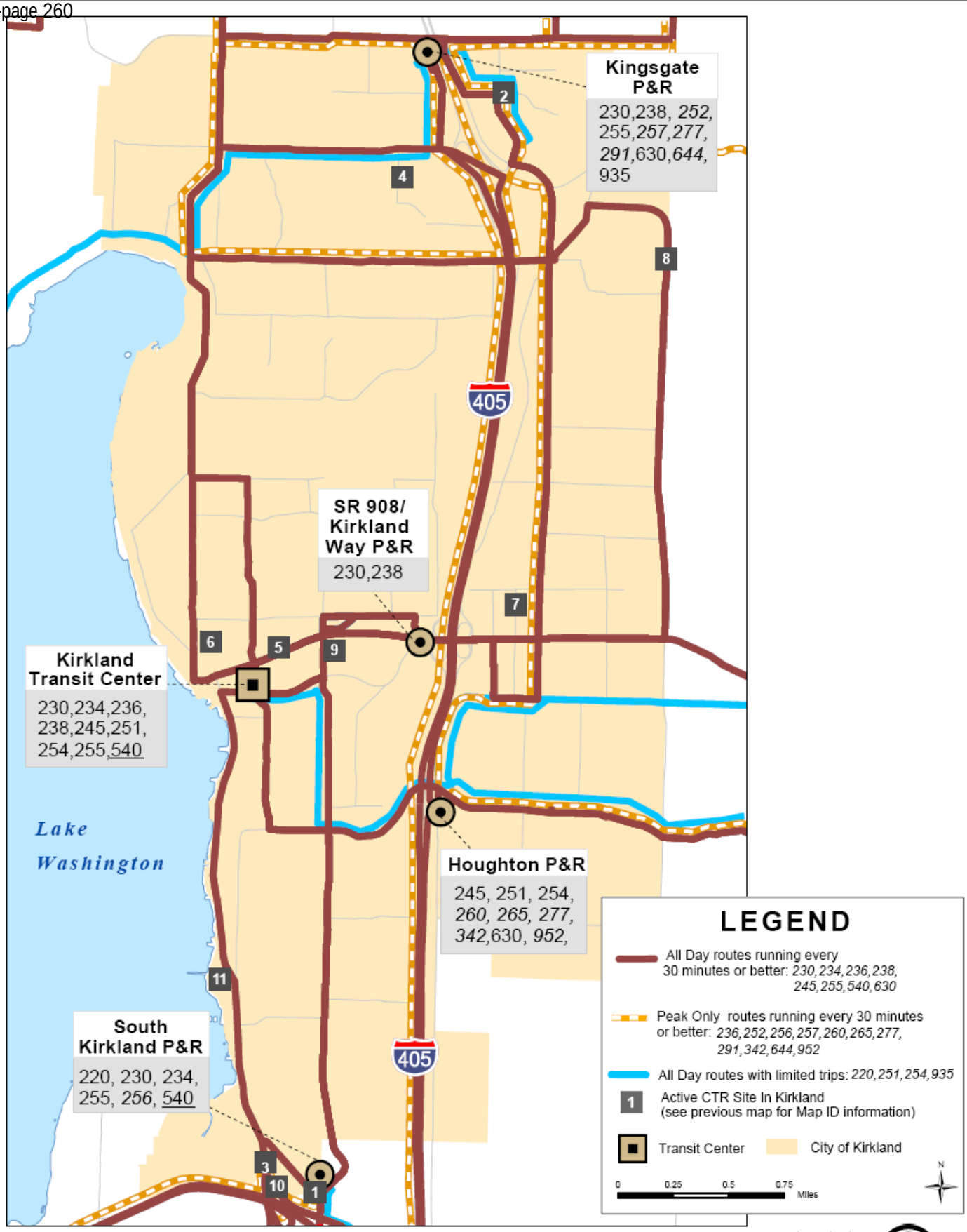
February 21, 2007

King County



KIRKLAND
Route Frequency

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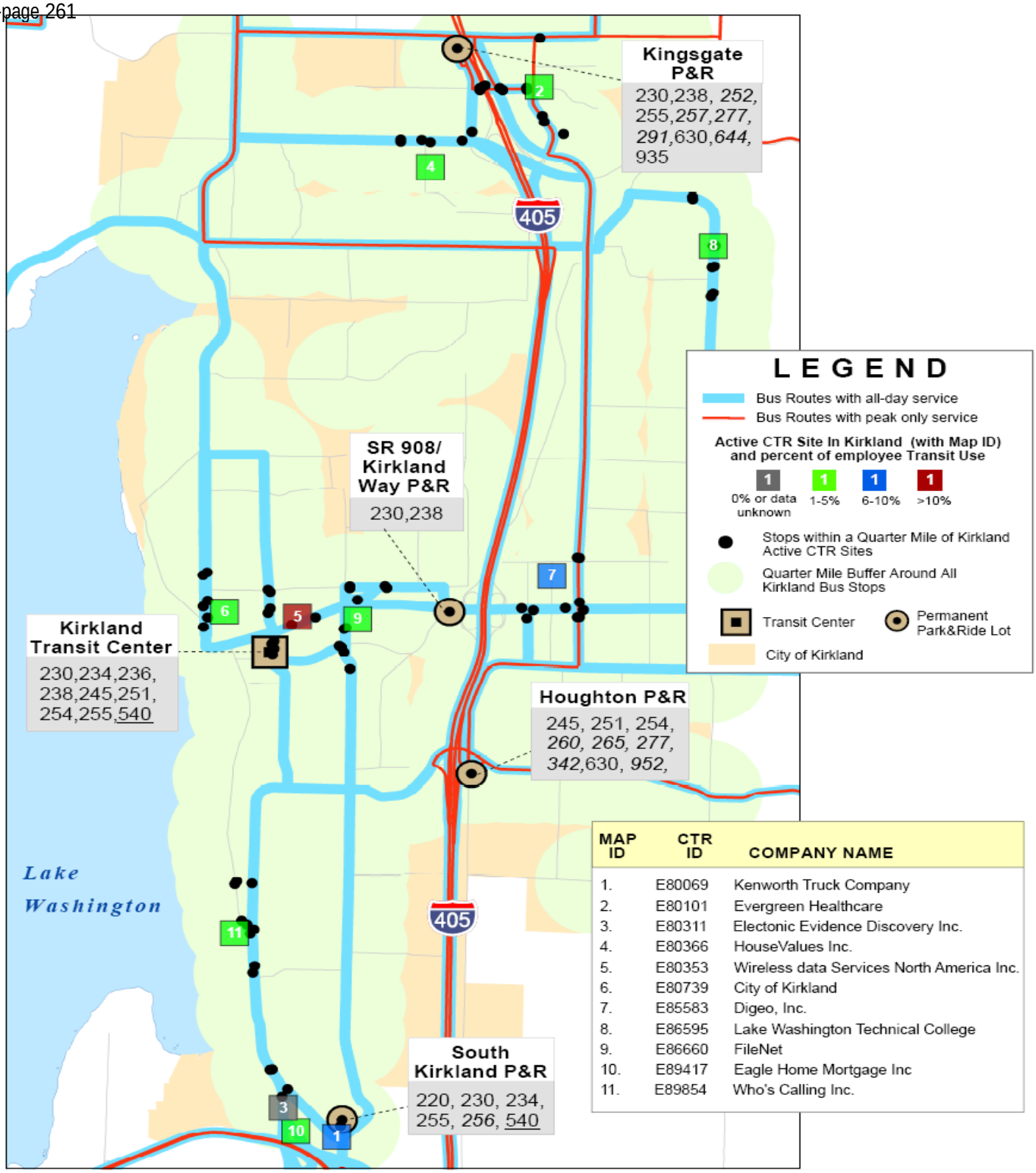
February 7, 2007

King County



MAP ID	CTR ID	COMPANY NAME
1.	E80069	Kenworth Truck Company
2.	E80101	Evergreen Healthcare
3.	E80311	Electonic Evidence Discovery Inc.
4.	E80366	HouseValues Inc.
5.	E80353	Wireless data Services North America Inc.
6.	E80739	City of Kirkland
7.	E85583	Digeo, Inc.
8.	E86595	Lake Washington Technical College
9.	E86660	FileNet
10.	E89417	Eagle Home Mortgage Inc
11.	E89854	Who's Calling Inc.

KIRKLAND
Active CTR Sites

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February 14, 2007

King County

Appendix E

CITY OF KIRKLAND
NON-MOTORIZED FACILITIES

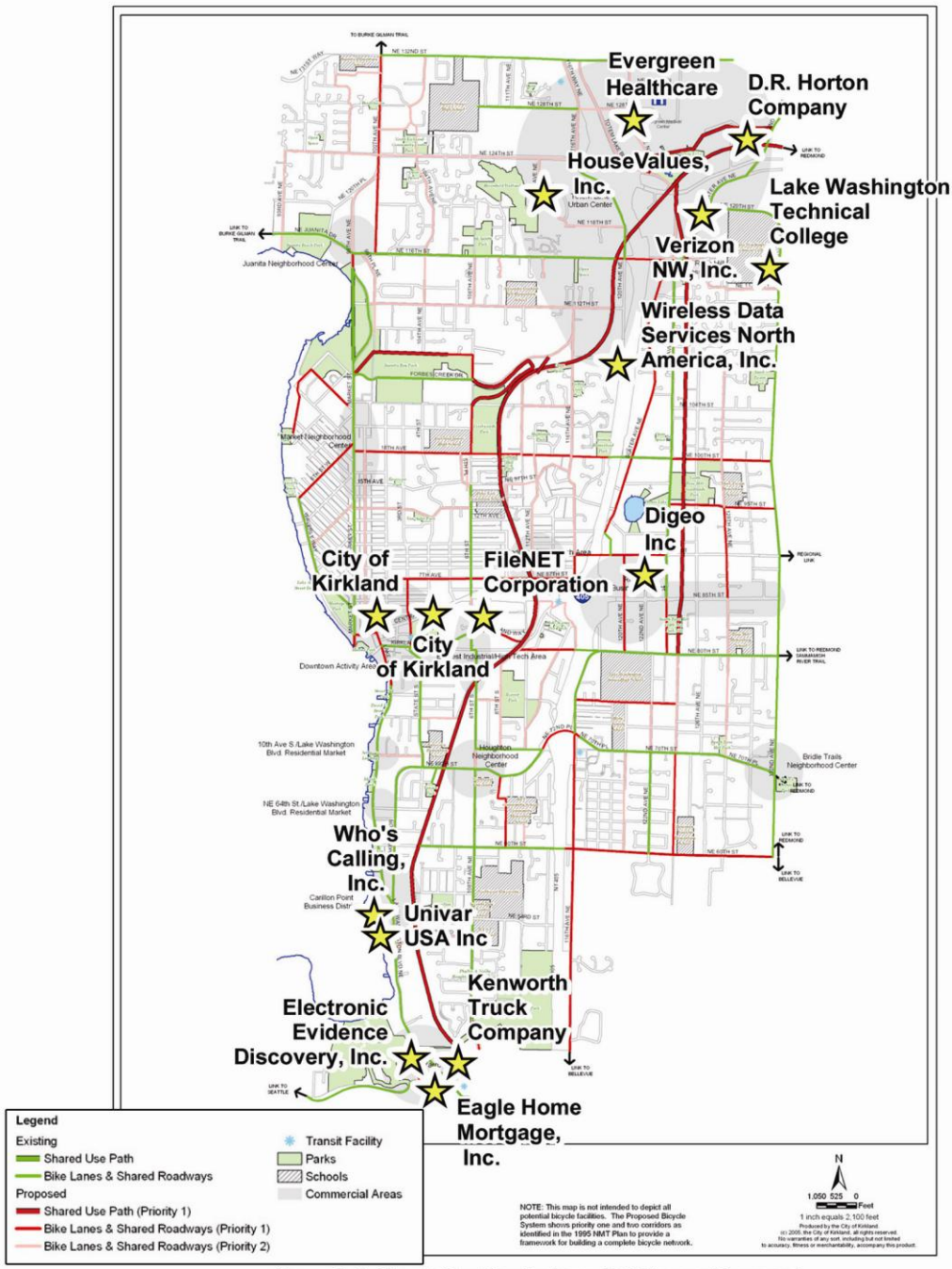

Figure T-2: Bicycle Corridor System - Existing and Proposed

Perteet

February 21, 2007

City of Kirkland
Kirkland CTR Worksites
2004 Existing and Proposed Bicycle Facilities
Figure E.1

Appendix F

COMMUTE TRIP REDUCTION WORKSHOP SUMMARY

City of Kirkland Commute Trip Reduction
Employer Workshop
January 29, 2007

Results of Employer Workshop

Participants:

Name	Organization
Nelson Gipson	Digeo Inc.
Nancy Vance	Kenworth Trucks
Mike Kauffman	Lake Washington Technical College
Sue Jorgensen	Lake Washington Technical College
Debbie Pinney	IBM/Filenet
Donna Dorman	IBM/Filenet
Kenneth Aitchison	WDS Global
Sandy Hall	Who's Calling
Jim Hann	Citizen
Pamela Cook	King County Metro
Dave Hollar	King County Metro
David Godfrey	City of Kirkland
Thang Nguyen	City of Kirkland
Jonathan Dong	Perteet

Feedback from Employers

Representatives from Filenet mentioned that their parent company, IBM, does not pay too much attention to the CTR program. The corporate office is located outside of Washington State. Filenet does offer incentives for non-drive alone commuters, including a rewards program, free bus passes, shower, bike lockers.

Who's Calling Again is facing issues of employee turnover. They expect to be below the 100-employee threshold. They used to subsidize gas cards for carpoolers. They offer flex schedules and telework.

Digio offers commuter bonus vouchers. Their employees prefer carpooling and motorcycles as drive alone alternatives.

Kenworth Trucks offers a comprehensive program of TDM benefits. They include free flexpasses, vanpool subsidies, covered bike parking, showers, and subsidies for carpool, bikes and walkers.

Wireless Data Services charges $100/month for parking. It also offers shuttles to their satellite parking lots. It also offers flexpasses, although transit service is not available at their site.

Lake Washington Technical College offers a comprehensive program of benefits for commuters. However, their site lacks sufficient bus service.

Attendance and Remarks

Seven out of twelve affected employers attended the workshop.
Most of the employers mentioned that they did not learn any new information. However, they appreciated the discussion at the end of the workshop. They also would like to see more services from the City, especially more bike and sidewalk facilities. Employers would like to see more workshops if they provide new information such as new services and construction issues.

Employer Issues

Many of the employers are facing issues of employee turnover. This makes it difficult to form vanpools and carpools.

Overall, the City of Kirkland major employers offer strong CTR programs. Major barriers for successful CTR programs include:

1. Lack of parking management
2. Lack of transit services
3. Subsidies may not be high enough to attract employees to use alternative travel modes

Appendix G

COMMUTE TRIP REDUCTION
SUMMARY OF POLICIES THAT SUPPORT CTR

COMPREHENSIVE PLAN GOALS AND POLICIES ANALYSIS

This section provides a list of CTR supportive comprehensive plan goals and policies that the City of Kirkland either has or doesn't have. The right hand column identifies the policies that the jurisdiction has in place relating to the recommended goals and policies in the left hand column. If the jurisdiction doesn't have some of the recommended goals and policies listed below, then they may want to consider adding some of these recommended goals and policies to their comprehensive plan during the next update.

Commute Trip Reduction & Growth Management Planning Policies	
Land Use Element	
Inter-Agency Coordination	
Work with transit providers to provide transit that is fast, frequent and reliable between urban centers, urban villages, GTEC's and accessible to most of the city's residences and businesses.	None
Urban Growth Areas	
Enter into agreements and establish procedures for setting priorities, programming, maintaining and financing for countywide, regional and state transportation facilities and services consistent with the GMA current federal transportation legislation	None
Land use and transportation goals and decisions should be integrated with one another and coordinated with adjacent jurisdictions and with the Regional Transportation Plan to determine the types and levels of transportation facilities to be provided within the unincorporated county.	None
The county/city should use future land use projections to identify and provide for adequate safety, structural, rights-of-way and other possible improvements that support vehicle transportation, non-motorized and transit needs of the region plus use alternative transit modes as areas develop.	None
Integrate Commute Trip Reduction land use planning by requiring non-motorized pedestrian connections between retail, living, and work places. Non-motorized connects shall include, but not be limited to: transit connections, bus stops, sidewalks, bike facilities, trails and encouraging employers to participate in ride sharing programs.	None
When evaluating land use changes to the Comprehensive Plan, proposals should include an analysis of how the development furthers the goals of Commute Trip Reduction planning.	None

Pursue transportation demand management (TDM) strategies at the local/regional level by coordinating with regional and state partners so customers see their travel choices and the various TDM promotions as a coordinated, integrated system that makes a difference in the community. Example: Regulations to influence travel behavior Marketing Improvements in services and facilities	None
Require the integration of non-motorized and transit connections when planning and developing urban centers or GTEC's.	LU-5.1
Establish urban centers and/or GTEC's where they can be served by regional transit agencies, or work with the appropriate transit agency to expand service to the urban center within a reasonable timeframe.	LU-5.3, LU-5.4, LU-5.8
Urban Design	
Encourage new housing developments to be located in urban growth areas and small towns to help provide a sense of community and safe, non-motorized transportation to community facilities and public transit modes.	LU-3.2, LU-4.2, LU-5.6
Discourage transportation improvements that would trigger development that is premature or not consistent with applicable comprehensive plans, policies, or zoning.	None
Provide aesthetic and functional amenities along pedestrian facilities, such as water fountains, benches, trash receptacles, public art, and open spaces (such as seating plazas).	None
Provide pedestrian, and bicycle connections in newly developing areas of the city, promoting both internal access and linkages with the rest of the city.	LU-3.6, LU-5.1, LU-5.4
Incorporate transit-supportive and pedestrian friendly design features in new development through the development review process. Examples include: Provide pedestrian pathways that minimize walking distances to activities and to transit stops. Provide weather protection such as covered walkways or arcades connecting building developments, and covered waiting areas for transit and ridesharing.	LU-3.5, LU-3.6, LU-5.1
Incorporate guidelines for addressing that sidewalks and walkways are separated from the roadway by a landscaping strip or drainage swale.	LU-3.6

Adopt pedestrian friendly design guidelines, especially in high pedestrian activity zones, such as wide sidewalks, landscape buffers or strips, street trees, adequate lighting, traffic calming measures (such as traffic circles, curb bulbs, raised medians, speed tables and chicanes), special pavements, and bollards.	LU-3.5, LU-5.1, LU-5.5
Adopt development design standards that promote a pedestrian friendly environment. Such standards may include reduced building setbacks, requirements for display windows, building entrances oriented toward the street, and locating parking lots to the rear or side of buildings.	LU-5.1, LU-5.5, LU-5.9
Secure bike lanes and trail improvements or easements through the development review process to develop portions of the bicycle and pedestrian system.	LU-3.5
Require new developments to incorporate non-motorized features or programs designed to promote use of alternatives to single-occupant vehicles, such as; • Preferential parking for car pools and van pools • Special loading and unloading facilities • Transit facilities, including comfortable bus stops, and waiting areas, adequate turning room, and where appropriate, signal preemption and queue-jump lanes • Bicycle parking and related facilities	LU-3.5
Inter-Agency Coordination	
Pursue strategies that make transit safe, secure, comfortable, and affordable.	None
Integrate multiple access modes, including buses, carpools, and vanpools, bicycles, and pedestrians.	LU-5.1
Integrate transit-oriented development opportunities with the private and public sectors.	None
Zoning	
Discourage the development of major, stand-alone park and ride facilities with city limits. Situations where additions to park and ride capacity could be considered include: At the terminus for a major, regional transit system. When opportunities exist for “shared parking “(e.g., where transit commuter parking can be leased from another development. Such as a shopping center, movie theatre, church, etc.) Areas where alternatives to automobile uses are particularly inadequate (e.g., lack of direct transit system, or pedestrian and bicycle access) or cannot be provided in a cost-effective manner.	None

Allow a reduction in the number of required parking spaces if a development provides ride-share programs, car pool parking spaces, bike racks, lockers or other approved non-motorized parking options.	None
Encourage transit oriented development and pedestrian friendly land use characteristics through zoning and land use policies that encourage mixtures of land uses, increased densities in targeted areas with design standards.	LU-5.1, LU-5.3, LU-5.4, LU-5.5, LU-5.6
Adopt a parking credit program that allows developers to reduce the number of required parking spaces if they provide an alternative transportation program to single occupant vehicles.	None
Housing Element	
Work with other jurisdictions to achieve a jobs/housing balance that makes it possible for people to live closer to where they work.	None
Promote quality, community-friendly residential development, through features such as enhanced open space and pedestrian connectivity.	None
Capital Facilities Element	
Explore the possibility of encouraging cooperative funding for bicycle trails.	None
Implement a methodology for public-private partnerships when it would result in a more efficient use of public resources.	None
Aggressively seek funding opportunities for safety, mobility, intermodal, bicycle, pedestrian, neighborhood, and transportation demand management improvements	None
Provide adequate and predictable funding to construct and maintain pedestrian and bicycle capital projects.	None
Effectively link pedestrian project funding and approval decisions to priorities identified in the CTR plan, as well as the Non-Motorized element of the jurisdiction's Comprehensive Plan.	None
Support a greater investment in pedestrian enhancements, and ensure that all new transportation projects include funding for pedestrian improvements.	None
Continue programs to construct, maintain, and repair sidewalks.	None
Assign high priority to pedestrian and bicycle projects that provide access to major employment areas and activity centers, provide linkages to transit, complete planned bicycle facilities and provide system connectivity.	None
Effectively link TDM program funding and approval decisions to priorities identified in the CTR plan, as well as the transportation element of the jurisdiction's Comprehensive Plan.	None

Utilities Element	
Secure sidewalk and trail easements over existing utility lines where ever feasible	U-1.8
Transportation Element	
Carpools, Vanpools, & Ride Share	
Ensure that the city as an employer sets a positive example by maintaining a strong transportation demand management program for its employees.	None
Pedestrian System Connectivity	
The county should ensure that continuous and/or direct bicycle lanes are provided between all jurisdictions and major activity centers.	T-2, T-2.1, T-2.2, T-2.4, T-8.5
Consider pedestrians along with other travel modes in all aspects of developing the transportation system. Provide safe and convenient pedestrian access in all new and improved transportation projects, unless exceptional circumstances exist.	T-2.1, T-2.4
Remove barriers and deterrents along the existing pedestrian system to create better access between employment facilities, residential and other uses.	T-2.3, T-6.2
Coordinate the local jurisdiction's existing and planned pedestrian system with adjacent jurisdictions to provide a continuous, coordinated system, especially when major employment and activity centers are nearby.	T-2.1, T-8.5
Secure sidewalks and trail improvements or easements through the development review process to develop portions of the pedestrian system.	T-3.1, T-5.4
Pedestrian Safety and Security	
Adopt and use national (American Association of State Highway and Transportation Officials, AASHTO) design standards for pedestrian facilities.	None
Address the special needs of citizens with various degrees of mobility in planning, designing, implementing and maintaining pedestrian facilities.	T-3.1, T-6.2
Provide consistently designed pedestrian activated signal crossings, and consider technologies that enhance pedestrian safety at crossings, such as longer crossing times and audible crossings.	None
Consider access management to reduce the number of conflict points (driveways) between pedestrians and vehicles, thereby improving pedestrian safety.	T-4.8

Ensure that pedestrian facilities are designed and monitored to improve security and safety, through lighting, openness, vegetation upkeep and security features such as panic buttons at key locations.	None
Design midblock crossings with safety as a high priority, and consider improvements such as pedestrian crossing signals, flared curbs (bulbouts), pedestrian refuge islands, medians, and adequate sight distance around parked vehicles.	None
Pedestrian and Bicycle Convenience	
Conduct periodic analyses of bicycle and pedestrian environments in and around urban centers and regional transit stations to identify deficiencies and to plan access improvements.	None
Include bicycle facilities in the six-year capital improvement program (for trails that will be utilized by bikes) or the six-year transportation program (for widening shoulder projects that will accommodate bikes).	None
Implement way-finding (signage) along sidewalks and trails that direct pedestrians to key locations or destinations, such as major activity centers, business districts, institutions, major medical facilities, parks or recreational facilities.	None
Provide internal pedestrian circulation systems within and between existing, new or redeveloping commercial, multi-family or single family developments, and other appropriate activity centers. Provide convenient connections to frontage pedestrian systems and transit facilities.	None
Encourage transit use by improving pedestrian and bicycle linkages to the existing and future transit and school bus system, and by improving the security of and utility of park-and-ride lots and bus stops.	T-3.1, T-7.3
Provide bicycle connections and secure bicycle parking and storage convenient to major transit facilities; increase the number of secure parking areas for bicycles.	None
Conduct bicycle transportation studies to improve safety and overall quality of bicycling.	None
Cooperate with the public and private schools, bicycle clubs and other interests groups to provide education and strategies to promote safe riding skills and the transportation and recreation opportunities of bicycling.	None
Improve mobility and safe access for walking and bicycling, and create incentives to promote non-motorized travel to employment centers, commercial districts, transit stations, schools and major institutions, and recreational destinations	T-3.1

Update and review the Pedestrian and Bicycle transportation Plan every five years. The updates should consider the existing and future role of the single-occupant vehicle in relation to non-motorized and public transportation modes, as well as newly annexed areas, areas experiencing unforeseen development and/or redevelopment, and other emerging issues.	T-2.5
Develop an effective "share the road/share the trail" concept for pedestrian and bicycle education programs for the motorized and non-motorized public.	None
Accessibility	
Sidewalks or pedestrian facilities should be located along all both sides of all arterials, collectors, and at least one side of most local streets.	None
Pedestrian facilities should be wide enough to allow the disabled, such as wheelchair users, to access them, usually a minimum of 5' to 6'. A wider facility should be provided along principal arterials (generally a minimum of 8'), or in business districts that attract more pedestrians.	T-3.1, T-6.2
Direct pedestrian linkages should be considered whenever possible, to connect between internal land uses and arterials. This reduces walking distances to transit stops and commercial uses.	None
Public Transportation	
Encourage interconnections and time coordination of public transportation modes (bus, coach and rail) to increase level of service and ridership.	None
Work with transit providers to provide transit service that is fast, frequent, and reliable between urban centers and urban villages and that is accessible to most of the city's residences and businesses. Pursue strategies that make transit safe, secure, comfortable, and affordable.	None
Support development of an integrated, regional high capacity transit system that links urban centers within the city and the region.	T-3.2, T-3.3
Develop partnerships with transit providers to implement projects providing neighborhood-to-transit links that improve pedestrian and bicycle access to transit services and facilities.	None
Coordinate with regional, state, and federal agencies, local governments, and transit providers when planning and operating transportation facilities and services in order to promote regional mobility for people and goods and the urban center approach to growth management.	T-2.1, T-3.4, T-8.1, T-8.2, T-8.3, T-8.5
Design transit access into large developments, considering bus lanes, stops, shelters, non-motorized lanes & facilities as part of the project design	T-5.4, T-5.6

Coordinate with transit providers and the private sector to develop and implement compatible transportation demand management regulations and strategies that are consistent with the Commute Trip Reduction Act.	T-5.2, T-5.6
Work with car share companies to provide car share opportunities at key locations, such as major employers, business districts, and high density residential areas.	None
Provide preferential lanes, such as High Occupancy Vehicle (HOV) lanes on roads which will benefit commuters the most, such as those with major transit routes, and those experiencing the greatest congestion.	T-4.2
Ferries	
For water-borne travel across Puget Sound, encourage the expansion of the passenger-only ferry service and land-side facilities and terminals that encourage walk-on (by-foot, bicycle, transit) trips rather than ferry travel with automobiles.	N/A
Coordinate ferry arrivals and departures with mass transit systems to ensure an efficient flow of people and traffic.	N/A
Education and Encouragement	
Educate the general public and public officials about the economic, transportation system performance, environmental, health and social benefits of walking and biking and develop improved programs to encourage increased levels of walking and biking.	None
Educate drivers and pedestrians about pedestrian safety issues, and enforce pedestrian related laws.	None
Consider the formation of a pedestrian advisory committee to provide input to the jurisdiction (staff and elected officials) on pedestrian related issues and needs, as well as review of major transportation projects to ensure that pedestrian needs are adequately addressed or considered.	None
Develop a pedestrian walking/biking map that is focused on major activity centers, such as business districts or major employment areas. The map should identify sidewalks, trails, bike routes, transit corridors and bus stops/transit centers, and key activity centers such as institutional uses and government centers, major employers, commercial or retail areas, parks, and other points of interest.	None
Monitoring	
Ensure that the local government monitors the results of its TDM programs and policies, and continually evaluate changes needed to improve mode split goals.	None

Continually evaluate large employer CTR program effectiveness and reduce the employer threshold if needed to achieve the jurisdiction's mode split goals.	None
Economic Development Element	
Funding Mechanisms	
Promote public awareness of the impact travel choices have on household finances, personal quality of life, society, and the environment, and increase awareness of the range of travel choices available.	None
Employment	
Require large employers to implement a commute trip reduction program for employees, as mandated by the Commute Trip Reduction Act.	None
The county/city should encourage employers in urbanized areas to offer staggered work hours or flextime and other Transportation demand Management programs such as parking management, ride match services and preferential parking of vanpools, carpools, covered bike racks, lockers and showers at work sites.	ED-2.3
Encourage employers to provide information and marketing on commute alternatives, such as transit schedules, rideshare information, and guaranteed ride home programs.	None
Encourage employers to develop telecommuting options, which allow employees to work one or more days at home or at a "satellite work center" closer to their homes.	ED-1.8
Encourage employers to allow flexible work schedules or compressed work weeks to help reduce the number of vehicles using local and regional roadways.	None
Encourage major employers to provide daycare opportunities onsite or nearby.	None
Encourage employers to provide subsidies to employees who commute using other modes, such as free or reduced prices for transit passes, or discounted parking for rideshare vehicles.	None
Parks & Open Space Element	
Provide for adequate roadway, pedestrian, and bicycling connections in newly developing areas of the city, promoting both internal access and linkages with the rest of the city.	PR-1.2
Identify areas to be designated as pedestrian promenades, with pedestrian friendly environments.	None
Provide for uniform bicycle and pedestrian markings and design standards for travel along city bikeways and walkways.	None

Appendix H

GLOSSARY OF TERMS

GLOSSARY OF TERMS

Affected Employee: Under the Commute Trip Reduction (CTR) law, an affected employee is a full-time employee who regularly begins work between 6 a.m. and 9 a.m., at a single work site, on tow or more weekdays for at least 12 continuous months.

Affected Employer: An employer is "affected" under the CTR law if there are at least 100 "affected" employees at a single work site.

Alternative Work Schedules: AWS programs offer alternatives to the typical eight-hour work day. Options include flex-time, a compressed work week, and staggered work hours.

Automobile Dependency: Transportation and land use patterns that result in high levels of automobile use and limited transportation alternatives. In this case, "automobile" includes cars, vans, light trucks, SUVs and motorcycles

Base Year: The CTR law requires affected employers to measure the results of their employee trip program against base year values for VMT and drive alone vehicles. The goal year is 2011.

Bus Rapid Transit: Special lanes dedicated to transit buses, often incorporating other features to insure high quality transit service.

Carpool: Two to six people age 16 and older, sharing the ride in an automobile to and from the work place.

Commute: The trip made by an employee between their home and work locations, regardless of the distance or mode used.

Compressed Work Week: A work week that is compressed from the typical five-day, 40 hour work week into a shorter work week but maintaining the same number of hours.

Commute Trip Reduction Program: A CTR program is comprised of strategies used by an employer to reduce employee use of single-occupant vehicles (SOVs) and the vehicle miles traveled (VMT) per employee. The CTR program specifies the measures to be used that will achieve the target goals.

Drive Alone Vehicles: A vehicle that is occupied by one person.

Employee Transportation Coordinator: The CTR law requires employers to appoint an employee transportation coordinator, or ETC. The personal is personal change agent who provides the "human touch" needed to remedy traffic congestion and air pollution problems. An ETC is the organization's key contact person providing commuting information to employees and liaison activities with transit agencies and local jurisdictions. The ETC creates marketing strategies, administers employee ridesharing programs, and measures results.

Guaranteed Ride Home (GRH): GRH programs provide an emergency ride home for employees who commute to work in a ridesharing mode and have an illness or emergency. Typically, an employee can take a cab ride home and charge the ride to their employer's account or be reimbursed for the expense.

High-Occupancy Vehicle (HOV): a passenger vehicle carrying more than a specified minimum number of passengers. HOVs include carpools, vanpools, and buses. HOV requirements are often indicated as 3+ (three or more passengers required) or 4+ (four or more passengers required).

HOV Lane: This is a traffic lane limited to carrying high occupancy vehicles (HOVs) and certain other qualified vehicles.

HOT Lanes (High Occupancy Toll Lanes): HOV facilities that allow lower occupancy vehicles, such as solo drivers, to use the facility if they pay a toll. This offers users three options: drive alone on an unpriced but congested general purpose lane, drive alone and pay to use a less congested lane, or rideshare (carpool, vanpool or ride transit) to use a less congested lane without any additional fee.

Mobility: The movement of people and goods.

Mobility Management (Also called *Transportation Demand Management*): Various strategies that change travel behavior (how, when and where people travel) in order to increase transport system efficiency and achieve specific objectives such as reduced traffic congestion, road and parking cost savings, increased safety, improved mobility for non-drivers, energy conservation and pollution emission reductions.

Nonmotorized Transportation (also known as *Active Transportation* and *Human Powered Transportation*) includes Walking, Bicycling, Small-Wheeled Transport (skates, skateboards, push scooters and hand carts) and Wheelchair travel.

Parking Management: Strategies aimed at making better use of available parking supply. Parking management strategies include preferential parking or price discounts for carpools and/or short-term parkers, and disincentives, prohibitions and price supplements for those contributing more to congestion.

Parking Pricing: Strategy to reduce automobile use by requiring motorists to pay directly for using parking facilities. Time variable parking pricing can be used as a congestion reduction strategy.

Parking Cash-Out: This means that people (typically commuters, and sometimes residents of multi-family housing) who are offered a free parking space are also offered the cash equivalent when they use alternative transportation modes and so do not impose parking costs.

Ridesharing: Ridesharing is any cooperative effort of two or more people sharing a motor vehicle traveling to a common destination, such as a work site. Carpools and vanpools are common forms of ridesharing.

Smart Growth: Land use development practices that create more resource efficient and Livable communities, with more Accessible land use patterns. An alternative to sprawl.

Sprawl: Dispersed, low-density, single-use, automobile dependent land use patterns.

Stakeholder: Individuals or groups that are affected by a decision and have an interest in its outcome.

Teleworking: Teleworking involves the use of telephones, computers, and other technology to work from a location other than a conventional office.

Transportation Demand Management (TDM): Various strategies that change travel behavior (how, when and where people travel) in order to increase transport system efficiency and achieve specific objectives such as reduced traffic congestion, road and parking cost savings, increased safety, improved mobility for non-drivers, energy conservation and pollution emission reductions. Also called *Mobility Management*.

Transportation Management Association (TMA): A TMA is a partnership or organization that brings interested parties together to work on transportation issues.

Vanpool: A vanpool consists of seven to fifteen people sharing their commute in a passenger van, generally riding to the same place of employment.

Vehicle Miles Traveled: Number of miles a vehicle has traveled for a commute.

ORDINANCE NO. 4138

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.

WHEREAS, State law and policy requires the City of Kirkland to develop and implement a plan to reduce single occupant vehicle commute trips; and

WHEREAS, a number of legislative and administrative changes to the commute trip reduction (CTR) program have taken place recently; and

WHEREAS, many of these changes require corresponding changes to the City's CTR chapter; and

WHEREAS, the City seeks to make its CTR chapter consistent with State law and the guidelines established by the CTR task force; and

WHEREAS, the Commute Trip Reduction Efficiency Act of 2006 requires the City to amend its CTR Plan and Chapter 7.06 of the Kirkland Municipal Code consistent with RCW 70.94.527; and

WHEREAS, the City recognizes the importance of increasing citizen awareness of air quality, energy consumption, and traffic congestion and the contribution individual actions can make toward addressing these issues.

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

Section 1. Chapter 7.06 of the Kirkland Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 7.06
COMMUTE TRIP REDUCTION

7.06.010 Definitions.

For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Affected employee" means a full-time employee who is scheduled to begin his or her regular workday at a single worksite between six a.m. and nine a.m. (inclusive) on two or more weekdays per week for at least twelve continuous months. For the purposes of this chapter, shareholders, principals and associates in a corporation, partners (general or limited) in a partnership and participants in a joint venture are to be considered employees.

(2) "Affected employer" means a public or private employer that, for twelve continuous months, employs one hundred or more full-time employees at a

single worksite who are scheduled to begin their regular workday between six a.m. and nine a.m. (inclusive) on two or more weekdays. The individual employees may vary during the year. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition.

(3) "Alternative commute mode" means any type of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed workweeks if they result in reducing commute trips.

(4) "Alternative work schedules" mean programs such as compressed workweeks that eliminate work trips for affected employees.

(5) "Base year" means the twelve-month period which commences when a major employer is determined by the City to be participating within the CTR program. The City uses this twelve-month period as the basis upon which it develops CTR goals.

(6) "Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer worksite to determine the drive-alone rate and vehicle miles traveled per employee at the worksite. The City uses this measurement to develop CTR goals for the major employer. The baseline measurement must be implemented in a manner that meets the requirements specified by the City.

(7) "Carpool" means a motor vehicle, including a motorcycle, occupied by two to six people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

(8) "City" means the city of Kirkland.

(9) "Commute trips" means trips made from a worker's home to a worksite (inclusive) on weekdays.

(10) "CTR" is the abbreviation of Commute Trip Reduction.

(11) "CTR plan" means the city's plan as set forth in this chapter to regulate and administer the CTR programs of affected employers within its jurisdiction.

(12) "CTR program" means an employer's strategies to reduce affected employees' drive alone vehicle use and VMT per employee.

(13) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

(14) "Compressed workweek" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one workday every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four ten-hour days or eighty hours in nine days, but may also include other arrangements.

(15) "Custom bus/buspool" means a commuter bus service arranged specifically to transport employees to work.

(16) "Dominant mode" means the mode of travel used for the greatest distance of a commute trip.

(17) "Drive Alone" means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle.

(18) Drive Alone Trips" means commute trips made by employees in single occupant vehicles.

(19) "Employee" means any person who receives financial or other remuneration in exchange for work provided to an employer, including owners or partners of the employer, provided however, an independent contractor shall not constitute an employee.

(20) "Employee Transportation Coordinator (ETC)" means a person who is designated as responsible for the development, implementation, and monitoring of an employer's CTR program.

(21) "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit, or private, that employs workers.

(22) "Exemption" means a waiver from any or all CTR program requirements granted to an employer by the City based on unique conditions that apply to the employer or employment site.

(23) "Flex-time" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours.

(24) "Full-time employee" means a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks per year for an average of at least thirty-five hours per week.

(25) "Good faith effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter and is working collaboratively with the City to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

(26) "Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.555 and this chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to drive alone commuting, and commencement of other measures according to their CTR program and schedule.

(27) "A major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who are scheduled to begin their regular work day between six a.m. and nine a.m. on weekdays for at least twelve continuous months.

(28) "Major employer worksite" or "affected employer worksite" or "worksite" means the physical location occupied by a major employer, as determined by the local jurisdiction.

(29) "Major employment installation" means a military base or federal reservation, excluding tribal reservations, or other locations as designated by the City, at which there are one hundred or more affected employees.

(30) "Mode" means the type of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work week schedule and telecommuting.

(31) "Notice" means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on

which the notice was deposited with the Postal Service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday.

(32) "Peak period" means the hours from six a.m. to nine a.m. (inclusive), Monday through Friday, except legal holidays.

(33) "Peak period trip" means any employee trip that delivers the employee to begin his or her regular workday between six a.m. and nine a.m. (inclusive), Monday through Friday, except legal holidays.

(34) "Proportion of drive alone vehicle trips" or "drive alone rate" means the number of commute trips over a set period made by affected employees in drive alone vehicles divided by the number of affected employees working during that period.

(35) "Public Works Director" means the direct of the Public Works Department or his/her designee.

(36) "Ride Matching Service" means a system which assists in matching comuters for the purpose commuting together.

(37) "Telecommuting" or "teleworking" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

(38) "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, passenger ferry, rail, shared-ride taxi, shuttle bus, or vanpool.

(39) "Transportation Demand Management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

(40) "Transportation Management Association (TMA)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMA may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.

(41) "Vanpool" means a vehicle occupied by from five (5) to fifteen (15) people traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle trip.

(42) "Vehicle miles traveled (VMT) per employee" means the sum of the individual vehicle commute trip lengths in miles made by employees over a set period divided by the number of employees during that period.

(43) "Week" means a seven-day calendar period, starting on Monday and continuing through Sunday.

(44) "Weekday" means any day of the week except Saturday or Sunday.

(45) "Writing," "Written," or "In Writing" means orginal signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

7.06.020 City of Kirkland CTR Plan.

The City Council hereby approves and adopts the August 2008 City of Kirkland CTR plan. This Plan may be amended by further action of the City Council.

The goals established for the jurisdiction and affected employers in the City's Commute Trip Reduction Plan set forth in Attachment A are incorporated herein by reference. The City staff is directed to make any corrections for typographical errors, include any graphical materials for information, and complete the Commute Trip Reduction Plan.

7.06.030 Commute Trip Reduction Goals.

a. The City's goals for reductions in the proportions of drive-alone commute trips and vehicle miles traveled per employee by affected employers in the City's jurisdiction, major employment installations, and other areas designated by the City are hereby established by the City's CTR Plan incorporated by Section 7.06.020 above. These goals establish the desired level of performance for the CTR program in its entirety in the City.

b. The City will set the individual worksite goals for affected employers based on how the worksite can contribute to the City's overall goal established in the CTR Plan. The goals will appear as a component of the affected employer's approved implementation plan outlined in Section 7.06.110 below.

7.06.040 CTR Goals for Affected Employers.

a. The drive-alone and VMT goals for affected employers in the City are set forth in the CTR Plan adopted in Section 7.06.020 above.

b. If the goals for an affected employer or newly affected employer are not listed in the CTR Plan, they shall be established by the City at a level designed to achieve the City's overall goals and other areas as designated by the City.

c. The City shall provide written notification of the goals for each affected employer worksite by providing the information when the City reviews the employer's proposed program and incorporating the goals into the program approval issued by the City.

7.06.050 Responsible agency.

The City Public Works Department shall be responsible for implementing this chapter, the CTR plan and the City's CTR program for its own employees. The City Public Works director shall have the authority to issue such rules and administrative procedures and delegate authority to other City departments as may be necessary to implement this chapter.

7.06.060 Applicability.

The provisions of this chapter shall apply to any affected employer at any single worksite within the corporate limits of the City. Employees will only be counted at their primary worksite. The following classifications of employees are excluded from the counts of employees: (1) seasonal agricultural employees, including seasonal employees of processors of agricultural products; and (2) employees of construction worksites when the expected duration of the construction is less than two (2) years.

(a) Notification of Applicability.

(1) In addition to the City's established public notification for adoption of an ordinance, a notice of availability of a summary of this chapter, a notice of the requirements and criteria for affected employers to comply with this chapter, and subsequent revisions shall be published at least once in a newspaper of general circulation in the City within thirty (30) days after adoption of this chapter or revisions.

(2) Within thirty (30) days after adoption of this chapter, the City Public Works Director will issue to known affected employers located in the City a formal written notification by certified mail that they are subject to this chapter.

(3) Affected employers that do not receive notice within thirty (30) days of adoption of this chapter must identify themselves to the City Public Works Director within ninety (90) days of the adoption of this chapter. Upon identifying themselves within said ninety-day period, such employers will be granted ninety (90) days from the date of self-identification within which to develop and submit a CTR program.

(4) Affected employers that have not been identified or do not identify themselves within ninety (90) days of the passage of this chapter and do not perform a baseline measurement consistent with the measurement requirements specified by the City within ninety (90) days from the passage of this chapter are in violation of this chapter.

(5) If an affected employer has already performed a baseline measurement, or an alternative acceptable to the City, previously under this chapter, the employer is not required to perform another baseline measurement.

(6) Any existing employer of seventy-five (75) or more persons who obtains a business license in the City, subsequent to adoption of this chapter, will be required to complete an employer assessment form. The employer assessment form will be used to assist the City Public Works Director to determine whether or not an employer will be deemed affected or non-affected in accordance with the provisions of this chapter.

(b) New Affected Employers. Employers that fall within definition of "affected employer" must identify themselves to the City Public Works Director within ninety (90) days of either moving into the boundaries of the City or growing in employment at a worksite to one hundred (100) or more affected employees. Once they identify themselves, such employers shall submit a complete baseline survey within ninety (90) days and they shall be granted a total of ninety days to develop and submit a CTR program. Employers who do not identify themselves within ninety (90) days are in violation of this chapter.

(1) Newly affected employers identified as such shall be given ninety (90) days to perform a mandatory baseline measurement consistent with the measurement requirements specified by the City. Employers who do not perform a baseline measurement within ninety (90) days of receiving written notification that they are subject to this chapter are in violation of this chapter.

(2) Not more than ninety (90) days after receiving written notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR Program to the City. The program will be developed in consultation with the City to be consistent with the goals of the CTR Plan adopted in Section 7.06.020. The program shall be implemented not more

than ninety (90) days after approval by the City. Employers who do not implement an approved CTR Program according to this schedule are in violation of this chapter and subject to the penalties outlined in Section 7.06.120.

(c) Change in Status as an Affected Employer. Any of the following changes in an employer's status will change the employer's CTR program requirements:

(1) If an affected employer can document that it faces an extraordinary circumstance that will change its status as an affected employer, it may apply for a full or partial exemption from CTR program requirements pursuant to Section 7.06.130 of this chapter.

(2) If an employer initially designated as an affected employer no longer employs one hundred (100) or more affected employees and expects not to employ one hundred (100) or more affected employees for the next twelve (12) months, that employer is placed on a 12-month watch and is subject to the same program requirements as other affected employers. At the end of the 12-month watch, if they no longer employ one hundred (100) affected employees, they are no longer an affected employer. It is the responsibility of the employer to provide documentation to the City Public Works Director that it is no longer an affected employer. The burden of proof lies with the employer. The City Public Works Director shall review such documentation to determine whether the employer is no longer an affected employer.

(3) If the same employer returns to the level of one hundred (100) or more affected employees twelve (12) or more months after its change in status to an "unaffected" employer, that employer shall be treated as a new affected employer, and will be subject to the same CTR program requirements as other new affected employers.

7.06.070 Requirements for Employers — RCW 70.94.531

An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and drive alone_commute trips. The CTR program must include the mandatory elements described below, including submittal of a CTR program description and regular progress report. Transportation Management Associations may submit CTR program descriptions and biennial reports on behalf of employers; however, each affected employer shall remain accountable for the compliance of its CTR program.

(a) Description of Employer's CTR Program. Each affected employer is required to submit a description of its CTR program to the City on an official form available from the Public Works Department. At a minimum, the employer's description must include:

(1) General description of each employment site location within the City limits, including transportation characteristics, surrounding services, and unique conditions experienced by the employer or its employees;

(2) Number of employees affected by the CTR program;

(3) Documentation of compliance with the mandatory CTR program elements (as described in subsection (b) of this section);

(4) Description of the additional elements included in the CTR program;

(5) Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources to carry out the CTR program; and

(6) A statement of organizational commitment to provide appropriate resources to the program to meet the employer's established goals.

(b) Mandatory Program Elements. Each employer's CTR program shall include the following mandatory elements:

(1) Transportation Coordinator. The employer shall designate a transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and telephone number must be displayed prominently at each affected worksite. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the City. An affected employer with multiple sites may have one transportation coordinator for all sites.

(2) Information Distribution. The employer shall provide information about alternatives to drive alone commuting to employees at least once a year. This shall consist of, at a minimum, a summary of the employer's program, including the transportation coordinator's name and phone number. The summary of the employer's CTR Program shall also be submitted to the City with the employer's program description and regular report.

Affected employers shall be required to implement the following:

1. Promotional events;
2. Commuter information center;
3. Preferential parking for high-occupancy vehicles, carpools and vanpools; and
4. Provide secure covered bicycle parking facilities.

(c) Additional Program Elements. In addition to the specific program elements described above, the employer's CTR program shall include a set of measures designed to meet CTR goals. Elements may include, but are not limited to, one or more of the following:

1. Reduced parking charges for high-occupancy vehicles;
2. Instituting or increasing parking charges for drive alone commuters;
3. Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
4. Provision of subsidies for rail, transit, or vanpool fares and/or transit passes;
5. Provision of vans or buses for employee ridesharing;
6. Provision of subsidies for carpools, walking, bicycling, teleworking, or compressed schedules;
7. Provision of incentives for employees who do not drive alone to work;
8. Permitting the use of the employer's vehicles for carpooling or vanpooling;
9. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;
10. Cooperation with transportation providers to provide additional regular or express service to the worksite;
11. Construction of special loading and unloading facilities for transit, carpool, and vanpool users;

12. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

13. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;

14. Establishment of a program to permit employees to work part- or full-time at home or at an alternative worksite closer to their homes which reduces commute trips;

15. Establishment of a program of alternative work schedules, such as a compressed work week, which reduces commute trips;

16. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities, emergency taxi services, or guaranteed ride home programs;

17. Charging employees for parking, and/or the elimination of free parking; and

18. Other measures that the employer believes will reduce the number and length of commute trips made to the site.

7.06.080 CTR Program Report and Description.

a. Affected employers shall review their program and file a regular progress report with the City in accordance with the format provided by the City.

b. The CTR Program Report and Description outlines the strategies to be undertaken by an employer to achieve the commute trip reduction goals for the reporting period. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other to implement program elements.

c. At a minimum, the employer's CTR Program Report and Description must include:

1. A general description of the employment site location, transportation characteristics, employee parking availability, on-site amenities, and surrounding services;

2. The number of employees affected by the CTR program and the total number of employees at the site;

3. Documentation on compliance with the mandatory CTR program elements (as described in *Section 7.06.070*);

4. Description of any additional elements included in the employer's CTR program (as described in *Section 7.06.070*); and

5. A statement of organizational commitment to provide appropriate resources to the program to meet the employer's established goals.

7.06.090 Biennial Measure of Employee Commute Behavior.

In addition to the baseline measurement, employers shall conduct a mandatory program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect Commute Trip Reduction Program Employee Questionnaires (surveys) at least once every two (2) years, and strive to achieve at least a 70% response rate from employees at the worksite.

7.06.100 Record keeping.

Affected employers shall maintain a copy of their approved CTR Program Description and Report, their CTR Program Employee Questionaire results, and all supporting documentation for the descriptions and assertions made in any CTR report to the City for a minimum of forty-eight (48) months. The City and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

7.06.110 Schedule and process for CTR program review and implementation.

a. Document Review. The City shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period of its CTR program or comment on the CTR program or annual report within ninety (90) days of submission, the employer's program or annual report is deemed accepted. The City may extend the review period up to ninety (90) days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

b. Scheduling. Upon review of an employer's initial CTR program, the City shall establish the employer's regular reporting date. This report will be provided in a form provided by the City consistent with Section 7.06.080 above.

c. Modification of CTR Program Elements. Any affected employer may submit a request to the City for modification of CTR requirements. Such request may be granted if one of the following conditions exist:

1. The employer can demonstrate it would be unable to comply with the CTR program elements for reasons beyond the control of the employer, or

2. The employer can demonstrate that compliance with the program elements would constitute an undue hardship.

The City may ask the employer to substitute a program element of similar trip reduction potential rather than grant the employer's request. Requests to modify the CTR requirement shall be filed in writing at least sixty (60) days prior to the employer's regular reporting date. All requests for modification of CTR program must be made in writing to the City Public Works Director by certified mail or delivery, return receipt.

d. Extensions. An employer may request additional time to submit a CTR Program Description and Report, or to implement or modify a program. Such requests shall be via written notice at least thirty (30) days before the due date

for which the extension is being requested. Extensions not to exceed ninety (90) days shall be considered for reasonable causes. The City shall grant or deny the employer's extension request by written notice within ten (10) working days of its receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for thirty (30) days. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's regular reporting date shall not be adjusted permanently as a result of these extensions. An employer's regular reporting date may be extended at the discretion of the City.

e. Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program, including approved program modifications, not more than ninety (90) days after receiving written notice from the City that the program has been approved or with the expiration of the program review period without receiving notice from the City.

7.06.120 Enforcement.

(a) Compliance. For purposes of this section, compliance shall mean:

1. Fully implementing in good faith all mandatory program elements as well as provisions in the approved CTR Program Description and Report;

2. Providing a complete CTR Program Description and Report on the regular reporting date; and

3. Distributing and collecting the CTR Program Employee Questionaire during the scheduled survey time period.

(b) Program Modification Criteria. The following criteria for achieving goals for VMT per employee and proportion of drive alone trips shall be applied in determining requirements for employer CTR program modifications:

1. If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to improve its CTR program;

2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this ordinance, but has not met the applicable drive alone or VMT goal, no additional modifications are required.

3. If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this chapter, and fails to meet the applicable drive alone or VMT reduction goal, the City shall direct the employer to revise its program within thirty (30) days to come into compliance with the measures defined by RCW 70.94.534(2), including specific recommended program modifications. In response to the recommended modifications, the employer shall submit a revised CTR Program Description and Report, including the requested modifications or equivalent measures, within thirty (30) days of receiving written notice to revise its program.

4. The City shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the

City will send written notice to that effect to the employer within thirty (30) days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the City within ten (10) working days of the conference.

(c) Modification of CTR Program Goals.

1. An affected employer may request that the City modify its CTR program goals. Such requests shall be filed in writing at least sixty (60) days prior to the date the worksite is required to submit its program description or annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program.

2. The City will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Guidelines.

3. An employer may not request a modification of the applicable goals until one year after the City approval of its initial program description or biennial report.

(d) Violations.

Violation of a provision of this chapter is a civil infraction for which a monetary penalty may be imposed under this chapter. The following actions shall constitute a violation of this chapter:

1. Failure to self identify as an affected employer;

2. Failure to perform a baseline measurement, including:

a. Employers notified or that have identified themselves to the City within ninety (90) days of the chapter being adopted and that do not perform a baseline measurement consistent with the requirements specified by the City within ninety (90) days from the notification or self-identification;

b. Employers not identified or self-identified within ninety (90) days of the chapter being adopted and that do not perform a baseline measurement consistent with the requirements specified by the City within ninety (90) days from the adoption of the ordinance;

3. Failure to develop and/or submit on time a complete CTR program;

4. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and drive alone goals as specified in this chapter;

5. Submission of false or fraudulent data in response to survey requirements;

6. Failure to make a good faith effort, as defined in RCW 70.94.534 and this chapter; or

7. Failure to revise a CTR program as defined in RCW 70.94.534(4) and this chapter.

(e) Penalties.

(1) No affected employer with an approved CTR program which has made a good faith effort may be held liable for failure to reach the applicable drive alone or VMT goal.

(2) Each day of failure by an employer to (a) implement a commute trip reduction program, or (b) modify an unacceptable commute trip reduction program, or (c) fail to perform any activity required by this chapter relating to implementation of or required modification to a CTR program shall constitute a separate violation and shall be considered a civil infraction. The penalty for a violation shall be two hundred fifty dollars ($250.00) per day.

(3) An affected employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Employers having unionized employees shall be presumed to act in good faith compliance if they:

(a) propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

(b) Advise the union of the existence of the statute and the mandates of the CTR program approved by the City and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).

(4) Payment of a monetary penalty pursuant to this chapter does not relieve an affected employer of the duty to comply with the activities required by this chapter.

(5) Nothing in this chapter limits the right of the city to pursue other civil or equitable remedies it may have to obtain compliance with the activities required by this chapter.

(6) A notice of violation and imposition of monetary penalties represents a determination that a civil infraction has been committed. The determination is final unless appealed as provided in this chapter.

(7) A notice of violation and imposition of monetary penalties shall be served on the affected employer, either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested to the affected employer at his/her last known address. The person who effected personal service or service by mail shall make proof of service at the time of service by a written declaration under penalty of perjury declaring the time and date and the manner in which service was made.

7.06.130 Worksite Exemptions.

An affected employer may request the City to grant an exemption from all CTR program requirements or penalties for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of the ordinance as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of drive alone trips and VMT per employee. Exemptions may be granted by the City at any time based on written notice provided by the affected employer. The notice should clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. The City shall grant or deny the request within thrirty (30) days of receipt of the request. The City shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

7.06.140 Employee Exemptions.

Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The City will use the criteria identified in the CTR Board Administrative Guidelines to assess the validity of employee exemption requests. The City shall grant or deny the request within thrity (30) days of receipt of the request. The City shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

7.06.150 Appeals

An affected employer may request an appeal of penalties.

(1) An affected employer to whom a notice of violation and imposition of monetary penalties is directed may appeal the notice including the determination that a violation exists or may appeal the amount of any monetary penalty imposed to the City Hearing Examiner.

(2) An affected employer may appeal a notice of violation by filing a written notice of appeal with the Department of Public Works within seven (7) calendar days from the date of service of the notice of violation and imposition of monetary penalties.

(3) The monetary penalty for a continuing violation does not accrue during the pendency of the appeal; however, the Hearing Examiner may impose a daily monetary penalty from the date of service of the notice of civil infraction if he or she finds that the appeal is frivolous or intended solely to delay compliance.

(4) The hearing before the Hearing examiner shall be conducted as follows:

(a) The Office of the Hearing Examiner shall give notice of the hearing before the Hearing Examiner to the appellant at least seventeen (17) calendar days before such hearing.

(b) The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of procedure as provided by the Administrative Procedure Act, Chapter 34.05 RCW. The City and the appellant may participate as parties in the hearing and each may call witnesses. The City shall have the burden of proof by a preponderance of the evidence that a violation has occurred.

(5) The Hearing Examiner shall determine whether the City has proved by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend or modify the amount of any monetary penalty imposed by the notice of civil violation with or without written conditions.

(6) The Hearing Examiner shall consider the following in making his/her determination:

(a) Whether the intent of the appeal was to delay compliance; or

(b) Whether the appeal is frivolous; or

(c) Whether the appellant exercised reasonable and timely effort to comply with applicable requirements; or

(d) Any other relevant factors.

(7) The Hearing Examiner shall mail a copy of his decision to the appellant by certified mail, postage prepaid, return receipt requested.

(8) The decision of the Hearing Examiner may be reviewed for illegal, corrupt or arbitrary or capricious action in King County Superior Court. The

petition for review must be filed within thirty calendar days of the final decision of the Hearing Examiner.

(9) The collection of the monetary penalty shall be as follows:

(a) The monetary penalty constitutes a personal obligation of the person to whom the civil infraction is directed. Any monetary penalty assessed must be paid to the City Clerk within seven (7) calendar days from the date of service of notice of violation and imposition of monetary penalties or, if an appeal was filed pursuant to this chapter, within seven (7) calendar days of the Hearing Examiner's decision.

(b) The City Attorney, on behalf of the city, is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate accrual of additional per diem monetary penalties so long as the violation continues.

(c) In the event of failure to appear at a hearing provided herein, the Hearing Examiner shall assess the monetary penalty prescribed and a penalty of twenty-five dollars ($25.00).

(d) In the event of a conflict between this chapter and any other City ordinance providing for a civil penalty, this chapter shall control.

(10) A person who willfully fails to pay a monetary penalty as required by provisions of this chapter may be found in civil contempt of court after notice and hearing.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Signed in authentication thereof this _____ day of _____, 2009.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4138

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.

SECTION 1. Repeals and reenacts Kirkland Municipal Code Chapter 7.06 related to commute trip reduction and adopts the City of Kirkland Commute Trip Reduction plan.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2009.

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

_____
City Clerk