



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
March 03, 2009

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. 2009 Potential Annexation Update

Joining Councilmembers for this discussion in addition to City Manager Dave Ramsay were Assistant City Manager Marilynne Beard, Director of Finance and Administration Tracey Dunlap and Intergovernmental Relations Manager Erin Leonhart.

4. EXECUTIVE SESSION

a. To Review the Performance of a Public Employee

5. SPECIAL PRESENTATIONS

a. Karen Goroski, Executive Director, Suburban Cities Association

b. King County Communities Count

Seattle/King County Public Health Regional Health Officer Sandy Ciske provided an overview of the report.

6. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent

meeting related to the 116th Street at I-405 Improvement Project design; meetings with State Representatives; Testimony pertaining to the gambling bill; Puget Sound Regional Council Board meeting; Councilmember Burleigh's recent trip to Honduras to work at an orphanage; Kirkland Conversations meeting discussions; Affordable Housing Committee meeting; Bank of America process review; Annual Investors Meeting for enterpriseSeattle; House Bill 2211 for 520 Tolling; and the Kirkland Chamber "Buy Local" initiative.

b. City Manager

- (1) 2009 Legislative Update 4
- (2) 2009 City Council/Neighborhood Meetings
- (3) Calendar Update

7. COMMUNICATIONS

a. Items from the Audience

Rob Butcher, 1640 2nd Street, Kirkland, WA  
Hugh Givens, 8819 123rd Lane NE, Kirkland, WA

b. Petitions

None.

8. CONSENT CALENDAR

a. Approval of Minutes: February 17, 2009

b. Audit of Accounts:

Payroll \$2,000,347.18  
Bills \$ 749,866.34  
run #807 check #'s 506360 - 506475  
run #808 check #'s 506476 - 506477  
run #809 check #'s 506478 - 506651

c. General Correspondence

- (1) Rob Butcher, Regarding Annexation Advisory Vote

This item was pulled for discussion under New Business, item 11.a.

d. Claims

- e. Award of Bids
- f. Acceptance of Public Improvements and Establishing Lien Period
- g. Approval of Agreements

(1) Interlocal Agreement with Northshore Utility District for Ortho-Photography Project

(2) Resolution R-4746, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR THE USE OF THE NORTH KIRKLAND COMMUNITY CENTER PARKING LOT."

This item was pulled for a vote separate from the consent calendar. Councilmember Burleigh recused herself as she has an interest as a member of the leasing church.

Motion to Approve Resolution R-4746, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR THE USE OF THE NORTH KIRKLAND COMMUNITY CENTER PARKING LOT."

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher

Vote: Motion carried 6-0

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

(3) Resolution R-4747, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT BETWEEN THE KIRKLAND PERFORMANCE CENTER AND THE CITY OF KIRKLAND REGARDING THE USE AND OCCUPANCY OF THE PERFORMING ARTS CENTER."

(4) Resolution R-4748, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING AMENDMENTS TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES."

- h. Other Items of Business

(1) Ordinance No. 4181 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING ORDINANCE NO. 4156 TO ADD AMENDMENTS TO THE UTILITIES, PUBLIC SERVICES, AND CAPITAL FACILITIES ELEMENTS OF THE COMPREHENSIVE PLAN; ADD AMENDMENTS TO THE NORTH ROSE HILL, TOTEM LAKE NEIGHBORHOOD, AND NORTH SOUTH /JUANITA NEIGHBORHOOD PLANS; AND APPROVE A SUMMARY FOR PUBLICATION, FILE NO ZON07-00001."

(2) Ordinance No. 4182, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO KIRKLAND CEMETERY RATES AND CHARGES AND AMENDING SECTION 3.92.030 OF THE KIRKLAND MUNICIPAL CODE."

(3) Ordinance No. 4183, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FINES FOR MOORAGE INFRACTIONS."

(4) Third Street/Kirkland Avenue Traffic Signal Controller

This item was pulled for discussion under Unfinished Business, item 10.d.

(5) Report on Procurement Activities

Motion to Approve the Consent Calendar with the exception of items 8.c.(1)., 8.g.(2)., and 8.h.(4)., which were pulled for separate consideration.

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 9:05 p.m.

Council announced that a previously scheduled meeting on Thursday, March 5, 2009, had been canceled.

## 9. PUBLIC HEARINGS

a. Downtown Zoning:

Mayor Lauinger reopened the continued hearing which began on January 20, 2009 and was thereafter continued to the February 3 and 20, 2009 meetings, and again to tonight. Planning Supervisor Jeremy McMahan reviewed the process to date and revisions made in response to Council direction.

Testimony was provided by:

Bonnie McLeod, PO Box 309, Kirkland WA

Tom Parsons, OPUS Northwest, 11125 NE 100th Street, Kirkland, WA

Wayne Smith

Marilyn Dillard, 2053 Minor Avenue, East, Seattle, WA

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

Bea Nahon, 129 3rd Avenue, Kirkland, WA

Dean Tibbot, 109 2nd Street South, Kirkland, WA

Joe Castleberry, 225 4th Avenue, Kirkland, WA

Glenda Schmidt, 225 4th Avenue, B402, Kirkland, WA

Mayor Lauinger then closed the public comment portion of the hearing and Council began deliberations.

(1) Ordinance No. 4177 and its Summary, Relating to Zoning, and Land Use and Amending Ordinance No. 3719, as Amended, the Kirkland Zoning Ordinance, to Amend the Height Regulations, Building Stepbacks, Sidewalk Widths, Banking and Related Financial Use Limitations, Rooftop Appurtenance Allowances, and Dimensional Requirements for Retail in Central Business District (CBD) Zone 1; to Amend Ground Floor Retail Height Requirements in CBD Zones 1, 2, 3, 4, 6, 7, and 8; and to Measure Height in Feet Instead of Stories in CBD Zones 1, 2, 3, 4, 6, and 7; and to Revise Zoning Code Chapter 142 - Design Review by Removing Reference to the Comprehensive Plan and by Relocating the Design Departure Section; Repealing Ordinance No. 4143; and Approving a Summary Ordinance for Publication, File No. ZON08-00019

Motion to Approve Ordinance No. 4177 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND THE HEIGHT REGULATIONS, BUILDING STEPBACKS, SIDEWALK WIDTHS, BANKING AND RELATED FINANCIAL USE LIMITATIONS, ROOFTOP APPURTENANCE ALLOWANCES, AND DIMENSIONAL REQUIREMENTS FOR RETAIL IN CENTRAL BUSINESS DISTRICT (CBD) ZONE 1; TO AMEND GROUND FLOOR RETAIL HEIGHT REQUIREMENTS IN CBD ZONES 1, 2, 3, 4, 6, 7, AND 8; TO MEASURE HEIGHT IN FEET INSTEAD OF STORIES IN CBD ZONES 1, 2, 3, 4, 6, AND 7; AND TO REVISE ZONING CODE CHAPTER 142 - DESIGN REVIEW BY REMOVING REFERENCE TO THE

COMPREHENSIVE PLAN AND BY RELOCATING THE DESIGN DEPARTURE SECTION; REPEALING ORDINANCE NO. 4143; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019." as amended

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 4-3

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

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

Motion to amend the motion approving Ordinance 4177 to increase the envelope where stepback averaging can occur from thirty feet to forty feet and to reduce the upper story stepback from twenty feet on Third Avenue to ten feet.

Moved by Councilmember Tom Hodgson, 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. 4178 and its Summary, Relating to Zoning and Land Use and Amending the City of Kirkland Zoning Map Ordinance No. 3710, as Amended, To Conform to the Comprehensive Plan and to Ensure Continued Compliance with the Growth Management Act, and Approving a Summary Ordinance for Publication, File No. ZON08-00019

Motion to Approve Ordinance No. 4178 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING MAP ORDINANCE NO. 3710, AS AMENDED, TO CONFORM TO THE COMPREHENSIVE PLAN AND TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019."

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

Councilmember Jessica Greenway, Councilmember Tom Hodgson, and Councilmember Bob Sternoff.

(3) Ordinance No. 4179, Relating to Zoning and Land Use and Repealing Ordinance No. 4149 Which Adopted Interim Zoning Regulations Limiting the Height of Buildings within Central Business District (CBD) Zone 1

Motion to Approve Ordinance No. 4179, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND REPEALING ORDINANCE NO. 4149 WHICH ADOPTED INTERIM ZONING REGULATIONS LIMITING THE HEIGHT OF BUILDINGS WITHIN CENTRAL BUSINESS DISTRICT (CBD) ZONE 1."

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

(4) Resolution R-4739, Approving Amended Design Guidelines for Pedestrian Oriented Business Districts and Authorizing the Mayor to Sign

Motion to Approve Resolution R-4739, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDED DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED BUSINESS DISTRICTS AND AUTHORIZING THE MAYOR TO SIGN."

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

Motion to Reconsider Resolution R-4739.

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.

Motion to Approve Resolution R-4739, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDED DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED BUSINESS DISTRICTS AND AUTHORIZING THE MAYOR TO SIGN."

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 6-1

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

No: Deputy Mayor Joan McBride.

10. UNFINISHED BUSINESS

- a. Kirkland Uncorked Report
- b. Forbes Lake Park and Trail Development Plan

Motion to Approve the proposed Forbes Lake Park and Trail Development Plan.

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

Vote: Motion carried 7-0

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

- c. Active Transportation Plan Adoption

Motion to Adopt the Active Transportation Plan.

Moved by Councilmember Dave Asher, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

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

d. 3rd Street Traffic Signal

Motion to Approve the staff recommendation for the 3rd Street Traffic Signal.

Moved by Councilmember Mary-Alyce Burleigh, seconded by Councilmember Bob Sternoff

Vote: Motion carried 6-1

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

No: Councilmember Dave Asher.

11. NEW BUSINESS

a. Rob Butcher correspondence

Motion to Approve the response as drafted.

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

Vote: Motion carried 6-1

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

No: Councilmember Jessica Greenway.

12. ANNOUNCEMENTS

None.

13. ADJOURNMENT

The Kirkland City Council special study session and regular meeting of March 3, 2009 was adjourned at 11:25 p.m.

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City Clerk

Mayor