



KIRKLAND CITY COUNCIL MEETING MINUTES
July 21, 2020

1. CALL TO ORDER

Mayor Sweet called the study session to order at 5:30 p.m. and called the regular meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Members Absent: None.

3. STUDY SESSION

a. Special Joint Meeting with Planning Commission

(1) 2020-2022 Planning Work Program

Attending the special joint meeting in addition to the City Council were Planning Commission Chair John Tymczyszyn, Deputy Chair Angela Rozmyn, and Commissioners Carter Bagg, Scott Reusser, Rodney Rutherford, and Sandeep Singhal. Deputy Planning and Building Director Jeremy McMahan reviewed the Planning Work Program followed by comments from Chair Tymczyszyn, both responded to Council questions. Planning and Building Director Adam Weinstein and City Manager Kurt Triplett also joined the discussion.

b. Northeast 85th Street Station Area Plan

Senior Planner Allison Zike introduced Mithūn Partner Erin Ishizaki, who reviewed the outreach strategy, initial concepts and preliminary alternatives for the NE 85th BRT Station Area Plan, followed by a presentation on the Opportunities and Challenges Report from Mithūn Senior Associate Brad Barnett.

4. HONORS AND PROCLAMATIONS

None.

5. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Terry Danysh
Danita Carter
Alice Dobry
Eric Godfrey
Gary Bleeker
Ron Snell
Luis Navarro
Jed Darland
Santos Contreras
Debbie Lacy

c. Petitions

6. PUBLIC HEARINGS

None.

7. SPECIAL PRESENTATIONS

a. COVID-19 Update

Recreation Supervisor Max Prophet provided an update on the summer beach ambassador program. Parks and Community Services Director Lynn Zwaagstra followed with a presentation on potential next steps to mitigate large group gatherings. City Manager Kurt Triplett followed with a briefing on residential evictions and the temporary elimination of parking on the west side of Lake Washington Boulevard; City Attorney Kevin Raymond also responded to Council questions.

b. Puget Sound Emergency Radio Network Update

City Attorney Kevin Raymond, PSERN Director David Mendel and PSERN Deputy Division Director Kimberly Nuber provided an update on the status of the Puget Sound Emergency Radio Network (PSERN) project and the PSERN Operating interlocal cooperation agreement.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) July 7, 2020

The minutes of the July 7, 2020 regular meeting were approved via approval of the consent calendar.

b. Audit of Accounts and Payment of Bills and Payroll

Payroll: \$3,585,144.92
Bills: \$4,959,687.51
SS708B wire #200
CA70820 checks #713484 - 713569
CA71420 checks #713570 - 713680

The Audit of Accounts was approved via approval of the consent calendar.

c. General Correspondence

d. Claims

(1) Claims for Damages

Claims received from Robyn Hayes, Nadia Jessa, Erik Kluth, and Nicole Park were acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Planning Commission Resignation

Ms. Cullen's resignation was acknowledged and draft response letter was approved via approval of the consent calendar.

(2) Resolution R-5436, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2019 STREETS LEVY ACCOUNTABILITY REPORT FOR PROPOSITION 1-LEVY FOR STREET MAINTENANCE AND PEDESTRIAN SAFETY."

The resolution was approved via approval of the consent calendar.

(3) Resolution R-5440, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE 2019 PARK LEVY ACCOUNTABILITY REPORT FOR PROPOSITION 2 - PARKS MAINTENANCE, RESORATION AND ENHANCEMENT LEVY."

The resolution was approved via approval of the consent calendar.

(4) Resolution R-5437, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE JUANITA CREEK CULVERT

REPLACEMENT AT 137TH PL - RCO FISH PASSAGE GRANT APPLICATION."

The resolution was approved via approval of the consent calendar.

- (5) Resolution R-5438, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND INTENDING TO CONTINUE TO PARTICIPATE AS A JOINT AGREEMENT CITY UNDER THE KING COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) CONSORTIUM."

The resolution was approved via approval of the consent calendar.

- (6) Resolution R-5439, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING APPLICATION FOR FUNDING ASSISTANCE FOR AQUATIC LANDS ENHANCEMENT ACCOUNT PROGRAM PROJECT TO THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE AS PROVIDED IN CHAPTER 79A.25 REVISED CODE OF WASHINGTON AND WASHINGTON ADMINISTRATIVE CODE TITLE 286, AND SUBSEQUENT LEGISLATIVE ACTION."

The resolution was approved via approval of the consent calendar.

- (7) May 2020 Financial Dashboard

The report was acknowledged via approval of the consent calendar.

- (8) Procurement Report

The report was acknowledged via approval of the consent calendar.

Motion to Approve the consent calendar.

Moved by Councilmember Toby Nixon, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

9. BUSINESS

- a. Proposed Zoning Code Amendments – Rooftop Amenities and Appurtenances Briefing

Senior Planner Allison Zike provided an overview of the proposed ordinance, answered Council questions and received direction. Deputy Director Jeremy McMahon also responded to Council questions.

b. Puget Sound Emergency Radio Network Operator Interlocal Agreement

- (1) Resolution R-5441, Authorizing and Directing the City Manager to Sign on Behalf of the City of Kirkland the Puget Sound Emergency Radio Network (PSERN) Operator Interlocal Cooperation Agreement

Motion to Approve Resolution R-5441, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY THE PUGET SOUND EMERGENCY RADIO NETWORK (PSERN) OPERATOR INTERLOCAL COOPERATION AGREEMENT."

Moved by Councilmember Jon Pascal, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Council recessed for a short break.

c. Safe, Inclusive and Welcoming Framework

Assistant City Manager James Lopez reviewed the revised draft resolution and proposed amendments and received council direction.

- (1) Resolution R-5434, Affirming That Black Lives Matter and Approving the Framework for Kirkland to Become a Safe, Inclusive and Welcoming Community Through Actions to Improve the Safety and Respect of Black People in Kirkland and Help End Structural Racism by Partnering with Those Most Affected

Motion to Approve Resolution R-5434, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THAT BLACK LIVES MATTER AND APPROVING THE FRAMEWORK FOR KIRKLAND TO BECOME A SAFE, INCLUSIVE AND WELCOMING COMMUNITY THROUGH ACTIONS TO IMPROVE THE SAFETY AND RESPECT OF BLACK PEOPLE IN KIRKLAND AND END STRUCTURAL RACISM BY PARTNERING WITH THOSE MOST AFFECTED."

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Motion to Amend Resolution R-5434 by adding a new Section 1(b) at line 68 to read as follows: "a. Evaluating enhancements to the existing police dashboard that help guard against bias in police actions;" and reorder the existing subsections in Section 1 that follow.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend Resolution R-5434 by adding a new Section 2(e) at line 87 to read as follows: "e. Evaluating implementation of a community court to reduce disproportional impacts on traditionally marginalized populations;" and reorder the existing subsections in Section 2 that follow.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend Resolution R-5434 by replacing in its entirety Section 2(g) at line 91 to read as follows: "g. Contracting for a comprehensive City organizational equity assessment to identify gaps in diversity, equity and inclusion in all areas of City policy, practice and procedure, and to identify proposed actions steps to address these gaps;" and reorder the existing subsections in Section 2 that follow.

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend Resolution R-5434 by amending Section 2(i) at line 98 to read as follows: "i. Evaluating whether public art and public symbols and special events and City programming in Kirkland are welcoming to all community members and expanding the diversity of public art, symbols, events and programming to be more inclusive;" and reorder the existing subsections in Section 2 that follow.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend Resolution R-5434, Section 3(b) beginning at line 111 to read as follows: "b. Targeted additional stakeholder engagement including indigenous and people of color;"

Moved by Councilmember Toby Nixon, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 5-2

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Toby Nixon, and Councilmember Jon Pascal.

No: Councilmember Amy Falcone, and Mayor Penny Sweet.

Motion to Amend Resolution R-5434 by amending its Section 3(a) at line 110 to read as follows: "a. Community engagement process centered around Black people, with a focus on including intersectional voices;" as amended to include the language "with a focus on including intersectional voices" in section 3(b) instead of 3(a).

Moved by Councilmember Amy Falcone, seconded by Mayor Penny Sweet

Vote: Motion carried 7-

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend the previous amendment to Resolution R-5434 by modifying the language in Section 3(b) to include: "with a focus on including intersectional voices" instead of in section 3(a).

Moved by Councilmember Amy Falcone, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend Resolution R-5434 by adding a new Section 4(e) at line 127 to read as follows: "e. Funding a high-level Diversity, Equity and Inclusion position in the organization; and" and reorder the remaining subsection in Section 4 that follows.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Amy Falcone

Vote: Motion failed 3 - 4

Yes: Councilmember Neal Black, Councilmember Kelli Curtis, and Councilmember Amy Falcone.

No: Deputy Mayor Jay Arnold, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend Resolution R-5434 by directing staff to create a new section following Section 2 to focus on the review of City organizational structures, programs and policies from an equity and diversity perspective, and also from the perspective of reducing disproportionate impacts to marginalized communities, so that the section on police use of force can stay focused on that issue, and reorder the existing sections that follow.

Moved by Councilmember Jon Pascal, seconded by Councilmember Neal Black

Vote: Motion carried 6-1

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.
No: Councilmember Kelli Curtis.

Motion to Postpone further consideration of Resolution R-5434 to the August 4, 2020 regular meeting.
Moved by Councilmember Toby Nixon, seconded by Councilmember Amy Falcone
Vote: Motion carried 7-0
Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

d. Fire and Emergency Medical Services Ballot Measure

Management Analyst Andreana Campbell reviewed the ordinance and responded to Council questions.

- (1) Ordinance O-4731 and its Summary, Providing for the Form of the Ballot Proposition and Specifying Certain Other Details Concerning Submission to the Qualified Electors of the City at a Special Election to be Held Therein on November 3, 2020, of a Proposition Authorizing the City to Lift the Levy Limit Established in RCW 84.55.010 in Order to Fund Fire and Emergency Medical Services, and to Acquire, Construct, Improve, Equip and/or Renovate City Fire Facilities.

Motion to Approve Ordinance O-4731 and its Summary, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND FIRE AND EMERGENCY MEDICAL SERVICES, AND TO ACQUIRE, CONSTRUCT, IMPROVE, EQUIP AND/OR RENOVATE CITY FIRE FACILITIES."
Moved by Councilmember Toby Nixon, seconded by Councilmember Kelli Curtis
Vote: Motion carried 7-0
Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Motion to Amend Ordinance O-4731, to change the levy rate to the half cent option detailed in Scenario B.
Moved by Deputy Mayor Jay Arnold, failed due to lack of second.

(2) Ballot Measure Pro/Con Committee Appointments

Motion to Appoint Todd Pemble to the Fire/EMS Ballot Measure PRO Committee.

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

e. Sustainability Master Plan Review

This item was postponed for consideration at a future meeting.

10. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding an Eastrail Regional Advisory Council meeting; an update on the Legislative Workgroup agenda; a Water Resource Inventory Area (WRIA) 8 Salmon Recovery Council meeting; an event to distribute Personal Protective Equipment (PPE) to local businesses; a joint meeting with the King County Regional Transit Committee and the King County Mobility and Environment Committee; a King County Regional Law Safety and Justice Committee meeting; a volunteer weeding event; the "BLM A Day to Learn" event at Marina Park; a webinar by Governing for Racial Equity and Inclusion; a Youth Town Hall on Criminal Justice Reform hosted by Community Passageways; an Eastside Renters Forum; a King County Solid Waste Advisory Committee meeting; and an upcoming Cascade Water Alliance Board meeting.

Motion to Approve the Cultural Arts Commission recommendation to accept the donation of sculpture.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Amy Falcone
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

b. City Manager Reports

City Manager Kurt Triplett reported on drafting an emergency resolution declaring a temporary moratorium on residential evictions to be ratified at the August 4, 2020 council meeting; received direction from the Council on whether to implement a pilot program to close parking on the West side of Lake Washington Boulevard; and the current Planning Commission recruitment.

(1) Calendar Update

11. ITEMS FROM THE AUDIENCE

None.

12. EXECUTIVE SESSION

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of July 21, 2020 was adjourned at 11:18 p.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor