



# CITY OF KIRKLAND CITY COUNCIL

Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Doreen Marchione  
Toby Nixon • Jon Pascal • Penny Sweet • Kurt Triplett, City Manager

## *Vision Statement*

*Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.*

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## AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, April 18, 2017 6:00 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://www.kirklandwa.gov). 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 (425-587-3190) or the City Manager's Office (425-587-3001) 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 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

**PLEASE CALL 48 HOURS IN ADVANCE** (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

**EXECUTIVE SESSIONS** may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

**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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
  - a. Americans with Disabilities Act (ADA) Transition Plan Update
  - b. 100<sup>th</sup> Avenue NE Design Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
  - a. Citizen Hero Award
  - b. Honoring Outgoing Board and Commission Members
  - c. YWCA Stand Against Racism Proclamation
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*

**\*QUASI-JUDICIAL MATTERS**

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

**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.

**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.

**8. CONSENT CALENDAR**

- a. *Approval of Minutes:* (1) April 4, 2017  
(2) April 4, 2017  
(3) April 11, 2017
- b. *Audit of Accounts:*
  - Payroll* \$
  - Bills* \$
- c. *General Correspondence*
- d. *Claims*
- e. *Award of Bids*
- f. *Acceptance of Public Improvements and Establishing Lien Period*
- g. *Approval of Agreements*
- h. *Other Items of Business*
  - (1) Ordinance O-4571, Relating to Codification of Ordinances Related to the Establishment of the Houghton Community Municipal Corporation.
  - (2) Ordinance O-4572, Relating to Codification of the Term of Existence of the Houghton Community Municipal Corporation.
  - (3) Ordinance O-4573, Relating to Abandoned and Unauthorized Vehicles and Municipal Court Jurisdiction for Tow Hearings.
  - (4) Ordinance O-4574, Relating to Pawnbrokers and Secondhand Dealers and Removal of Property Bought or Received in Pledge from Place of Doing Business Following Reporting of Receipt Thereof to Chief of Police.
  - (5) Ordinance O-4575, Relating to the Operation of Watercraft While Under the Influence of Intoxicating Liquor, Marijuana or Any Drug.
  - (6) Report on Procurement Activities

**9. PUBLIC HEARINGS**

**10. UNFINISHED BUSINESS**

- a. 2017 Legislative Update #7
- b. Resolution R-5250, Pertaining to the Adoption of the 2017 – 2019 Planning Work Program.
- c. Ordinance O-4576, Relating to Retail Carryout Bags.

**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.

**CITY COUNCIL COMMITTEE** agendas and minutes are posted on the City of Kirkland website, [www.kirklandwa.gov](http://www.kirklandwa.gov).

**ITEMS FROM THE AUDIENCE**  
Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

*11. NEW BUSINESS*

- a. Ordinance O-4577 and its Summary, Amending the Kirkland Municipal Code to Revise and Create Certain Fees Related to Development Services.*
- b. Resolution R-5251, Approving an Interlocal Agreement Between the City Of Kirkland and Northshore Utility District for the Transfer of Service Area, Amendment and Termination of the Wheeling Agreement and Construction of Improvements.*
- c. Resolution R-5252, Approving the Amendments to Sections 8.01 and 8.06 of the Kirkland City Council Policies and Procedures, and Readopting All of the Council Policies and Procedures.*
- d. Approving Pebbles Rippling for 1% for Art Sidewalk Art*
- e. New Parks and Community Services Position*

*12. REPORTS*

- a. City Council Regional and Committee Reports*
- b. City Manager Reports*
  - (1) Calendar Update*

*13. ITEMS FROM THE AUDIENCE*

*14. ADJOURNMENT*



**CITY OF KIRKLAND**  
**Human Resources Department**  
**123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587.3210**  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** James Lopez, Director of Human Resources and Performance Management  
Shawn Friang, HR Analyst  
Brian Baker, Capital Project Coordinator

**Date:** April 18, 2017

**Subject:** Americans with Disabilities Act (ADA) Transition Plan

## **INTRODUCTION**

The City of Kirkland and other public agencies are required to evaluate policies, programs, and services and to identify barriers under the Americans with Disabilities Act ("ADA"), enacted on July 26, 1990. They are further required to develop and have available to the public an ADA "Transition Plan" that provides for the means and timeframe to be compliant with Title II of the ADA; Title II requires equitable opportunity specifically for those of disability. In the ADA, the term disability means, with respect to an individual:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment.

If an individual meets any one of these three tests, that person is considered to be an individual with a disability for purposes of coverage under the ADA.

The ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation and telecommunications. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodation for applicants and employees with disabilities.

In 2013, the Washington State Department of Transportation adopted a new chapter in the Local Agency Guidelines (LAG) manual specifically identifying how agencies must go about being compliant with the requirements of Title II. The LAG manual contains requirements for agencies utilizing State and Federal funding. Kirkland's role as a Certifying Agency city (ability to administer our own projects and programs) includes required compliance with the LAG manual. Further, based on a national trend, the WSDOT will soon begin requiring that agencies using any Federal

funding (i.e. grants through the WSDOT) have and are able to present their ADA "Transition Plan".

## **BACKGROUND**

In 2014, the City established an ADA team consisting of representatives from most City departments. This team met monthly for about a year to discuss policies, procedures and the self-evaluation process necessary to become ADA compliant. As part of this work the ADA team satisfied several key compliance obligations including establishing a grievance procedure, publishing the City's ADA Notice document, creating a formal event accommodation request process, an alternative document process, and an accessibility request accommodation process. To better prepare the City for the work ahead, the ADA team also utilized federally approved compliance checklists to evaluate the City's ADA status and distributed them to the corresponding departments.

These checklists provided questions for a preliminary assessment of policy, procedure and status for each of the areas covered under Title II. Each department conducted a self-evaluation and established a status for each area of compliance. The original document reporting out on the results from this self-evaluation was a draft document titled "2014 Americans with Disabilities Act (ADA) Compliance Pre-Assessment Report" and the 2016 version is included as Attachment A. Updates to the Pre-Assessment Report include identifying new areas needing assessment such as the City's new website and the Kirkland Justice Center, as well as describing completed evaluation projects such as the City's sidewalk assessment.

In November 2016, the City hired consultants from Perteet and CH2M Hill to review the Pre-Assessment Report to establish what additional work is needed to complete the self-evaluation process, as well as to provide guidance on next steps to turn the Pre-Assessment Report into a Transition Plan.

The consultant's recommendation (Attachment B) was that the City evolve the Pre-Assessment Report into an "action plan" that describes each subject area of compliance (i.e. Public Right-of-Way) in greater detail, "serving as a guide for the City that not only outlines the completed evaluation status of each area, but also identifies what steps need to be taken in the future to complete the ADA compliance evaluations." Essentially the "action plan" would focus on what is needed to adequately complete a compliance evaluation for some areas of the Pre-Assessment needing further evaluation. As noted by the consultants, this work "would include some additional specific actions to those general steps that are already in the Pre-Assessment Report. These could include specifics on the responsible department, timeline, internal and external resources, budget needed, and potential funding sources."

The proposed "action plan" is what the City will call the "Pathway to Transition" document. This document, when completed, would satisfy the City's obligation to assess its ADA deficiencies and will likely "result in a Transition Plan that is easier to manage and implement by the responsible departments within the City."

The consultants then suggested the City create a Transition Plan or a series of Transition Plans for those areas that have been fully assessed with deficiencies identified. The Transition Plans will serve as the City's roadmap to actually bringing those deficiencies into compliance.

## **RECOMMENDATION**

That the City move forward with a work plan as outlined below:

- Reconvene the ADA team to
  - Complete the Pathway to Transition document for all areas where the evaluation is close to completion as outlined in the consultant's recommendation
  - Identify the responsible department, timeline, internal and external resources, budget needed, and potential funding sources necessary to complete those specific areas of need for longer term evaluation concerns
  - As the Pathway to Transition is a living document, the above steps can be implemented simultaneously and progress can be updated periodically
  
- Create a public outreach process to
  - Gather feedback on the Pathway to Transition document (3 yrs. required)
  - Obtain input on how to best prioritize addressing deficiencies in the Transition Plan or Plans
  
- Create a process to take fully assessed compliance areas to a Transition Plan or Plans
  - Gather public feedback on the process and proposed drafts (1 year required)
  - Complete an updated Transition Plan or Plans

It is also our recommendation that Council be advised that for the next several years departments will be creating budgets and requesting funding to complete assessments as well as requesting funding to ultimately correct deficiencies through the Transition Planning process. This will be a multi-year endeavor with many structural items being addressed through the CIP as well as staff time to review policies and practices as needed.

DRAFT  
2016 AMERICANS WITH  
DISABILITIES (ADA)  
COMPLIANCE  
PRE-ASSESSMENT REPORT

City of Kirkland



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# City of Kirkland Americans with Disabilities Act (ADA) Program Assessment Status Report

The purpose of this document is to establish the status of the City of Kirkland's facilities and programs for Americans with Disabilities Act (ADA) compliance in accordance with the 2010 ADA Standards through self-evaluation and assessment.

## Self-evaluation process

In 2014, the City established an ADA Team consisting of representatives from each department. This team met monthly to discuss policy and procedure and the self-evaluation process to become ADA compliant. Checklists were downloaded from ADA site ([www.ada.org](http://www.ada.org)) and distributed to the corresponding departments: Human Resources, Finance, Parks and Community Services ("Parks"), Public Works, Fire (Emergency Management) and IT. These checklists provided questions for a preliminary assessment of policy, procedure and status for accessibility. Each department conducted a pre-assessment using the checklist and established a status for each area of compliance: In Place, In Planning (Date) and Transition Plan. Those items that could not be brought into compliance within a year either for financial or administrative reasons were slated to be added to a draft Transition Plan.

The pre-assessment reports are the foundation for this report and will inform a proposal for consulting options for a full assessment of City facilities and programs to establish a draft Transition Plan. The Assessment Status Report is organized as follows:

1. ADA Coordinator, ADA Notice and Grievance Procedure
2. Effective Communication
3. Web Accessibility
4. Program Access
  - a. Facilities
  - b. Parks
5. Sidewalks and Ramps
6. Emergency Management
7. Accessible Pedestrian Signal and Pushbutton (APS) policy

## ADA Coordinator, Notice and Grievance Procedure

An ADA Coordinator was chosen following the requirements in the checklist and notification and contact information have been posted with the ADA Notice and Grievance procedure.

The ADA Notice (Appendix A) was created following the guidelines from the ADA website. The Notice has been included on the City website as a permanent link on every page and has been posted in all City facilities.

The ADA Grievance procedure (Appendix B) was updated from the previous procedure as well as including the guideline items from the ADA website. This grievance procedure is included on the City ADA webpage and available through the HR Department internal site so that citizens and employees have access.

A checklist for the ADA Coordinator, Notice and Grievance Procedure and the status of the City of Kirkland in compliance with these requirements was completed (Table 1) and procedures have been established to address any ADA compliance issues as inquiries as well as addressing grievances for non-compliance. The ADA Coordinator will address any ADA compliance issue, but an appointed designee has been assigned the task of addressing, facilitating and recording all ADA inquiries for the City. A procedure has been established to document all inquiries and grievances and maintain these records as required by public records law.

*Table 1 - Checklist for ADA Coordinator, Notice and Grievance Procedure*

<b>ADA Coordinator, Notice and Grievance Procedure</b>			
Checklist Items	In Place	Service Resource Upon Request	Budget and Planning Required
Does the state or local government have an ADA Coordinator?	Yes		
Does the ADA Coordinator have the time and expertise necessary to coordinate the government's efforts to comply with and carry out its responsibilities under the ADA?	Yes		
Does the ADA Coordinator actually carry out these duties?	Yes or appointed designee		
Does the ADA Coordinator investigate all complaints communicated to the government alleging that the government does not comply with the ADA?	Yes or appointed designee		
Does the government make available to all interested people the name, office address and telephone number of the ADA Coordinator?	Yes - ADA Notice and Grievance Procedure		
Does the state or local government make available to the general public regarding the fact that the ADA applies to services, programs and activities of the government?	Yes - ADA Notice		

Checklist Items	In Place	Service Resource Upon Request	Budget and Planning Required
Does the state or local government use the Department of Justice's model "Notice Under the Americans with Disabilities Act" or similarly comprehensive notice?	Yes		
Does the state or local government post this information in public areas or make it available in other ways as deemed necessary by the head of the government entity to inform people of the protections of the ADA?	Yes. ADA Notice on website, placed in City facilities, employment notices, Kirknet.	Resources - Braille service, interpreter, diskette	
Is the ADA notice available in alternative formats - large print, Braille, audio format, accessible electronic format (e.g., via email, in HTML format on its website)?		Yes	
Does the state or local government have a grievance procedure?	Yes , document attached		
Does the local government use the Department of Justice's model "Grievance Procedure Under the Americans with Disabilities Act" or similarly comprehensive grievance procedure?	Yes		
Is the grievance procedure available in alternative formats?		Yes	

## Effective Communication

The goal for Effective Communication is to establish policies and procedures to allow all citizens equal access to communications to and from the City. Communication was split into two categories; Event/Program Accommodation and Alternative Formats for Documents. Policies and procedures were established in regards to how the City will respond to inquiries under either category (Appendix C).

An ADA Team Lead has been established for each department to head up any accessibility or accommodation inquiry investigation. A resource list for vendors and assistive services has been established and will be maintained as state contracts are updated and vendors are added and deleted. This resources list is available to all departments.

The checklist for establishing effective communication goes beyond just policies and procedures into training. The goal of the City is to establish open, effective communication streams to all of its citizens. A training program is being established to equip City employees with resources and skills to better communicate with the general public as well as plan for universal access when establishing programs and policies in the City. A special ADA Team Lead training has also been established to equip the ADA Team Leads to carry out the policy and procedures for event/program accommodation and to respond to alternative communication requests.

All the checklist items for Effective Communication (Table 2) have been addressed either through policy and procedures noted above or within our training program. Closed captioning and audio description along with telecommunications compliance are addressed in Appendix D.

Table 2 - Checklist for Effective Communication

<b>Effective Communication</b>				
Checklist Items		In Place	Service Upon Request	Transition Plan
Does each department of your state or local government have a policy and procedures in place to deal with requests from the general public for sign language, oral and cued speech?		Yes	Yes	Training in process
Do those policies specify that sign language, oral and cued speech interpreters can be obtained within a short period of time when necessary?		Yes - ADA Notice	Yes	Training in process
Make clear that it is generally inappropriate to request family members and companions of deaf person to serve as sign language interpreters?			Yes	Training in process
Specify that deaf persons requesting interpreters should not be charged for the cost of the interpreter?		Yes - ADA Notice	Yes	
Specify that that public entity's decision to deny an interpreter based on undue financial and administrative burden must be made after considering all resources available for use in funding the operation of the program and must be accompanied by a written statement of the reasons for reaching the conclusion?				Policy in development
Specify that, in any instance where the provision of an interpreter would result in an undue financial and administrative burden, the entity will take any other action that would not result in undue financial and administrative burden but would nevertheless ensure that the individual with a disability receives the benefits or services provided?				Policy in development
Does your state or local government have employees on staff who are qualified interpreters or have arrangements with one or more vendors to provide interpreting services?			Yes, vendors only	
Have the employees who interact with the public been trained on the correct procedures to follow when a person requests an interpreter?		Yes		Training in process
Review documentation and speak with agency personnel responsible for responding to requests for interpreter services.	When requests for interpreters have been made in the past, were they granted?	Yes		
	For events such as meetings, interviews, hearings, medical appointments, court proceedings, and training and counseling sessions?	Yes		
	Without the state and local government asking the individual who requested the interpreter, to pay for the service?	Yes		

Checklist Items	In Place	Service Upon Request	Transition Plan
Does your state or local government have policies in place to deal with requests from the general public for documents in Braille, large print, audio recording, and accessible electronic format?	Yes ADA Notice		
Does your state or local government have policies and procedures in place to deal with requests from the general public for note-takers, computer assisted real time transcription services, and other auxiliary aids and services for providing effective communication?		Yes	Budget
Does your state or local government have the equipment or arrangements with vendors so it can provide written materials in alternative formats (e.g., Braille, large print, or email when asked to do so)?		Yes	Budget
Does your state or local government provide written materials in alternative formats when asked to do so?		Yes	Budget
Does your state or local government give primary consideration of requests of the person with a disability when determining what type of auxiliary aid or service to provide?		Yes	
Does your entity ensure that all videos and television programs it produces and all videos it makes available to the public on its internet website are available with captioning and audio description?		Yes	Assessment of responsibility for live captioning
Where telephones are available for the public for making outgoing calls, are TTY's available for people with hearing and speech disabilities?	N/A	Yes	Assessment of current requirements
Does your state or local government handle phone calls placed using a Telecommunications Relay Service or a Video Relay Service in the same way as other telephone calls?	No	Yes	Assessment of requirement for instant relay service

## Website Accessibility

Website accessibility issues have been easier to address in the last few years with improvements in technology and the increase in the general public use of smart technology. The IT department completed an overview of the website in early 2014 before the launch of the new website in July 2014. This overview included internal and external facing sites and services as well as an analysis, recommendations, potential impacts and efforts required to bring all into compliance. (Appendix D) Areas of non-compliance or uncertainty of requirements have been noted to be included in the Transition Plan.

Since the implementation of the new City website in 2014, the website ([www.kirklandwa.gov](http://www.kirklandwa.gov)) was tested for a webpage’s ability to be read by assistive technologies. This is one small example of an assessment for the website, which will need to be addressed in the Transition Plan. The City website URL address was entered into a computer program on the website [www.508bot.com](http://www.508bot.com) suggested by U. S. Department of Justice to assist local governments with webpage accessibility regulations. The following charts provide a snapshot of issues that should be reviewed to develop more accessible webpages.

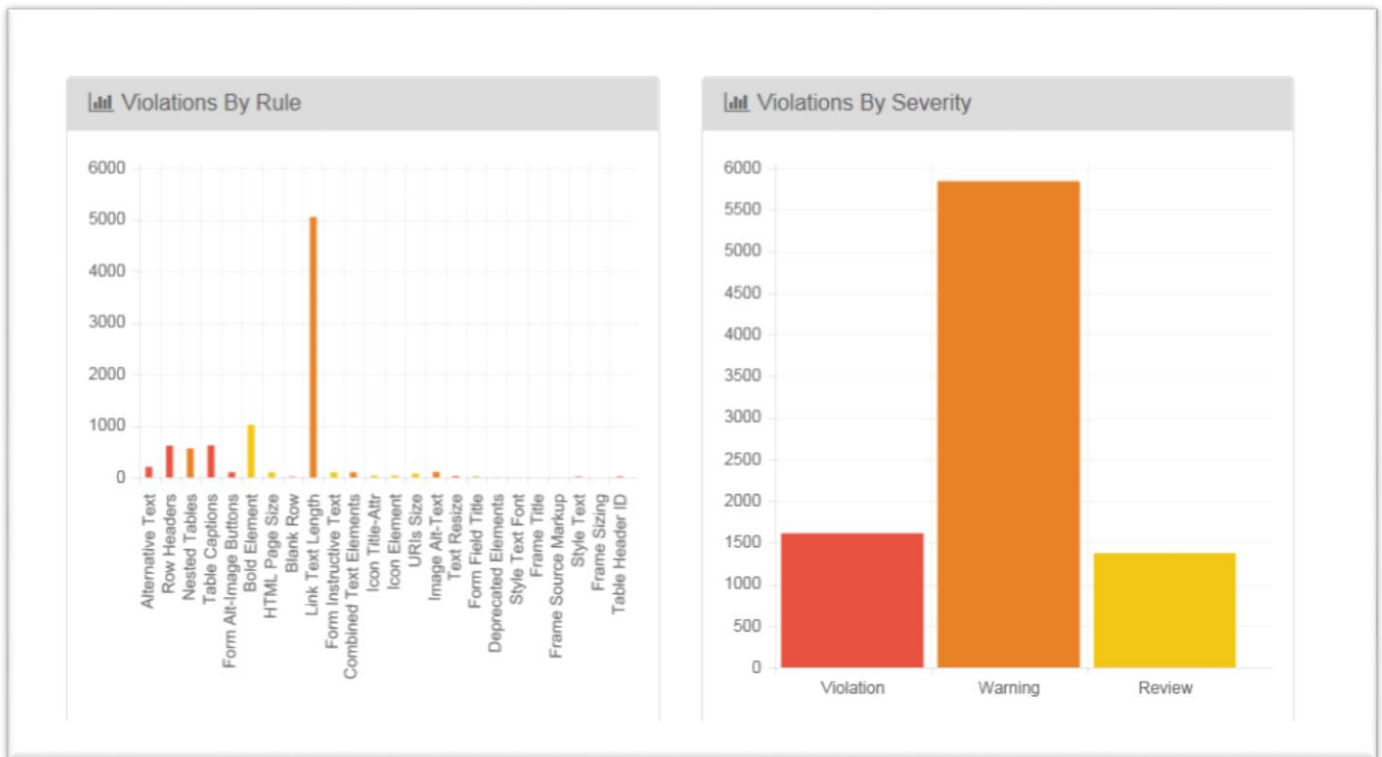


Figure 1: City of Kirkland website accessibility scan results

Most of the items displayed as violations and warning identify issues using bold text, nested tables, long text links, along with column and row headers that are not readable by assistive technology. These items will be included in the overall assessment of IT programs in the Transition Plan.

Training is also a large part of bringing the website into compliance with ADA regulations. A training program will need to be created to educate City staff on correct accessible formats for documents and images added to the website.

## Program Access

Program access for this report is being defined as physical access to a building or through a building. Policies and procedures have been established that address inquiries into program access (Appendix E). Inquiries will be assessed by the respective department ADA Team Lead to determine first if they are barriers to accessibility. If found to be barriers, the ADA Team Lead will assess the site, create a cost-benefit analysis and determine the timeline for barrier removal. If the barrier can be removed immediately without extensive cost or administrative burden, then the department will make plans to remove the barrier. If the barrier cannot be removed immediately either for time, funding or extended time to determine the best course of action, then an alternative recommendation will be created by the department. The recommendation will then be brought to an interdepartmental team meeting to discuss the recommendation and alternative accessibility options until the barrier can be removed. The accessibility issue will then be added to the Transition Plan and records of the inquiry will be kept on file as required by public records law.

## Facilities

A pre-assessment was completed for all City of Kirkland buildings including all fire stations. The pre-assessment focused on access into and through buildings, parking spaces, restrooms, building corridors, elevators and personnel offices. Out of sixteen facilities only one was in complete compliance according to the pre-assessment checklist (Appendix F). Questions regarding compliance for buildings slated for remodel or sale were recorded for further research and procedural guidance. Changes that could be addressed in the short term were added to work plans and those that required funding and planning time were noted to add to the Transition Plan.

While the pre-assessment helped to identify some issues of non-compliance, a more in-depth assessment should be conducted to identify those areas beyond the scope of the current staff time and accessibility knowledge. An assessment on this will need to be addressed as part of the Transition Plan.

City Hall underwent a large renovation in 2016 that is slated to be completed in 2017. At that time an assessment of the new facility and improvements that addressed prior ADA issues will be completed.

## Parks

Parks compliance for program access includes parks, playgrounds, trails, paths, cemetery, marina, boat launch, pool as well as external sites such as schools, churches, etc. that are utilized for City parks sponsored events. An inventory of the Parks programs include 14 structures in parks, 26 playgrounds, five picnic shelters, five sports fields, six interpretive features, five tennis courts, eight docks, multiple bridges, one boat launch, and numerous trails and paths. The complexity of the Parks Department accessibility issues may require an outside party to assess for compliance. An assessment on this scale will be added to the Transition Plan to budget for consulting services.

Universal access has been the working plan for the Parks Department for many years. Accessibility issues are addressed at various parks meetings such as the Senior Council and Parks Board. The Parks Department is responsive to accessibility inquiries each year completing small scale projects to improve accessibility issues as they arise. Some of the smaller projects have included adding asphalt to smooth the transition from the sidewalk to the docks at Juanita Bay Park and adding a wheelchair accessible portable bathroom.

The Parks, Recreation and Open Space (PROS) Plan November 2015 contains budgeting and work programs associated with updating various parks for ADA compliance. A list of specific ADA projects from the PROS plan can be found in Appendix G. These items will be included in the Transition Plan.

## Curb Ramps and Pedestrian Crossings and Public Right-of-Way (PROW)

Curb ramps and pedestrian crossings provide routes to navigate the City. Accessibility of these routes ensures that all citizens can reach services, parks, schools and places of employment. The City of Kirkland has over 139 miles of sidewalks, over 3,300 curb ramps and 788 pedestrian crossings. The sidewalks and curb ramps were assessed in the summer of 2015 and each location was graded as to its ADA compliance. Priorities have been established in the sidewalk inventory and the Capital Improvement Project (CIP) Plan notates ADA compliance corrections throughout their plan. A list of ADA specific corrections from the CIP Plan are listed in Appendix J and will be included in the Transition Plan.

Parking spaces owned and maintained by the City in the PROW are required to adhere to ADA standards for number of accessible on-street parking spaces. At this time the City does not have a policy or procedure in place to address this compliance issue nor does it have all of its parking stalls mapped. Downtown parking has been mapped in a general sense and three on-street ADA accessible stalls have been identified as well as other ADA accessible stalls in parking lots. A plan and budget to map all PROW parking spaces and assess appropriate sites for ADA accessible parking options will need to be included in the Transition Plan.

## Emergency Management – Emergency Shelters

Emergency Management for ADA compliance is two-fold. Management planning must account for communicating to individuals with disabilities during a disaster but also accommodating special needs at shelters where space is limited. Universal accessibility is the focus of the Emergency Management Plan so that all accommodations are planned for in advance to be able to respond and assist all citizens in the chaotic time of disaster. Many different buildings are used for shelters (schools, churches, city buildings, etc.) each being assessed in advance for accessibility and functionality. The Red Cross also assesses these buildings before they are established as emergency shelters, so they are twice inspected for accessibility compliance.

Emergency management non-compliance issues are focused on training and policy. These issues will be addressed in the new iteration of the Continuity of Operations Plan (COOP) and in a training plan to be included in the Transition Plan. (See Appendix H).

## Accessible Pedestrian Signal and Pushbutton (APS) policy

The City has established an APS policy (Appendix I).



## Conclusion

After self-evaluation and pre-assessments were completed it became apparent that work plans were needed for full assessments for areas, such as IT and Parks trails. While the pre-assessments created awareness of ADA compliance issues, the expertise and time for a full assessment to address all aspects of compliance requirements would need more time and possibly individual consultation. More in depth assessments are needed for IT, Facilities, Parks and Curbs/Ramps (Right-of-Way). These needs were anticipated at the start of the project, but confirmed after the evaluations.

A draft outline of the Transition Plan is reflected below:

- Website Accessibility – Need full assessment and interpretation of the rulings to determine recommended actions and required actions.
- Budget plan to add closed captioning to all video productions and questions answered concerning extent of requirement.
- Program Access
  - Facilities – Plan with possible service package(s) to bring all facilities into compliance at current state. Expertise in ADA access requirements to fully assess all facilities (including new buildings) to ensure that all access issues for facilities have been addressed.
  - Parks – Plan with possible service package(s) to bring all facilities into compliance. Expertise in ADA access for trails to fully assess changes that need to be made.
- Curb Ramps and Crosswalks, PROW - Plan and possible service package(s) to assess curb ramps for compliance, and assess and map parking stalls in PROW for compliance.
- Training –
  - ADA Team Leads – policy and procedure
    - Event accommodation
    - Alternative document format
    - Program access
  - All employees –
    - Effective communication – respectful and sensitive conduct.
    - Website – proper documentation for website accessibility



## City of Kirkland

### Americans with Disabilities Act Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Kirkland will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** City of Kirkland does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** City of Kirkland will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Kirkland programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** City of Kirkland will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Kirkland offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kirkland should contact the ADA Coordinator, Mr. James Lopez ([jlopez@kirklandwa.gov](mailto:jlopez@kirklandwa.gov)), Director of Human Resources and Performance Management (425-587-3210), as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Kirkland to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of City of Kirkland is not accessible to persons with disabilities should be directed to Mr. James Lopez at [jlopez@kirklandwa.gov](mailto:jlopez@kirklandwa.gov).

City of Kirkland will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## Appendix B – ADA Grievance Procedure



### **City of Kirkland Grievance Procedure under The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Kirkland. The City of Kirkland's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as the name, address, phone number of the complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

**Mr. James Lopez, ADA Coordinator  
Director of Human Resources and Performance Management  
City of Kirkland  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033**

Within 15 calendar days after receipt of the complaint, Mr. James Lopez, or his designee, will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Mr. James Lopez, or designee, will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Kirkland and offer options for substantive resolution of the complaint.

If the response by Mr. James Lopez, or his designee, does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his designee.

Within 15 calendar days after receipt of the appeal, the City Manager or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Mr. James Lopez or his designee, appeals to the City Manager or his designee, and responses from these two offices will be retained by the City of Kirkland for at least three years.

The right of a person to a prompt and equitable resolution of a complaint filed under this grievance procedure shall not be impaired by the person's pursuit of other remedies such as filing an ADA complaint with the

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responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

An ADA complaint may be filed with the U.S. Department of Justice by mail, fax, or email as follows:

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Civil Rights Division

Disability Rights Section – 1425 NYAV

Washington, D.C. 20530

(202) 307-1197 (fax)

[ADA.complaint@usdoj.gov](mailto:ADA.complaint@usdoj.gov)

## Appendix C – Policies and Procedures for Effective Communication

In order to provide effective communication to all individuals, the City of Kirkland has established the following policies and procedures.

### **Event Accommodation Procedure**

#### **Policy:**

The City of Kirkland strives to make all events accessible to all its citizens and visitors. The City will provide services upon request for reasonable accommodations for interpretive needs, auxiliary aids, or other services for effective communication for all meetings and events. One week advance notification is recommended, but the City will strive to provide reasonable accommodation at least 48 hours in advance as per the ADA Notice. Priority is given to the requestor's primary choice of accommodation, but the City may provide another form of accommodation if the primary format is not available in the time frame given. Family members or others accompanying an individual are not required to serve as interpreters unless the individual requests it. The City will not charge an individual or their families for accommodation services. All records of accommodation requests will be kept on file consistent with public records law.

#### **Procedure:**

Requests for accommodations at a City meeting, event or program activity should include:

- The requestor's name, address, email and telephone number (if any)
- A description of the program, service or activity where the accommodation is required
- The location of the program, service or activity
- A brief description of the type of accommodation needed
- A brief statement of reason for accommodation

Requests received by departments should be addressed by the department ADA Lead and a resolution form sent to the HR ADA Lead after the request has been addressed. If the department needs additional assistance they may contact the ADA Coordinator and request assistance with the accommodation request.

The ADA Lead for that department will:

1. Contact individual with the request, obtain contact information and verify the form of accommodation and a location
2. Arrange for accommodation by either:
  - Consult Resource Guide and arrange for service (i.e. interpreter) (Resource Guide provided)
  - Verify auxiliary aid equipment is available from IT
3. Designate a contact person at the event for the requestor and to either:
  - Connect the interpreter with the requestor
  - Deliver and retrieve the auxiliary device
4. Notify requestor of contact person and accommodation
5. Notify event sponsors of accommodation
6. Complete the resolution form and return a copy to the HR ADA Lead

HR ADA Lead to complete ADA Activity Report

## **Alternative Communication Format Request**

**Policy:** All materials produced by the City of Kirkland will be available in alternative formats upon request at no charge to the individual.

### **Procedure:**

Requests for materials in alternative formats should include:

- The requestor's name, address, email and telephone number (if any)
- The name or description of the City document or materials to be reformatted
- What type of format is desired? (E.g. Braille, audio recording, computer disk, etc.)
- A brief statement of reason for alternative format

The City will give primary consideration to the requestor's format of choice, but will retain the option to offer another format if necessary.

All requests for alternative formats will be kept on file consistent with public records law.

The ADA Lead for that department will:

1. Contact the requestor and obtain contact information and verify document information to be translated
2. Consult Resource Guide and contact provider to arrange translation, obtaining time frame and quote
3. Notify requestor of time frame and verify method of delivery of final document
4. Obtain translated document and forward to requestor
5. Complete Resolution form and attach copy of original document translated and forward to HR ADA Lead

HR ADA Lead to complete ADA Activity Report

## Appendix D – Website Accessibility Checklist

Project		Website Accessibility - Kirklandwa.gov		
Checklist Items	In Place	In Planning	Transition Plan	
1	Does the top of each page with navigation links have a "skip navigation" link?	Yes		
2	Do all the links have a text description that can be read by a screen reader (not just a graphic or "click here")?	No	The CMS system requires every link and every image placed in the system to have an alt title. Words may appear on the site as click here; despite training; the alt title should be better than click here. We consistently train people not to do it but it still occurs from time to time	When a "written" policy is in place we will be able to enforce it
3	Do all the photographs, maps, graphics and other images on the website currently have HTML tags (such as an "alt" tag or a long description tag) with text equivalents of the material being visually conveyed?	No	While the majority of all images have alt tags included; the CMS requires an ALT tag for every digital asset put in the system. There are instances of images being used for design and templates. With the new design those should disappear.	We will use our site improve web tool to target non-compliant image references and fix. End of 2015 would be our goal for compliance.
4	Are all the documents posted on your website available in HTML, or another text-based format (for example, rich text format (RTF) or word processing format), even if you are also providing them in another format, such as Portable Document Format (PDF)?	No	The city website is a blend of html and accessible PDF's. In 2006/2007 the web team began to implement an accessible PDF initiative by directing users to create all PDF's from of their native format. This process creates an accessible and readable PDF file suitable for screen readers. This checklist most likely predates this initiative by ADOBE and other document creation companies putting a focus on accessibility. In addition if a document is scanned (such as a TRIM document) it is usually also OCR'd to create a "readable" document format. Though we can't ensure all historical documents are in compliance we are confident the majority of the website's files should be accessible with assistive devices.	We will continue to use pdf's as we feel that they are accessible to those using assistive devices. We will just be stricter about enforcing ADA policy (when written) and not allowing non accessible formats on the web. Moving forward we will need to develop a policy; then a process to remove old legacy content. We will need to further evangelize not scanning content and then sweep the site and remove old non-compliant materials. Due to the sheer number of documents this would take a considerable amount of time to be fully compliant
5	If your website has online forms, do HTML tags describe all of the controls (including all text fields, check boxes, drop-down lists, and buttons) that people can use in order to complete and submit the forms?	No	We have a mix of web surveys and forms throughout the site in various formats and links to 3rd party entities. We would have to do an inventory and assess impact. We have an adobe fillable forms project currently in process and that has a high focus on accessibility. This may be resolved as a result of that initiative.	This would take a better part of a year to assess and target non-compliant usage. Depending on number of forms a transition could take up to a year to complete and train staff in accessible practices.

6	If your website has online forms, does the default setting in drop-down lists describe the information being requested instead of displaying a response option (e.g. "your age" instead of "18-21")?	No		This would take a better part of a year to assess and target non-compliant usage. Depending on number of forms a transition could take up to a year to complete and train staff in accessible practices.
7	If a webpage has data charts or tables, is HTML, used to associate all data cells with column and row identifiers?	No	We are phasing out tables in our new site design. If they are required we will try to get them into an accessible format.	This would take a better part of a year to assess and target non-compliant usage. Depending on number of pages a transition could take up to a year to complete and train staff in accessible practices.
8	Do all video files on your website have audio description of what is being displayed to provide access to visually conveyed information for people who are blind or have low vision?	No	The city does not close caption any of its video or audio material.	If the city decides close captioning video is possible under reasonable accommodation of ADA, streaming audio and video files will need to be factored into the initiative as well. Our streaming solution vendor does support caption files in .smi or .sami file types.
9	Do all video files on your website have written captions of spoken communication synchronized with the action to provide access to people who are deaf or hard of hearing?	No	The city does not close caption any of its video or audio material.	If the city decides close captioning video is possible under reasonable accommodation of ADA, streaming audio and video files will need to be factored into the initiative as well. Our streaming solution vendor does support caption files in .smi or .sami file types.
10	Do all audio files on your website have written captions of spoken communication synchronized with the action to provide access to people who are deaf or hard of hearing?	No	The city does not close caption any of its video or audio material.	If the city decides close captioning video is possible under reasonable accommodation of ADA, streaming audio and video files will need to be factored into the initiative as well. Our streaming solution vendor does support caption files in .smi or .sami file types.
11	Have all the webpages been designed so they can be viewed using visitors' web browser and operating system settings for color and font?	Yes	Our new design is much more conducive to user control of size, color and font.	If the city decides close captioning video is possible under reasonable accommodation of ADA, streaming audio and video files will need to be factored into the initiative as well. Our streaming solution vendor does support caption files in .smi or .sami file types.
12	Do you have a written policy on website accessibility?	No	We do have the Kirkland Accessibility notice on the city website, but it does not apply directly to the website.	An official policy will be developed and adopted as part of the transition plan.



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1 3	Is the website accessibility policy posted on your website in a place where it can be easily located?	N/A		An official policy will be developed and adopted as part of the transition plan.
1 4	Have procedures been developed to ensure that content is not added to your website until it has been made accessible?	N/A	There is no official policy. We train on the basics of accessibility and the CMS system prohibits most bad practices.	We will develop procedures based on policy completion and DOJ's completion timeline of title II rewrite.
1 5	Does the website manager check the HTML of all new webpages to confirm accessibility before the pages are posted?	yes	We have not adopted a standard, so we check for basic ADA issues, such as alt tags.	With the decision of a standard and development of a policy we will have better tools to enforce compliance.
1 6	When documents are added to your website in PDF format, are text-based versions of the documents (e.g. HTML, RTF, or word processing format) added at the same time as the PDF versions?	N/A	We focus on producing PDF's in accessible format.	
1 7	Have in-house staff and contractors received information about the website accessibility policy and procedures to ensure website accessibility?	N/A		
1 8	Have in-house and contractor staff received appropriate training on how to ensure the accessibility of your website?	Yes		
1 9	Have in-house and contractor staff who create web content or post it on your website received copies of the Department of Justice's technical assistance document "Accessibility of State and Local Government Websites to People with Disabilities"?	No	We will be have our	We will include material
2 0	If your website contains inaccessible content, is a specific written plan including timeframes in place now to make all of your existing web content accessible?	No	We will develop one by the end of 2015 or sooner.	
2 1	Have you posted on your website a plan to improve website accessibility and invited suggestions for improvement?	No	Will be developed in conjunction with the policy	Will be developed in conjunction with the policy
2 2	Does your website home page include easily locatable information, including a telephone number and email address, for use in reporting website accessibility problems and requesting accessible services and information?	Yes	In the footer of every webpage on the website.	

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2 3	Do you have procedures in place to assure a quick response to website visitors with disabilities who are having difficulty accessing information or services available via the website?	Yes		
2 4	Have you asked disability groups representing people with a wide variety of disabilities to provide feedback on the accessibility of your website?	No	We will most likely pay to have an audit done to the website to gain feedback on our various websites	
2 5	Have you tested your website using one of the products available on the Internet to test website accessibility?	Yes	We use a system called site improve to continually monitor the site.	As we move to our new web design we will most likely work to become WCAG 2.0 (A) certified.
2 6	Are alternative ways of accessing web-based information, programs, activities, and services available for people with disabilities who cannot use computers?	Yes	Even though the website is the primary delivery method of information it should never eliminate other offline formats available to the public.	Language will be included in the policy to ensure that content should be available in multiple non electronic formats

## Appendix E – Program Access Policy and Procedures

### Accessibility (Facilities or Right-of-Way) Request Policy and Procedure

#### Policy:

The City of Kirkland strives to provide accessibility to and through all government facilities and remove barriers to public right-of-ways. The ADA Transition Plan addresses those areas that are not currently compliant and spells out the process and timeline to bring each area into compliance with the Title II Americans with Disabilities Act Standards. Individuals who find areas that need to be addressed may file an Accessibility Request with the ADA Coordinator. All accessibility request documentation will be kept on file consistent with public records law.

#### Procedure:

The request should contain the following information:

- The requestor's name, address, email and telephone number (if any)
- The location (street address, building name) of the accessibility issue
- As detailed as possible the accessibility issue

Upon receiving the accessibility request the ADA Coordinator or designated employee will fill out a resolution form and then contact the ADA Lead for the department that could address the request (i.e. Facilities or Parks) and forward the request to that department.

The ADA Lead for that department will:

1. Contact individual with the request and arrange to meet with the individual (if needed) or notify the individual of the assessment process.
2. Review the site issue taking pictures and measurements and documenting these.
3. Based on assessment complete one of the two following procedures:
  - a) Create a letter stating plan for immediate correction and proposed timeline.
  - b) Arrange an inter-departmental meeting (including ADA designee) to discuss assessment and inclusion of project in longer term planning, ADA Transition Plan and possible alternatives
    - After meeting create letter providing narrative of assessment, meeting decisions and documentation of alternatives
    - Contact requestor and notify of findings and letter
    - Mail or deliver letter in format appropriate for request
4. Complete resolution form and attach a copy of the letter of assessment and any supporting documents to the ADA Coordinator or designee along.

HR ADA Lead to complete ADA Activity Report

# Appendix F – Facilities Checklist

Programs	Personnel Office	Restrooms	Building Corridors	Building Access	Facilities Pre-																
					Project	1	2	3	4	5	6	7	8	9	10	11	12				
1	4	1-7	1-7	1-7	City Hall	505 Market	Kirkland Teen Center	Peter Kirk Comm Ctr	Kirkland Performing Arts Center	Northkirk Community Center	Annex	1129 MC Annex	Heritage Hall	Maint Build A	Fire Station 21	Fire Station 22	Fire Station 24	Fire Station 25	Fire Station 26	Fire Station 27	

## Appendix G – Parks ADA Project Plan

## Parks

Park Name	Neighborhood	ADA Compliance Projects (slated for 2019-2020)	Barrier Priority	Cost	Project Length	Planned Date	Completion Date
132 <sup>nd</sup> Square Park	Kingsgate						
Big Finn Hill	Finn Hill						
Bridle Trails State Park (WA)	Bridle Trails						
Brookhaven	North Juanita	Accessible pathway to creek	R2			2019-2021	
Carillon Woods	Central Houghton	Add ADA accessible connections to existing amenities	R2			2019-2021	
Carillon Woods	Central Houghton	Upgrade play structures and surfacing	R2			2019-2021	
Cedar View Park	Highlands	ADA accessible swing	R2			2019-2021	
Cedar View Park	Highlands	Accessible paths	R2			2019-2021	
Crestwoods	Norkirk	Upgrade play structure to ADA compliance	R2			2019-2021	
David E Brink	Moss Bay						
Edith Moulton Park	North Juanita						
Everest							
Forbes Creek	Highlands						
Forbes Lake Park	North Rose Hill						
Heritage Park	Market						
Heronfield Wetlands	Totem Lake						
Highlands	Highlands	Accessible ramps to play area	R2			2019-2021	
Highlands	Highlands	Upgrade picnic table to ADA compliant and access	R2			2019-2021	
Houghton Beach	Lakeview						
Jasper's Dog Park	Totem Lake	Accessible pathway from parking to dog park	R2			2019-2021	
Juanita Beach	South Juanita	Accessible pathways					2016
Juanita Beach Park	South Juanita	Bathhouse replacement and shelter	R2	\$ 1,200,000	2 years	2015-2017	
Juanita Heights	Finn Hill						
Kingsgate Park	Kingsgate						
Kiwanis	Market						
Lake Ave W Street End	Market						
Marina	Moss Bay						
Mark Twain	North Rose Hill	Accessible ramps to play area	R2			2019-2021	
Marsh	Lakeview						
McAuliffe Park	South Juanita	ADA accessible planting beds and pathways	R2			2019-2021	

<b>North Kirkland Community Center</b>	<b>North Juanita</b>	Accessibility to front of the building	R2			2019-2021	
<b>North Rose Hill Woodlands Park</b>	<b>North Rose Hill</b>						
<b>Ohde Pea Patch</b>	<b>Central Houghton</b>						
<b>OO Denny Park (Seattle)</b>	<b>Finn Hill</b>						
<b>Peter Kirk Park</b>	<b>Moss Bay</b>						
<b>Phyllis A Needy</b>	<b>Central Houghton</b>	Accessible paths	R2			2019-2021	
<b>Phyllis A Needy</b>	<b>Central Houghton</b>	Upgrade picnic table to ADA compliant	R2			2019-2021	
<b>Reservoir</b>	<b>Norkirk</b>						
<b>Rose Hill Meadows</b>	<b>South Rose Hill</b>	Adaptive Swing					2016
<b>Rose Hill Meadows</b>	<b>South Rose Hill</b>	Upgrade picnic table to ADA compliant	R2			2019-2021	
<b>Settler's Landing</b>	<b>Moss Bay</b>						
<b>Snyder's Corner Site</b>	<b>Bridle Trails</b>						
<b>South Norway Hill Park Site</b>	<b>Kingsgate</b>						
<b>South Rose Hill</b>	<b>South Rose Hill</b>	Accessible ramps to play area	R2			2019-2021	
<b>South Rose Hill</b>	<b>South Rose Hill</b>	Upgrade picnic table to ADA compliant	R2			2019-2021	
<b>Spinney Homestead</b>	<b>Highlands</b>	Accessible ramps to play area	R2			2019-2021	
<b>Street Ends</b>	<b>Various</b>						
<b>Taylor Fields (KC)</b>	<b>Bridle Trails</b>						
<b>Terrace Park</b>	<b>Totem Lake</b>	Accessible ramps to play area	R2			2019-2021	
<b>Terrace Park</b>	<b>Lakeview</b>	Accessible connecting ramps to Cross Kirkland Corridor	R2			2019-2021	
<b>Tot Lot</b>	<b>Norkirk</b>	Adaptive Swing					2016
<b>Totem Lake</b>	<b>Totem Lake</b>						
<b>Van Aalst</b>	<b>Norkirk</b>	Accessible ramps to play area	R2			2019-2021	
<b>Watershed Park</b>	<b>Central Houghton</b>	ADA accessible paths	R2			2019-2021	
<b>Waverly Beach</b>	<b>Market</b>	Accessible path connecting upper and lower site areas	R2				2016
<b>Windsor Vista</b>	<b>North Juanita</b>	Porous pathway with ADA accessibility	R2			2019-2021	

Facility	ADA Compliance Projects (slated for 2019-2020)	Barrier Priority	Cost	Project Length	Planned Date	Completion Date
<b>North Kirkland Community Center</b>	Provide ADA accessibility at front of building	R1	\$ 1,000,000		2021+	
	Retrofit, expand or rebuilt facility to provide ADA access (T24)					

**R - Renovation and Repair**

**Priority Rating**

**1 - High Priority**

**2 - Medium Priority**

**3 - Low Priority**

**Trails**

Trail Name	Neighborhood	ADA Compliance Projects (slated for 2019-2020)	Barrier Priority	Cost	Project Length	Planned Date	Completion Date
<b>Bay to Valley</b>							
<b>Cross Kirkland Corridor</b>	<b>Various</b>	ADA accessible parking, connection access and signage					
<b>Eastside Powerline Corridor</b>	<b>Bridle Trails</b>						
<b>Finn Hill Connection</b>	<b>Finn Hill</b>						
<b>Lakeway Corridor</b>	<b>Finn Hill</b>						

## Appendix H – Emergency Management

<b>Emergency Management</b>			
	<b>Checklist Items</b>	<b>In Place</b>	<b>Next Step</b>
1	If you have a contract or other arrangement with any third party entities, such as American Red Cross or another local government, to provide emergency planning and/or emergency management or response services, does your contract or other documentation of your arrangement contain policies and procedures to ensure that the third party entities comply with ADA requirements as outlined in Chapter 7 of this Tool Kit including Addendum 2 and 3?	yes	
2	Do you have written procedures to ensure that you regularly seek and use input from persons with a variety of disabilities and organizations with expertise in disability issues in all phases of your emergency planning , such as those addressing preparation, notification, evacuation, transportation, sheltering, medical and social services, temporary lodging and/ or housing, clean-up and remediation?	yes	
3	Do you seek input and participation from people with disabilities and organization with expertise on disability issues when you stage emergency simulations and otherwise test your preparedness?	yes	
4	For planning purposes, have you determined the extent to which , in an emergency or disasters, people with disabilities who reside or visit your community are likely to need individualized notification , evacuation assistance, and/ or transportation, including accessible transportation?	yes	
5	Has your emergency planning identified the resources you will use to meet the needs of individuals with disabilities who require individualized notification, evacuation assistance, and/or transportation, including accessible transportation?	yes	
6	If your emergency warning systems use sirens or other audible alerts, do you have written procedures to ensure the use of a combination of methods to provide prompt notification of emergencies to persons who are deaf or hard of hearing?	yes	
7	Does your plan address the needs of people with disabilities who will require assistance leaving their homes?	yes	
8	Do you have written procedures to ensure that your community evacuation plans enable people with a wide variety of disabilities to safely self-evacuate and, for those who cannot self-evacuate, to receive evacuation assistance?	yes	
9	Have you established a voluntary, confidential registry for persons with disabilities to request individualized notification, evacuation assistance, and transportation?	No	
9a	If you maintain such a registry, do you have written procedures to ensure that it is voluntary, it has appropriate confidentiality controls, the information in the registry is regularly updated, and outreach to persons with disabilities and organizations with expertise on disability issues is conducted to inform them of its availability?	N/A	
10	Does your emergency transportation plan identify accessible transportation resources that will be available to evacuate persons with mobility disabilities, including people who use wheelchairs or scooters, people who use medical equipment, such as oxygen tanks and people who use service animals?	yes	
11	Do your emergency plans, policies, and procedures provide for people with disabilities to be evacuated and transported to shelters together with their families?	yes	



12	Do your emergency plans, policies, and procedures ensure that people with disabilities are not separated from their service animals during evacuation and transportation?	yes	
13	Have the following categories of individuals been trained on the information provided in Chapter 7, including Addends 2 and 3?		
13a	Emergency planners, those who designate to be used as shelters, and those who make advance arrangements to address emergency staffing, equipment, medical supplies, food and beverages, and other emergency-related needs?	yes	
13b	Staff and volunteers who participate in notification activities?	yes	
13c	First responders and other staff and volunteers who deal with evacuation, transportation, and emergency-related security?	yes	
13d	Shelter staff and volunteers and those who will be involved in routing people to shelters and deciding shelter placements for people with disabilities and their families?	yes	
13e	Individuals involved in establishing and operating temporary housing or lodging programs?	yes	
13f	Individuals who will establish and operate emergency-related medical and social service programs?	yes	
13g	Individuals who will be responsible for repair, rebuilding, and continuity of program operations following an emergency or disaster?	No	
14	Have you conducted an accessibility survey of all of your emergency shelter facilities, whether owned by government or a private entity to determine if they comply with ADA requirements?	No	
15	Have you identified access barriers at any of the shelter facilities?	No	
16	If you found barriers at emergency shelters, have you taken steps to ensure that the barriers are removed to provide (at a minimum) the following accessible features that comply with the requirements of the ADA Standards for Accessible Design (ADA Standards): parking, exterior routes from parking to the entrance, entrance, sleeping area, dining area, toilet facilities, bathing facilities, recreational areas, emergency exit, and interior routes to all of these areas?	N/A	
17	If all barriers have not been removed from a shelter, have you identified an appropriate number of alternative shelters that provide (at a minimum) the following accessible features that comply with the requirements of the ADA Standards: parking, exterior route from the parking to the entrance, entrance, sleeping area, dining area, toilet facilities, bathing facilities, recreational areas, emergency exit, and interior routes to all of these areas?	N/A	
18	Until all emergency shelters have the required accessible features referenced above, have you identified and widely publicized to the public and to persons with disabilities and disability organizations the most accessible emergency shelters and the accessible features that each has?	No	
19	Have you adopted policies and procedures to ensure that shelter staff and volunteers maintain accessible routes for individuals who use wheelchairs and other mobility aids?	Yes	
20	Have you adopted procedures to minimize protruding objects and overhead objects in shelters so that someone who is blind or had low vision can walk safely throughout the shelter?	Yes	
21	Have you adopted policies and procedures for shelter staff and volunteers to offer way finding assistance to people who are blind and those with low vision who may need assistance in understanding and navigating the shelter layout and locating shelter facilities (e.g. finding the route to the toilet room when furniture layouts change)?	No	

22	Have you established policies and procedures to ensure that, in the future, facilities are surveyed for accessibility and barriers to access are removed before a facility is designated as a shelter?	No	
23	Do you have supplies of informational materials routinely handed out at emergency shelters available in alternative formats (Braille, large print) for people who are blind or have low vision?	Yes	
24	Have you adopted policies and procedures for shelter staff and volunteers to provide assistance to people who are blind or have low vision by reading and completing forms and other written materials that are not available in alternative formats?	No	
25	Do any of your shelters have low-stimulation "stress-relief zones," such as empty classroom in a school building used as an emergency shelter?	Yes	
25a	If you offer "stress-relief zones," have you adopted policies and procedures to make these areas available on a priority basis to people whose disabilities are aggravated by stress?	yes	
26	Have you adopted emergency shelter eligibility policies and procedures to ensure that people with disabilities are housed at "mass care" shelters unless they are medically fragile?	Yes	
27	Have you adopted "mass care" shelter procedures to ensure that shelter staff and volunteers do not turn away people with disabilities who may need assistance with activities of daily living even though their personal care aides may not be with them?	Yes	
28	Have you adopted policies and procedures to ensure that "mass care," "special needs," and "medical" shelter staff and volunteers are trained and monitored so they provide safe, appropriate assistance with activities of daily living (e.g. eating, dressing, personal hygiene, transferring to and from wheelchairs) that some people with disabilities may require?	Yes	
29	If you provide a "special needs" or "medical" shelter, have you adopted eligibility policies and procedures to ensure that people with disabilities are not housed in such shelters just because they have a disability? (Note: Special needs and medical shelters are for medically fragile people who require the type of care provided in hospitals and nursing homes. Most people with disabilities are not medically fragile. The ADA requires emergency managers and shelter operators to accommodate people with disabilities in the most integrated setting appropriate to their needs.)	No	
30	Have your shelter staff and volunteers received training with site-specific instructions for providing people with disabilities access to all services, activities, and programs at "mass care," "medical," and "special needs" shelters?	No	
31	Do you have written policies and procedures to ensure that people who are deaf or hard of hearing, people with speech disabilities, and people who are blind or have low vision are provided with effective communication during their stay at a shelter?	No	
32	Do you provide a TTY at each emergency shelter for use by people who are deaf, are hard of hearing, or have speech disabilities?	No	
33	Do you have written procedures to ensure that persons with disabilities who use service animals are not separated from their service animals when using emergency shelters and have full access to shelter programs, services, and activities, even if pets are normally prohibited in shelters or in certain areas of shelters?	Yes	
34	Do you have written procedures to ensure that food, water, and a receptacle and plastic bags for disposal of service animal waste are available at emergency shelters?	Yes	

35	Have you established security procedures at shelters that allow people with service animals to take their animals outside for relief without unnecessary delays for security screening upon re-entry?	No	
36	Do you have written procedures to ensure that emergency shelters have back-up generators and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice)?	No	
37	Do your written procedures on back-up generators include a plan for routinely notifying the public and disability groups of the location of shelters providing electricity and refrigeration?	No	
38	Does your emergency management plan provide an effective way for people with disabilities to request and receive durable medical equipment and medication while in shelters?	No	
39	Have you established procedures for people with disabilities to request and receive cots or beds, modifications to cots or beds, securement of cots or beds to allow safe transfer to a wheelchair, and placement of cots or beds in specific locations when needed?	No	
40	Have you adopted kitchen access policies to provide immediate access to food and refrigerated medications for shelter residents and volunteers whose disabilities may require it?	No	
41	Does your emergency management plan ensure that at least some kinds of foods and beverages are available in emergency shelters for people with dietary restrictions, such as people who have diabetes or severe food allergies?	No	
42	Have you established policies and procedures to ensure that medical and social services and other benefits programs are accessible to people with disabilities, including people who use wheelchairs, scooters, and other mobility aids, individuals who cannot leave shelters because of their disabilities and people who use service animals?	Yes	
43	Have you established policies and procedures to ensure that application processes for benefit programs are designed so they do not exclude people with disabilities whose disabilities prevent them from using one particular type of application process (e.g. web-based application processes, telephone-based application processes, procedures requiring applicants to have a valid driver's license, or procedures requiring applicants to apply in person)?	No	
44	Do you have policies and procedures to ensure that your medical, social service, and other benefit programs provide effective communication to people with disabilities, including people who are deaf or hard of hearing and people who are blind or have low vision?	No	
44a	Do your policies and procedures include primary consideration of the communication method preferred by an individual with a disability?	Yes	
45	Have you adopted procedures to provide additional time, transportation, and search assistance for people with disabilities in emergency shelters to locate accessible temporary housing and support services in the community following an emergency?	No	
46	If you have a program to provide temporary housing to persons when they leave emergency shelters but cannot yet return home (e.g. housing in dormitories, rooms at lodging facilities, trailers) have you adopted a plan for providing prompt, equivalent temporary housing to persons with disabilities, including accessible housing for people who use wheelchairs, scooters, and other mobility aids and people who are deaf or hard of hearing?	No	

47	If you have a temporary housing program, do your information materials on temporary housing include information on accessible housing (such as the specific location of accessible hotel rooms within the community or in nearby communities and transportation resources available in that area)?	No	
48	Have you established policies and procedures to ensure that the repair and rebuilding of government facilities comply with the accessibility requirements of Title II of the ADA?	yes	
49	Have you established policies to ensure that programs relocating from a damaged facility on a temporary or permanent basis remain accessible to people with disabilities?	No	

## Appendix I – APS Policy

### CITY OF KIRKLAND

#### DEPARTMENT OF PUBLIC WORKS

#### PRE-APPROVED PLANS POLICY

##### Policy R-31: Policy for Installation of Accessible Pedestrian Signals and Pushbuttons

###### Intent:

It is the City's intention to be consistent with the most current version of the Public Right of Way Access Guidelines (PROWAG) in the provision of and location of accessible pedestrian signals and pushbuttons<sup>1</sup> (APS) at traffic signals. Further guidance is available in 28 CFR Part 36 and MUTCD section 4E.09.

###### Purpose:

The purpose of this policy is to establish reasonable and consistent policy for installing APS.

###### Scope (items presented in no particular order):

1. Requests. Requests for APS signals from the public will be responded to in a timely manner<sup>2</sup> and the consideration for installation will be done in accordance with applicable sections of the ADA.
2. New construction: New construction of traffic signal projects requires installation of APS and associated accessible features when pedestrian signals are installed.
3. Curb ramp replacement at traffic signals: Altering or replacing curb ramps does not require installation of APS unless the curb ramp cannot be altered or replaced without the alteration, installation or replacement of any pole to which a pedestrian push button is attached. Then, installation of APS on poles in accessible locations is required (see 5. below).
4. Minor work and routine maintenance at traffic signals: Projects, including but not limited to: emergency repairs<sup>3</sup>, signal timing adjustments (including signal phasing or coordination changes), vehicular detection installation and repairs, installation and repair of CCTV or other cameras, vehicular signal head upgrades and repairs<sup>4</sup>, and repair of pedestrian detection do not require installation of APS and associated accessible features.  
Signal controller software upgrades and repairs and/or cabinet upgrades and repairs that do not alter the operation or display of pedestrian signals do not require installation of APS and associated accessible features.
5. Other traffic signal projects: For traffic signal improvement projects that are not new construction, minor work and routine maintenance or curb ramp replacement projects:
  - A. Where the project scope, includes the alteration, installation or replacement of any pole to which a pedestrian push button is attached, installation of APS on poles in accessible locations is required. Relocation of poles may be required to achieve accessibility. Construction or alteration of curb ramps is not required.
  - B. Where the project scope, does not include the alteration, installation or replacement of any pole to which a pedestrian push button is attached, installation of APS at existing push button locations is required. Relocation of poles, construction or alteration of curb ramps, etc. is not required.

C. Signal controller software upgrades and repairs and/or cabinet upgrades and repairs that alter the operation or display of pedestrian signals require installation of APS at existing push button locations. Relocation of poles, construction or alteration of curb ramps, etc. is not required.

D. Adding or revising pedestrian signal heads or pedestrian detectors require installation of APS at existing push button locations. Relocation of poles, construction or alteration of curb ramps, etc. is not required.

E. In addition to the areas above, APS will be installed through fulfillment of the city's obligations to complete its ADA Transition Plan.

<sup>1</sup> An **Accessible Pedestrian Signal and pedestrian pushbutton** is an integrated device that communicates information about the WALK and DON'T WALK intervals at signalized intersections in non-visual formats (i.e., audible tones and vibrotactile surfaces) to pedestrians who are blind or have low vision.

<sup>2</sup> Timely manner means, at minimum, discussing the proposed timeframe with the requestor and agreement on a date for installation of APS

<sup>3</sup> Emergency repairs include repairs such as the replacement of a traffic control signal component with a replacement component that is similar in physical appearance and operation

<sup>4</sup> All signals maintained by the City of Kirkland have countdown pedestrian signal heads.

## Appendix J – Transportation/Sidewalk Assessment

**PW  
Transportation**

	<b>CODE</b>	<b>Improvements</b>	<b>Barrier Priority</b>	<b>Cost</b>	<b>Project Length</b>	<b>Planned Date</b>	<b>Completion Date</b>
Annual Street Improvements	ST 0006-000	Various locations curb ramp improvements		\$ 1,750,000	ongoing		2015 2016
Street Levy	ST 0006-003	Various locations curb ramp improvements		\$ 130,000	ongoing		2015
Pedestrian Safety	NM0006-200	Crosswalks and flashing beacons		\$ 200,000	ongoing		2015 2016
Neighborhood Safety	NM 0006-201	Crosswalks, intersection, walkway and sidewalk improvements		\$ 50,000	ongoing		2015 2016
Lake Front Pedestrian	NM 0089-000	Install 32 curb ramps to ADA compliance		\$ 1,000,000			2015
NE 85th St/114th Ave NE	TR 0079-001	Intersection improvements curb ramps		\$ 1,800,000		2017	
NE 104th St Sidewalk	NM 0061-000	ADA Ramps		\$ 1,085,000		unfunded	
19th Avenue Sidewalk	NM 0062-000	ADA Ramps		\$ 814,000		unfunded	
Kirkland Way	NM 0098-000	ADA Ramps		\$ 414,000		unfunded	2018
NE 132nd St Sidewalk	NM 0071-000	ADA Ramps		\$ 363,000		unfunded	
CKC to Redmond Central Connection	NM 0081-000	path ADA compliant pedestrian route		\$ 1,500,000		unfunded	
NE 124th St Sidewalk	NM 0088-000	APS and ADA ramps		\$ 376,000		unfunded	
124th Ave NE Sidewalk	NM 0089-000	ADA Ramps					2016
NE 116th street crosswalk upgrade	NM 0012 - 001	ADA Ramps					2017
NE 124TH St/124th Ave NE	TR 0091-101	ADA Ramps					2017
NE 132nd Street/116th Way NE	TR 0098-000	ADA Ramps					2017
City Wide Transit Study	PT 0001-000	Transit Study		\$ 300,000	1 year	2017	
Lake Front Promenade Design Study	NM 0109-002	Accessibility Study		\$ 75,000	1 year	2020	
	NM 0012 999	Crosswalk Upgrade Program		\$ 4,100,000		unfunded	

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**Streets Assessment**  
**Sidewalks and Curb**  
**ramps**

	<b>CODE</b>		<b>Barrier Priority</b>	<b>Cost</b>	<b>Project Length</b>	<b>Planned Date</b>	<b>Completion Date</b>
NE 116th Street	NM 0012-001	Crosswalk upgrade		\$ 430,000	2 years	2017-2018	
Central Way	NM 0012-004	Crosswalk upgrade		\$ 100,000	2 years	2019-2020	
12th Ave NE	NM 0095	Sidewalk Improvements		\$ 1,280,000	3 years	2016-2018	
City Wide Accessibility Improvements	NM 0110 001	Misc. ADA Needs		\$ 500,000	5 years	2018-2022	
NE 90th Street	NM 0026	Sidewalk Improvements		\$ 706,200		unfunded	
130th Ave NE	NM 0037	Sidewalk Improvements		\$ 833,600		unfunded	
NE 95th Street (Highlands)	NM 0045	Sidewalk Improvements		\$ 571,500		unfunded	
116th Ave NE	NM 0047	Sidewalk Improvements		\$ 840,000		unfunded	
NE 60th Street	NM 0048	Sidewalk Improvements		\$ 500,000		unfunded	
112th Ave NE	NM 0049	Sidewalk Improvements		\$ 527,600		unfunded	
NE 104th Street	NM 0061	Sidewalk Improvements		\$ 1,085,000		unfunded	
Kirkland Way	NM 0063	Sidewalk Improvements		\$ 414,500		unfunded	
NE 132nd Street - Finn Hill Middle School	NM 0072	Sidewalk Improvements		\$ 840,000		unfunded	
84th Ave NE	NM 0075	Sidewalk Improvements		\$ 4,052,800		unfunded	
NE 140th St - Muir Elem Walk Rt	NM 0076	Sidewalk Improvements		\$ 1,131,000		unfunded	
NE 140th St - Keller Elem Walk Rt	NM 0077	Sidewalk Improvements		\$ 1,185,000		unfunded	
NE 140th St - Keller Elem Walk Rd	NM 0078	Sidewalk Improvements		\$ 747,000		unfunded	
NE 140th St - Muir Elem Walk Rd	NM 0079	Sidewalk Improvements		\$ 648,000		unfunded	
NE 124th Street	NM 0088	Sidewalk Improvements		\$ 376,000		unfunded	
132nd NE	NM 0097	Sidewalk Improvements		\$ 732,000		unfunded	
7th Ave	NM 0101	Sidewalk Improvements		\$ 208,000		unfunded	
NE 120th Ave NE	NM 0102	Sidewalk Improvements		\$ 548,000		unfunded	
120th Ave NE	NM 0103	Sidewalk Improvements		\$ 556,000		unfunded	
NE 122nd Place/NE 123rd Street	NM 0104	Sidewalk Improvements		\$ 1,294,000		unfunded	
120th Ave NE	NM 0105	Sidewalk Improvements		\$ 812,000		unfunded	



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93rd Ave	NM 0032	Sidewalk Improvements		\$ 1,048,000		unfunded	
18th Ave	NM 0046	Sidewalk Improvements		\$ 2,255,000		unfunded	
NE 80th St	NM 0050	Sidewalk Improvements		\$ 859,700		unfunded	
13th Avenue	NM 0054	Sidewalk Improvements		\$ 446,700		unfunded	
122nd Ave NE	NM 0055	Sidewalk Improvements		\$ 866,700		unfunded	
19th Ave	NM 0062	Sidewalk Improvements		\$ 814,200		unfunded	
90th Ave NE	NM 0074	Sidewalk Improvements		\$ 353,400		unfunded	

Resources:

Compliance

"Accessibility of State and Local Government Websites to People with Disabilities" U.S. Department of Justice. [www.ada.gov/websites2.htm](http://www.ada.gov/websites2.htm) Accessed November 15, 2016.

WSDOT Local Agency Guidelines M 36-63.29 publication October 2015 Prompt list for meeting ADA/Section 504 requirements Updated March 2016.

United States Access Board "Guides and Standards". Accessed July 2014 (<http://www.access-board.gov/guidelines-and-standards>)

Northwest ADA Center. 2014. "State and local governments". Accessed July 2014 (<http://nwadacenter.org>)

Parks, Parks Facilities and Trails

2015 Parks, Recreation and Open Spaces Master Plan (PROS)

Transportation and Sidewalks

2015-2020 Capital Improvement Plan - City of Kirkland

2017-2022 Capital Improvement Plan - City of Kirkland

**MEMORANDUM – DRAFT**

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2707 Colby Avenue, Suite 900, Everett, WA 98201 | P 425.252.7700

To: Brian Baker, City of Kirkland

From: Gina Parenteau, PE, Perteet Inc.  
Ryan Abbotts, AICIP, CH2M

Date: February 15, 2017

Re: Review of the City of Kirkland Draft 2016 Americans with Disabilities (ADA) Compliance Pre-Assessment Report

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**Introduction**

The purpose of this memorandum is to provide comments on the content of the City of Kirkland Draft 2016 Americans with Disabilities (ADA) Compliance Pre-Assessment Report and provide recommendations for additional considerations with respect to compliance to Title II of the Americans with Disabilities Act (ADA). The Consultant team (Perteet Inc. and CH2M) has reviewed the report in comparison to Title II to see if the report addresses areas outlined in Title II with respect to evaluating services, policies, and practices that may be provided by the City.

Based on the review of the Pre-Assessment Report, below are comments, questions, and items of note that relate to compliance to Title II and self-evaluation under Title II.

**General Report Comments**

1. The Pre-Assessment Report serves as a good roadmap for the City's steps towards completing an evaluation of services, policies, and practices for ADA compliance. It identifies what is completed, what areas still need to be evaluated, and what areas have a completed evaluation, which are ready to be used for elements of the ADA Transition Plan. The City may want to consider turning the Pre-Assessment Report into an ADA Compliance "Action Plan", with some more specifics as to what needs to be done.

The Action Plan would be different than the Transition Plan. The Transition Plan serves as the guide for implementing the upgrade/repair of the ADA compliance deficiencies, once they are determined. The Action Plan would serve as a guide for the City that not only outlines the completed evaluation status of each area, but also identifies what steps need to be taken in the future to complete the ADA compliance evaluations. The Action Plan could include the following elements for each area:

- a) What has been completed (this is already provided in the Pre-Assessment Report);
- b) What needs to be completed, including a summary of the action steps the City will take to get to a completed ADA compliance evaluation. This would include some additional specific actions to those general steps that are already in the Pre-Assessment report. These could include specifics on the responsible department, timeline, internal and external resources, budget needed, and potential funding sources.
- c) Include an "Update" date on the Action Plan each time there is an update.

## MEMORANDUM

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It is intended that the Action Plan would be a living document to be updated as actions progress. The Action Plan would be a good tool for recording City progress and how evaluation steps were taken. Keeping this separate from the Transition Plan would result in a Transition Plan that is easier to manage and implement by the responsible departments within the City.

2. If the Pre-Assessment Report is modified to become the Action Plan:
  - Consider more clearly identifying that this is for Title II, and defining the applicable components of Title II.
  - Consider referencing that Section 508 was/will also be addressed, as this is not part of Title II, but is being considered and evaluated by the City. If added, consider providing context of Section 508 and general requirements.
  - Consider adding the PROWAG as one of the ADA compliance guidance measurements if the City did/will be using this document for the public right-of-way.
3. Has the City evaluated City of Kirkland Standard Plans and Development Standards for ADA compliance?
4. Is the City's construction inspection/management group trained in ADA compliance while building of new facilities?
5. Is it identified to review policies such as local laws, ordinances, and regulations? For example, if there was a municipal ordinance banning animals from city health clinics this may need to be modified to allow a blind individual who uses a service animal to bring the animal to a mental health counseling session. Has this already been done or is it underway through some other plan?
6. Note that policies, practices and procedures permitting service animals are directly identified in Section 35.136 of Title II.
7. Consider adding a specific maintenance budget/program for accessible facilities, if not already established.

### Section 1 – ADA Coordinator, Notice and Grievance Procedure

1. If the Pre-Assessment Report is modified to become the Action Plan, consider providing specific names and contact information for the ADA Coordinator and Liaisons.

### Section 2 – Effective Communication

1. The Table 2 for effective communication asks "Where telephones are available for the public for making outgoing calls, are TTY's available for people with hearing and speech disabilities. This is just if the phones are provided – are there any phones provided by the City? Just a reminder to confirm there are phones, but the City does not need to add phones if there are no phones for public use.
2. Consider providing a standardized program for public materials for ADA accommodation. Standardized templates and training will reduce rework to make 508-compliant documentation.
3. Consider adding a diagram identifying the ADA contact point and showing the process through the City. The graphic could show where ADA requests are directed; for example, all communication requests could initially be sent to the Communication Liaison versus the ADA Coordinator.

## MEMORANDUM

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### Section 3 – Website Accessibility

1. The Section 508 Refresh was announced in January 2017. The 508 bot is a useful tool and will likely be updated based on the changes to Section 508. Consider tracking this update and re-running the tool when update is available.
2. The 508 Refresh includes a “Safe Harbor” provision for existing (legacy) ICT content. Under this provision, unaltered existing ICT (including content and PFDs) that complies with the existing 508 standards need not be modified or upgraded to conform with the revised 508 standards.

### Section 4 – Program Access

1. Does the program access, through the definition provided, include parking, walkways and accessibility within the site in order to get to the building? Is this considered the “physical access to a building”? Is the City evaluating site access elements including parking, walkways and curb ramps within the sites for all locations identified under this Section? Consider expanding the definition to be more specific to the site around the building.
2. Facilities:
  - a. Did the pre-assessment include the walkways, curb, ramps, or other ramps leading up to the building, or are these related facilities addressed somewhere else?
  - b. Note that accessibility for personnel offices was mentioned; however, this is not specifically included in Title II unless the public has access to these spaces.
3. Parks:
  - a. Was a pre-assessment done/will there be one for parking, curb ramps, walkways, other ramps, and restrooms?
  - b. Has the City done/will they do an assessment of other programs offered by the Parks Department – such as classes/courses or events offered by the City? Note that this should be evaluated. If Parks is responsible for these events, it may be a good to keep the Parks related programs under their umbrella.
  - c. Consider using a Certified Playground Safety Inspector (CPSI) with knowledge of surfacing and materials for the ADA compliance evaluation. A CPSI can perform an ADA/ABA Accessibility inventory of accessible play on the playground as required by the relatively new Federal Law requiring playgrounds to come into compliance by March 15, 2012.
  - d. Will interpretive features at parks be accessible; for example, will interpretive signage also be available in an audio format or in Braille?

### Section 5 – Curb Ramps and Pedestrian Crossings and Public Right-of-Way

1. Accessible pedestrian facilities within the public right-of-way include, sidewalks/walkways, curb ramps, crossings, pedestrian signals, and on-street parking spaces. Consider evaluating the crossings and pedestrian signals.

## MEMORANDUM

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### Section 6 – Emergency Management

No comments. It appears this will be handled separately in the City's Continuity of Operations Plan, and there are no details in this Pre-Assessment Report.

### Section 7 – Accessible Pedestrian Signal and Pushbutton (APS) Policy

No comments.

### Appendix A – ADA Notice

No comments.

### Appendix B – ADA Grievance Procedure

No comments.

### Appendix C – Policies and Procedures for Effective Communication

1. Consider providing names of the ADA leads/liasons for each department
2. Confirm in the text that all requests and responses for alternative formats will be kept on file for at least three years.

### Appendix D – Website Accessibility Checklist

1. In items where the checklist suggests a completion date of the year 2015, suggest updating date of compliance to 2018 throughout.
2. In the table, for Item 17: The response is N/A. Maybe provide an explanation of why this is N/A – is this because these things go through the IT department? Or City does not have a policy put together? Consider advising in-house staff and contractors that they must submit material in a format conducive to accessibility: Can be costly and time-consuming to remediate improperly created graphics, scanned material, etc.
3. In table for Item 19: Note – “In planning” column is missing information.
4. In table for Item 25: Note that content must now conform to WCAG 2.0 Level A/AA requirements

### Appendix F – Program Access Policies and Procedures

1. Under the section “Procedure”, under “The ADA Lead for that department will” – consider adding a step that directs the ADA Lead to check the Transition Plan to see if the facility is already dressed. Although there is no Transition Plan currently, there will be one in the near term for some facilities, so City may want to consider adding this step.

## MEMORANDUM

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### Appendix G – Facilities Checklist

1. Are the municipal court and the police department one of the buildings on this checklist?
2. Under building access items – see the notes about walkways, curb ramps, etc. under Section 4 comments.

### Appendix H – Parks ADA Project Plan

No comments, assuming this is a list of planned projects at this time, and not necessarily self-evaluation/inventory list.

### Appendix I – Emergency Management

1. In the table under Item 32: Refer to Section 508 Refresh, which also covers Section 255 (telecommunications equipment).

### Appendix J – APS Policy

Not within Consultant Scope of Services to review the City's current APS Policy.

### Appendix K – Transportation/Sidewalk Assessment

No comments, assuming this is a list of planned projects at this time, and not necessarily a full self-evaluation/inventory list comprised of all non-compliant facilities.

### Conclusion

Overall the Pre-Assessment Report addresses many of the areas described in Title II of the ADA, and items of note are discussed in the comments above. The language of Title II is not specific to every program, policy, or service the City may provide, and it is the City's responsibility to identify review those that relate to the sections described within Title II.

As an additional informal resource, a Summary of Compliance Requirements of the Americans with Disabilities Act Title II Regulations is included as an Appendix to this Memorandum. This summary has been prepared to identify sections of Title II, in a condensed format, that provide direction for actions to be taken by local agencies (City for this planning exercise) towards full compliance with Title II. The summary references sections of Title II that provide guidance on providing compliance of services, programs and activities and sections that provide guidance on self-evaluation and the Transition Plan. The examples provided are representative of services, policies, and practices that may be provided by the City, and is not a representation of ALL services, policies, and practices that may be provided by the City. This summary does not consist of all language or sections within Title II, but only language to guide the planning effort. This summary does not provide information on compliance with Section 504 of the Rehabilitation Act of 1973.

APPENDIX A

Summary of Compliance Requirements for the  
Americans with Disabilities Act Title II Regulations

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**SUMMARY OF COMPLIANCE REQUIREMENTS  
AMERICANS WITH DISABILITIES ACT (ADA) – TITLE II REGULATIONS (AS AMENDED SEPTEMBER 15, 2010)**

**Purpose of this Summary:** This summary has been prepared to identify sections of Title II, in a condensed format, that provide direction for actions to be taken by local agencies (City for this planning exercise) towards full compliance with Title II. The summary references sections of Title II that provide guidance on providing compliance of services, programs and activities and sections that provide guidance on self-evaluation and the Transition Plan. The examples provided are representative of services, policies, and practices that may be provided by the City, and is not a representation of ALL services, policies, and practices that may be provided by the City. This summary does not consist of all language or sections within Title II, but only language to guide the planning effort. This summary does not provide information on compliance with Section 504 of the Rehabilitation Act of 1973.

Title II of the ADA focuses on nondiscrimination on the basis of disability in State and local government services.

**SUMMARY:**

**Subpart A – General**

35.101 Purpose

To effectuate Subtitle A of Title II of the ADA of 1990, which prohibits discrimination on the basis of disability by public entities.

35.104 Definitions

*(selected definitions)*

*Facility* means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

*Public entity* means:

- (1) Any State or local government;
- (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

Requirement	Summary Statement of Requirements	Examples of What This Means
<p>35.102 Application</p> <p>(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities provided or made available by public entities.</p> <p>(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA, they are not subject to the requirements of this part.</p>		<p>Including: Courts, town meetings, police department, fire department, motor vehicle licensing, employment (note: employment essentially falls under Title I, as described in Section 34.140 of Title II).</p>
<p>35.105 Self-Evaluation</p> <p>(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.</p>	<p>A public entity shall complete a self-evaluation of its current services, policies, and practices for compliance with Title II.</p> <p>The self-evaluation was originally intended to be completed by July 26, 1991, which was one year from the original enactment date of the ADA of July 26, 1990.</p> <p><i>Note: Enforcing compliance of a self-evaluation and preparation of a Transition Plan is a recent initiative by the US Department of Transportation/FHWA. At this time (February 2016), informally, FHWA for Washington State is requiring that Cities be making progress towards a self-evaluation and Transition Plan; however, a date for completion has not yet been established.</i></p>	<p>Services:</p> <ul style="list-style-type: none"> <li>• Buildings with public access</li> <li>• Site facilities that access public buildings</li> <li>• Public right-of-way (roadways)</li> <li>• City owned trails</li> <li>• City owned parks or other recreational facilities</li> <li>• Library</li> <li>• Municipal court</li> <li>• <i>Also see Subpart B, Section 35.130 for examples</i></li> </ul> <p>Policies</p> <ul style="list-style-type: none"> <li>• Grievance procedure</li> <li>• Local laws, ordinances and regulations                             <ul style="list-style-type: none"> <li>○ For example, where a municipal zoning ordinance requires a set-back of 12 feet from the curb in the central business district, installing a ramp to</li> </ul> </li> </ul>



**SUMMARY OF COMPLIANCE REQUIREMENTS  
AMERICANS WITH DISABILITIES ACT (ADA) – TITLE II REGULATIONS (AS AMENDED SEPTEMBER 15, 2010)**

Requirement	Summary Statement of Requirements	Examples of What This Means
35.105 Self-Evaluation (continued)		<p>ensure access for people who use wheelchairs may be impermissible without a variance from the city. People with disabilities are therefore unable to gain access to businesses in the city.</p> <ul style="list-style-type: none"> <li>○ For example, a municipal ordinance banning animals from city health clinics may need to be modified to allow a blind individual who uses a service animal to bring the animal to a mental health counseling session. 28 C.F.R. § 35.130(b)(7).</li> </ul> <p>Practices</p> <ul style="list-style-type: none"> <li>● Job announcements, applications and hiring process</li> </ul>
35.105 Self-Evaluation (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.	Provide the public the opportunity to submit comments on the self-evaluation process.	<p>Public Comment</p> <p>Active opportunities for public to provide comments.</p> <p>Suggestions:</p> <ul style="list-style-type: none"> <li>● Open house formats</li> <li>● On-line participation</li> <li>● Mail-in surveys/comments</li> <li>● Direct communication with individuals or organizations representing individuals with disabilities</li> </ul>
35.105 Self-Evaluation (c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:	<p>✓ If City employs 50 or more persons: Provide a record of the self-evaluation for the public inspection for at least three years.</p>	<p>✓ If City employs 50 or more persons: Prepare a “Self-Evaluation Action Summary,” describing the process and results of the self-evaluation.</p>
35.105 Self-Evaluation (d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing Section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.	If the City has already prepared a self-evaluation under Section 504 of the Rehabilitation Act of 1973, then only supplemental evaluation will be needed.	
35.106 Notice A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.	Provide a document for public review stating the City’s policies on compliance with Title II.	Adopt a City Policy for Compliance Regarding the ADA (and Section 504 of the Rehabilitation Act), or a Notice of Non-Discrimination, and make available to the public.
35.107 Designation of Responsible Employee and Adoption of Grievance Procedures (a) <i>Designation of responsible employee.</i> A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.	<p>✓ If City employs 50 or more persons: Formally designate an employee to ensure the ADA compliance responsibilities of the City are carried out.</p>	<p>✓ If City employs 50 or more persons:</p> <ul style="list-style-type: none"> <li>● Designate an employee as the ADA Coordinator</li> <li>● Establish a job description for the ADA Coordinator</li> <li>● Make the ADA Coordinator’s contact information available to the public</li> </ul>
35.107 Designation of Responsible Employee and Adoption of Grievance Procedures (b) <i>Complaint procedure.</i> A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.	<p>✓ If City employs 50 or more persons: Establish a formal grievance procedure for complaints.</p>	<p>✓ If City employs 50 or more persons:</p> <ul style="list-style-type: none"> <li>● Establish a formal complaint procedure for the public</li> <li>● Establish a formal internal process for handling complaints by the public</li> <li>● Make the formal complaint procedure available to the public</li> </ul>

See next page for Subpart B – General Requirements.

## Subpart B – General Requirements

### 35.130 General Prohibitions Against Discrimination

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

Requirement	Summary Statement of Requirements	Examples of What This Means
<p>35.130 General Prohibitions Against Discrimination            (a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.</p>	<p>Services, programs, and activities provided by the City must be accessible.</p>	<ul style="list-style-type: none"> <li>• Police, fire, and emergency response services.</li> <li>• Bill paying for City services – any method, including online payment options</li> <li>• Application filing – any method</li> <li>• Licensing services</li> <li>• Ticketing sales for events</li> <li>• Public meetings</li> <li>• Public records requests</li> <li>• Swimming pool – activities hosted by the City</li> <li>• Library – library story time</li> <li>• Senior center – music, programs</li> <li>• Parks and Rec Department – rec classes, and also the registration process</li> <li>• City functions</li> <li>• Municipal court               <ul style="list-style-type: none"> <li>○ Jury duty</li> <li>○ Payment of fines</li> <li>○ Access to the court</li> </ul> </li> <li>• Public Meetings</li> <li>• Participation in planning or advisory boards [35.130(b)(1)(vi)]</li> <li>• Selection of procurement contractors [35.130(b)(5)]</li> <li>• Administering licensing or certification programs [35.130(b)(6)]</li> </ul>
<p>35.133 Maintenance of Accessible Features            (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.</p>	<p>Maintain accessible facilities in working order.</p>	<p>Maintain an inventory of accessible features and facilities and have a specific maintenance plan and schedule in place.</p>
<p>35.136 Service Animals            (a) <i>General.</i> Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.</p>	<p>Permit the use of service animals.</p>	<p>Ensure policies, practices and procedures allow the use of service animals. This may include City codes and ordinances that allow for this use.</p>
<p>35.137 Mobility Devices            (a) <i>Use of wheelchairs and manually-powered mobility aids.</i> A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.            (b)            (1) <i>Use of other power-driven mobility devices.</i> A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).</p>	<p>Ensure that designs of facilities, sites, and the public right-of-way meet the needs of <b>ALL</b> forms of mobility devices.</p>	<p>Understand that there are other types of mobility devices used by individuals with disabilities, not just the traditional manual or power driven wheelchairs.</p>

**SUMMARY OF COMPLIANCE REQUIREMENTS  
AMERICANS WITH DISABILITIES ACT (ADA) – TITLE II REGULATIONS (AS AMENDED SEPTEMBER 15, 2010)**

Requirement	Summary Statement of Requirements	Examples of What This Means
35.138 Ticketing In summary, make available seating and provide accessible methods for purchasing tickets (see this section for details).		Ensure ticket sales and event accommodations meet the requirements of this section.

**Subpart C – Employment**

35.140 Employment Discrimination Prohibited

(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

Requirement	Summary Statement of Requirements	Examples of What This Means
35.140 Employment Discrimination Prohibited (b) (1) For purposes of this part, the requirements of Title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of Title I. (b) (2) For the purposes of this part, the requirements of Section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of Title I.	Typically, follow Title I of the ADA and Section 504 of the Rehabilitation Act of 1973 for employment requirements.	

**Subpart D – Program Accessibility**

35.149 Discrimination Prohibited

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

Requirement	Summary Statement of Requirements	Examples of What This Means
35.150 Existing Facilities (a) <i>General.</i> A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not: (1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities; (2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or (3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with §35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.	(1) Does not require a public entity to make <u>all existing</u> facilities accessible to public – there are other allowable options to provide for accessibility. (2) Does not require public entity to take any action that would threaten or destroy the historic significance of an historic property. (3) Does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.	For example, if a community program is being held in an existing building that does not have compliant accessible facilities and features, that specific program can be moved to a location that does. The original building does not have to be modified.

**SUMMARY OF COMPLIANCE REQUIREMENTS  
AMERICANS WITH DISABILITIES ACT (ADA) – TITLE II REGULATIONS (AS AMENDED SEPTEMBER 15, 2010)**

Requirement	Summary Statement of Requirements	Examples of What This Means
<p>35.150 Existing Facilities (b) Methods.</p> <p>(1) <i>General.</i> A public entity may comply with the requirements of this section through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.</p> <p><i>NOTE: See Title II for safe harbor and historic preservation guidance.</i></p>	<p>A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.</p>	<p>Examples of “other” methods:</p> <ul style="list-style-type: none"> <li>○ If a community program is being held in an existing building that does not have compliant accessible facilities and features, that specific program can be moved to a location that does.</li> <li>○ Provide home visits or delivery services.</li> </ul>
<p>35.150 Existing Facilities (c) <i>Time period for compliance.</i> Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.</p>	<p>Structural changes needed for compliance shall be made by January 26, 1995 (this was the original schedule for the original enactment date of the ADA of July 26, 1990).</p> <p><i>Note: Enforcing compliance of a Transition Plan and structural changes being made is a recent initiative by the US Department of Transportation/FHWA. At this time (February 2016), informally, FHWA for Washington State is requiring a schedule be provided for the structural changes; however, they recognize the original timeframe in years may not be achievable for some agencies, depending on the amount of improvements identified.</i></p>	
<p>35.150 Existing Facilities (d) <i>Transition Plan</i></p> <p>(1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.</p> <p>(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.</p> <p>(3) The plan shall, at a minimum:</p> <ul style="list-style-type: none"> <li>(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;</li> <li>(ii) Describe in detail the methods that will be used to make the facilities accessible;</li> <li>(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and</li> <li>(iv) Indicate the official responsible for implementation of the plan.</li> </ul> <p>(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing Section 504 of the Rehabilitation Act of 1973, then the requirements of this</p>	<p>✓ If City employs 50 or more persons: Prepare a Transition Plan for structural improvements</p> <p>(1)</p> <ul style="list-style-type: none"> <li>• If structural changes need to be made, develop a Transition Plan</li> <li>• Transition Plans should have been prepared by July 26, 1992</li> <li>• Transition Plans set forth the steps necessary to complete structural changes</li> <li>• Provide opportunity for interested persons to participate in development of Transition Plan</li> <li>• Make the Transition Plan available for public inspection</li> </ul> <p>(2) For streets and walkways:</p> <ul style="list-style-type: none"> <li>• Include a specific schedule for providing curb ramps, or other sloped areas, in the Transition Plan</li> <li>• Give priority to improving curb ramps that serve government offices and facilities, transportation, places of public accommodation, and employers.</li> </ul> <p>(3) At a minimum, include in the Plan:</p> <ul style="list-style-type: none"> <li>• Identify physical obstacles that limit the accessibility;</li> </ul>	<p>✓ If City employs 50 or more persons:</p> <ul style="list-style-type: none"> <li>• Use the results of the self-evaluation for streets (public right-of-way), buildings, and site facilities to identify the structural changes that are needed.</li> <li>• Prioritize improvements based on the guidance of this section as well as the needs of your community members with disabilities, and high pedestrian generators in your community.</li> <li>• Provide a schedule in the Transition Plan for <u>all</u> structural improvements needed, for example sidewalks, driveway crossings, street crossings, buildings, parking lots and site facilities, parks.</li> <li>• Identify associated improvement costs</li> <li>• Coordinate the Transition Plan improvements in conjunction with other City plans, such as the Capital Improvement Plan, or the Comprehensive Plan for example, in order to provide cost effective improvements.</li> <li>• Update the Transition Plan as changes occur, for example once a year during the budgeting process.</li> </ul> <p><i>Note: Enforcing compliance of a self-evaluation and preparation of a Transition Plan is a recent initiative by the US Department of Transportation/FHWA. At this time (February 2016), informally, FHWA for Washington State is requiring that Cities be making progress towards a self-evaluation and Transition Plan; however, a date for completion has not yet been established.</i></p>

**SUMMARY OF COMPLIANCE REQUIREMENTS  
AMERICANS WITH DISABILITIES ACT (ADA) – TITLE II REGULATIONS (AS AMENDED SEPTEMBER 15, 2010)**

Requirement	Summary Statement of Requirements	Examples of What This Means
<p>35.150 Existing Facilities (continued) paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.</p>	<ul style="list-style-type: none"> <li>Describe in detail the methods that will be used to make the facilities accessible;</li> <li>Specify the schedule for making the improvements for every year needed;</li> <li>Indicate the official responsible for implementation.</li> </ul> <p>(4) If a Transition Plan was prepared under Section 504 of the Rehabilitation Act of 1973, then a Transition Plan will only need to be prepared for those policies and practices that were not included in the previous transition plan.</p>	
<p>35.151 New Construction and Alterations (a) <i>Design and Construction</i> (1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.</p>	<p>All facilities constructed for public use shall be fully or partially accessible (as applicable).</p>	<ul style="list-style-type: none"> <li>Ensure that designated staff that implement design and construction practices are educated in the requirements of ADA compliance and accessible facilities in order to ensure the construction of compliant facilities.</li> <li>Adopt building and construction standards that comply with ADA requirements and guidelines.</li> <li>Enlist the help of a third party review of design and/or construction for ADA compliance, if necessary.</li> </ul>
<p>35.151 New Construction and Alterations (b) <i>Alterations</i> (1) Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.</p>	<p>All facilities that are being altered that affect existing use, shall be altered to meet accessibility requirements, to the maximum extent feasible.</p>	<ul style="list-style-type: none"> <li>Understand the definitions of “Alterations” so that you don’t unintentionally not provide for accessibility upgrades.</li> </ul>

**Subpart E – Communications**

35.160 General.

(a) (1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

Requirement	Summary Statement of Requirements	Examples of What This Means
<p>35.160 General (b) (1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.</p>	<p>City shall furnish appropriate auxiliary aids and services when needed.</p>	<p>Provide auxiliary aids or services at a City Council meeting, public open house, or other public services, programs, or activities.</p>
<p>35.161 Telecommunications (a) Where a public entity communicates by telephone with applicants and beneficiaries, text telephones (TTYs) or equally effective telecommunications systems shall be used to communicate with individuals who are deaf or hard of hearing or have speech impairments. (b) When a public entity uses an automated-attendant system, including, but not limited to, voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay system, including Internet-based relay systems. (c) A public entity shall respond to telephone calls from a telecommunications relay service established under title IV of the ADA in the same manner that it responds to other telephone calls.</p>	<p>All forms of telephone communication, including automated-attendant, shall be accessible.</p>	<p>Systems for using auxiliary aids, TTYs, and other forms of FCC-approved telecommunications relay systems.</p>

**SUMMARY OF COMPLIANCE REQUIREMENTS  
AMERICANS WITH DISABILITIES ACT (ADA) – TITLE II REGULATIONS (AS AMENDED SEPTEMBER 15, 2010)**

Requirement	Summary Statement of Requirements	Examples of What This Means
35.162 Telephone Emergency Services Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDDs and computer modems.	Telephone emergency services shall be accessible.	
35.163 Information and Signage (a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. (b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.	Provide signing and information communicating where accessible services, activities, and facilities are located.	For example, at an entrance that is NOT accessible, provide signage and guidance to the location of the accessible entrance.
35.164 Duties This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens ( <i>see Title II for full text</i> ).		



**CITY OF KIRKLAND**  
**Department of Public Works**  
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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Laura Drake, P.E., Project Engineer  
Dave Snider, P.E., Capital Projects Manager  
Kathy Brown, Public Works Department Director

**Date:** April 6, 2017

**Subject:** 100<sup>TH</sup> AVENUE NE CORRIDOR PROJECT UPDATE

### **RECOMENDATION:**

City Council to receive a briefing including the following:

- A discussion of past and current project activities.
- An update on the Draft [Alternatives Analysis](#) Report.
- An overview of feedback from the Advisory Group and Transportation Commission.
- A preview of upcoming project milestones and discussion of future updates/presentations.

There is no formal action being requested from this Study Session, however, staff is seeking City Council guidance on the following items:

- The Draft [Alternatives Analysis](#) Report, and
- Next steps

### **BACKGROUND DISCUSSION:**

At the January 6, 2015 meeting, staff provided City Council an update and sought budget authorization as a result of the receipt of federal grant funding and available City matching funds on the 100<sup>th</sup> Ave NE Corridor Study (Attachment A). That briefing included the following:

- Four main goals identified in the Study and through public outreach:
  - Address safety needs for all travel modes
  - Provide improved accessibility and connectivity for non-motorized users
  - Improve traffic flow and reduce congestion without adding traffic lanes
  - Address environmental concerns.
- Efforts to involve the public, city commissions and other interested parties in the project design process.

Council appropriated matching funds and budget for grant-ineligible expenses for a design-only federal grant awarded to the City for the engineering, design, preliminary permitting and appropriate public outreach required for producing phase-able and construction-ready plans and specifications.

To achieve the best possible design, staff and the City's engineering consultant team developed an Alternatives Analysis approach for the Project. The approach began with community input

as a means to determine current issues and needs. Throughout the process, the Design Team identified five primary challenges along the corridor and identified a series of alternative solutions for each. Alternatives were screened based on concerns raised by the public and through priorities established within the City's Transportation Master Plan. The Design Team presented its Preliminary Alternatives Analysis Report (Report) to an Advisory Group comprised of interested residents, local business representatives and neighborhood organization groups, with feedback being actively solicited. The alternatives were also presented to senior City staff as well as to the Kirkland Transportation Commission. All feedback received during the Public and Online Open Houses were recorded and have been addressed in the Report. Staff continues to log incoming comments and works directly with those who have questions, comments and concerns.

### Best Value Alternatives

The Design Team compared alternatives for the five primary challenges identified along the corridor (See below and Attachment B). Each alternative was analyzed against 14 criteria, including quality of pedestrian and bicycle facilities, reducing vehicle congestion and transportation safety for all modes. The following are the recommended best value alternatives, as supported by the Advisory Group and the Transportation Commission. Please note, staff will request formal City Council approval of these best value alternatives at a future regular meeting and before design progresses to 60%.

Public outreach has been ongoing throughout all project efforts to date. Comments received have been positive overall, with most individuals seeking further clarification on design alternatives and project next steps. The second Open House is scheduled for April 25, 2017, and will include both an in-person event and an extended online presentation with comment submissions being solicited. For the Outreach Summary, please see Attachment C.

1. **Non-Motorized Improvements:** Three alternatives were considered to create a safe and comfortable non-motorized design: 1-1.) On-street bike lane with 4-foot planter/low impact development (LID); 1-2.) On-street bike lane with 6-foot planter/LID; and 1-3.) Sidewalk-level bike lane with 5-foot planter/LID. The sidewalk-level bike lanes with 5-foot planter/LID (Non-Motorized Option 1-3) was selected as the preferred alternative because it provided the safest environment for non-motorized users of all abilities while also being the lowest cost alternative. Sidewalk-level bike lanes will have separate bicycle signals at intersections.



2. **Juanita-Woodinville Way NE Intersection:** Five alternatives were considered for the intersection configuration: 2-1.) Realign the east approach and retain the west leg; 2-2.) Realign the east approach and close the west leg; and 2-3.) Retain the east alignment with



islands and retain the west leg; 2-4.) Retain east alignment with island and close the west leg; 2-5.) Realign the east approach to match NE 134<sup>th</sup> Court. The realigning of the east approach and closing the west leg (#2) was selected as the preferred alternative because it provides the best level of service for vehicles with comparable costs to the other four alternatives.



- Simonds Road NE Intersection:** Three alternatives were considered for this intersection in order to achieve the best congestion relief: 3-1.) A split phase (includes northbound shared left-thru lane); 3-2.) A dual protected northbound left turns; and 3-3.) A free right turn from Simonds Road NE to southbound 100<sup>th</sup> Avenue NE. While the alternatives analysis report shows the free right (3-3) as the preferred alternative, this option was ultimately determined to be not acceptable to the City's Transportation Engineering Division due to limited crosswalks and the dual protected northbound left turns (3-2) is the current preferred alternative. Even though it is the most expensive option, it reduces congestion and provides the best connectivity for non-motorized users. The Advisory Group and Transportation Commission were also supportive of Alternative 3-2.



4. **Extent of Right-Of-Way:** The majority of the corridor has an existing right-of-way (ROW) width of 100 feet. However, there is a "pinch point" just south of Simonds Road where the ROW narrows to 80 and as little as 60 feet in places. As a result, three alternatives were considered due to these locations: 4-1.) Design to 60-foot ROW (no ROW acquisition); 4-2.) Design to 80-foot ROW (acquisition from King County parcel only); and 4-3.) Design to 100-foot ROW (acquisition needed from several parcels). While the Alternatives Analysis Report found the 100-foot ROW alternative to be preferred, the Design Team found this alternative to be less desirable due to time and budget complications of ROW acquisition from several private parcels, as well as the significant impacts it would cause to those private properties. Out of the two remaining alternatives, the 80-foot ROW (acquisition from King County parcel only) is the current preferred alternative as it provides a better level of service for all users with minimal ROW acquisition efforts and little additional cost. As shown in image below, the 80-foot ROW (4-2) provides for pedestrian and bicycle sidewalk-level facilities, as well as five vehicle lanes. Additionally, due to the width of the existing ROW between Simonds Road and NE 145<sup>th</sup> St, the channelization design south of 140<sup>th</sup> Place can continue to the northernmost end of the Project. This will accommodate future transportation volumes and eliminate "bottlenecking" north of Simonds Road.



5. **Cedar Creek Culvert:** The Cedar Creek culvert runs under 100<sup>th</sup> Avenue NE, south of Simonds Road. The culvert and its upstream sediment collection system currently exhibit numerous deficiencies and the remaining useful life of the culvert is estimated to be 10 to 15 years. In addition to its age, the culvert also represents a significant barrier to fish within this tributary to Juanita Creek. Through the Alternatives Analysis Report process, three culvert crossing options were considered: 5-1.) Retain the existing culvert; 5-2.) Replace the culvert in-kind; and 5-3.) Install a fish passable culvert.

100th Avenue NE Culvert Inlet (left) and Outlet (right)

The State Department of Fish and Wildlife visited the site with the Design Team and it was determined that replacing the culvert in-kind was not an acceptable option for the Department's permitting



requirements. The Report selected maintaining the existing culvert as the preferred option, due entirely to the cost of replacing the culvert. However, any cost savings to the Project will lead to potentially greater cost to the City in the future as the culvert get closer to its projected life expectancy. Therefore, the recommended alternative is to replace it with new a fish passable culvert (Culvert Option 5-3).

### **Funding**

The design phase for the Project is currently funded through a combination of federal Congestion Mitigation and Air Quality (CMAQ) grant funds (\$2,620,000) and City match funds (\$589,200) for a total Project budget of \$3,209,200. As the Project moves out of the preliminary design phase, the Design Team will be identify and pursue potential grant funding opportunities for the eventual construction of the improvements. The Design Team will look at creative ways to potentially phase and package the design in order to maximize chances of receiving grant funds from multiple sources. These sources will include external funding sources that further support congestion mitigation and air quality, multi-modal safety and connectivity, and the environmental elements with water quality, fish and wildlife habitat, and flood control enhancements being a large part of the planned improvements.

### **Next Steps:**

The Design Team, based on any further comments to the all alternatives described above, will advance the design to 60%. Staff will return to Council in summer, 2017, to seek official acceptance of the preferred alternatives.

### **Attachments:**

Attachment A—Vicinity Map  
Attachment B—Alternatives Exhibits  
Attachment C—Outreach Summary  
Attachment D—Best Values Assessment Table

NE 145th Street

100th Avenue NE

Juanita Creek Tributary Culvert - Improved or Replaced

Improvements:  
- bike lanes  
- sidewalks  
- center turn lane  
- lighting  
- intersection

North Juanita Business District

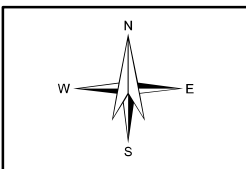
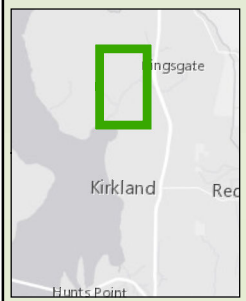
NE 132nd Street

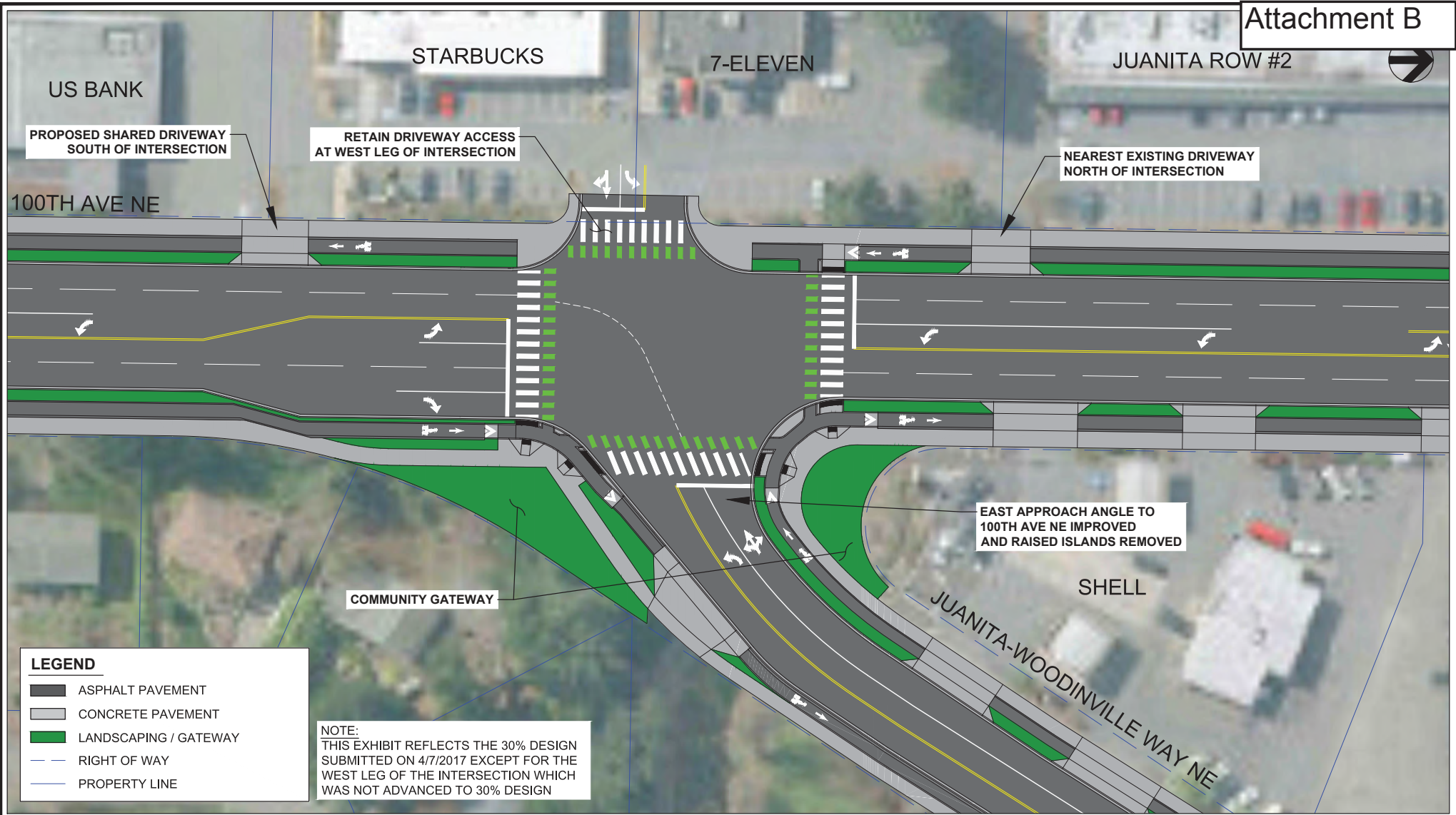
South Juanita Business District

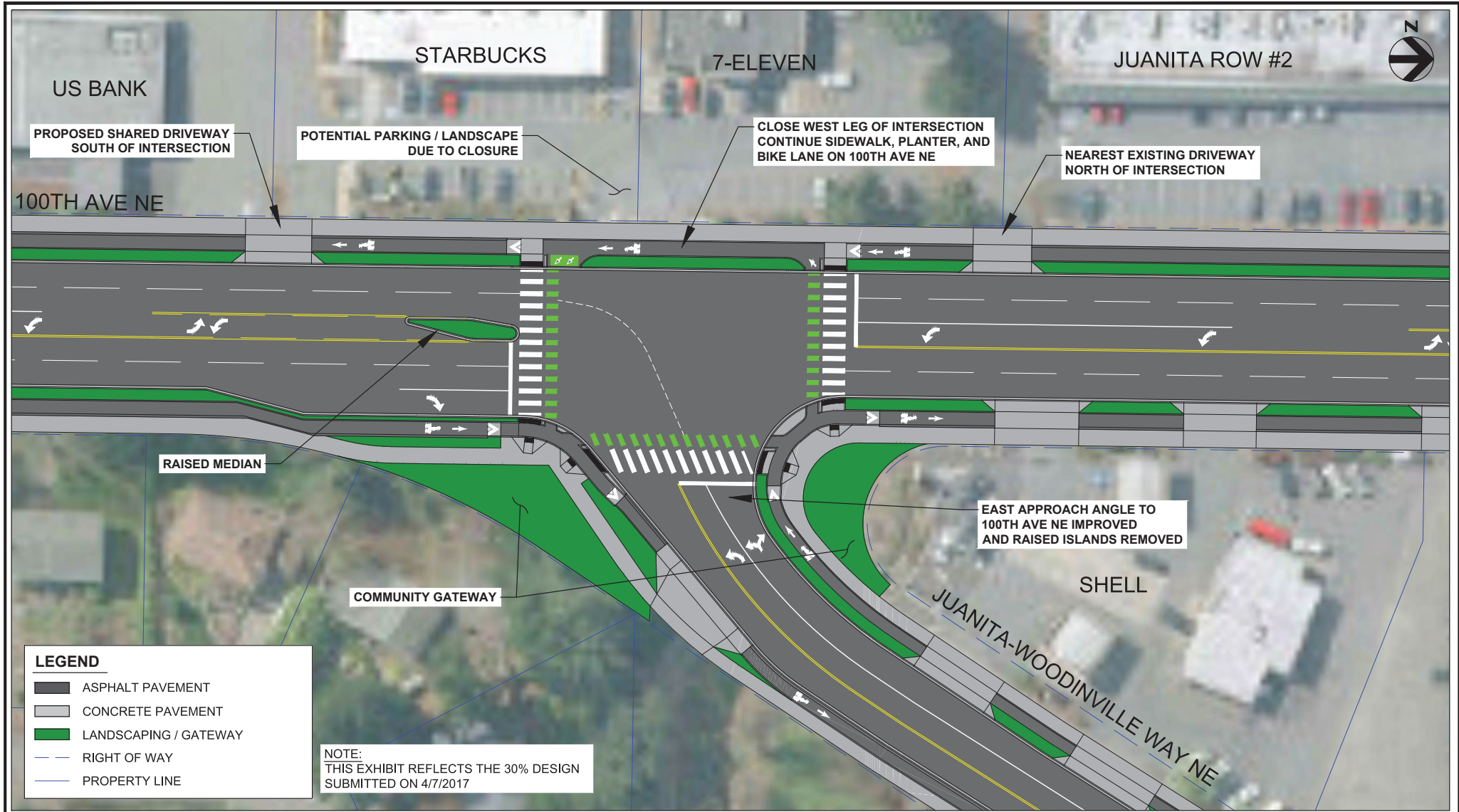
# Vicinity Map 100th Ave NE Corridor Study

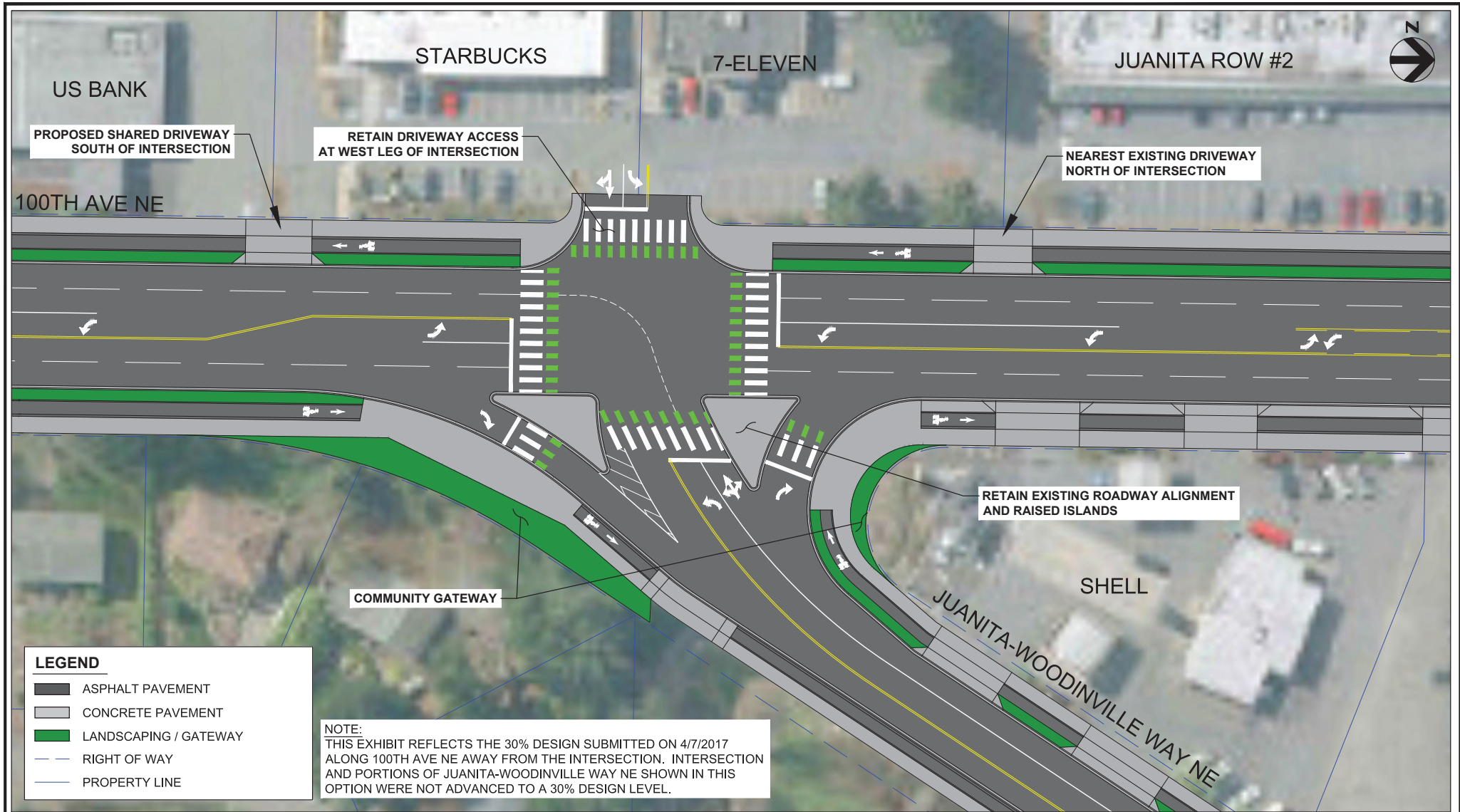
### Legend:

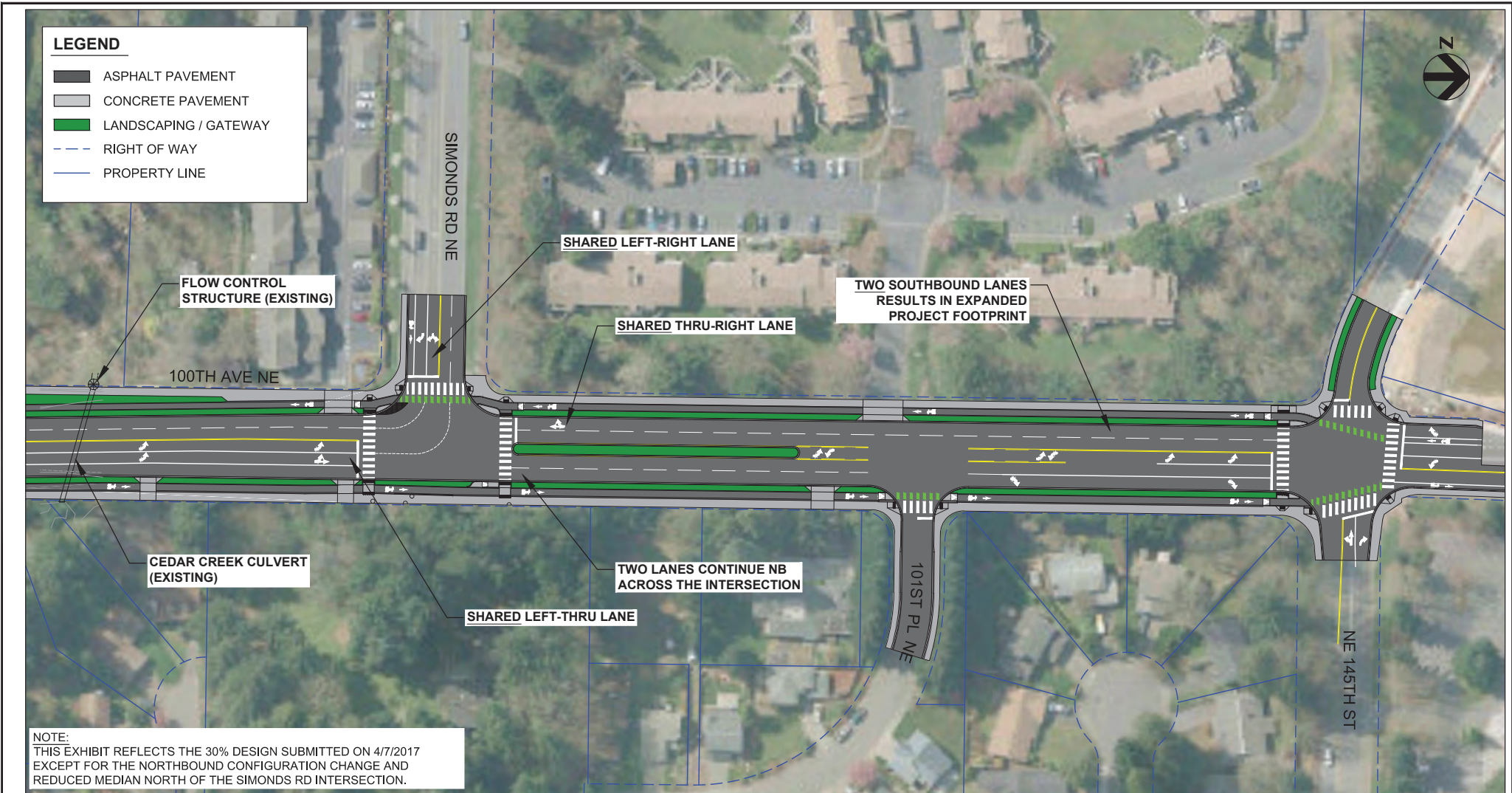
-  Traffic Signals
-  Project Corridor
-  Business District
-  Schools











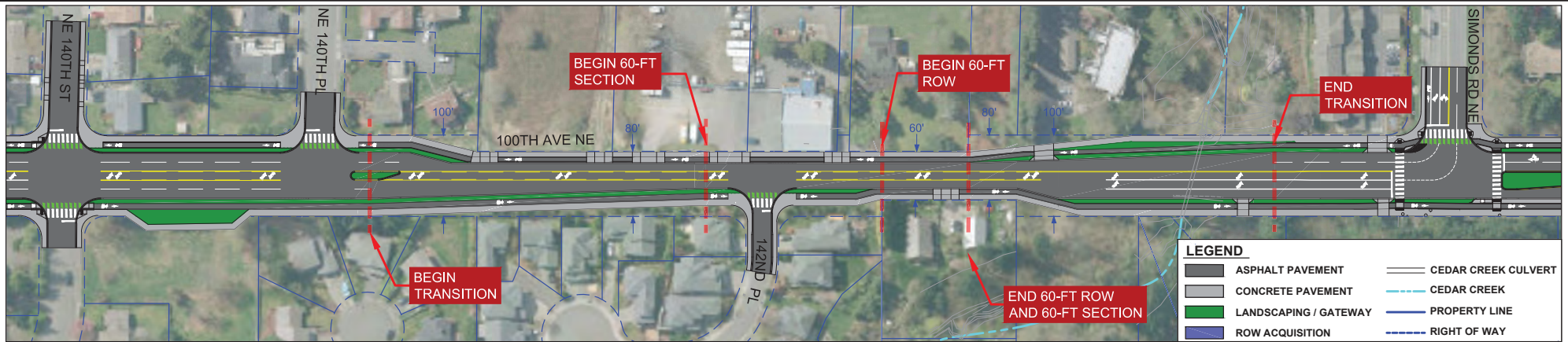
NOTE:  
 THIS EXHIBIT REFLECTS THE 30% DESIGN SUBMITTED ON 4/7/2017  
 EXCEPT FOR THE NORTHBOUND CONFIGURATION CHANGE AND  
 REDUCED MEDIAN NORTH OF THE SIMONDS RD INTERSECTION.



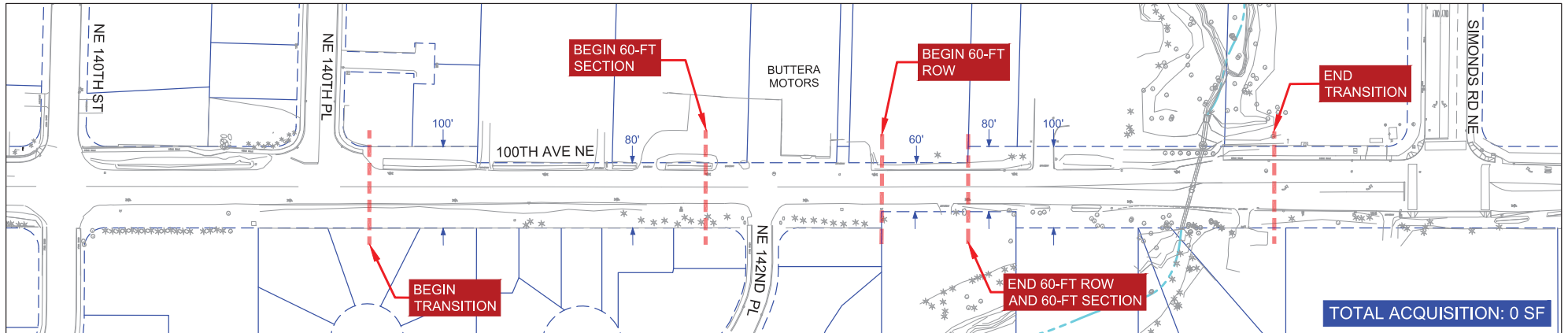




NOTE:  
 THIS EXHIBIT REFLECTS THE 30% DESIGN SUBMITTED ON 4/7/2017  
 EXCEPT FOR PORTIONS OF THE DESIGN CHANGED BY THE FREE-RIGHT  
 CONFIGURATION SUCH AS THE SW CORNERS AT BOTH INTERSECTIONS.

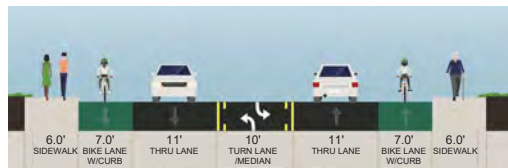


ROADWAY FOOTPRINT MODIFIED TO TRANSITION THROUGH 60-FT ROW

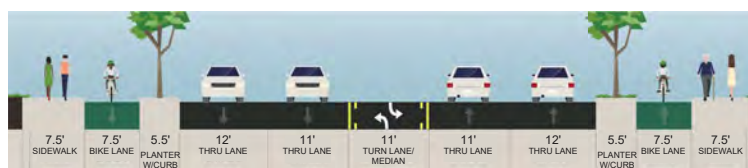


EXISTING SURFACE FEATURES AND ROW

PLAN VIEWS FOR SEGMENT OF PROJECT CORRIDOR WITH LIMITED ROW



60-FT ROW WIDTH



100-FT ROW WIDTH

TYPICAL ROADWAY SECTIONS

**NOTES:**

1. PLAN VIEW AND SECTIONS HAVE BEEN UPDATED TO REFLECT THE NON-MOTORIZED SECTION (ALTERNATIVE 1-3) USED FOR 30% DESIGN.
2. PLAN VIEW HAVE BEEN UPDATED TO REFLECT THE SIMONDS RD INTERSECTION (ALTERNATIVE 3-2) USED FOR 30% DESIGN.

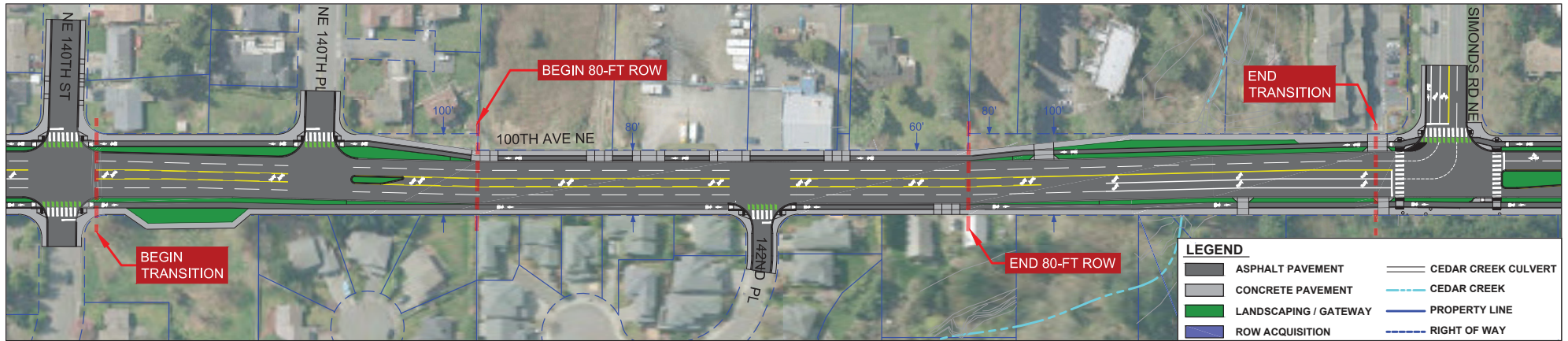
**100TH AVE NE** Corridor Design



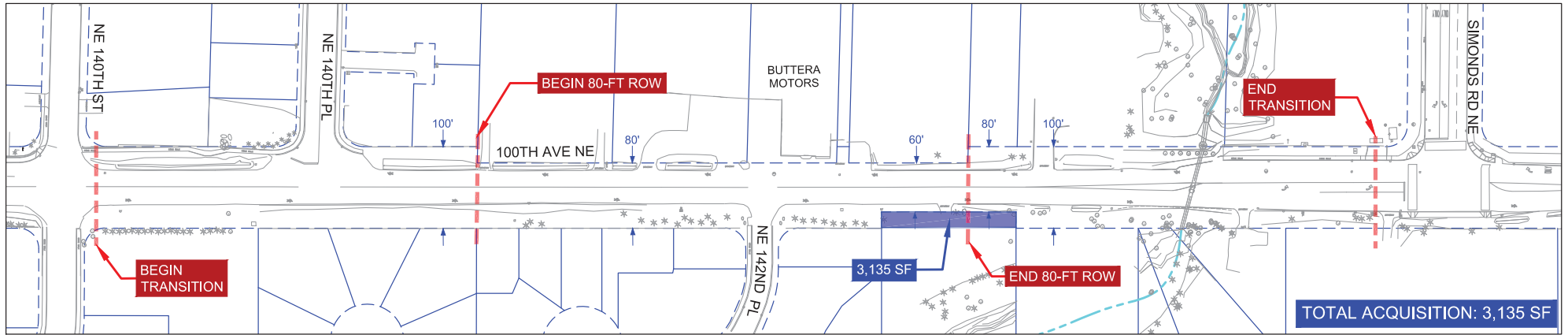
**ALTERNATIVE 4-1**  
**LIMITED ROW**  
**60-FT ROW - NO ROW ACQUISITION**

PREPARED  
 4/11/2017

SCALE: 1" = 60'

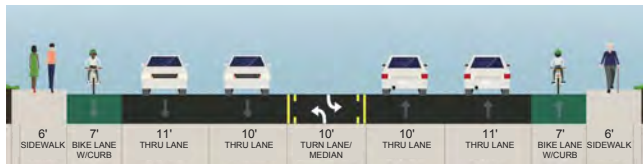


ROADWAY FOOTPRINT MODIFIED TO TRANSITION THROUGH 60-FT ROW

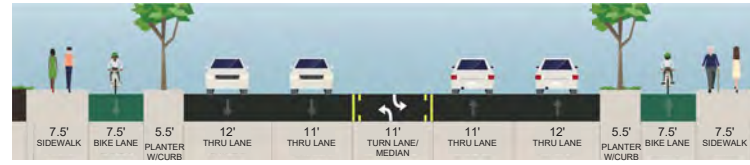


EXISTING SURFACE FEATURES AND ROW

PLAN VIEWS FOR SEGMENT OF PROJECT CORRIDOR WITH LIMITED ROW



80-FT ROW WIDTH



100-FT ROW WIDTH

TYPICAL ROADWAY SECTIONS

**NOTES:**

1. THIS EXHIBIT REFLECTS THE 30% DESIGN SUBMITTED ON 4/7/2017.

**100TH AVE NE** Corridor Design

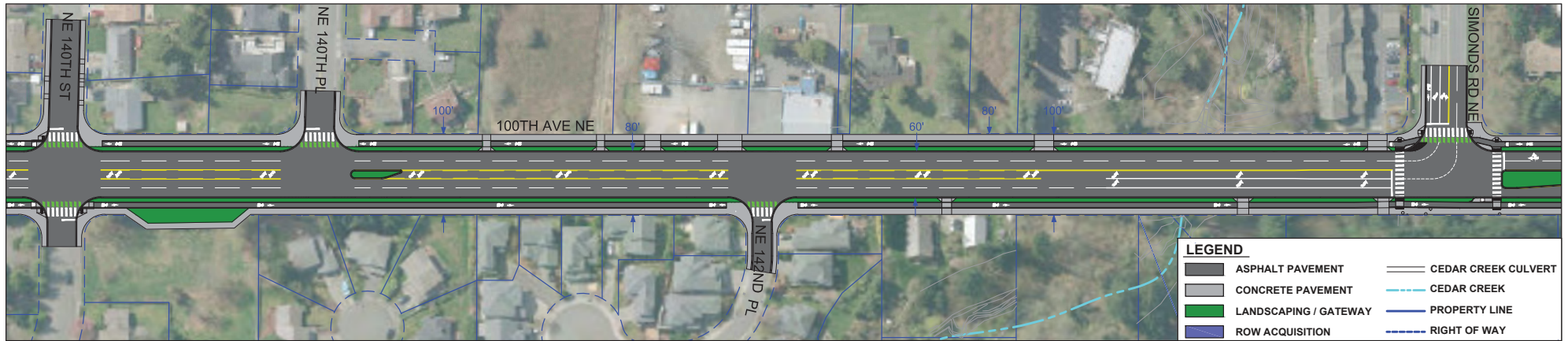


**ALTERNATIVE 4-2  
LIMITED ROW**

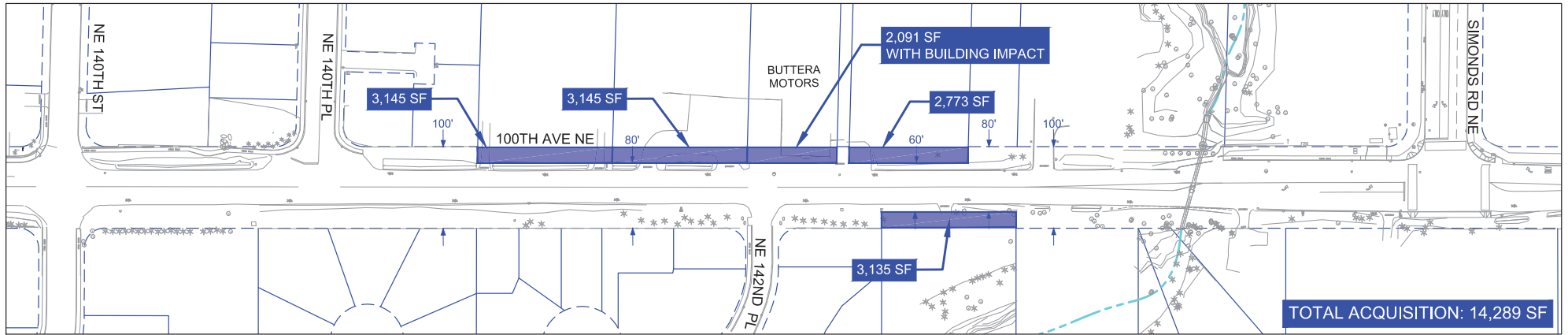
**80-FT ROW - ACQUISITION FROM KING COUNTY PARCEL ONLY**

PREPARED  
4/11/2017

SCALE: 1" = 60'

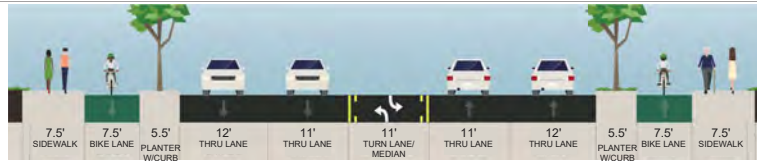


ROADWAY FOOTPRINT MODIFIED TO TRANSITION THROUGH 60-FT ROW



EXISTING SURFACE FEATURES AND ROW

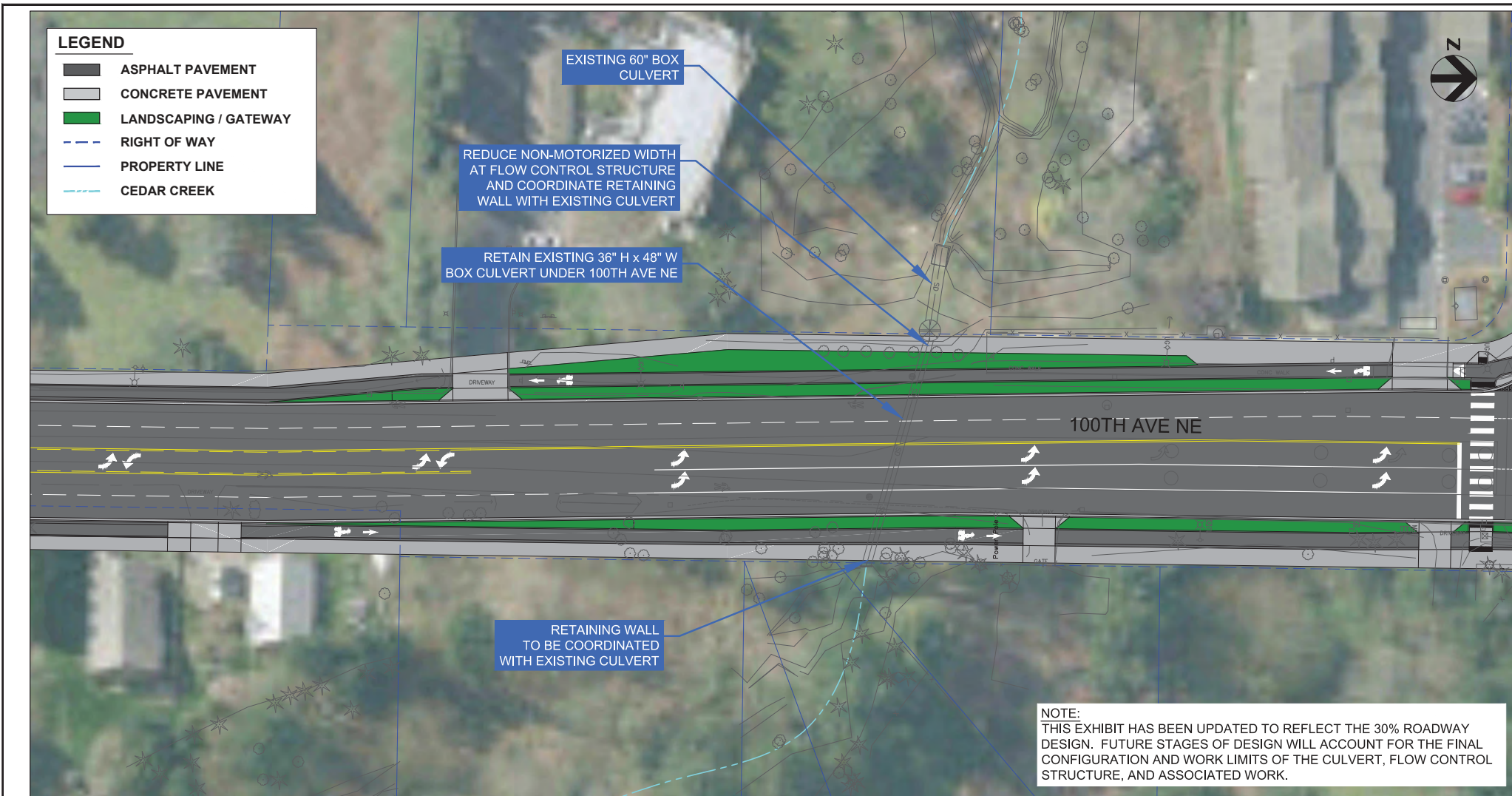
PLAN VIEWS FOR SEGMENT OF PROJECT CORRIDOR WITH LIMITED ROW

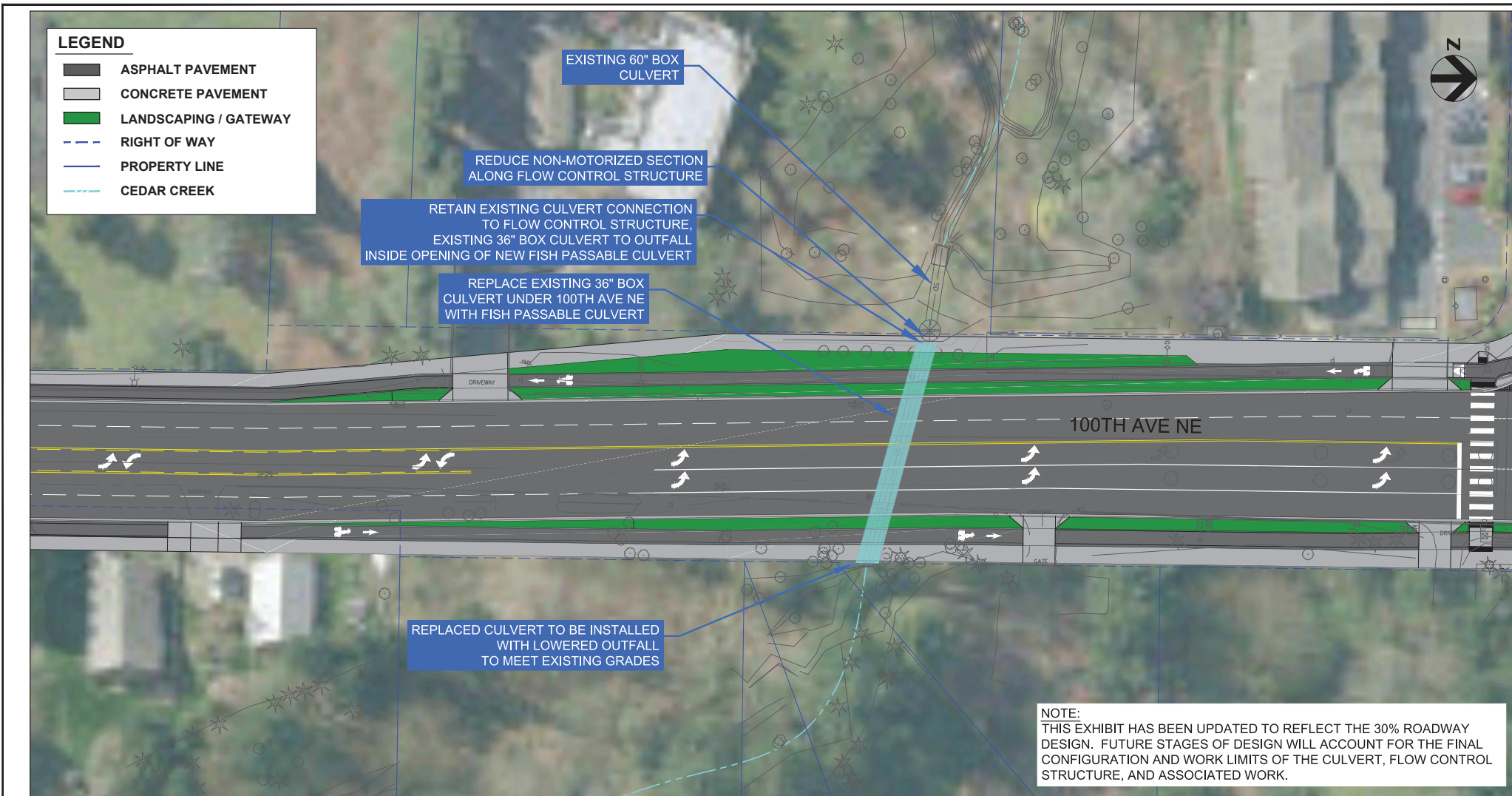


100-FT ROW WIDTH  
TYPICAL ROADWAY SECTION

**NOTES:**

1. PLAN VIEW AND SECTIONS HAVE BEEN UPDATED TO REFLECT THE NON-MOTORIZED SECTION (ALTERNATIVE 1-3) USED FOR 30% DESIGN.
2. PLAN VIEW HAVE BEEN UPDATED TO REFLECT THE SIMONDS RD INTERSECTION (ALTERNATIVE 3-2) USED FOR 30% DESIGN.







# Outreach Summary

## Attachment C

*Updated April 2017*

### Overview

Below is a summary of the public engagement to-date for the City of Kirkland's 100th Avenue Northeast Corridor Design Project, including outreach activities conducted and general opinions shared with the project team.

### Outreach Activities

#### Public open houses

- 1) Charrette: June 23, 2016
- 2) Kick-off: July 28, 2016

#### Online open house

- 1) Kick-off: July 13 – August 5, 2016

#### Advisory group meetings

- 1) June 23, 2016
- 2) August 9, 2016
- 3) September 13, 2016
- 4) January 11, 2017

#### Fairs and festivals

- 1) Juanita Farmers Market: July 2016
- 2) Juanita Neighborhoods Community Picnic: August 2016
- 3) DennyFest: September 2016

#### Neighborhood presentations

- 1) Finn Hill Neighborhood Alliance: March 2017

#### Other activities

- 1) In-person business visits: April 2016

### What We've Heard

Community input received to-date has been directed towards the following questions: 1) what are the current issues/concerns in the corridor; and 2) how would you like to use the corridor in the future?

Though many great, specific comments have been shared, below is the general sentiment of comments heard overall:

- Agreement with the need to improve mobility through the corridor, whether adding sidewalks for pedestrians, making it safer for bicyclists or improving wait times for drivers.
- Agreement that improving safety in the corridor should be the number one priority for the project.
- Desire to see in the future corridor:
  - Sidewalks extended for the entire length of the corridor
  - Safer bicycle lanes for users of all types
  - Improved neighborhood identity
  - Reduced congestion for vehicles
- Desire to see construction begin soon; questions about whether funding for improvements is available.



### Best-Value Results

The final step to determine the best-value alternative for each alternative group is weigh performances against comparable costs. Rankings were determined, and presented to City staff, the Advisory Group, and to the Transportation Commission. Based on feedback received, rankings were adjusted. Current best-value rankings are show below:

Non-Motorized Section		Comparable Cost	Rank
Alternative 1-1	On-Street Bike Lane with 4-foot Planter/LID	18.39	2
Alternative 1-2	On-Street Bike Lane with 6-foot Planter/LID	17.99	3
<b>Alternative 1-3</b>	<b>Sidewalk-Level Bike Lane with 5-ft Planter/LID</b>	<b>16.06</b>	<b>1</b>
Juanita-Woodinville Way NE Intersection		Comparable Cost	Rank
Alternative 2-1	Realign East Approach, Retain West Leg	5.79	2
<b>Alternative 2-2</b>	<b>Realign East Approach, Close West Leg</b>	<b>5.77</b>	<b>1</b>
Alternative 2-3	Retain East Alignment with Islands, Retain West Leg	5.36	3
Alternative 2-4	Retain East Alignment with Islands, Close West Leg	5.34	4
Alternative 2-5	Realign East Approach to Match to NE 134 <sup>th</sup> Court	15.69	5
Simonds Road NE Intersection		Comparable Cost	Rank
Alternative 3-1	Split Phase (Includes NB Shared Left-Thru Lane)	13.98	3
<b>Alternative 3-2</b>	<b>Dual Protected Left for NB Approach</b>	<b>14.03</b>	<b>1</b>
Alternative 3-3	Free Right from Simonds Road NE to SB 100 <sup>th</sup> Avenue NE	12.93	2
Limited Right-Of-Way		Comparable Cost	Rank
Alternative 4-1	60-foot ROW – No ROW Acquisition	22.14	3
<b>Alternative 4-2</b>	<b>80-foot ROW - Acquisition from King County Parcel Only</b>	<b>22.90</b>	<b>1</b>
Alternative 4-3	80-foot ROW - Acquisition from King County Parcel Only	25.01	2
Limited Right-Of-Way		Comparable Cost	Rank
Alternative 5-1	Retain Existing Culvert	0.50	2
Alternative 5-2	Replace Culvert In-Kind – <i>Removed from consideration during screening</i>		
<b>Alternative 5-3</b>	<b>Install Fish Passable Culvert</b>	<b>8.96</b>	<b>1</b>

Note: Comparable costs are listed in \$100,000 increments



**CITY OF KIRKLAND**

Fire & Building Department · 123 Fifth Avenue, Kirkland, WA 98033  
425.587.3600 (Building) or 425.587.3650 (Fire) · [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Joe Sanford, Fire Chief  
**Date:** April 18, 2017  
**Subject:** Citizen Hero Award

**RECOMMENDATION:**

The City of Kirkland and the Kirkland Fire Department present the Citizen Hero Award to the following people who took immediate action to save the life of a fellow citizen on Saturday, March 4, 2017:

David R. Chapman  
Ronald J. Davidson  
Christina M. Rancort

**BACKGROUND DISCUSSION:**

On Saturday, March 4, 2017 at 12:16 p.m., an adult male was found unconscious and unresponsive in the parking lot of a grocery store in Totem Lake. Working as team, David Chapman, Ronald Davidson, and Christina Rancort repositioned the patient, assessed his breathing status and, when discovering that the patient was not breathing, began CPR and summoned help via 911.

Kirkland Fire Department's Aid 29 arrived four minutes after being dispatched and found this trio performing effective CPR on the gravely ill patient. Aid 29 was soon joined by Kirkland's Engine 27 and Battalion 21, Redmond paramedic units Medic 23 and MSO 7, and Kirkland Police Officers.

After a lengthy and complex resuscitation effort that included five shocks from a defibrillator, the patient was transported to Evergreen Hospital in critical condition. I'm happy to report that in large part due to these citizens' selfless, courageous, and skilled actions, the patient remains alive today and continues to recover.

The actions of David, Ronald, and Christina exemplify what is best about our community and remind us of the effectiveness of our region's tiered emergency response system where brave citizens form the first link in what's commonly referred to as the "Chain of Survival."

Therefore, the City of Kirkland and the Kirkland Fire Department acknowledge and recognize the efforts of these community members for their actions in saving a fellow citizen's life.



**CITY OF KIRKLAND**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov

## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Amy Bolen, Executive Assistant  
**Date:** April 6, 2017  
**Subject:** HONORING OUTGOING BOARD & COMMISSION MEMBERS

### **RECOMMENDATION:**

It is recommended that the City Council recognize outgoing Board and Commission members for their years of service.

### **BACKGROUND DISCUSSION:**

In the past, outgoing Board and Commission members were honored at the All City Dinner each fall. Since the actual terms expire in March of each year, some former members chose not to attend the All City dinner months after their term ended. The Council decided to solve this by honoring outgoing members during Council meetings in April, starting this year. In March 2017, eleven members completed their Board and Commission terms. This is an opportunity for Councilmembers to express their gratitude publicly, and present a token of their appreciation.

The following outgoing members have accepted the invitation to the April 18 Council meeting:

<b>Name</b>	<b>Board/Commission</b>	<b>Start</b>	<b>End</b>
Adam White	Park Board	2008	2017
Tom Neir	Transportation Commission	2009	2017
Thomas Pendergrass	Transportation Commission	2010	2017
Emily Gjertsson (youth)	Cultural Arts	2015	2017
Anne Radcliff	Human Services Advisory Committee	2016	2017
Margaret Schwender	Human Services Advisory Committee	2014	2017
Kimberly Scott	Human Services Advisory Committee	2014	2017
Pat Swanson	Human Services Advisory Committee	2016	2017
Karen Turner	Human Services Advisory Committee	2009	2017
Jessica Wells (youth)	Human Services Advisory Committee	2016	2017

Only one is unable to attend. We will send a thank you card in the mail with her award.

<b>Name</b>	<b>Board/Commission</b>	<b>Start</b>	<b>End</b>
JoAnn Geer	Human Services Advisory Committee	2009	2017



**CITY OF KIRKLAND**  
**City Manager's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.kirklandwa.gov

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Amy Bolen, Executive Assistant  
**Date:** April 6, 2017  
**Subject:** YWCA STAND AGAINST RACISM DAY PROCLAMATION

### **RECOMMENDATION:**

That the Mayor proclaim April 28, 2017 as YWCA Stand Against Racism Day.

### **BACKGROUND DISCUSSION:**

Stand Against Racism is a signature campaign of YWCA to build community among those who work for racial justice and to raise awareness about the negative impact of institutional and structural racism in our communities.

Since city governments can play a significant role in ending racism through public awareness efforts, staff will post the proclamation online and provide access to the YWCA resources through the City of Kirkland website and other social media.

This will be the third year in a row that the City of Kirkland has supported this proclamation. Sonali Shukla, YWCA Employment Specialist, is happy to attend the April 18 Council meeting to accept the proclamation.



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### **Proclaiming April 28 as “YWCA Stand Against Racism Day” in Kirkland, Washington**

**WHEREAS**, all residents, regardless of race, creed or ethnicity deserve to be treated with dignity, respect, compassion and justice; and

**WHEREAS**, on February 21, 2017 the City of Kirkland adopted Resolution R-5240, declaring Kirkland as a Safe, Inclusive and Welcoming City for All People; and

**WHEREAS**, Kirkland residents value initiatives that will end race-based disparities and make the world a more equitable, inclusive and dignified place for all to live; and

**WHEREAS**, the elimination of racism can be achieved only with the participation of all citizens in dialogue, reflection and action; and

**WHEREAS**, the City of Kirkland supports the YWCA’s mission to eliminate racial inequalities in employment, education, healthcare, housing, human services and other areas that affect quality of life; and

**WHEREAS**, April 28, 2017 marks the occasion of the annual “Stand Against Racism Day,” a signature campaign of YWCA designed to build community among those who work for racial justice and to raise awareness about the negative impacts of institutional and structural racism;

**NOW, THEREFORE**, I, Amy Walen, Mayor of Kirkland, do hereby proclaim April 28, 2017 as “YWCA Stand Against Racism Day” in our City and encourage residents, local businesses, educators, and community and faith-based organizations to celebrate diversity and advocate for the elimination of racism.

Signed this 18<sup>th</sup> day of April, 2017

\_\_\_\_\_  
Amy Walen, Mayor

**KIRKLAND CITY COUNCIL SPECIAL MEETING**

**Minutes**

**April 4, 2017**

**1. CALL TO ORDER**

Mayor Walen called the Special Meeting of the Kirkland City Council to order at 5:30 p.m.

**2. ROLL CALL**

Members Present: Mayor Amy Walen, Deputy Mayor Jay Arnold, and Councilmembers Dave Asher, Toby Nixon, Jon Pascal and Penny Sweet. Councilmember Doreen Marchione was absent/excused.

**3. SALARY COMMISSION INTERVIEW**

a. Jeffry Canin

**4. SELECTION AND APPOINTMENT OF SALARY COMMISSION MEMBER**

Councilmember Nixon moved to take from the table the motion to appoint made at the City Council's March 17, 2017 special meeting. Councilmember Sweet seconded the motion, which passed unanimously.

Councilmember Sweet's motion to appoint Jeffry Canin to a three year term ending 3/31/2020 and to select Chris Moody as an alternate should an additional vacancy arise within the next six months on the Salary Commission, which had been seconded by Councilmember Nixon, was passed unanimously.

**5. ADJOURNMENT**

The April 4, 2017 Special Meeting of the Kirkland City Council was adjourned at 5:38 p.m.

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City Clerk

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Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
April 4, 2017

1. CALL TO ORDER

Mayor Walen called the study session to order at 6 p.m. and the regular meeting to order at 7:38 p.m.

Motion to Excuse Councilmember Marchione's absence from this evening's meeting.  
Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold  
Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Members Absent: Councilmember Doreen Marchione.

3. STUDY SESSION

a. Totem Lake Connector Bridge Update

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Public Works Director Kathy Brown, Public Works Senior Project Engineer Aaron McDonald, and COWI North America Design consultant Schaun Valdovinos, P. E.

4. EXECUTIVE SESSION

Mayor Walen announced that Council would enter into executive session to discuss potential property acquisition and would return to regular meeting at 7:30 p.m. At 7:28 City Clerk Kathi Anderson announced that Council would require an additional five minutes and would return at 7:35, which they did. Also attending the executive session were City Manager Kurt Triplett, Deputy City Managers Marilynne Beard and Tracey Dunlap, City Attorney Kevin Raymond, Fire Chief Joe Sanford, Parks and Community Services Director Lynn Zwaagstra, and Parks Operations Manager Jason Filan.

a. To Discuss Potential Property Acquisition

5. HONORS AND PROCLAMATIONS

a. Sexual Assault Awareness Month Proclamation

Human Services Administrator Leslie Miller accepted the proclamation from Mayor Walen and Councilmember Sweet.

6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience
- c. Petitions

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

- a. Approval of Minutes
  - (1) March 17, 2017
  - (2) March 21, 2017
- b. Audit of Accounts:
  - Payroll \$3,094,595.51
  - Bills \$4,637,597.60
  - run #1607 checks #609624 - 609758
  - run #1608 checks #609788 - 609917
  - run #1609 checks #609918 - 609939
  - run #1610 checks #609942 - 610074
- c. General Correspondence
- d. Claims
- e. Award of Bids
- f. Acceptance of Public Improvements and Establishing Lien Period
- g. Approval of Agreements
- h. Other Items of Business
  - (1) Ordinance O-4569, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS LICENSES AND NOTICES RELATED TO REVOCATION OR SUSPENSION THEREOF."



- (2) Ordinance O-4570 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATED TO EROTIC PERFORMANCE ESTABLISHMENTS AND NOTICE PERIODS RELATED TO APPEALS AND STANDARDS OF CONDUCT AND OPERATION."
- (3) Lake Washington School District Impact Fees Annual Report
- (4) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. 2017 Legislative Update #6

Intergovernmental Relations Manager Lorrie McKay provided the sixth update on the City's legislative interests in the current legislative session.

b. Edith Moulton Park - Reject Bids

Capital Projects Supervisor Rod Steitzer and Capital Projects Coordinator Brian Baker provided an overview of the project bidding process and proposed next steps.

Motion to Reject all bids for the Edith Moulton Park Improvement Project and authorize staff to further evaluate, re-scope the Project, and re-advertise for new contractor bids later in the year.

Moved by Councilmember Dave Asher, seconded by Councilmember Jon Pascal

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

11. NEW BUSINESS

a. Management of Jasper's Dog Park with KDOG Disbanding

Parks Operations Manager Jason Filan shared information on the history of the Park to present, the current situation and proposed course of action.

Motion to Accept funding for a 2017-2018 pilot program to manage Jasper's Dog Park with the disbanding of KDOG while also pursuing strategies to ensure a sustainable source of funding for off-leash dog areas in the future.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

b. Walkable Kirkland Initiative and Approval of Neighborhood Safety Program Projects

Neighborhood Services Coordinator Kari Page reviewed the key components of the initiative and proposed projects.

Motion to Approve Neighborhood Safety Program Projects for 2017 as proposed.

Moved by Councilmember Jon Pascal, seconded by Councilmember Dave Asher

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

12. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the recent Kirkland Fire Department awards ceremony; the Youth Eastside Services annual "Invest in Youth" breakfast; the Together Center's annual fundraising breakfast; a King County Regional Law Safety and Justice Committee meeting; Councilmember Nixon requested that the Human Services Commission review the Mental Health First Aid program; the upcoming Everest Neighborhood City Council meeting; an upcoming Kirkland Business Roundtable; the upcoming State of the City address with the Kirkland Alliance of Neighborhoods will be rescheduled; the Fire Academy graduation at Lake Washington High School; Councilmember Nixon's Public Disclosure Commission website taskforce appointment; an upcoming Public Works, Parks, and Human Services committee meeting; the Finn Hill Neighborhood Alliance meeting; Councilmember Pascal's visit with the Police department; Councilmember Pascal and City Manager Triplett's meeting with the Lake Washington School District Superintendent and Board members; a King County Mental Illness and Drug Dependency Oversight Committee Accountability and Evaluation subcommittee meeting; a Lake Washington Schools Foundation "Spring for Learning" luncheon and breakfast; the Eastside March for Justice; Deputy Mayor Arnold addressed the Indivisible Kirkland/Kenmore Group on government involvement; a King County/Sound Cities Association Listening Session on Immigrant and Refugee Issues; an Eastside Human Services Forum

Board meeting; a discussion of the proposed tax increase to fund regional efforts to address homelessness.

b. City Manager Reports

(1) Calendar Update

City Manager Kurt Triplett reminded the Council of the upcoming Everest Neighborhood City Council meeting on April 11, the City Council Retreat on May 9, and informed the Council that the issue of the proposed service change to Metro Route 255 would be a subject at the May 2 City Council meeting study session.

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of April 4, 2017 was adjourned at 9:21 p.m.

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City Clerk

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Mayor

# CITY OF KIRKLAND CITY COUNCIL

Council Meeting: 04/18/2017  
Agenda: Approval of Minutes  
Item #: 8. a. (3).



Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Doreen Marchione  
Toby Nixon • Jon Pascal • Penny Sweet • Kurt Triplett, City Manager

## *Vision Statement*

*Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.*

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## **AGENDA KIRKLAND CITY COUNCIL EVEREST NEIGHBORHOOD SPECIAL MEETING**

**Kirkland City Hall  
Council Chamber  
123 5<sup>th</sup> Avenue**

**Tuesday, April 11, 2017  
7:00 – 8:45 p.m.**

- 6:45 – 7:00 p.m. 1. Informal Casual Conversations
- 7:00 – 7:05 p.m. 2. Welcome and Introduction – Mayor Amy Walen
- 7:05 – 7:10 p.m. 3. Comments from Everest Neighborhood - Chair Anna Rising
- 7:10 – 7:30 p.m. 4. Introductions from City Council Members
- 7:30 – 8:45 p.m. 5. General Discussion and Questions from the Audience
- 8:45 p.m. 6. Adjourn
- 8:45 – 9:00 p.m. 7. Social Time

Mayor Amy Walen called the April 11, 2017 Kirkland City Council Special Meeting to order at 7:07 p.m. The following members of the City Council were present: Mayor Amy Walen, Deputy Mayor Jay Arnold, Councilmembers Dave Asher, Toby Nixon, Jon Pascal and Penny Sweet.

Councilmember Doreen Marchione were absent/excused.

The Kirkland City Council Special Meeting was adjourned at 8:50 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



**CITY OF KIRKLAND**  
Department of Finance and Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** April 6, 2017  
**Subject:** CLAIM(S) FOR DAMAGES

**RECOMMENDATION**

It is recommended that the City Council acknowledges receipt of the following Claim(s) for Damages and refers each claim to the proper department (risk management section) for disposition.

**POLICY IMPLICATIONS**

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

**BACKGROUND DISCUSSION**

The City has received the following Claim(s) for Damages from:

- (1) Eamon Collier  
108 H Street SE  
Auburn, WA 98002

Amount: Unspecified Amount

Nature of Claim: Claimant states damage resulted from destroyed personal property while incarcerated.

- (2) Cindi Nordness  
535 14<sup>th</sup> Avenue W.  
Kirkland, WA 98033

Amount: \$378.81

Nature of Claim: Claimant states damage to vehicle resulted from a baseball from play at Lee Johnson field striking the rear window.

- (3) Jessica Irene Simons  
16125 Juanita Woodinville Way NE #1716  
Bothell, WA 98011

Amount: \$1603.50

Nature of Claim: Claimant states damage to vehicle resulted from striking a pothole on 116th Avenue NE south of NE 60th Street.

**Note:** Names of claimants are no longer listed on the Agenda since names are listed in the memo.

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM****To:** Kurt Triplett, City Manager**From:** Kevin Raymond, City Attorney**Date:** April 6, 2017**Subject:** AN ORDINANCE RELATED TO CODIFICATION OF CITY OF HOUGHTON ORDINANCES RELATED TO ESTABLISHMENT OF HOUGHTON COMMUNITY MUNICIPAL CORPORATION**RECOMMENDATION:**

Council pass the attached ordinance repealing Kirkland Municipal Code ("KMC") Section 2.08.040 providing for the codification and review of former City of Houghton ordinances upon the establishment in 1968 of the Houghton Community Council. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

**BACKGROUND DISCUSSION:**

Pursuant to provisions of state law, the City established a community municipal corporation known as the Houghton Community Council in 1968. As part of that establishment, the former city of Houghton became part of a consolidated city of Kirkland. At the time, the Kirkland City Manager was authorized and directed to undertake an ordinance review and codification process to effectuate the consolidation, particularly with respect to the disapproval authority of the Houghton Community Council.

KMC Section 2.08.040, adopted in 1968, presently reads as follows: "The city manager is authorized and directed to immediately commence steps leading toward codification of the [Houghton and Kirkland] city ordinances. In this connection, all of the ordinances of the former city of Houghton and of the former city of Kirkland shall be included in the ordinance review and study for possible inclusion in the code."

This consolidation and codification process was completed in or around 1968, and so KMC Section 2.08.040 is no longer necessary. The Houghton Community Council agreed at its March 27, 2017 meeting to support this proposed repeal, which was recommended by Code Publishing Company as part of its review of the KMC.

ORDINANCE O-4571

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CODIFICATION OF ORDINANCES RELATED TO THE ESTABLISHMENT OF THE HOUGHTON COMMUNITY MUNICIPAL CORPORATION.

1           WHEREAS, as part of a legal review of the Kirkland Municipal  
2 Code ("KMC") by Code Publishing Company it has been recommended  
3 that KMC Section 2.08.040, enacted in 1968 and providing for the review  
4 and codification of ordinances of the former city of Houghton into the  
5 Kirkland Municipal Code, be repealed as fully completed in or around  
6 1968 and no longer relevant or necessary; and  
7

8           WHEREAS, the Houghton Community Council agreed at its  
9 March 27, 2017 to support such repeal.

10           NOW, THEREFORE, the City Council of the City of Kirkland do  
11 ordain as follows:  
12

13           Section 1. Kirkland Municipal Code Section 2.08.040 is repealed.  
14

15           Section 2. This ordinance shall be in force and effect five days  
16 from and after its passage by the Kirkland City Council and publication,  
17 as required by law.  
18

19           Passed by majority vote of the Kirkland City Council in open  
20 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.  
21

22           Signed in authentication thereof this \_\_\_\_ day of  
23 \_\_\_\_\_, 2017.  
24

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM****To:** Kurt Triplett, City Manager**From:** Kevin Raymond, City Attorney**Date:** April 6, 2017**Subject:** AN ORDINANCE RELATED TO TERM OF EXISTENCE OF HOUGHTON COMMUNITY MUNICIPAL CORPORATION**RECOMMENDATION:**

Council pass the attached ordinance updating Chapter 2.16 of the Kirkland Municipal Code ("KMC") to evidence the continued term of existence of the Houghton community municipal corporation through successive four-year terms following the affirmative vote of the residents of the corporation at elections conducted every four years in the month of November from 1997 through 2013. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

**BACKGROUND DISCUSSION:**

Pursuant to provisions of state law, the City established a community municipal corporation known as the Houghton Community Council in 1968. As part of that establishment, the former city of Houghton became part of a consolidated city of Kirkland. RCW 35.14.060 requires that the registered voters residing within the area of the corporation approve its continued existence by election every four years and for additional terms of four years each. Beginning in 1978 and continuing through 1993, new sections were added to Chapter 2.16 KMC following each such election to evidence the continued term of existence of HCC. That codification practice has not been continued since 1993, however. As part of its review, Code Publishing Company asked whether additional updating sections should be added to Chapter 2.16 KMC or a different mechanism considered to validate the continued existence of HCC.

The Houghton Community Council favors updates to Chapter 2.16 KMC over possible consideration of a different mechanism to validate the continued existence of the corporation, and updating the code will help remind the affected community when a term of existence is nearing the end of a relevant term. The HCC agreed at its March 27, 2017 meeting to support these updates.

It is noted that the present HCC term of existence expires on the first Monday in January, 2018. An election asking HCC registered voters to consider an additional four-year extension of the corporation through the first Monday in January, 2022 is expected to be conducted this November.

ORDINANCE O-4572

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CODIFICATION OF THE TERM OF EXISTENCE OF THE HOUGHTON COMMUNITY MUNICIPAL CORPORATION.

1 WHEREAS, the Houghton Community Municipal Corporation was  
2 established in accordance with state law in 1968; and  
3

4 WHEREAS, as provided for in RCW 35.14.060, the registered  
5 voters residing within the corporation service area have voted to  
6 continue the corporation for additional terms of four years each at  
7 elections conducted every four years in the month of November; and  
8

9 WHEREAS, the most recent such election was conducted in  
10 November 2013 for a new four-year corporation term extending until  
11 the first Monday in January 2018; and  
12

13 WHEREAS, such elections held between 1973 and 1993 were  
14 codified as separate sections in the Chapter 2.16 of the Kirkland  
15 Municipal Code ("KMC") but not thereafter; and  
16

17 WHEREAS, as part of a legal review of the KMC by Code  
18 Publishing Company it has been recommended that the City consider  
19 updating Chapter 2.16 KMC to evidence the continued term of existence  
20 of the corporation through elections which have been held every four  
21 years since 1993; and  
22

23 WHEREAS, the Houghton Community Municipal Corporation  
24 agreed at its March 27, 2017 meeting to support such updates.  
25

26 NOW, THEREFORE, the City Council of the City of Kirkland do  
27 ordain as follows:  
28

29 Section 1. A new Section 2.16.080 of the Kirkland Municipal  
30 Code is hereby created to read as follows:  
31

32 **2.16.080 Term extended.**

33 Pursuant to the approval of the voters within the Houghton  
34 community municipal corporation as expressed at a general election  
35 held November 4, 1997, the existence of the Houghton municipal  
36 community shall be extended for an additional four-year term to end on  
37 the first Monday in January, 2002.  
38

39 Section 2. A new Section 2.16.090 of the Kirkland Municipal  
40 Code is hereby created to read as follows:  
41

42 **2.16.090 Term extended.**

43 Pursuant to the approval of the voters within the Houghton  
44 community municipal corporation as expressed at a general election  
45 held November 6, 2001, the existence of the Houghton municipal

46 community shall be extended for an additional four-year term to end on  
47 the first Monday in January, 2006.  
48

49 Section 3. A new Section 2.16.100 of the Kirkland Municipal  
50 Code is hereby created to read as follows:  
51

52 **2.16.100 Term extended.**

53 Pursuant to the approval of the voters within the Houghton  
54 community municipal corporation as expressed at a general election  
55 held November 8, 2005, the existence of the Houghton municipal  
56 community shall be extended for an additional four-year term to end on  
57 the first Monday in January, 2010.  
58

59 Section 4. A new Section 2.16.110 of the Kirkland Municipal  
60 Code is hereby created to read as follows:  
61

62 **2.16.110 Term extended.**

63 Pursuant to the approval of the voters within the Houghton  
64 community municipal corporation as expressed at a general election  
65 held November 3, 2009, the existence of the Houghton municipal  
66 community shall be extended for an additional four-year term to end on  
67 the first Monday in January, 2014.  
68

69 Section 5. A new Section 2.16.120 of the Kirkland Municipal  
70 Code is hereby created to read as follows:  
71

72 **2.16.120 Term extended.**

73 Pursuant to the approval of the voters within the Houghton  
74 community municipal corporation as expressed at a general election  
75 held November 5, 2013, the existence of the Houghton municipal  
76 community shall be extended for an additional four-year term to end on  
77 the first Monday in January, 2018.  
78

79 Section 6. This ordinance shall be in force and effect five days  
80 from and after its passage by the Kirkland City Council and publication,  
81 as required by law.  
82

83 Passed by majority vote of the Kirkland City Council in open  
84 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.  
85

86 Signed in authentication thereof this \_\_\_\_ day of  
87 \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

---

City Attorney



**CITY OF KIRKLAND**

**City Attorney's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kevin Raymond, City Attorney

**Date:** April 6, 2017

**Subject:** AN ORDINANCE RELATED TO THE JURISDICTION OF THE KIRKLAND MUNICIPAL COURT TO CONDUCT CONTESTED VEHICLE TOW AND IMPOUNDMENT HEARINGS

**RECOMMENDATION:**

City Council pass the attached ordinance. This ordinance would amend Kirkland Municipal Code ("KMC") Section 12.40.020 to reflect the existing practice of conducting contested vehicle tow and impoundment hearings in Kirkland Municipal Court rather than King County Northeast District Court. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

**BACKGROUND DISCUSSION:**

Pursuant to authority granted by RCW 46.55.120(2)(b), contested hearings related to the towing and impoundment of vehicles alleged to be unauthorized or abandoned may be conducted in either district court or municipal court. In the past, such hearings were conducted in Northeast District Court. The existing practice, however, is to conduct such hearings in Kirkland Municipal Court. This ordinance would amend KMC Section 12.40.020 to substitute "Kirkland Municipal Court" for "Northeast District Court" as having exclusive jurisdiction to conduct such hearings.

This amendment has been recommended by Code Publishing Company as part of its legal review of the KMC, and is supported by the Kirkland Municipal Court, Police Department and Prosecutor.

ORDINANCE O-4573

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ABANDONED AND UNAUTHORIZED VEHICLES AND MUNICIPAL COURT JURISDICTION FOR TOW HEARINGS.

1           WHEREAS, as part of a legal review of the Kirkland Municipal  
2 Code ("KMC") by Code Publishing Company it has been recommended  
3 that KMC Section 12.40.020 be amended to reflect the jurisdiction of  
4 the Kirkland Municipal Court, rather than Northeast District Court, to  
5 conduct contested vehicle tow and impoundment hearings.  
6

7           NOW, THEREFORE, the City Council of the City of Kirkland do  
8 ordain as follows:  
9

10           Section 1. Kirkland Municipal Code Section 12.40.020 is  
11 amended to read as follows:  
12

13           **12.40.020 Procedure for impoundment.**

14           An unauthorized vehicle may be impounded by a registered tow  
15 truck operator at the direction of a police officer, parking enforcement  
16 person, or other public official authorized by the chief of police. Removal  
17 and storage of a vehicle impounded under this section shall be at the  
18 registered and legal owners' expense as provided in RCW Title 46.  
19 Within twenty-four hours after an unauthorized vehicle is impounded,  
20 the police department shall send notification by first class mail to the  
21 last known registered and legal owners of the vehicle, unless the vehicle  
22 is redeemed prior to the mailing of the notice. The notification shall  
23 include the name, address, and phone number of the impounding tow  
24 firm and the location and time of impound. Further, the notification will  
25 inform any owner of an opportunity for a hearing to contest the basis  
26 of the impoundment which shall contain a certificate of mailing and  
27 which shall be accompanied by a form to be directed to the Kirkland  
28 Municipal Court ~~Northeast District Court~~ for requesting a hearing. Unless  
29 otherwise specified, any impoundment pursuant to this code or other  
30 ordinances of the city shall follow the procedure set forth in this section  
31

32           Section 2. This ordinance shall be in force and effect five days  
33 from and after its passage by the Kirkland City Council and publication,  
34 as required by law.  
35

36           Passed by majority vote of the Kirkland City Council in open  
37 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.  
38

39           Signed in authentication thereof this \_\_\_\_ day of  
40 \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

Attest:

---

City Clerk

Approved as to Form:

---

City Attorney



## **CITY OF KIRKLAND**

**City Attorney's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kevin Raymond, City Attorney

**Date:** April 6, 2017

**Subject:** AN ORDINANCE RELATED TO TIME PERIODS BEFORE PROPERTY RECEIVED BY PAWNBROKERS AND SECONDHAND DEALERS CAN BE REMOVED FROM PLACES OF BUSINESS FOLLOWING NOTICE TO KIRKLAND POLICE CHIEF

### **RECOMMENDATION:**

City Council pass the attached ordinance. This ordinance would amend Kirkland Municipal Code ("KMC") Section 7.36.120(8) to conform to KMC Section 7.36.080, so that both sections require pawnbrokers and secondhand dealers receiving property, by purchase or in pledge, not remove such property from their places of business (e.g. by sale) until at least 15 days have elapsed following notice of such receipt to the Kirkland Police Chief. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

### **BACKGROUND DISCUSSION:**

By amending KMC Section 7.36.120(8) as proposed, that section as well as KMC Section 7.36.080 will uniformly provide for a required hold period of at least 15 days after notice of receipt of property, by purchase or in pledge, has been provided by pawnbrokers and secondhand dealers to the Police Chief. The present hold period in KMC Section 7.36.120(8) is only four days, and that time period is considered unnecessarily short in order to determine, for example, whether such property may initially have been stolen. The harmonization of these time periods will also avoid confusion and any potential for inconsistent enforcement.

This amendment has been recommended by Code Publishing Company as part of its legal review of the KMC.



ORDINANCE O-4574

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PAWNBROKERS AND SECONDHAND DEALERS AND REMOVAL OF PROPERTY BOUGHT OR RECEIVED IN PLEDGE FROM PLACE OF DOING BUSINESS FOLLOWING REPORTING OF RECEIPT THEREOF TO CHIEF OF POLICE.

1           WHEREAS, as part of a legal review of the Kirkland Municipal  
2 Code ("KMC") by Code Publishing Company it has been recommended  
3 that time periods related to the removal of property bought or received  
4 in pledge by pawnbrokers and secondhand dealers from their places of  
5 doing business and following notice of receipt of same to the Kirkland  
6 Police Chief, for example through the sale of such property to third  
7 parties, be harmonized in order to avoid confusion and any potential for  
8 inconsistent enforcement; and  
9

10           WHEREAS, KMC Section 7.36.080 provides for a 15-day required  
11 hold period after the receipt of such property has been reported to the  
12 Police Chief; and  
13

14           WHEREAS, KMC Section 7.36.120(8) provides for a 4-day  
15 required hold period after the receipt of such property has been  
16 reported to the Police Chief; and  
17

18           WHEREAS, those KMC sections should be harmonized so that  
19 both provide for a 15-day required hold period.  
20

21           NOW, THEREFORE, the City Council of the City of Kirkland do  
22 ordain as follows:  
23

24           Section 1. Kirkland Municipal Code Section 7.36.120 is amended  
25 to read as follows:  
26

27 **7.36.120 Acts deemed misdemeanor.**

28           Every pawnbroker, secondhand dealer or coin dealer and every clerk,  
29 agent or employee of a pawnbroker, secondhand dealer or coin dealer  
30 is guilty of a misdemeanor when he or she:

- 31 (1) Fails to make an entry of any material matter in his or her records;  
32 or
- 33 (2) Makes any false entry therein; or
- 34 (3) Falsifies, obliterates, destroys or removes from his or her place of  
35 business any book or record; or
- 36 (4) Refuses to allow the prosecuting attorney or any peace officer to  
37 inspect his or her records, or any goods in his possession, during the  
38 ordinary hours of business; or
- 39 (5) Reports any material matter falsely to the chief of police; or
- 40 (6) Having forms provided therefor, fails before the end of each  
41 business day to furnish the chief of police with a full, true and correct  
42 transcript of the record of all transactions had on the previous day, it

43 being the intent of this section that Saturday's business may be reported  
44 on Monday; or

45 (7) Fails to report forthwith to the chief of police the possession of  
46 any property which he or she may have good cause to believe has been  
47 lost or stolen, together with the name of the owner, if known, and the  
48 date when, and the name of the person from whom the same was  
49 received by him or her; or

50 (8) Removes or allows to be removed from his or her place of  
51 business, except upon redemption by the owner thereof, any property  
52 received before ~~fifteen~~ four days have elapsed since the receipt thereof  
53 was reported to the chief of police; or

54 (9) Receives any property from any person under the age of eighteen  
55 years, any habitual user of narcotic drugs, any habitual criminal, any  
56 person in an intoxicated condition, any known thief or receiver of stolen  
57 property, or any known associate of such thief or receiver of stolen  
58 property, whether such person be acting in his or her own behalf or as  
59 the agent of another.

60  
61 Section 2. This ordinance shall be in force and effect five days  
62 from and after its passage by the Kirkland City Council and publication,  
63 as required by law.

64  
65 Passed by majority vote of the Kirkland City Council in open  
66 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.

67  
68 Signed in authentication thereof this \_\_\_\_ day of  
69 \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



## CITY OF KIRKLAND

City Attorney's Office  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Kevin Raymond, City Attorney

**Date:** April 6, 2017

**Subject:** AN ORDINANCE RELATING TO OPERATION OF WATERCRAFT WHILE UNDER THE INFLUENCE OF MARIJUANA

#### **RECOMMENDATION:**

City Council pass the attached ordinance. This ordinance would amend Kirkland Municipal Code ("KMC") Section 14.24.050 to add marijuana to unlawful intoxicants and drugs as substances that it is unlawful to be under the influence of when operating or in actual physical possession of a vessel in Kirkland. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

#### **BACKGROUND DISCUSSION:**

KMC Section 14.24.050 makes it unlawful to operate or be in physical control of a vessel in Kirkland when under the influence of unlawful intoxicants or drugs. This code section is based on RCW 79A.60.040, which was amended in 2013 to add marijuana to intoxicating liquor and any other drugs as substances that it is unlawful to be under the influence of when operating vessels in Washington. The addition of marijuana by the Legislature was part of a response to the passage in 2012 of Initiative Measure No. 502, which decriminalized the adult use of marijuana while adding a new threshold for driving under the influence of marijuana. That threshold, together with thresholds for intoxicating liquor and other drugs, is codified at Chapter 69.50 RCW, the Washington Uniform Controlled Substances Act, and would govern City of Kirkland ("City") enforcement actions under its code. This ordinance ensures that the code remains consistent with governing state law by adding marijuana, and also changes "unlawful intoxicants" to "intoxicating liquor" so that code nomenclature is the same as that used in state law.

This amendment has been recommended by Code Publishing Company as part of its legal review of the KMC.

ORDINANCE O-4575

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE OPERATION OF WATERCRAFT WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, MARIJUANA OR ANY DRUG.

1           WHEREAS, as part of a legal review of the Kirkland Municipal  
2 Code ("KMC") by Code Publishing Company it was recommended that  
3 KMC Section 14.24.050 be amended to add marijuana as one of the  
4 substances that it is unlawful to be under the influence of when  
5 operating or in actual physical control of any vessel in the city of  
6 Kirkland; and  
7

8           WHEREAS, KMC Section 14.24.050 already prohibits being under  
9 the influence of unlawful intoxicants or drugs when operating or in  
10 actual physical control of any vessel in the city; and  
11

12           WHEREAS, KMC Section 14.24.050 is based on RCW 79A.60.040,  
13 which was amended in 2013 to add marijuana to intoxicating liquor and  
14 any other drugs as substances that it is unlawful to be under the  
15 influence of when operating a vessel in Washington;  
16

17           WHEREAS, such amendment to RCW 79A.60.040 was enacted  
18 as part of the passage of Initiative Measure No. 502 in 2012, which  
19 measure decriminalized adult marijuana use while adding a new  
20 threshold for driving under the influence of marijuana; and  
21

22           WHEREAS, that new threshold for driving under the influence of  
23 marijuana is codified in Chapter 69.50 RCW, the Washington Uniform  
24 Controlled Substances Act, which threshold would govern enforcement  
25 actions initiated by the City of Kirkland ("City") under KMC Section  
26 14.24.050, as is also true with respect to vessel operators under the  
27 influence of intoxicating liquor or any other drug.  
28

29           NOW, THEREFORE, the City Council of the City of Kirkland do  
30 ordain as follows:  
31

32           Section 1. Kirkland Municipal Code Section 14.24.050 is  
33 amended to read as follows:  
34

- 35 **14.24.050 Intoxication.**  
36 (a) It is unlawful for any person who is under the influence of  
37 intoxicating liquor, marijuana or any drug ~~alcohol or drugs~~ to operate or  
38 be in actual physical control of any vessel or watercraft.  
39 (b) It is unlawful for the owner of any vessel or watercraft or any  
40 person having such in charge or in control to authorize or knowingly  
41 permit the same to be operated by any person who is under the  
42 influence of intoxicating liquor, marijuana or any drug ~~alcohol or drugs~~.

43            Section 2. This ordinance shall be in force and effect five days  
 44 from and after its passage by the Kirkland City Council and publication,  
 45 as required by law.

46  
 47            Passed by majority vote of the Kirkland City Council in open  
 48 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

49  
 50            Signed in authentication thereof this \_\_\_\_\_ day of  
 51 \_\_\_\_\_, 2017.

\_\_\_\_\_  
 MAYOR

Attest:

\_\_\_\_\_  
 City Clerk

Approved as to Form:

\_\_\_\_\_  
 City Attorney



## CITY OF KIRKLAND

Department of Finance & Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
www.kirklandwa.gov

### MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Greg Piland, Purchasing Agent

**Date:** April 6, 2017

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF APRIL 18, 2017.

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known 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 the last report dated March 23, 2017 are as follows:

	Project	Process	Estimate/Price	Status
1.	120 <sup>th</sup> Ave NE and 122 <sup>nd</sup> Ave NE Water main Improvement	A&E Roster Process	\$174,590.32	Contract awarded to KPG Interdisciplinary Design based on qualifications per RCW 39.80.
2.	PetData animal licensing services	Direct Purchase	\$126,664.20*	Competitive process waived by the City Manager in accordance with KMC 3.85.210. See attached documentation.

\*Three year contract estimate based on City's 2015 pet license sales.

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

**CITY OF KIRKLAND****Department of Finance & Administration****123 Fifth Avenue, Kirkland, WA 98033 425.587.3100****www.kirklandwa.gov**

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**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations Manager  
Jay Gewin, Customer Accounts Supervisor  
Greg Piland, Purchasing Agent

**Date:** March 29, 2017

**Subject:** REQUEST FOR WAIVER OF COMPETITIVE BIDDING – Animal licensing processing services provided by PetData.

**RECOMMENDATION:**

Staff recommends the waiver of a competitive process to enter into contract with PetData, Inc. for the comprehensive management of the City of Kirkland's animal licensing processing services.

**BACKGROUND DISCUSSION:**

The City of Kirkland (City) will begin providing animal services to the community starting January 1, 2018. Previously, animal services including pet licensing was handled by Regional Animal Services of King County (RASKC). A strong commitment to the humane treatment of all animals and desire to provide superior customer service led to the creation of the Kirkland Animal Services Program (KASP).

A vital part of KASP is the licensing aspect for the dog and cat population in the City. It's estimated that 25,000 dogs and cats call the City home and our ability to register our animal population is key to the program's success.

PetData provides an all-inclusive system that eliminates the need for additional full time staffing and software solutions from the City. Services include but are not limited to: initial licensing and tag assignment; annual renewal notification; data entry; response to citizens; custom and standard reporting.

Under an initial 3-year agreement, with a City option to renew for two additional one year periods, fees associated with this service include one-time startup fee of \$1,000, a per license fee of \$4.10 for the first three years, and \$4.20 per license fee for years four and five. PetData charges the licensee a \$2.00 convenience fee with online credit card transactions. RASKC currently charges a \$1.49 convenience fee for credit card transactions. Licensing paid by check and mailed to PetData would not be subject to this convenience fee. Based on the 2015 total of licensed animals in the City of 10,054, our yearly fee would be \$42,221.40, including the startup fee. The three year contract total would be \$126,664.20, based on reported 2015 City pet license sales.

While staff have identified software systems that exist in the market place, nothing provides all services and materials for the comprehensive management of the program available through PetData. Additional software would require IT support and staff time

to provide the services that PetData currently offers. Staff would also need to develop, run, and maintain a complete animal licensing program, which could increase the overall cost of KASP.

PetData informed the City that they are the only private company in the United States that offer a custom and comprehensive turnkey animal licensing program to municipalities (Attachment A). Using the PetData program would eliminate the need for the purchase of additional licensing software and allocation of staff time to run licensing related administrative functions of KASP.

KMC 3.85.210 provides that the competitive process may be waived by the City Manager when the purchase is legitimately limited to a single source of supply. However, for purchases costing more than \$50,000, the purchase must be reported to the City Council. If you approve this purchase, this memo and the supporting documents will be included in the next Procurement Activities Report to the Council.

Please contact Lorrie McKay, Jay Gewin, or Greg Piland if you require additional information.

Request Approved       Request Denied

  
\_\_\_\_\_  
Kurt Triplett, City Manager



**SOLE SOURCE STATEMENT****March 23, 2017**

PetData Inc. is the largest animal licensing organization in the U.S. and is the only private company currently providing a custom and comprehensive turnkey animal licensing program to municipalities. We are a full-service Business Process Outsource, and not a software provider. As such, PetData utilizes our own proprietary and confidential assets to run Animal Licensing Services for our clients. PetData does not require access to any of our clients' IT assets or resources at any time. PetData's animal licensing service is also not shelter-software specific. Our clients utilize animal shelter software from a variety of vendors, including PetPoint, Chameleon, Shelter Buddy and others. When a municipality contracts with PetData for animal licensing, they are free from the worry of having animal licensing permanently tied to one specific animal shelter software program.

As part of our licensing service, PetData provides all labor, tools, supervision and supplies necessary to manage and operate the City of Kirkland's animal licensing program. PetData's licensing service for the City includes, but is not limited to: providing supplies of forms; processing of rabies vaccination certificates; processing of licenses; distribution of tags; data entry; response to citizens, Kirkland staff and veterinarian inquiries; providing mailing and processing license renewals and billing notices from vaccination data; handling and reconciliation of fees and both custom and standard reporting. PetData also provides online license tag lookup to the public that returns the owner's last name, any available phone numbers and the pet's name and description.



PetData's service should not be confused with software providers that offer a solution limited to a data entry module and check processing and/or lockbox services. Where we differ is the the level of service provided, and the requirement software providers have to install and use their system on City-owned computers. Software providers require certain operating systems. They also require City staff to do all of the work associated with an animal licensing program, such as data entry, creating reports, printing (and associated postage), and handling phone calls from citizens.

PetData provides all services and materials for the ongoing comprehensive management of the City of Kirkland's Animal Licensing Program. PetData processes pet license applications, verifies eligibility, issues licenses, collects and deposits fees, works with the city to generate marketing ideas, and generates reports as requested by the county. PetData also provides full-service pet licensing program administration for licenses purchased via PetLicense, through the US Mail, and over the counter at authorized Registrars. In addition, PetData provides a dedicated toll-free number for customer service.

Please don't hesitate to contact me if you have any further questions.  
Thank you.

A handwritten signature in black ink that reads "Ch A Richey".

Christopher A. Richey  
President



**CITY OF KIRKLAND**  
**City Manager's Office**  
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## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Lorrie McKay, Intergovernmental Relations Manager  
**Date:** April 7, 2017  
**Subject:** 2017 LEGISLATIVE UPDATE #7

### **RECOMMENDATION:**

Council should receive its seventh update on the 2017 legislative session.

### **BACKGROUND DISCUSSION:**

This memo reflects an update of the City's legislative interests as of April 7. Next Wednesday, April 12 is the last day to consider (*pass*) opposite house bills (*5pm*) (*except initiatives, and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session*). April 23 is the last day allowed for the regular session under the state constitution.

### **Council's Legislative Workgroup**

The Council's Legislative Workgroup (Mayor Walen, Councilmember Asher and Councilmember Marchione) meets weekly throughout the session on Friday's at 3:30pm. The Legislative Workgroup met on April 7, to discuss the status of the City's 2017 legislative priorities (Attachment A) and reviewed an updated Bill Position Tracker (Attachment B).

### **Summary Status of the City's 2017 legislative priorities**

As the regular session wraps up, some of the City's legislative priorities have been passed by both chambers but need to go through concurrence to have differences between the houses resolve. Many others remain alive, as they are considered matters necessary to implement budgets (NTIB). What follows is the status as of close of business, April 7.

- **New policies and funding tools to address homelessness and create more affordable housing:**
  - Housing Trust Fund
    - Senate proposed 2017-2019 capital budget includes \$99 million
    - House proposed 2017-2019 capital budget includes \$106 million
  - REET 2 Flexibility to include affordable housing  
**(House Bill 1797)** Concerning encouraging affordable housing development and preservation by providing cities limited sales tax remittance for qualifying investments, providing cities and counties authority to use real estate excise taxes to support affordable

housing, and providing cities and counties with councilmanic authority to impose the affordable housing sales tax. (Rep. McBride, LD 48)

This housing 'the local sources' is considered "necessary to implement the budget" (NTIB) and has been in the House Rules Committee since March 7. HB 1797 would:

- ✓ Allow cities and counties to use existing REET 2 funds to support affordable housing through 2020
- ✓ Allow King County and cities within King County to utilize "2263" funds (the sales tax mechanism authorized under House Bill 2263 for affordable housing) through councilmanic authority, rather than a public vote; and
- ✓ A City of Wenatchee component was added to the bill, but staff needs to research further exactly what was included.

Considered NTIB, HB 1797 had been sitting in House Rules since March 7. On April 5, the bill was placed on second reading by the Rules Committee and is teed-up for the final budget negotiations.

([Senate Bill 5254](#)) Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs. (Senator Fain, LD 47)

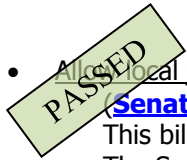
Also considered NTIB, SSSB 5254 was moved by the Ways & Means Committee on March 20 and was passed to the Rules Committee for second reading on March 22. This bill is also in place for the final budget negotiations.

- Extend document recording fee for housing (eliminate sunset) and increase the fee ([House Bill 1570](#)) Concerning access to homeless housing and assistance. (Rep. Macri, LD 43)

In addition to being included in SB 5254, extending the document recording fee, increasing the fee and eliminating the sunset is included in HB 1570.

1570 too is considered NTIB and was placed on second reading by the Rules Committee on April 5, in anticipation of the final budget negotiations.

- Allow Kingsgate Park and Ride to be used for an affordable housing Transit Oriented Development
  - A budget proviso was included in SHB 1147, the House proposed 2017-19 Transportation Budget. Section 218, sub-section (3) does not provide any funding, but does direct WDOT to explore Transit Oriented Development at the Kingsgate site, requires a report back to the House and Senate Transportation Committees by the end of December 2017. Whether or not the Senate Transportation Committee accepts this proviso remains to be seen.
  - Rep. McBride was scheduled to meet with Secretary Millar to discuss this issue last week.
  - Finally, WSDOT staff told Rep. McBride they will provide her with preliminary draft 'straw plan' in May.
- Support adequate and sustainable funding to maintain high-quality statewide training for law enforcement personnel
  - The Senate proposed 2017-2019 operating budget ([SB 5048](#)) provides funding provided for eight additional Basic Law Enforcement Academies in each fiscal year. Employing agencies will continue to pay a 25% share. \$1.7M for 2018, \$1.7M in 2019. 3.4M for 2017-19 biennium. There are no additional classes funded in the supplemental budget.
  - The House proposed 2017-2019 operating budget (HB 1067) provides funding for 6 BLEA classes and it fully funds 2017 Supplemental



- All local jurisdictions the option to set a lower taxing limit for a Metropolitan Park District (MPD) **Senate Bill 5138** Concerning metropolitan park districts. (Senator Palumbo, LD 1)  
This bill, championed by the City of Kirkland has been passed by both the Senate and the House. The Senate passed SB 5138 on February 15 (43 yeas; 2 nays; 0 absent; and 4 excused). The bill was amended on the floor of the House and passed on April 5 (79 yeas, 18 nays, 0 absent, 1). The floor amendment (removing the word "parkway") requires that the bill be returned to the Senate for concurrence.
  
- Capital or transportation budget funding for a multimodal safety improvement project connecting the Cross Kirkland Corridor with the Redmond Central Connector
  - Senate proposed 2017-2019 capital budget includes \$1.4 million toward this regional trail connection project.
  - House proposed 2017-2019 capital budget includes \$1.1 million toward this project, with no matching requirement.
  
- Allow both the state and local governments the option of replacing the property tax cap, currently fixed at 1 percent, with a cap that is indexed to both population growth and inflation.  
**(House Bill 1764)** Replacing the one percent property tax revenue limit with a limit tied to cost drivers. (Rep. Lytton, LD 40). This bill is also considered NTIB. On March 30, the House Finance Committee moved this bill forward, and on April 4 the bill was referred to the Rules Committee for Rules 2 Review.
  - On April 9, the Editorial Board of the Everett Herald published an opinion that "the 1 percent cap is no longer about getting county officials to live within their means; it has become a starvation diet that threatens public safety and other important services." (Attachment C)
  
- Support updates to the Public Records Act that will:
  - Exempt non-appointed volunteers from records requests, except for responsive records already retained by jurisdiction  
**ESHB 1594**, Improving Public Records Administration (Rep. McBride, LD 48) was passed by the House (79 yeas; 18 nays; 0 absent; 1 excused) on March 3. While the bill was heard in the Senate State Government Committee on March 15, the following amendment language was added, on behalf of the City of Kirkland, at the end of the definition of "public record" in 42.56.010(3):

Records held by volunteers who do not serve in an administrative capacity, have not been appointed by the agency to an agency board, commission, internship, or supervisory role that has delegated agency authority, and that are not otherwise required to be retained by the agency, are not public records.

The Senate State Government Committee moved 1594 forward to Senate Ways & Means, where it was heard in committee on March 31. From there, the bill was referred to Senate Rules for 2<sup>nd</sup> reading on April 4 and on April 6, it was placed on 2<sup>nd</sup> reading by the Rules Committee. This bill must be brought to the floor of the Senate for a vote by Wednesday, April 12.



- Establish a nominal fee for filing records requests and a per document charge for electronic records

(**House Bill 1595**) Concerning costs associated with responding to public records requests. (Rep. Nealey, LD 16).

The House passed EHB 1595 (75 yeas; 22 nays; 0 absent; 1 excused) on March 3 and it was also heard in the Senate State Government Committee on March 15. The committee moved the bill forward to Senate Rules on March 29. The Rules Committee placed the bill on 2<sup>nd</sup> reading on March 31 and on April 7, the bill was amended on the floor and passed (43 yeas; 4 nays; 0 absent; 2 excused). Because the bill was amended on the floor of the Senate, it is required to be returned to the House for concurrence.

- Create a path to predictability on fines for jurisdictions that make good faith efforts to comply with records requests.

This issue died in Senate State Government at the first cut off.

### **Proposed Legislation of Concern to the City of Kirkland**

1. (**Senate Bill 5711**) Concerning telecommunications services. (Senator Erickson, LD 42). While two amendments offered to 5711, one by Senator Carlyle and one by Senator Sheldon, were considered acceptable by Kirkland City staff from Planning, CAO and Public Works as well as the AWC, these amendments were not seriously considered by the bill's sponsor. 5711 stalled for nearly a month, it was "returned" to Senate Rules on March 17 and stakeholder negotiations resumed and have continued. At the writing of this memo, the bill had not moved.
2. (**House Bill 2005**) Improving the business climate in this state by simplifying the administration of municipal general business licenses. (Representative Lytton, LD 40). On March 2, the House passed HB 2005 (96 yeas; 2 nays; 0 absent; 0 excused). The bill was heard in Senate Commerce Labor & Sports on March 15 and was then referred to Ways & Means, where it was heard on March 27. HB 2005 was passed to Senate Rules for second reading on April 3.
3. (**Senate Bill 5046**) Providing public notices of public health, safety, and welfare in a language other than English. (Senator Hasagawa, LD 11). While the City supports the intent of SB 5046, its passage in its current form could have significant financial impacts to all cities across the state. The City has monitored and has provided feedback on SB 5046 throughout the process (as well as its House companion – which cities preferred but, which died). Staff and consultants are working with sponsors to include language from the House bill that that defines a "significant segment" of the community that speaks a language other than English. The House version of the bill defines "significant segment" as five percent or more of residents residing in the affected city, town, or county, where as the Senate bill's definition defines "significant segment" as five percent or more of residents, or one thousand residents, whichever is fewer. The Senate passed SB 5046 on February 27 (49 yeas; 0 nays; 0 absent; 0 excused). The senate bill was heard in House Public Safety and was then referred to House Appropriations on March 29. The bill was heard in Appropriations on April 3 and then referred to House Rules on April 4. It was placed on second reading by Rules on April 7, where it is likely to be brought to the floor for a vote by April 12.
4. (**Senate Bill 5212**) Concerning the scope of land use control ordinances for purposes of vesting. (Sen. Wilson LD 17). While the senate passed SB 5212 (25 yeas; 24 nays; 0 absent; 0 excused), the bill died in the Senate.

- Attachments:
- A. 2017 Legislative Priorities Status (4/7/17)
  - B. Bill Tracker – Recommended Positions (4/7/17)
  - C. Everett Herald April 9, 2017 Editorial "1 percent property tax cap is starving counties"

Legislative Priority	Bill #	Prime Sponsor	Status
<p>New policies and funding tools to address homelessness and create more affordable housing.</p> <ul style="list-style-type: none"> <li>Restore the Housing Trust Fund (HTF) to pre-recession levels</li> <li>Add affordable housing to the list of eligible projects that can be funded by REET 1 and REET 2</li> <li>Extend document recording fee for housing (eliminate sunset) and increase the fee</li> </ul>	<p>SB 5086 HB 1075</p> <p>HB 1797</p> <p>SB 5254</p> <p>SB 5254 HB 1570</p>	<p>Sen. Honeyford Rep. Tharinger</p> <p>Rep. McBride</p> <p>Sen. Fain</p> <p>Sen. Fain Rep. Macri</p>	<p>&gt; \$99M (Housing Alliance adjusted this amount from previous report) &gt; \$106M</p> <p>3/7 – Referred to Rules 2 Review 4/5 – Placed on 2<sup>nd</sup> Reading by Rules</p> <p>3/29 – Placed on 2<sup>nd</sup> Reading by Rules</p> <p>3/29 – Placed on 2<sup>nd</sup> Reading by Rules 2/24 – Referred to Rules 2 Review 4/5 – Placed on 2<sup>nd</sup> Reading by Rules</p>
Allow Kingsgate Park and Ride to be used for an affordable housing Transit Oriented Development	SHB 1147	Rep. Clibborn	<p>- Budget Proviso - Sec. 218. Sub (3) &gt; no \$... but directs DOT to explore TOD at Kingsgate</p> <p>- Rep. McBride has requested meeting with Secretary Millar to discuss.</p> <p>- WSDOT told Rep. McBride they'll have prelim draft 'straw plan' in 6 wks.</p>
Support adequate and sustainable funding to maintain high-quality statewide training for law enforcement personnel	SB 5048 HB 1067	Sen. Honeyford Rep. Ormsby	<p>&gt; Senate - 8 BLEA classes. No 2017 Supplemental funding</p> <p>&gt; House - 6 BLEA classes. Fully funds 2017 Supplemental</p>
Allow local jurisdictions the option to set a lower taxing limit for a Metropolitan Park District (MPD)	<b>SB 5138</b>	Sen. Palumbo	<p><b>2/15 – PASSED 43 yeas, 2 nays, 0 absent, 4 excused</b> <b>4/5 – PASSED 79 yeas, 18 nays, 0 absent, 1 excused</b></p>
Capital or transportation budget funding for a multimodal safety improvement project connecting the CKC with the RCC	SB 5086 HB 1075	Sen. Honeyford Rep. Tharinger	<p>3/28 - "Willows Road Regional Trail Connection (Kirkland). . . \$1,442,000"</p> <p>4/5 - "Willows Road Regional Trail Connection (Kirkland). . . \$1,100,000"</p>
Allow both the state and local governments the option of replacing the property tax cap, currently fixed at 1 percent, with a cap that is indexed to both population growth and inflation.	HB 1764	Rep. Lytton	<p>3/30 – Executive Action taken in Finance Committee</p> <p>4/4 – Referred to Rules 2 Review</p>
<p>Support updates to the Public Records Act that will:</p> <ul style="list-style-type: none"> <li>Exempt non-appointed volunteers from records requests, except for responsive records already retained by jurisdiction</li> <li>Establish a nominal fee for filing records requests and a per document charge for electronic records</li> </ul>	<p>HB 1594</p> <p><b>HB 1595</b></p>	<p>Rep. McBride</p> <p>Rep. Nealey</p>	<p><b>3/3 – PASSED 79 yeas, 18 nays, 0 absent, 1 excused</b> 3/31 – Heard in Ways &amp; Means 4/3 – Executive taken in Ways &amp; Means 4/4 – Passed to Rules for 2<sup>nd</sup> Reading 4/6 – Placed on 2<sup>nd</sup> Reading by Rules</p> <p><b>3/3 – PASSED 75 yeas, 22 nays, 0 absent, 1 excused</b> <b>4/7 – PASSED 43 yeas, 4 nays, 0 absent, 2 excused</b></p>

\* No HIGHLIGHTS = No change in status from last update.

Bill	Title	Position	Sponsor	Status
<b>Support</b>				
<a href="#">HB 1047</a>	Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications.	Support	Peterson	3/13 - Placed on 2nd Reading in Rules <b>DEAD</b>
<a href="#">HB 1048</a>	Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling (solar bill)	Support	Morris	3/2 - Referred to Finance 3/10 - Heard in Finance <b>NTIB</b>
<a href="#">HB 1078</a>	Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.	Support	Pellicciotti	<b>2/9 - PASSED - 98 yeas; 0 nays; 0 absent</b> 2/10 - Referred to Senate Law & Justice <b>DEAD</b>
<a href="#">HB 1111</a>	Concerning DNA biological samples.	Support	Orwall	2/15 - Heard in Approps <b>DEAD</b>
<a href="#">HB 1112</a>	Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.	Support	Orwall	2/3 - Referred to Rules 2 Review <b>DEAD</b>
<a href="#">HB 1113</a>	Concerning gradually increasing the local government share of excess liquor revenues until the percentage-based method for distributions is restored.	Support	Hayes	2/13 - Referred to Rules <b>DEAD</b>
<a href="#">HB 1153</a>	Concerning crimes against vulnerable persons.	Support	Goodman	<b>2/27 - PASSED - 92 yeas; 4 nays; 0 abs; 2 xsd</b> 3/28 - Heard in Senate Law & Justice 3/29 - Exec Action taken 4/4 - Passed to Rules for 2nd Reading 4/7 - Placed on 2nd Reading by Rules
<a href="#">HB 1163</a>	Concerning domestic violence.	Support (w/ cntxt)	Goodman	<b>3/1 - PASSED - 93 yeas; 5 nays; 0 abs; 0 xsd</b> 3/14 - Heard in Senate Law & Justice 3/29 - Exec Action taken 4/4 - Passed to Rules for 2nd Reading 4/7 - Placed on 2nd Reading by Rules
<a href="#">HB 1184</a>	Modifying patronizing a prostitute provisions.	Support	Orwall	<b>2/2 - PASSED - 98 yeas; 0 nays; 0 absent</b> 3/21 - Heard in Law & Justice 3/29 - Exec Action. Passed to Rules for 2nd R 4/5 - Placed on 2nd Reading by Rules <b>4/6 - PASSED - 49 yeas; 0 nays; 0 absent</b>
<a href="#">HB 1376</a>	Concerning paint stewardship.	Support	Peterson	3/6 - Placed on 2nd Reading by Rules <b>DEAD</b>
<a href="#">HB 1417</a>	Concerning the harmonization of the open public meetings act with the public records act in relation to information tech security matters.	Support	Hudgins	<b>2/28 - PASSED - 98 yeas; 0 nays; 0 absent</b> 3/15 - Heard in Senate State Gov 3/29 - Exec. Action and Passed to Rules for 2nd R 4/7 - Placed on 2nd Reading by Rules
<a href="#">HB 1456</a>	Concerning metropolitan park districts.	Support	Kloba	<b>3/2 - PASSED - 58 yeas; 40 nays; 0 absent</b> 3/16 - Heard in Senate Local Gov <b>DEAD</b>
<a href="#">HB 1532</a>	Concerning the exemption of property taxes for nonprofit homeownership development.	Support	Lytton	<b>3/7 - PASSED - 79 yeas; 18 nays; 0 abs; 1 xsd</b> 3/9 - Referred to Sen. Humn Srvc, Mntl Hlth, Hsg 3/14 - Heard in Human Srvc, Mntl Hlth, Hsg 3/16 - Referred to Ways & Means 3/30 - Exec Action taken 4/3 - Passed to Rules 2nd Reading
<a href="#">HB 1536</a>	Concerning local option tools to promote, preserve, and incentivize affordable housing.	Support	McBride	1/23 - Referred to Comm Dev, Hsg & Tribal Affairs <b>DEAD</b>
<a href="#">HB 1570</a>	Concerning access to homeless housing and assistance.	Support	Macri	2/24 - Referred to Rules 2 Review - <b>NTIB</b> 4/5 - Placed on 2nd Reading by Rules
<a href="#">HB 1594</a>	Improving public records administration.	Support	McBride	<b>3/3 - PASSED - 79 yeas; 18 nays; 1 absent</b> 3/15 - Heard in Senate State Gov 3/29 - Exec Action. Referred to Ways & Means 3/31 - Heard in Ways & Means 4/3 - Executive Action taken. 4/4 - Passed to Rules for 2nd Reading 4/6 - Placed on 2nd Reading by Rules
<a href="#">HB 1595</a>	Concerning costs associated with responding to public records requests	Support	Nealy	<b>3/3 - PASSED - 79 yeas; 18 nays; 1 absent</b> 3/15 - Heard in Senate State Gov 3/29 - Exec action taken. 3/31 - Placed on 2nd Reading by Rules <b>4/7 - PASSED - 43 yeas; 4 nays; 0 abs; 2 exsd</b>

<a href="#">HB 1616</a>	Clarifying the type of land eligible for purchase under the affordable housing land acquisition revolving loan fund program.	Support	McBride	<b>2/28 - PASSED - 79 yeas; 19 nays; 0 absent</b> 3/21 - Heard in Humn Srvc, Mntl HI & Hsing 3/22 - Exec Action taken 3/27 - Passed to Rules for 2nd Reading 3/29 - Placed on 2nd Reading by Rules <b>3/31 - PASSED - 45 yeas; 1 nay</b>
<a href="#">HB 1764</a>	Replacing the one percent property tax revenue limit with a limit tied to cost drivers.	Support	Lytton	1/27 - Referred to Finance 2/10 - Heard in Finance 3/30 - Scheduled for Executive Session 4/4 - Rules 2 Review
<a href="#">HB 1797</a>	Concerning encouraging affordable housing development and preservation by providing cities limited sales tax remittance for qualifying investments, providing cities and counties authority to use real estate excise taxes to support affordable housing, and providing cities and counties with councilmanic authority to impose the affordable housing sales tax.	Support	McBride	3/7 - Referred to Rules 2 Review - <b>NTIB</b> 4/5 - Placed on 2nd Reading by Rules
<a href="#">HB 2097</a>	Limiting disclosure of information about the religious affiliation of individuals.	Support	Stanford	<b>2/28 - PASSED - 98 yeas; 0 nays; 0 absent</b> 3/2 - Referred to Senate Law & Justice <b>DEAD</b>
<b>Monitor</b>				
<a href="#">HB 1000</a>	Concerning the use of deadly force by law enforcement and corrections officers	Monitor	Doglio	1/9 - Referred to Public Safety <b>DEAD</b>
<a href="#">HB 1430</a>	Concerning review & adoption of electrical rules.	Monitor	Manweller	1/19 - Referred to Labor & Workplace Standards <b>DEAD</b>
<a href="#">HB 1540</a>	Providing public notices of public health, safety, and welfare in a language other than English.	Monitor	Santos	<b>3/1 - PASSED - 53 yeas; 45 nays; 0 absent</b> 3/9 - Heard in Senate Local Government 3/28 - Exec action - Referred to Ways & Means 3/30 - Heard in Ways & Means
<b>Oppose</b>				
<a href="#">HB 1044</a>	Concerning the funding of homeownership projects through the housing trust fund.	Oppose	MacEwen	1/26 - Heard in Comm Dev, Hsg & Tribal Affairs <b>DEAD</b>
<a href="#">HB 1102</a>	Concerning technology-enhanced government surveillance.	Oppose	Taylor	1/24 - Heard in Public Safety 2/16 - Executive scheduled but no action taken <b>DEAD</b>
<a href="#">HB 1224</a>	Granting local guvs the authority to make challenges related to growth management planning subject to direct review in superior court	Oppose	Pike	1/13 - Referred to Environment <b>DEAD</b>
<a href="#">HB 1350</a>	Cncrning local jurisdictions electing to participate in local operated growth management planning	Oppose	Taylor	1/18 - Referred to Environment <b>DEAD</b>
<a href="#">HB 1516</a>	Creating a data storage system for holding and making public records available to the public.	Oppose	MacEwen	2/17 - Referred to Appropriations <b>DEAD</b>
<a href="#">HB 1920</a>	Concerning inspections of licensed marijuana processors' equipment and facilities.	Oppose	Condotta	2/16 - Referred to Approps <b>DEAD</b>
<a href="#">HB 1921</a>	Concerning telecommunications services.	Oppose	Morris	2/2 - Referred to Technology & Econ Dev. 2/8 - Heard in Technology <b>DEAD</b>
<a href="#">HB 1952</a>	Concerning enforcement of the electrical laws.	Oppose	Blake	<b>3/3 - PASSED - 97 yeas; 0 nays; 1 exsd</b> 3/7 - Referred to Sen. Commerce, Labor & Sports 3/22 - Heard in Commerce, Labor <b>DEAD</b>
<a href="#">HB 2005</a>	Improving the business climate in this state by simplifying the administration of municipal general business licenses.	Oppose	Lytton	<b>3/2 - PASSED - 96 yeas; 2 nays; 0 exsd</b> 3/15 - Heard in Sen. Commerce, Labor & Sports 3/23 - Exec. Action taken 3/27 - Referred to Ways & Means 3/30 - Exec action taken in Ways 4/3 - Passed to Rules for 2nd Reading 4/5 - Placed on 2nd Reading by Rules



Bill	Title	Position	Sponsor	Status
<b>Support</b>				
<a href="#">SB 5027</a>	Concerning distributed generation.	Support	McCoy	1/10 - Referred to Energy, Enviro, Telecomm <b>DEAD</b>
<a href="#">SB 5030</a>	Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.	Support	Darneille	<b>2/8 - PASSED 48 years, 0 nays, 1xcsd</b> 3/20 - Referred to Rules 4/5 - Placed on 2nd Reading <b>4/6 - PASSED 97 years; 1 excused</b>
<a href="#">SB 5138</a>	Concerning metropolitan park districts.	Support	Palumbo	<b>2/15 - PASSED 43 years, 2 nays, 4excsd</b> 3/24 - Referred to Rules 2 Review 3/31 - Placed on 2nd Reading by Rules <b>4/5 - PASSED 55 years; 42 nays; 1 excused</b>
<a href="#">SB 5143</a>	Concerning the exemption of property taxes for nonprofit homeownership development.	Support	Zeiger	3/2 - Placed 2nd Reading in Rules 3/17 - Senate Rules "X" file <b>DEAD</b>
<a href="#">SB 5184</a>	Modifying patronizing a prostitute provisions.	Support	Padden	2/28 - Placed 2nd Reading in Rules 3/17 - Senate Rules "X" file <b>DEAD</b>
<a href="#">SB 5254</a>	Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs.	Support (REET 1&2 and DRF)	Fain	2/22 - Heard in Ways & Means - <b>NTIB</b> 3/20 - Executive Action taken 3/22 - Passed to Rules for 2nd Reading 3/29 - Placed on 2nd Reading by Rules
<a href="#">SB 5499</a>	Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance	Support	Palumbo	1/26 - Referred to Energy, Enviro & Telecomm 4/6 - Heard in Energy, Enviro & Telecomm
<a href="#">SB 5710</a>	Concerning penalties awarded for violations of the PRA	Support	Kuderer	2/17 - Heard in State Gov <b>DEAD</b>
<a href="#">SB 5772</a>	Replacing the one percent property tax revenue limit with a limit tied to cost drivers.	Support	Pederson	2/16 - Heard in Local Government <b>DEAD</b>
<a href="#">SB 5784</a>	Exempting materials of certain volunteers from public inspection and copying.	Support	Kuderer	2/9 - Referred to State Government <b>DEAD</b>
<b>Monitor</b>				
<a href="#">SB 5046</a>	Providing public notices of public health, safety, and welfare in a language other than English.	Monitor	Hasagawa	<b>2/27 - PASSED 49 years, 0 nays, 0 xcscd</b> 3/28 - Exec action in House Public Safety 3/29 - Referred to Appropriations 4/3 - Heard in Appropriations 4/4 - Exec action. Referred to Rules 2 Review 4/7 - Placed on 2nd Reading by Rules
<a href="#">SB 5304</a>	Concerning the review and adoption of electrical rules.	Monitor	Braun	1/26 - Heard in Commerce, Labor & Sports <b>DEAD</b>
<b>Oppose</b>				
<a href="#">SB 5212</a>	The scope of land use control ordinances for purposes of vesting.	Oppose	Wilson	<b>2/28 - PASSED 49 years, 0 nays, 0 xcscd</b> 3/15 - Heard in House Judiciary <b>DEAD</b>
<a href="#">SB 5569</a>	Concerning protected classes in housing.	Oppose	Angel	3/1 - Placed on 2nd Reading in Rules 3/17 - Senate Rules "X" file <b>DEAD</b>
<a href="#">SB 5711</a>	Concerning telecommunications services.	Oppose	Erickson	2/24 - Placed on 2nd reading by Rules 3/17 - Returned to Rules
<a href="#">SB 5827</a>	Concerning definitions and reporting requirements for municipalities receiving lodging tax revenues.	Oppose	Braun	3/1 - Placed on 2nd Reading in Rules 3/17 - Senate Rules "X" file <b>DEAD</b>

No Highlight = No change since last report.



## **1 percent property tax cap is starving counties**

Sun April 9th, 2017

By The Herald Editorial Board

Since 2007, Washington state's 39 counties have been on a voter-imposed revenue diet, not allowed to collect more than 1 percent additional in property tax revenue than was collected the previous year.

That 1 percent cap was born out of Tim Eyman's Initiative 747, passed by the voters in 2000. While it was found unconstitutional by the state Supreme Court a year later, the Legislature re-enacted the cap during a 2007 special session.

In that time, county governments, including Snohomish County, have indeed slimmed down. Snohomish County, mandated to provide the same core services it always has, now does that with 150 fewer county employees throughout its departments.

But Snohomish County officials and county officials throughout the state say the revenue cap isn't trimming fat any longer, but cutting into the muscle and bone required to offer the services that county residents depend upon, especially those for law enforcement, courts and county jails.

Increasingly, public safety makes up a larger portion of county spending. County Executive Dave Somers says that when he started as a county council member 15 years ago, public safety accounted for about 56 percent of the county budget; the figure now is 76 percent.

That's a figure shared by most counties, said Eric Johnson, executive director of the Washington State Association of Counties, during a meeting last week with The Herald Editorial Board.

Even as counties have diverted money from other departments to keep sheriff deputies on the road and courts and jails staffed, counties have had to make cuts to that core duty, Johnson said. In the past decade, counties have cut law enforcement staffing by about 5 percent, about 118 officers; 13 counties don't offer 24-hour patrols; nine counties are operating jails over their designed capacity; prosecutors are seeking more plea bargains and court proceedings are more frequently delayed.

The diversions from other departments have meant less money for county roads and bridges and cuts to departments and services, including public health, elections, senior services, parks and recreation, housing programs, cooperative extension, sewer treatment and solid waste, growth management and planning and more.

A recent study showed Snohomish County has about a \$96 million backlog in facility needs and infrastructure improvements, some of which is being addressed with the recently approved courthouse renovation.

The 1 percent cap on property tax revenue cuts deep because counties rely on only two sources of tax revenue: the property tax and sales tax. And the property tax accounts for about 67 percent of each county's tax revenue. By contrast, the state and cities draw from a more diversified revenue portfolio that includes property and sales taxes, but also utility taxes and business taxes.

The 1 percent cap allows counties to seek more by going to the voters, and counties that don't take the 1 percent increase during one or more years can "bank" that capacity for later use. Snohomish County is doing just that to help pay for the renovation of the county courthouse. About a third of counties bank that capacity, Somers said, but are wary of using it and hold it in reserve for emergencies and unforeseen expenditures.

What the counties seek now is to scrap the 1 percent cap and replace it with a maximum limit that is based on inflation and each county's population growth up to 5 percent above the previous year.

While the 1 percent cap has still allowed for counties' revenues to grow between 1 percent and 3 percent, due in part to growth, the counties are seeing their costs increase 3 percent to 5 percent to sustain current employment and program levels. The cap isn't allowing counties to maintain the same level of service from year to year.

[Legislation has been proposed](#) in both House and Senate that would replace the cap, and there's bipartisan support for each. [House Bill 1764](#), for example, was co-sponsored by Rep. John Koster, R-Arlington, a former Snohomish County council member familiar with the budget crunch.

And Republicans in the Senate have provided some cover for the counties, whether they intended to or not. In proposing a levy swap as part of their K-12 education funding plan, Senate Republicans elected not to put the same 1 percent cap on the state's property tax levy for schools.

If Senate Republicans recognize that capping the property tax puts an unworkable limit on the revenue raised for schools, how then can counties fairly be expected to manage under that cap?

Using inflation and population growth as proposed, Snohomish County would have been able to increase its property tax revenue by up to 4.6 percent, according to county estimates. That doesn't mean the county would have taken that full amount, Somers said, but county officials want that flexibility to collect what they need for the services they need to provide.

"This is about local control," Johnson said.

This wouldn't mean a full 5 percent increase on property tax bills. The Snohomish County's take from each \$1 of property tax collected amounts to about 14 cents in the most recent budget.

Taxpayers, in passing the 1 percent cap, wanted to see some accountability by county governments. For a decade, counties have lived within that limit, found efficiencies, made cuts and improved procedures.

The 1 percent cap is no longer about getting county officials to live within their means; it has become a starvation diet that threatens public safety and other important services.



**CITY OF KIRKLAND**  
**PLANNING AND BUILDING DEPARTMENT**  
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## **MEMORANDUM**

**Date:** April 6, 2017

**To:** Kurt Triplett, City Manager

**From:** Paul Stewart AICP, Deputy Director  
Eric Shields AICP, Director

**Subject:** Adoption of the 2017-2019 Planning Work Program (File No. PLN17-00008)

### **Recommendation**

Staff recommends the City Council approve the Resolution adopting the 2017-2019 Planning Work Program.

### **Background**

The City Council met with the Planning Commission at a [joint study session](#) on March 21, 2017. At the meeting the Council reviewed the proposed 2017-2019 Planning Work Program. The Council and Commission discussion focused neighborhood plan updates, sign regulations and staffing resources. While the Council did discuss priorities, there was not clear direction on the timing of some of the work program items. Staff has therefore proposed some new timing to work program elements that reflects the conversation. Exhibit A attached to the resolution is a revised work program reflecting the discussion as well as proposed revisions to the tasks and schedule to reflect staffing availability. Attachment 1 is the draft work program (dated March 9) as reviewed by the Planning Commission and City Council at the March 21 joint meeting.

### **2017– 2019 Planning Work Program**

Based on the discussion at the joint meeting as well as staffing levels the work program has been revised as follows:

#### Downtown as an Urban Center (Task 1.3)

The schedule for this task has been modified. The draft work program did not indicate a time line. The final work program has been modified to reflect current work being done by the Puget Sound Regional Council (PSRC) on the framework for urban centers. Staff has been tracking this and reporting out to the Planning and Economic Development Committee. Following completion of the work by PSRC, consideration for any plan amendments could occur in 2018.

Neighborhood Plan Framework and Neighborhood Plan Updates (Task 2.4 and Task 2.5)

At the joint meeting, much of the discussion centered on neighborhood plans. The Council expressed interest in coming up with an approach sooner than later with the following considerations:

- Simplifying the process
- Speeding up the schedule of neighborhood plans to be completed between major Comprehensive Plan updates
- Creating a template or model for neighborhood plans
- Aggregating neighborhoods into larger groupings

On April 12, staff will have met with KAN to discuss these ideas. Attachment 2 is a handout to be presented at the KAN meeting which provides a proposal for how to undertake neighborhood plans in the future.

The proposed sequence of plan updates that will be presented to KAN is as follows:

- 2017: Finn Hill (finish), Everest
- 2018: South Rose Hill, Bridle Trails, North Rose Hill
- 2019: Moss Bay, Market, Norkirk, Highlands
- 2020: Juanita, Kingsgate, Totem Lake
- 2021 & 2022: City-wide update
- 2023: Houghton, Lakeview, Everest, Moss Bay
- 2024: Finn Hill, Kingsgate
- 2025: South Rose Hill, Bridle Trails, North Rose Hill
- 2026: Juanita, Totem Lake
- 2027: Market, Norkirk, Highlands
- 2028 & 2029: City-wide update

Amendments to neighborhood plans would also be possible during the City-wide updates in 2021-2022 and 2028-2029.

Staff will report back to the Council on the feedback we receive at the KAN meeting. The revised work program shows the neighborhood plan framework already underway with the next round of neighborhood plan updates to begin in the latter half of 2017.

Miscellaneous Code Amendments (Task 4.1)

Staff had included an extensive list of possible miscellaneous code amendments in the materials for the joint meeting. There is still interest at the staff level in moving forward on some of these amendments. In addition, there has been interest in revising the PUD chapter of the Zoning Code (previously Task 4.6 on the draft work program). If staff is available staff would suggest initiating a package of code amendments beginning in the fall (to be scoped) along with potential revisions to the PUD chapter. The revised work program incorporates the PUD chapter into this task and it is reflected on the schedule.

### Sign Regulations (Task 4.2)

The Council and Commission discussed this task at the joint meeting. The work program shows a phased approach. Phase I is intended to focus on temporary signs with work to begin mid-year. There was some discussion on the scope of issues to be addressed in Phase II. Once Phase I is completed, staff can bring back an issue paper to be considered by the Planning and Economic Development Committee and full Council to determine the interest in moving forward to a second phase in 2018.

### Citizen Amendment Requests (Task 1.2)

At the March 21<sup>st</sup> regular meeting of the City Council, the Council also voted to move forward with three Citizen Amendment Requests (CARs) with an estimated staff allocation of .4 FTE. The Council also conditionally approved the Alavi CAR. The Alavi, Residence XII and Lee Johnson CARs are fairly straightforward from a zoning perspective and are each likely to take .1 FTE or less. A total of .2 FTE is allocated to these efforts. The Michaels CAR is a somewhat more complicated analysis and the work program allocates .2 FTE to this CAR. The amount of community engagement and response to these CARs will also impact the staff resource allocation. If the Council chooses not to proceed with any of these 4 CARs with the final adoption of the planning work program, these resources could be reallocated to other items on the work program or some of the "other tasks" below.

### Other Tasks

Several other tasks have been deleted from the draft work program (see Attachment 1) due to staffing levels, consolidation with other tasks or timing. These are noted below:

- Lake and Central Study (previously Task 2.6) has been removed as the discussion was that no zoning changes were being considered. The leadership on this study will shift to the City Manager's Office.
- Consideration of a Planned Action for Totem Lake (previously Task 3.4) has been removed. This task could be revisited as part of next year's planning work program discussion.
- Traffic Impact Standards (previously Task 4.5) has been removed since this is primarily a Public Works task.
- Revisions to the PUD chapter (previously Task 4.6) was deleted and the task was incorporated into the Miscellaneous Code Amendments (Task 4.1 on the revised work program).
- Sustainability Strategic Plan (previously Task 7.1), K4C Coordination (previously Task 7.2) and CKC Green Certification (previously Task 7.5) have been removed due to lack of staff availability. Staff will continue to be involved to some extent with K4C but at a level less than a .1 FTE.

**Council Adoption**

If the Council is in agreement with the revisions to the work program as noted above, staff would recommend approval of the resolution adopting the 2017-2019 Planning Work Program.





## Attachment 2

### Proposal for How to Handle Neighborhood Plan Updates Moving Forward

#### Comprehensive Plan Policies:

- Complete plans between city-wide plan updates (every 7 years)
- Establish a plan update schedule
- To avoid duplication, consider a set of policies that apply to all neighborhoods
- Consider creating a plan template applicable to all plans

#### Based on the above, we need to:

- Update multiple neighborhood plans at the same time
- Update plans within a single calendar year (to be adopted in December of each year)
- Update all plans over a five year period (to leave 2 years for city-wide updates)
- However, since we have already lost a year in this cycle, we need to do all of the updates in this cycle in four years.

#### Discussion questions for neighborhoods:

- What are the three most important reasons to have your neighborhood plan frequently updated?
- What are the three most important topics to be addressed in neighborhood plan updates?
- How many public meetings do you think are needed for a neighborhood plan update?
- If necessary, are you comfortable doing a neighborhood plan update in six months or less?
- Would you be comfortable with staff preparing a draft plan early in the update process?

#### Proposed sequence of plan updates:

- 2017: Finn Hill (finish), Everest
- 2018: South Rose Hill, Bridle Trails, North Rose Hill
- 2019: Moss Bay, Market, Norkirk, Highlands
- 2020: Juanita, Kingsgate, Totem Lake
- 2021 & 2022: City-wide update
- 2023: Houghton, Lakeview, Everest, Moss Bay
- 2024: Finn Hill, Kingsgate
- 2025: South Rose Hill, Bridle Trails, North Rose Hill
- 2026: Juanita, Totem Lake
- 2027: Market, Norkirk, Highlands
- 2028 & 2029: City-wide update

RESOLUTION R-5250

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND  
PERTAINING TO THE ADOPTION OF THE 2017 – 2019 PLANNING  
WORK PROGRAM.

1       WHEREAS, the Kirkland City Council and the Kirkland Planning  
2 Commission met at a joint meeting on March 21, 2017 to discuss the  
3 proposed 2016-2018 Planning Work Program tasks and to set priorities;  
4 and

5  
6       WHEREAS, the Kirkland City Council reviewed a revised work  
7 program at the April 18, 2017 regular meeting

8  
9       NOW, THEREFORE, be it resolved by the City Council of the City of  
10 Kirkland as follows:

11  
12       Section 1. The adopted 2017-2019 Planning Work Program for the  
13 City of Kirkland shall be established as shown on Exhibit A to this  
14 resolution.

15  
16       Section 2. This adopted Planning Work Program shall be generally  
17 used by the City staff and Planning Commission in scheduling work tasks  
18 and meeting and hearing calendars.

19  
20       Section 3. A copy of this resolution and work program shall be  
21 distributed to the Planning Commission, Parks Board, Transportation  
22 Commission, Design Review Board, Neighborhood Associations, the  
23 Chamber of Commerce and Houghton Community Council.

24  
25       Passed by majority vote of the Kirkland City Council in open meeting  
26 this \_\_\_ day of \_\_\_\_\_, 2017.

27  
28       Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_,  
29 2017.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk





**CITY OF KIRKLAND**  
**Department of Public Works**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**  
**www.kirklandwa.gov**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracy Durnell, Environmental Education and Outreach Specialist  
Jenna Higgins, Recycling Programs Coordinator  
John MacGillivray, Solid Waste Programs Supervisor  
Kathy Brown, Public Works Director

**Date:** April 6, 2017

**Subject:** Plastic Bag Reduction Policy Five Cent Paper Bag Fee

## **RECOMMENDATION**

Council decides whether to allow the five cent fee to be reinstated for all exempted businesses in Kirkland as of May 1, 2017. Options for the City Council to consider include:

- Take no action by allowing Kirkland Municipal Code (KMC) Section 16.05.050 Suspension of Pass-through Charge - Applicability to automatically lapse on May 1, 2017, thereby reinstating the requirement for all businesses to charge a five cent fee for each 1/8 barrel paper bag or larger provided to customers;
- Pass the attached ordinance revising KMC Section 16.05.050 to permanently suspend the requirement of certain Kirkland retailers to charge a five cent paper bag fee while retaining the five cent fee requirement for the remaining retailers; or
- Provide staff direction on alternative options the Council may wish to explore.

## **BACKGROUND**

To provide historical context and information on options previously researched and presented to City Council, staff memoranda from the April 5 and 19, 2016 City Council meetings are provided as Attachments A and B, respectively.

In February 2015, the City Council passed the Plastic Bag Reduction Policy to restrict the use of single-use, disposable shopping bags in Kirkland. The policy took effect on March 1, 2016 after a one year period in which staff conducted a robust education and outreach campaign to residents and retailers during which thousands of reusable bags were provided to residents, visitors, and tourists. Overall, about 200 retailers were affected by the policy. The original policy, as adopted, restricted retailers from providing single-use plastic shopping bags to their customers and required all retailers to charge customers a minimum five-cent fee for each large paper bag provided at the point of sale. By design, the five cent fee is retained by the retailer to help offset the cost of more expensive paper bags. The ordinance does not require retailers to ask their customers if they wish to pay the five cent paper bag fee but does require the fee to appear on sales receipts.

Subsequent to the passage of the policy, the Kirkland Downtown Association (KDA), acting on behalf of some of its members, asked the City Council to consider revising the policy to exempt some merchants from having to charge the five cent paper bag fee. The concerns raised by the KDA at the time included:

- A perception that the paper bag fee is ineffective at motivating customers to bring their own bags particularly when patronizing small retail businesses. Many sales are made to people visiting Kirkland for reasons other than shopping and they are not carrying reusable bags.
- The paper bag fee is impacting merchants' ability to advertise their business with branded paper bags.
- The paper bag fee is offensive to some of their customers; and, according to the KDA, some customers are choosing to shop elsewhere because of the fee.

On April 19, 2016, a revised ordinance temporarily exempting 142 of 200 (71%) retailers from charging the five cent paper bag fee was presented to the City Council for its consideration. Retailers with specific North American Industry Classification System (NAICS) codes (supermarkets, convenience stores, pharmacies, gas stations, and warehouse clubs) were not exempted from charging the paper bag fee. After debate, and with the general intent that the temporary one-year suspension of the five cent paper bag fee would allow affected retailers more time to get used to the new regulation and be creative in providing outreach to their customers, Ordinance O-4505 passed with a vote of 5-1. The video of the City Council discussion can be viewed at [http://kirkland.granicus.com/MediaPlayer.php?view\\_id=43&clip\\_id=3323](http://kirkland.granicus.com/MediaPlayer.php?view_id=43&clip_id=3323) under Council Agenda Item 10b. The one year paper bag fee suspension took effect May 1, 2016.

At the March 21, 2017 City Council meeting, representatives of the KDA and Greater Kirkland Chamber of Commerce asked the City Council to consider making permanent the exemption of certain businesses from charging the five cent paper bag fee set to elapse on May 1, 2017. The matter was referred to the City Council's Public Works, Parks, and Human Services Committee (PWPKHS) for discussion. On April 5, the PWPKHS voted 2-1 to recommend to the full City Council that the temporary paper bag fee exemption for certain retailers be made permanent.

### **THE ORDINANCE**

The ordinance included with this memo makes the current exemption permanent but retains the five cent fee requirement on all NAICS code categories of retailers that currently impose the five cent fee. The ordinance also deletes 16.050.020 (c) which allowed retailers to impose the fee voluntarily during the first year prior to the effective date of the ordinance. As the ordinance has now been in effect since March 1, 2016, that provision is no longer necessary in the code.

### **PURPOSE OF THE FIVE CENT PAPER BAG FEE**

The purpose of the five cent paper bag fee model is two-fold. First, the fee provides retailers with additional revenue to offset the cost of more expensive paper bags. Second, the fee

serves as a nominal but effective reminder to residents, visitors, and tourists to bring their reusable bag(s) when shopping in Kirkland.

Of the 17 plastic bag reduction policies in Washington State, 13 (76%) require all retailers to charge a five cent paper bag fee. No paper bag fee is required in policies adopted in Edmonds, Mercer Island, Mukilteo, and San Juan County. Kirkland is the only jurisdiction with a plastic bag reduction policy in which a certain sector of businesses are exempt from charging a five cent paper bag fee. Kirkland's ordinance with the current exemption requires that 29% of retailers charge the fee.

### **CITY EDUCATION AND OUTREACH EFFORTS**

Anticipating the end of the temporary suspension of the paper bag fee on May 1, 2017, the Kirkland Solid Waste Division, at a cost of \$5,500, provided KDA with 1,000 high quality, reusable shopping bags branded with a custom "I Shop Local, I Shop Kirkland" design with the quid pro quo expectation that the bags would be distributed at no cost to customers by the KDA and local retailers by May 1. City graphic design of the bag logo and the printing of a flyer insert for the bags was also provided at no cost to the KDA.

### **COMMUNICATION PLAN**

The Solid Waste Division is prepared to conduct a brief, targeted education and outreach effort to affected retailers to advise them of the City Council's decision to either take no action which reinstates the five cent paper bag fee or permanently include the paper bag fee exemption for certain businesses.

Staff are also prepared to explore additional alternatives if so directed by the Council.



**CITY OF KIRKLAND**  
**Department of Public Works**  
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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracy Durnell, Environmental Education and Outreach Specialist  
Jenna Higgins, Recycling Programs Coordinator  
John MacGillivray, Solid Waste Programs Lead  
Kathy Brown, Public Works Director

**Date:** April 5, 2016

**Subject:** Plastic Bag Reduction Policy Ordinance Fee Exemptions

## **RECOMMENDATION**

Staff recommends that the City Council receive a presentation on potential interim exemption alternatives to the five cent paper bag fee requirement in the Plastic Bag Reduction Policy ordinance. If the Council selects any of the alternatives, the staff will return with an ordinance for the April 19 Council meeting. The Council also recommended that the Public Works, Parks, and Human Services Committee study any potential permanent changes in greater detail as the alternatives presented in this memorandum merit further research by staff and discussion.

## **BACKGROUND**

At its February 17, 2015 meeting, the City Council passed an ordinance (Kirkland Municipal Code Chapter 16.05) banning retailers from providing disposable plastic carry-out bags to customers after March 1, 2016. Retailers now also must charge customers a minimum of five cents per large paper bag (1/8 barrel) to encourage customers to choose to use reusable bags instead of paper. The retailer retains the bag fees. *While the retailer is required to charge the fee and have it appear on the receipt, the ordinance does not require that the customer be asked if they wish to pay the fee.* No fee is required for smaller paper bags. Bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy or small hardware items are still allowed, as are bags to wrap frozen foods, ice cream, meat or fish, flowers and other items where dampness is a problem. Newspaper and dry-cleaning bags are allowed as well. Further, retailers are restricted from providing thicker plastic bags that are not machine washable. This restriction was included to prevent retailers from circumventing the spirit of the ordinance by substituting thicker, disposable plastic bags for the restricted thinner bags.

At the March 14, 2016 Planning & Economic Development Committee meeting, committee members heard feedback from representatives of the Kirkland Downtown Association (KDA) and downtown merchants regarding the requirement for retailers to charge customers five cents for each large paper bag. The KDA indicated that it is not opposed to the plastic bag reduction policy; however, the KDA would like the City Council to reconsider the requirement that small

businesses be required to charge customers five cents for each paper bag. The KDA has asked the City Council to relax the bag fee requirements for small businesses before the Mother's Day weekend on May 8. Additional input was received during public comment at the City Council meeting on March 15, 2015 and Council directed staff to return with alternative interim solutions to address the following concerns raised by the KDA:

- The KDA believes that the paper bag fee is ineffective at motivating customers to bring their own bags particularly when patronizing small retail businesses. Many sales are made to people visiting Kirkland for reasons other than shopping and they are not carrying reusable bags.
- The paper bag fee is impacting merchants' ability to advertise their business with branded paper bags.
- The paper bag fee is offensive to some of their customers; and, according to the KDA, some customers are choosing to shop elsewhere because of the fee.

### **COMPARISON OF OTHER LOCAL PLASTIC BAG POLICIES**

There are 14 plastic bag reduction policy ordinances in Washington State, including Kirkland. Nearly all require retailers to charge a fee for paper bags. Of the 14, only three (Edmonds, Mukilteo and Mercer Island) do not require retailers to charge customers a minimum of five cents for each large (1/8 barrel) paper bag.

In a cursory survey of the more than 100 plastic bag reduction policies in other states, about half do not include a charge on paper bags. Staff were not able to identify another plastic bag reduction policy that applies the plastic bag restrictions to a business but exempts them from the paper bag charge; where exemptions are granted, businesses are exempt from the entire policy (both the plastic bag restrictions and the paper bag fee).

### **EXAMPLES OF SMALL BUSINESS EXEMPTIONS**

Some plastic bag reduction policies in other states and countries include exemptions for small businesses. California's statewide plastic bag policy, already adopted by many California cities, will exempt retail grocery stores with gross annual sales under \$2 million and pharmacies smaller than 10,000 square feet. Chicago's plastic bag policy exempts businesses under 10,000 square feet that are not part of a chain or franchise. The United Kingdom does not restrict plastic bags, but requires a charge for them; businesses with fewer than 250 full-time employees are exempt from the charge.

### **PLASTIC BAG POLICY EXEMPTION OPTIONS FOR KIRKLAND**

There are 200 businesses in Kirkland which meet the definition of "Retail Establishment" per KMC 16.04.143 as referenced in KMC 16.05.020 Recycled Paper Bag Pass-through Charge. Retail businesses in Kirkland range greatly in terms of square footage, number of employees, and business type as coded in the North American Industry Classification System (NAICS). Additionally, many Kirkland businesses have small retail spaces and a small number of employees. This presents a challenge to select equitable criteria with the intended effect of only exempting a small group of businesses, such as the downtown merchants, without inadvertently



casting a wider net. For example, a square footage criterion could exempt small grocery stores or convenience stores with more daily transactions. The five cent fee is intended to encourage the patrons of the aforementioned stores to remember and use their reusable bags.

For the Council's consideration, staff has presented six options below. A list of all businesses affected by the policy, along with a list of the names and types of business that would be exempted from the bag fee for each option, is included in *Attachment A*.

### ***Option 1: Take No Action***

The City Council could elect to take no action and make no revisions or amendments to the existing plastic bag reduction policy ordinance. As is typical with plastic bag policies in other jurisdictions, there is often a short-term period of adjustment as affected business owners and residents become accustomed to the new regulations.

### ***Option 2: Exemption by Square Footage***

For the purposes of this alternative, staff arbitrarily selected 5,000 square feet or less as a reasonable definition of a Kirkland small business. In its plastic bag reduction policy ordinance, the City of Issaquah defined a small business as 7,500 square feet and allowed those business one additional year beyond the effective date to comply with the ordinance. The Towns of Brookline, Bridgewater, and Newton, MA, exempted businesses that are not chain stores and are under 2,500, 3,000, and 3,500 square feet, respectively. The City of Chicago exempted businesses with less than 10,000 square feet with three or fewer locations that are not a chain or franchise. If 5,000 square feet were to be used as the exemption threshold in Kirkland, 148 of the 200 (74%) businesses affected by the policy would be exempted from charging the five cent paper bag fee.

#### Some of the other issues and complications that arise with this method:

1. A business' exemption status could fluctuate if relocates to a smaller or larger retail space.
2. Does square footage include just retail space or does it include back of house office and storage space?
3. The 5,000 square foot threshold would exempt several small grocery stores, gas and convenience stores such as Jacksons or 7-Eleven, thrift stores, and seasonal market vendors from having to levy the five cent bag fee.

### ***Option 3: Exemption by Number of Full Time Employees (FTE)***

The United States Small Business Association (SBA) size standards define whether a business entity is small and, thus, eligible for Government programs and preferences reserved for "small business" concerns. Size standards have been established for types of economic activity, or industry, generally under the North American Industry Classification System (NAICS). One of the size standards used by the SBA is the number of FTE-equivalent employees but the definition of a small business under [Section 44-45 Retail Trade](#) uses gross retail sales as the filter, with annual sales ranging between \$7.5 million up to \$38.5 million depending on the

specific subsector code. Washington State RCW [39.26.010](#) defines a small business as having 50 or fewer employees or gross revenues of less than \$7 million per year. Since gross revenue data are protected by Washington State Law, staff does not have access to that information. No definition of small business could be found in the Kirkland Municipal Code. However, Per KMC 7.02.160, Kirkland does give businesses with ten or few employees a one year exemption from its Revenue Generating Regulatory License Fee.

If 50 or fewer employees were selected as the threshold, 187 of the 200 (94%) businesses affected by the policy would be exempted from the five cent fee requirement. Since the majority of the retailers affected by the policy are under fifty FTEs, staff selected ten employees and five employees as possible thresholds for a bag fee exemption. For the ten FTE or less standard, 161 businesses (81%) would be exempted. If five FTEs or less were selected, 136 (68%) businesses would not have to charge a paper bag fee.

Some of the complications that arise with this method:

1. Similar to the square footage threshold, this method casts a wide net and would exempt several small grocery stores, gas and convenience stores, thrift stores, and seasonal market vendors from having to charge the five cent bag fee.
2. As FTEs are added or subtracted, a business' status may fluctuate between having to charge a bag fee and being exempt from the fee.

***Option 4: Exemption by Business Type (NAICS code)***

Grocery stores, super centers, pharmacies, and convenience stores are the main targets for plastic bag reduction policies. California's statewide plastic bag ban applies only to retail establishments that sell at least some perishable items, pharmacies, and convenience stores. Staff identified the following NAICS codes to consider not exempting from the five cent fee requirement. These types of businesses tend to be destinations where the consumer plans to go in advance and thus can remember to bring their own reusable bag.

445110 - Supermarkets and Other Grocery (Except Convenience) Stores  
 445120 - Convenience Stores  
 446110 – Pharmacies and Drug Stores  
 447110 – Gasoline Stations  
 447190 – Other Gasoline Stations  
 452910 – Warehouse Clubs and Supercenters

If the above NAICS codes for supermarkets, convenience stores, supercenters, and pharmacies were to be used as the non-exemption standard in Kirkland, 142 of the 200 businesses (71%) would be exempt.

Some of the complications that arise with this method:

1. Some large retailers currently in Kirkland do not fall under these NAICS codes and would be exempted, including clothing stores like Ross and Famous Footwear, office and craft supply stores like Office Max and Michael's, and secondhand stores such as Goodwill and Value Village. Other large retailers that would be exempted may locate at the upcoming

redevelopments of Totem Lake Mall and Kirkland Urban. Using the NAICS approach, it would not be possible to apply the paper bag charge to these stores without affecting small businesses in the same category.

### ***Option 5: Exemption Hybrid by Square Footage and Business Type***

The California statewide plastic bag policy combines sales numbers and square footage with business types to apply their restrictions more specifically. Combining Options 2 (Square Footage) and 4 (Business Type) could allow Kirkland to target the paper bag fee exemptions towards small businesses that are likely to give out a smaller number of bags. Exempting businesses that are under a square footage threshold and are not one of the selected NAICS codes would address the issue of small grocery stores and convenience stores. If 5,000 square feet were to be used as the exemption threshold, applied only to businesses that are not categorized by the NAICS codes for supermarkets, convenience stores, supercenters, and pharmacies listed in Option 4, 113 of the 200 (57%) businesses would be exempt.

Some of the complications that arise with this method:

1. The combination standards may be confusing for both businesses and customers.

### ***Option 6: Eliminate the Five Cent Bag Fee Requirement***

The simplest option would be to eliminate the five cent fee requirement for all businesses in Kirkland, and leave only the plastic bag restrictions in place. This would be more in keeping with other plastic bag reduction policies in Edmonds, Mercer Island, and Mukilteo.

Some of the complications that arise with this method:

1. Eliminating the fee entirely would remove the customer's incentive to reduce their use of paper bags. Where plastic bag reduction policies are not associated with a paper bag fee, bag use shifts to single-use paper bags instead of reusable bags or no bags. Ireland and Taiwan's plastic bag fees resulted in a shift to (free) single-use paper bags. An Australian study found that customers chose to use free single-use paper bags two-thirds of the time, versus less than one-third of the time when bags were not free. San Francisco's plastic bag policy did not originally include a fee on paper bags, and they amended the policy in 2012 to include a ten cent fee.

### **NEXT STEPS**

If the City Council opts to amend the plastic bag reduction policy ordinance, staff will bring back an ordinance for the City Council's consideration at its April 19 meeting. Staff is prepared to implement a communication plan to ensure that any changes are communicated to the public and the business community. Although the Council described these potential changes as "interim", Staff recommends that the Council consider carefully adopting interim policy measures that will be tightened or reversed later and instead consider any actions as more long-term. Shifting and re-shifting policies would be confusing to both businesses and the public. The Council should avoid scenarios where a business might be exempted under interim measures but have to reinstate paper bag charges in the future if permanent exemptions were narrower.

## Businesses Exempted From Paper Bag Fee: Six Exemption Options

### Option 1: No Change

None of the 200 affected businesses would be exempted from the five cent paper bag charge.

### Option 2: 5000 Square Feet or Less

- |   |   |
|---|---|
| 1. 76 STORE #5494                               | 34. CORNER COMICS                           |
| 2. 7-ELEVEN #19911                              | 35. CRAZY TIMMY GAMES                       |
| 3. 7-ELEVEN 2360-18146E                         | 36. CRUSH FOOTWEAR                          |
| 4. 7-ELEVEN STORE #27304B                       | 37. CSE FACTORY DIRECT OUTLET               |
| 5. 7I-ELEVEN 2360-20477E                        | 38. D & S VARIETY                           |
| 6. ABSOLUTELY FABULOUS<br>CONSIGNMENT           | 39. DANCEWEAR CENTER                        |
| 7. AGENT FASIONROOM BOUTIQUE                    | 40. DOOLEY'S DOG HOUSE                      |
| 8. ALL WALL EQUIPMENT CO INC                    | 41. EARTHLIGHT INC                          |
| 9. ALLELUIA! CATHOLIC STORE                     | 42. EASTSIDE AUDUBON SOCIETY                |
| 10. AMAZING HEROES TOYS COMICS &<br>VIDEO GAMES | 43. EASTSIDE COMMUNITY AID THRIFT<br>SHOP   |
| 11. AMES TAPING TOOLS                           | 44. ECO CARTRIDGE STORE                     |
| 12. AN ARTFUL TOUCH                             | 45. EPICUREAN EDGE                          |
| 13. ARBAT FOOD MARKET                           | 46. ESSENTIALS BOUTIQUE LLC                 |
| 14. ARCO AM/PM                                  | 47. EVERYDAY ATHLETE LLC                    |
| 15. ARTS DANCE SHOP                             | 48. EXCLUSIVE SALON PRODUCTS                |
| 16. ASHER GOODS                                 | 49. EYE AND CONTACT LENS CENTER             |
| 17. ASSURED PHARMACY                            | 50. EYE CANDY LLC                           |
| 18. BAYSIDE WIRELESS LLC                        | 51. FENA FLOWERS, INC.                      |
| 19. BEDROCK NORTHWEST                           | 52. FORGET-ME-NOT CONSIGNMENTS              |
| 20. BEL-KIRK STAMP, COIN & COMIC                | 53. FOUND INTERIORS                         |
| 21. BIKINI BEACH                                | 54. FRED MEYER #391 FUEL CENTER             |
| 22. BOOBOO BARKERY & BOUTIQUE                   | 55. FRED MEYER JEWELERS #00391              |
| 23. BOOMERANG KIDS CONSIGNMENT                  | 56. FRESH VITAMINS                          |
| 24. BRIDLE TRAILS SHOE REPAIR                   | 57. FVC                                     |
| 25. BRITTANY FLOWERS OF KIRKLAND                | 58. GENERAL NUTRITION CENTER                |
| 26. CANYON FLIGHT TRADING<br>COMPANY            | 59. GEORGE'S EASTSIDE SHELL                 |
| 27. CG GEMS                                     | 60. GNC                                     |
| 28. CHAMPAGNE TASTE                             | 61. GO WIRELESS                             |
| 29. CIGAR USA                                   | 62. GRAND REVE VINTNERS LLC                 |
| 30. CIRCA 15 FABRIC STUDIO LLC                  | 63. GREATER KIRKLAND CHAMBER OF<br>COMMERCE |
| 31. CLINICWEAR                                  | 64. HALEY'S COTTAGE                         |
| 32. COLONIAL OPTICAL LLC                        | 65. HEPBURN                                 |
| 33. COMMON FOLK LLC                             | 66. HERBAN WELLNESS LLC                     |

67. HIGHER LEAF MARIJUANA BOUTIQUE
68. HOMESCHOOL POTPOURRI
69. IN FOCUS OPTICAL
70. ISTINA INC
71. IVY
72. JACKSONS #619
73. JACKSONS #621
74. JANELL'S GLUTEN-FREE MARKET
75. JUANITA FIRS 76
76. JUANITA VISION CLINIC
77. KIRKLAND 76 INC.
78. KIRKLAND BICYCLE LLC
79. KIRKLAND SPORTS CARDS
80. KITANDA CO
81. LA PASTA LLC
82. LAKE STREET DIAMOND COMPANY LLC
83. LAKE WASH TECHNICAL BOOKSTORE
84. MARKET ON CENTRAL/SUBWAY #1647
85. MARY JANE
86. MB PHONES
87. MC SMOKE
88. METROPOLITAN MUSIC
89. MOSS BAY SHELL INC
90. MOUNTAIN HOMEBREW & WINE SUPPLY
91. MUCHO MAS GROCERY
92. MY GOODS MARKET #5494
93. NAM'S & HANNAH'S INC
94. NATURAL PET PANTRY
95. NATURE'S PET MARKET-KIRKLAND
96. NORTHWEST LIQUOR
97. NORTHWEST THRIFT STORE
98. OLYMPUS VAPOR
99. O'REILLY AUTO PARTS #3691
100. PACIFIC POWER BATTERIES OF KIRKLAND
101. PARK LANE GALLERY INC
102. PARTY FOR LESS
103. PIKE STREET PRESS
104. PLAY N TRADE
105. PUFFIN SMOKE
106. PURPOSE
107. QUALITY SEWING & VACUUM
108. RADIO SHACK #3341
109. RAGAMOFFYN'S INC
110. ROSEHILL CAR WASH
111. ROSEHILL SHELL
112. RUSSELL FASTENING INC
113. SAAGAR GROCERIES
114. SAHAND PERSAN GROCERY
115. SALLY BEAUTY SUPPLY 2920
116. SEATTLE THREAD COMPANY
117. SEDUCE BOUTIQUE
118. SERENDPITY
119. SERIAL KNITTERS YARN SHOP
120. SIMPLICITY ABC
121. SJT CELLARS LLC
122. SMOKE N CIGAR LLC
123. SMOKER'S CHOICE
124. SPOT SMOKE
125. SUPER 24
126. SUPER 24
127. SUPER FOOD STORE
128. TACOMA SCREW PRODUCTS
129. THE CAVE
130. THE GRAPE CHOICE
131. THE MINUS SHOP
132. THE PANZER DEPOT
133. TJ'S 99 CENTS PLUS
134. TOBACCO PATCH
135. TOTEM LAKE 76
136. TOTEM LAKE FOOD STORE
137. TOTEM LAKE SHOE REPAIR
138. TWISTED COUTURE INC
139. UNION 76
140. VIA LAGO
141. VILLAGE MART
142. VORTEX MUSIC & MOVIES
143. W.I.S.E.R. COMPANY
144. WARREN JEWELERS INC
145. WESCO AUTOBODY SUPPLY
146. WEST COAST PAINT SUPPLY
147. YARROW BAY 76
148. ZIP MAR

**Option 3A: Ten or Fewer Full-Time Employees**

1. 76 STORE #5494
2. 7-ELEVEN #19911
3. 7-ELEVEN 2360-18146E
4. 7-ELEVEN STORE #27304B
5. 7I-ELEVEN 2360-20477E
6. ABSOLUTELY FABULOUS  
CONSIGNMENT
7. AGENT FASIONROOM BOUTIQUE
8. ALL WALL EQUIPMENT CO INC
9. ALLELUIA! CATHOLIC STORE
10. AMAZING HEROES TOYS COMICS &  
VIDEO GAMES
11. AMES TAPING TOOLS
12. AN ARTFUL TOUCH
13. ARBAT FOOD MARKET
14. ARCO AM/PM
15. ARTS DANCE SHOP
16. ASHER GOODS
17. ASSURED PHARMACY
18. BAYSIDE WIRELESS LLC
19. BEDROCK NORTHWEST
20. BEL-KIRK STAMP, COIN & COMIC
21. BEST KEPT SECRET
22. BIKINI BEACH
23. BOOBOO BARKERY & BOUTIQUE
24. BOOMERANG KIDS CONSIGNMENT
25. BRIDLE TRAILS SHOE REPAIR
26. BRITTANY FLOWERS OF KIRKLAND
27. CANYON FLIGHT TRADING  
COMPANY
28. CG GEMS
29. CHAMPAGNE TASTE
30. CIGAR USA
31. CIRCA 15 FABRIC STUDIO LLC
32. CLINICWEAR
33. COLONIAL OPTICAL LLC
34. COMMON FOLK LLC
35. CORNER COMICS
36. CRAZY TIMMY GAMES
37. CRUSH FOOTWEAR
38. CSE FACTORY DIRECT OUTLET
39. D & S VARIETY
40. DANCEWEAR CENTER
41. DOOLEY'S DOG HOUSE
42. EARTHLIGHT INC
43. EASTSIDE AUDUBON SOCIETY
44. EASTSIDE TRAINS, INC.
45. ECO CARTRIDGE STORE
46. EPICUREAN EDGE
47. ESSENTIALS BOUTIQUE LLC
48. EVERYDAY ATHLETE LLC
49. EXCLUSIVE SALON PRODUCTS
50. EYE AND CONTACT LENS CENTER
51. EYE CANDY LLC
52. FAMILY CHRISTIAN LLC
53. FAMOUS FOOTWEAR #2075
54. FENA FLOWERS, INC.
55. FINN HILL GAS STATION
56. FLEETPRIDE INC
57. FORGET-ME-NOT CONSIGNMENTS
58. FOUND INTERIORS
59. FRED MEYER #391 FUEL CENTER
60. FRED MEYER JEWELERS #00391
61. FRESH VITAMINS
62. FVC
63. GENERAL NUTRITION CENTER
64. GEORGE'S EASTSIDE SHELL
65. GNC
66. GO WIRELESS
67. GRAND REVE VINTNERS LLC
68. GREATER KIRKLAND CHAMBER OF  
COMMERCE
69. HALEY'S COTTAGE
70. HANCOCK FABRICS #1302
71. HEPBURN
72. HERBAN WELLNESS LLC
73. HOMESCHOOL POTPOURRI
74. IN FOCUS OPTICAL
75. ISTINA INC
76. IVY
77. JACKSONS #619
78. JACKSONS #621
79. JANELL'S GLUTEN-FREE MARKET
80. JUANITA VISION CLINIC
81. KIRKLAND 76 INC.
82. KIRKLAND BICYCLE LLC

83. KIRKLAND FIREPLACE
84. KIRKLAND SPORTS CARDS
85. KITANDA CO
86. LA PASTA LLC
87. LAKE STREET DIAMOND COMPANY  
LLC
88. LAKE WASH TECHNICAL  
BOOKSTORE
89. LOVERS
90. MALLORY PAINT STORE INC
91. MARKET ON CENTRAL/SUBWAY  
#1647
92. MARY JANE
93. MB PHONES
94. MC SMOKE
95. METROPOLITAN MUSIC
96. MILLER PAINT CO INC
97. MOSS BAY SHELL INC
98. MOUNTAIN HOMEBREW & WINE  
SUPPLY
99. MUCHO MAS GROCERY
100. MY GOODS MARKET #5494
101. NAM'S & HANNAH'S INC
102. NATURAL PET PANTRY
103. NATURE'S PET MARKET-KIRKLAND
104. NORTHWEST LIQUOR
105. NORTHWEST THRIFT STORE
106. OLYMPUS VAPOR
107. O'REILLY AUTO PARTS #3691
108. PACIFIC POWER BATTERIES OF  
KIRKLAND
109. PARK LANE GALLERY INC
110. PARTY FOR LESS
111. PIKE STREET PRESS
112. PLAY N TRADE
113. PNS
114. PUFFIN SMOKE
115. PURPOSE
116. QUALITY SEWING & VACUUM
117. RADIO SHACK #3341
118. RAGAMOFFYN'S INC
119. RISAN ATHLETICS
120. ROSEHILL SHELL
121. RUSSELL FASTENING INC
122. SAAGAR GROCERIES
123. SAHAND PERSAN GROCERY
124. SALLY BEAUTY SUPPLY 2920
125. SEATTLE THREAD COMPANY
126. SEDUCE BOUTIQUE
127. SERENDPITY
128. SERIAL KNITTERS YARN SHOP
129. SIMPLICITY ABC
130. SJT CELLARS LLC
131. SMOKE N CIGAR LLC
132. SMOKER'S CHOICE
133. SPIRIT HALLOWEEN SUPERSTORES
134. SPOT SMOKE
135. SUPER 24
136. SUPER 24
137. SUPER FOOD STORE
138. TACOMA SCREW PRODUCTS
139. THE CAVE
140. THE GRAPE CHOICE
141. THE MINUS SHOP
142. THE PANZER DEPOT
143. THE SHERWIN-WILLIAMS COMPANY  
#8002
144. TJ'S 99 CENTS PLUS
145. TOBACCO PATCH
146. TOTEM LAKE 76
147. TOTEM LAKE FOOD STORE
148. TOTEM LAKE SHOE REPAIR
149. TUESDAY MORNING, INC. 534
150. TWISTED COUTURE INC
151. UNION 76
152. UNLEASHED BY PETCO #5207
153. VIA LAGO
154. VILLAGE MART
155. VORTEX MUSIC & MOVIES
156. W.I.S.E.R. COMPANY
157. WARREN JEWELERS INC
158. WESCO AUTOBODY SUPPLY
159. WEST COAST PAINT SUPPLY
160. YARROW BAY 76
161. ZIP MART

**Option 3B: Five or Fewer Full-Time Employees**

1. 76 STORE #5494
2. 7-ELEVEN 2360-18146E
3. ABSOLUTELY FABULOUS  
CONSIGNMENT
4. AGENT FASIONROOM BOUTIQUE
5. ALL WALL EQUIPMENT CO INC
6. ALLELUIA! CATHOLIC STORE
7. AMAZING HEROES TOYS COMICS &  
VIDEO GAMES
8. AMES TAPING TOOLS
9. AN ARTFUL TOUCH
10. ARBAT FOOD MARKET
11. ARCO AM/PM
12. ARTS DANCE SHOP
13. ASHER GOODS
14. ASSURED PHARMACY
15. BAYSIDE WIRELESS LLC
16. BEL-KIRK STAMP, COIN & COMIC
17. BEST KEPT SECRET
18. BIKINI BEACH
19. BOOBOO BARKERY & BOUTIQUE
20. BOOMERANG KIDS CONSIGNMENT
21. BRIDLE TRAILS SHOE REPAIR
22. BRITTANY FLOWERS OF KIRKLAND
23. CANYON FLIGHT TRADING  
COMPANY
24. CG GEMS
25. CHAMPAGNE TASTE
26. CIGAR USA
27. CIRCA 15 FABRIC STUDIO LLC
28. CLINICWEAR
29. COLONIAL OPTICAL LLC
30. COMMON FOLK LLC
31. CORNER COMICS
32. CRAZY TIMMY GAMES
33. CRUSH FOOTWEAR
34. CSE FACTORY DIRECT OUTLET
35. D & S VARIETY
36. DANCEWEAR CENTER
37. DOOLEY'S DOG HOUSE
38. EARTHLIGHT INC
39. EASTSIDE AUDUBON SOCIETY
40. ECO CARTRIDGE STORE
41. EPICUREAN EDGE
42. EVERYDAY ATHLETE LLC
43. EXCLUSIVE SALON PRODUCTS
44. EYE AND CONTACT LENS CENTER
45. EYE CANDY LLC
46. FAMILY CHRISTIAN LLC
47. FAMOUS FOOTWEAR #2075
48. FLEETPRIDE INC
49. FORGET-ME-NOT CONSIGNMENTS
50. FOUND INTERIORS
51. FRED MEYER #391 FUEL CENTER
52. FRESH VITAMINS
53. FVC
54. GENERAL NUTRITION CENTER
55. GEORGE'S EASTSIDE SHELL
56. GNC
57. GO WIRELESS
58. GRAND REVE VINTNERS LLC
59. GREATER KIRKLAND CHAMBER OF  
COMMERCE
60. HALEY'S COTTAGE
61. HEPBURN
62. HERBAN WELLNESS LLC
63. HOMESCHOOL POTPOURRI
64. ISTINA INC
65. IVY
66. JANELL'S GLUTEN-FREE MARKET
67. JUANITA VISION CLINIC
68. KIRKLAND 76 INC.
69. KIRKLAND FIREPLACE
70. KIRKLAND SPORTS CARDS
71. KITANDA CO
72. LA PASTA LLC
73. LAKE STREET DIAMOND COMPANY  
LLC
74. LAKE WASH TECHNICAL  
BOOKSTORE #845
75. LOVERS
76. MALLORY PAINT STORE INC
77. MARKET ON CENTRAL/SUBWAY  
#1647
78. MARY JANE
79. MB PHONES



80. MC SMOKE
81. METROPOLITAN MUSIC
82. MILLER PAINT CO INC
83. MOSS BAY SHELL INC
84. MOUNTAIN HOMEBREW & WINE  
SUPPLY
85. MUCHO MAS GROCERY
86. NAM'S & HANNAH'S INC
87. NATURAL PET PANTRY
88. NATURE'S PET MARKET-KIRKLAND
89. NORTHWEST LIQUOR
90. NORTHWEST THRIFT STORE
91. OLYMPUS VAPOR
92. PACIFIC POWER BATTERIES OF  
KIRKLAND
93. PARK LANE GALLERY INC
94. PARTY FOR LESS
95. PIKE STREET PRESS
96. PNS
97. PUFFIN SMOKE
98. PURPOSE
99. RADIO SHACK #3341
100. RAGAMOFFYN'S INC
101. RUSSELL FASTENING INC
102. SAAGAR GROCERIES
103. SAHAND PERSAN GROCERY
104. SALLY BEAUTY SUPPLY 2920
105. SEATTLE THREAD COMPANY
106. SEDUCE BOUTIQUE
107. SERENDPITY
108. SERIAL KNITTERS YARN SHOP
109. SIMPLICITY ABC
110. SJT CELLARS LLC
111. SMOKE N CIGAR LLC
112. SMOKER'S CHOICE
113. SPIRIT HALLOWEEN SUPERSTORES  
LLC
114. SPOT SMOKE
115. SUPER 24
116. SUPER 24
117. SUPER FOOD STORE
118. THE CAVE
119. THE GRAPE CHOICE
120. THE MINUS SHOP
121. THE PANZER DEPOT
122. TJ'S 99 CENTS PLUS
123. TOBACCO PATCH
124. TOTEM LAKE 76
125. TOTEM LAKE FOOD STORE
126. TOTEM LAKE SHOE REPAIR
127. UNION 76
128. UNLEASHED BY PETCO #5207
129. VIA LAGO
130. VILLAGE MART
131. VORTEX MUSIC & MOVIES
132. W.I.S.E.R. COMPANY
133. WARREN JEWELERS INC
134. WESCO AUTOBODY SUPPLY
135. WEST COAST PAINT SUPPLY, INC.
136. ZIP MART

**Option 4: Business Type**

1. ABSOLUTELY FABULOUS CONSIGNMENT
2. AGENT FASIONROOM BOUTIQUE
3. ALL WALL EQUIPMENT CO INC
4. ALLELUIA! CATHOLIC STORE
5. AMAZING HEROES TOYS COMICS & VIDEO GAMES
6. AMES TAPING TOOLS
7. AN ARTFUL TOUCH
8. ARTS DANCE SHOP
9. ASHER GOODS
10. BAYSIDE WIRELESS LLC
11. BEL-KIRK STAMP, COIN & COMIC
12. BEST KEPT SECRET
13. BIG 5 SPORTING GOODS #86
14. BIKINI BEACH
15. BOOBOO BARKERY & BOUTIQUE
16. BOOMERANG KIDS CONSIGNMENT
17. BRIDLE TRAILS ACE
18. BRIDLE TRAILS SHOE REPAIR
19. BRITTANY FLOWERS OF KIRKLAND
20. CANYON FLIGHT TRADING COMPANY
21. CAR TOYS INC
22. CG GEMS
23. CHAMPAGNE TASTE
24. CIGAR USA
25. CIRCA 15 FABRIC STUDIO LLC
26. CLINICWEAR
27. COLONIAL OPTICAL LLC
28. COMMON FOLK LLC
29. CORNER COMICS
30. CRAZY TIMMY GAMES
31. CRUSH FOOTWEAR
32. CSE FACTORY DIRECT OUTLET
33. D & S VARIETY
34. DANCEWEAR CENTER
35. DENNY'S PET WORLD
36. DOOLEY'S DOG HOUSE
37. DUNN LUMBER NORTHWEST, INC.
38. EARTHLIGHT INC
39. EASTSIDE AUDUBON SOCIETY
40. EASTSIDE COMMUNITY AID THRIFT SHOP
41. EASTSIDE TRAINS, INC.
42. ECO CARTRIDGE STORE
43. EPICUREAN EDGE
44. ESSENTIALS BOUTIQUE LLC
45. EVERYDAY ATHLETE LLC
46. EXCLUSIVE SALON PRODUCTS
47. EYE AND CONTACT LENS CENTER
48. EYE CANDY LLC
49. FAMILY CHRISTIAN LLC
50. FAMOUS FOOTWEAR #2075
51. FENA FLOWERS, INC.
52. FLEETPRIDE INC
53. FORGET-ME-NOT CONSIGNMENTS
54. FOUND INTERIORS
55. FRED MEYER JEWELERS #00391
56. FRESH VITAMINS
57. FVC
58. GENERAL NUTRITION CENTER
59. GNC
60. GO WIRELESS
61. GRAND REVE VINTNERS LLC
62. GREATER KIRKLAND CHAMBER OF COMMERCE
63. HALEY'S COTTAGE
64. HANCOCK FABRICS #1302
65. HEPBURN
66. HERBAN WELLNESS LLC
67. HIGHER LEAF MARIJUANA BOUTIQUE
68. HOMESCHOOL POTPOURRI
69. IN FOCUS OPTICAL
70. ISTINA INC
71. IVY
72. JUANITA VISION CLINIC
73. KIRKLAND BICYCLE LLC
74. KIRKLAND FIREPLACE
75. KIRKLAND SPORTS CARDS
76. KITANDA CO
77. LA PASTA LLC
78. LAKE STREET DIAMOND COMPANY LLC

79. LAKE WASH TECHNICAL BOOKSTORE
80. LOVERS
81. MALLORY PAINT STORE INC
82. MARY JANE
83. MB PHONES
84. MC SMOKE
85. METROPOLITAN MUSIC
86. MICHAEL'S #8407
87. MILLER PAINT CO INC
88. MOUNTAIN HOMEBREW & WINE SUPPLY
89. NATURAL PET PANTRY
90. NATURE'S PET MARKET-KIRKLAND
91. NORTHWEST LIQUOR
92. NORTHWEST THRIFT STORE
93. OFFICE MAX #392
94. OLYMPUS VAPOR
95. O'REILLY AUTO PARTS #2508
96. O'REILLY AUTO PARTS #3691
97. PACIFIC POWER BATTERIES OF KIRKLAND
98. PARK LANE GALLERY INC
99. PARTY FOR LESS
100. PETCO #201
101. PIKE STREET PRESS
102. PLAY N TRADE
103. PNS
104. PUFFIN SMOKE
105. PURPOSE
106. QUALITY SEWING & VACUUM
107. RADIO SHACK #3341
108. RAGAMOFFYN'S INC
109. RISAN ATHLETICS
110. ROSS DRESS FOR LESS #462
111. RUSSELL FASTENING INC
112. SALLY BEAUTY SUPPLY 2920
113. SEATTLE GOODWILL
114. SEATTLE THREAD COMPANY
115. SEDUCE BOUTIQUE
116. SERENDPITY
117. SERIAL KNITTERS YARN SHOP
118. SIMPLICITY ABC
119. SJT CELLARS LLC
120. SMOKE N CIGAR LLC
121. SMOKER'S CHOICE
122. SPIRIT HALLOWEEN SUPERSTORES LLC
123. SPOT SMOKE
124. SUR LA TABLE
125. TACOMA SCREW PRODUCTS INC.
126. THE GRAPE CHOICE
127. THE MINUS SHOP
128. THE PANZER DEPOT
129. THE SHERWIN-WILLIAMS COMPANY #8002
130. TJ'S 99 CENTS PLUS
131. TOBACCO PATCH
132. TOTEM LAKE SHOE REPAIR
133. TUESDAY MORNING, INC. 534
134. TWISTED COUTURE INC
135. UNLEASHED BY PETCO #5207
136. VALUE VILLAGE
137. VIA LAGO
138. VORTEX MUSIC & MOVIES
139. W.I.S.E.R. COMPANY
140. WARREN JEWELERS INC
141. WESCO AUTOBODY SUPPLY
142. WEST COAST PAINT SUPPLY, INC.

**Option 5: Combination Square Footage and Business Type**

1. ABSOLUTELY FABULOUS CONSIGNMENT
2. AGENT FASIONROOM BOUTIQUE
3. ALL WALL EQUIPMENT CO INC
4. ALLELUIA! CATHOLIC STORE
5. AMAZING HEROES TOYS COMICS & VIDEO GAMES
6. AMES TAPING TOOLS
7. AN ARTFUL TOUCH
8. ARTS DANCE SHOP
9. ASHER GOODS
10. BAYSIDE WIRELESS LLC
11. BEL-KIRK STAMP, COIN & COMIC
12. BIKINI BEACH
13. BOOBOO BARKERY & BOUTIQUE
14. BOOMERANG KIDS CONSIGNMENT
15. BRIDLE TRAILS SHOE REPAIR
16. BRITTANY FLOWERS OF KIRKLAND
17. CANYON FLIGHT TRADING COMPANY
18. CG GEMS
19. CHAMPAGNE TASTE
20. CIGAR USA
21. CIRCA 15 FABRIC STUDIO LLC
22. CLINICWEAR
23. COLONIAL OPTICAL LLC
24. COMMON FOLK LLC
25. CORNER COMICS
26. CRAZY TIMMY GAMES
27. CRUSH FOOTWEAR
28. CSE FACTORY DIRECT OUTLET
29. D & S VARIETY
30. DANCEWEAR CENTER
31. DOOLEY'S DOG HOUSE
32. EARTHLIGHT INC
33. EASTSIDE AUDUBON SOCIETY
34. EASTSIDE COMMUNITY AID THRIFT SHOP
35. ECO CARTRIDGE STORE
36. EPICUREAN EDGE
37. ESSENTIALS BOUTIQUE LLC
38. EVERYDAY ATHLETE LLC
39. EXCLUSIVE SALON PRODUCTS
40. EYE AND CONTACT LENS CENTER
41. EYE CANDY LLC
42. FENA FLOWERS, INC.
43. FORGET-ME-NOT CONSIGNMENTS
44. FOUND INTERIORS
45. FRED MEYER JEWELERS #00391
46. FRESH VITAMINS
47. FVC
48. GENERAL NUTRITION CENTER
49. GNC
50. GO WIRELESS
51. GRAND REVE VINTNERS LLC
52. GREATER KIRKLAND CHAMBER OF COMMERCE
53. HALEY'S COTTAGE
54. HEPBURN
55. HERBAN WELLNESS LLC
56. HIGHER LEAF MARIJUANA BOUTIQUE
57. HOMESCHOOL POTPOURRI
58. IN FOCUS OPTICAL
59. ISTINA INC
60. IVY
61. JUANITA VISION CLINIC
62. KIRKLAND BICYCLE LLC
63. KIRKLAND SPORTS CARDS
64. KITANDA CO
65. LA PASTA LLC
66. LAKE STREET DIAMOND COMPANY LLC
67. LAKE WASH TECHNICAL BOOKSTORE
68. MARY JANE
69. MB PHONES
70. MC SMOKE
71. METROPOLITAN MUSIC
72. MOUNTAIN HOMEBREW & WINE SUPPLY
73. NATURAL PET PANTRY
74. NATURE'S PET MARKET-KIRKLAND
75. NORTHWEST LIQUOR
76. NORTHWEST THRIFT STORE
77. OLYMPUS VAPOR

- |  |                                    |
|--|------------------------------------|
| 78. O'REILLY AUTO PARTS #3691              | 96. SJT CELLARS LLC                |
| 79. PACIFIC POWER BATTERIES OF<br>KIRKLAND | 97. SMOKE N CIGAR LLC              |
| 80. PARK LANE GALLERY INC                  | 98. SMOKER'S CHOICE                |
| 81. PARTY FOR LESS                         | 99. SPOT SMOKE                     |
| 82. PIKE STREET PRESS                      | 100. TACOMA SCREW PRODUCTS INC.    |
| 83. PLAY N TRADE                           | 101. THE GRAPE CHOICE              |
| 84. PUFFIN SMOKE                           | 102. THE MINUS SHOP                |
| 85. PURPOSE                                | 103. THE PANZER DEPOT              |
| 86. QUALITY SEWING & VACUUM                | 104. TJ'S 99 CENTS PLUS            |
| 87. RADIO SHACK #3341                      | 105. TOBACCO PATCH                 |
| 88. RAGAMOFFYN'S INC                       | 106. TOTEM LAKE SHOE REPAIR        |
| 89. RUSSELL FASTENING INC                  | 107. TWISTED COUTURE INC           |
| 90. SALLY BEAUTY SUPPLY 2920               | 108. VIA LAGO                      |
| 91. SEATTLE THREAD COMPANY                 | 109. VORTEX MUSIC & MOVIES         |
| 92. SEDUCE BOUTIQUE                        | 110. W.I.S.E.R. COMPANY            |
| 93. SERENDPITY                             | 111. WARREN JEWELERS INC           |
| 94. SERIAL KNITTERS YARN SHOP              | 112. WESCO AUTOBODY SUPPLY         |
| 95. SIMPLICITY ABC                         | 113. WEST COAST PAINT SUPPLY, INC. |

#### **Option 6: Remove Paper Bag Charge from All Businesses**

All 200 business affected by the plastic bag reduction policy would not be required to charge for paper bags.



**CITY OF KIRKLAND**  
**Department of Public Works**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**  
**www.kirklandwa.gov**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracy Durnell, Environmental Education and Outreach Specialist  
Jenna Higgins, Recycling Programs Coordinator  
John MacGillivray, Solid Waste Programs Lead  
Kathy Brown, Public Works Director

**Date:** April 7, 2016

**Subject:** Suspension of Plastic Bag Reduction Policy Five Cent Paper Bag Fee

## **RECOMMENDATION**

Staff recommends that the City Council approve the Ordinance containing the revision requested by the Council to the Plastic Bag Reduction Policy ordinance (Kirkland Municipal Code 16.05). The revision temporarily suspends the requirement of some Kirkland retailers from charging a five cent fee for large paper bags until May 1, 2017.

## **BACKGROUND**

At its April 5, 2016 meeting, the City Council directed staff to bring back a revision to the Plastic Bag Reduction Policy ordinance to exempt, for one year, some small retailers from the requirement to charge consumers five cents for each large paper bag (1/8 barrel). Businesses falling into the following North American Industry Classification System (NAICS) categories will not be exempted from the paper bag fee requirement.

### *NAICS Business Codes Not Exempted from Charging Paper Bag Fee:*

445110 – Supermarkets and Other Grocery (Except Convenience) Stores  
445120 – Convenience Stores  
446110 – Pharmacies and Drug Stores  
447110 – Gasoline Stations  
447190 – Other Gasoline Stations  
452910 – Warehouse Clubs and Supercenters

These business types were not exempted from the five cent paper bag fee to give these retailers ongoing revenue to offset the cost of paper bags and to retain the incentive to encourage consumers to bring their own reusable bags.

A full list of the businesses temporarily exempted and not exempted from charging the paper bag fee is included as *Attachment A*.

**COMMUNICATION PLAN**

Assuming the targeted paper bag fee suspension is passed, staff anticipates there may be some confusion on the part of some Kirkland retailers and consumers. Consequently, staff is prepared to implement an education and outreach plan to communicate the temporary change to the ordinance. A portion of the remaining \$14,000 of budget allocated toward the implementation of the plastic bag policy will be used to pay for the following communication plan. An additional communication plan will be developed and implemented in advance of the end of the one-year fee suspension. The communication plan will include:

- Development of a one page information sheet explaining the change to the ordinance. The sheet will include a list of all businesses temporarily exempted from charging the five cent paper bag fee and a list of businesses which must continue to charge the five cent fee. The information sheet will be posted on a City webpage dedicated to communicating details of the suspension to residents and businesses.
- An information packet mailed to all retailers affected by the plastic bag reduction policy. The packet will include a letter to each group of retailers accompanied by the aforementioned information sheet.
- An article in Solid Waste's forthcoming annual *Business Reuse, Recycle, Conserve* newsletter with a list of businesses temporarily exempted and not exempted from charging the five cent paper bag fee.
- A City news release.
- A proposed collaboration with the Kirkland Downtown Association, Chamber of Commerce, and Downtown Merchants to assist them in designing a reusable bag campaign to turn the plastic bag policy into a marketing opportunity (after the one year suspension period).
- A utility billing insert.
- Social media posts on the Kirkland Conserves Twitter and Facebook channels.

**Businesses that will be exempt from the requirement to charge 5 cents for large paper bags during the fee suspension**

1. ABSOLUTELY FABULOUS CONSIGNMENT
2. AGENT FASIONROOM BOUTIQUE
3. ALL WALL EQUIPMENT CO INC
4. ALLELUIA! CATHOLIC STORE
5. AMAZING HEROES TOYS COMICS & VIDEO GAMES
6. AMES TAPING TOOLS
7. AN ARTFUL TOUCH
8. ARTS DANCE SHOP
9. ASHER GOODS
10. BAYSIDE WIRELESS LLC
11. BEL-KIRK STAMP, COIN & COMIC
12. BEST KEPT SECRET
13. BIG 5 SPORTING GOODS #86
14. BIKINI BEACH
15. BOOBOO BARKERY & BOUTIQUE
16. BOOMERANG KIDS CONSIGNMENT
17. BRIDLE TRAILS ACE
18. BRIDLE TRAILS SHOE REPAIR
19. BRITTANY FLOWERS OF KIRKLAND
20. CANYON FLIGHT TRADING COMPANY
21. CAR TOYS INC
22. CG GEMS
23. CHAMPAGNE TASTE
24. CIGAR USA
25. CIRCA 15 FABRIC STUDIO LLC
26. CLINICWEAR
27. COLONIAL OPTICAL LLC
28. COMMON FOLK LLC
29. CORNER COMICS
30. CRAZY TIMMY GAMES
31. CRUSH FOOTWEAR
32. CSE FACTORY DIRECT OUTLET
33. D & S VARIETY
34. DANCEWEAR CENTER
35. DENNY'S PET WORLD
36. DOOLEY'S DOG HOUSE
37. DUNN LUMBER NORTHWEST, INC.
38. EARTHLIGHT INC
39. EASTSIDE AUDUBON SOCIETY
40. EASTSIDE COMMUNITY AID THRIFT SHOP
41. EASTSIDE TRAINS, INC.
42. ECO CARTRIDGE STORE
43. EPICUREAN EDGE
44. ESSENTIALS BOUTIQUE LLC
45. EVERYDAY ATHLETE LLC
46. EXCLUSIVE SALON PRODUCTS
47. EYE AND CONTACT LENS CENTER
48. EYE CANDY LLC
49. FAMILY CHRISTIAN LLC
50. FAMOUS FOOTWEAR #2075
51. FENA FLOWERS, INC.
52. FLEETPRIDE INC
53. FORGET-ME-NOT CONSIGNMENTS
54. FOUND INTERIORS
55. FRED MEYER JEWELERS #00391
56. FRESH VITAMINS
57. FVC
58. GENERAL NUTRITION CENTER
59. GNC
60. GO WIRELESS
61. GRAND REVE VINTNERS LLC
62. GREATER KIRKLAND CHAMBER OF COMMERCE
63. HALEY'S COTTAGE
64. HANCOCK FABRICS #1302
65. HEPBURN
66. HERBAN WELLNESS LLC
67. HIGHER LEAF MARIJUANA BOUTIQUE
68. HOMESCHOOL POTPOURRI
69. IN FOCUS OPTICAL
70. ISTINA INC
71. IVY
72. JUANITA VISION CLINIC
73. KIRKLAND BICYCLE LLC
74. KIRKLAND FIREPLACE
75. KIRKLAND SPORTS CARDS
76. KITANDA CO
77. LA PASTA LLC



78. LAKE STREET DIAMOND COMPANY  
LLC
79. LAKE WASH TECHNICAL  
BOOKSTORE
80. LOVERS
81. MALLORY PAINT STORE INC
82. MARY JANE
83. MB PHONES
84. MC SMOKE
85. METROPOLITAN MUSIC
86. MICHAEL'S #8407
87. MILLER PAINT CO INC
88. MOUNTAIN HOMEBREW & WINE  
SUPPLY
89. NATURAL PET PANTRY
90. NATURE'S PET MARKET-KIRKLAND
91. NORTHWEST LIQUOR
92. NORTHWEST THRIFT STORE
93. OFFICE MAX #392
94. OLYMPUS VAPOR
95. O'REILLY AUTO PARTS #2508
96. O'REILLY AUTO PARTS #3691
97. PACIFIC POWER BATTERIES OF  
KIRKLAND
98. PARK LANE GALLERY INC
99. PARTY FOR LESS
100. PETCO #201
101. PIKE STREET PRESS
102. PLAY N TRADE
103. PNS
104. PUFFIN SMOKE
105. PURPOSE
106. QUALITY SEWING & VACUUM
107. RADIO SHACK #3341
108. RAGAMOFFYN'S INC
109. RISAN ATHLETICS
110. ROSS DRESS FOR LESS #462
111. RUSSELL FASTENING INC
112. SALLY BEAUTY SUPPLY 2920
113. SEATTLE GOODWILL
114. SEATTLE THREAD COMPANY
115. SEDUCE BOUTIQUE
116. SERENDPITY
117. SERIAL KNITTERS YARN SHOP
118. SIMPLICITY ABC
119. SJT CELLARS LLC
120. SMOKE N CIGAR LLC
121. SMOKER'S CHOICE
122. SPIRIT HALLOWEEN SUPERSTORES
123. SPOT SMOKE
124. SUR LA TABLE
125. TACOMA SCREW PRODUCTS INC.
126. THE GRAPE CHOICE
127. THE MINUS SHOP
128. THE PANZER DEPOT
129. THE SHERWIN-WILLIAMS COMPANY  
#8002
130. TJ'S 99 CENTS PLUS
131. TOBACCO PATCH
132. TOTEM LAKE SHOE REPAIR
133. TUESDAY MORNING, INC. 534
134. TWISTED COUTURE INC
135. UNLEASHED BY PETCO #5207
136. VALUE VILLAGE
137. VIA LAGO
138. VORTEX MUSIC & MOVIES
139. W.I.S.E.R. COMPANY
140. WARREN JEWELERS INC
141. WESCO AUTOBODY SUPPLY
142. WEST COAST PAINT SUPPLY, INC.

**Businesses that will be still be required to charge 5 cents during the fee suspension**

1. 76 STORE #5494
2. 7-ELEVEN #19911
3. 7-ELEVEN 2360-18146E
4. 7-ELEVEN STORE #27304B
5. 7-ELEVEN 2360-20477E
6. ARBAT FOOD MARKET
7. ARCO AM/PM
8. ASSURED PHARMACY
9. BARTELL DRUG COMPANY #18
10. BARTELL DRUG COMPANY #21
11. BARTELL DRUG COMPANY #28
12. BARTELL DRUG COMPANY #44
13. BEDROCK NORTHWEST
14. BRIDLE TRAILS RED APPLE MARKET
15. COSTCO WHOLESALE
16. FINN HILL GAS STATION
17. FRED MEYER #391
18. FRED MEYER #391 FUEL CENTER
19. GEORGE'S EASTSIDE SHELL
20. JACKSONS #619
21. JACKSONS #621
22. JANELL'S GLUTEN-FREE MARKET
23. JUANITA FIRS 76
24. KIRKLAND 76 INC.
25. MARKET ON CENTRAL/SUBWAY  
#1647
26. METROPOLITAN MARKET
27. MOSS BAY SHELL INC
28. MUCHO MAS GROCERY
29. MY GOODS MARKET #5494
30. NAM'S & HANNAH'S INC
31. PCC NATURAL MARKETS
32. QFC #838
33. QUALITY FOOD CENTER/QFC #809
34. QUALITY FOOD CENTER/QFC #828
35. RITE AID #5192
36. RITE AID #5193
37. ROSEHILL CAR WASH
38. ROSEHILL SHELL
39. SAAGAR GROCERIES
40. SAFEWAY #0526
41. SAFEWAY #2734
42. SAFEWAY STORE #1142
43. SAHAND PERSIAN GROCERY
44. SUPER 24
45. SUPER 24
46. SUPER FOOD STORE
47. THE CAVE
48. TOTEM LAKE 76
49. TOTEM LAKE FOOD STORE
50. TRADER JOE'S #132
51. UNION 76
52. VILLAGE MART
53. WALGREEN'S #04156
54. WALGREENS #06258
55. YARROW BAY 76
56. ZIP MART

ORDINANCE O-4515

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RETAIL CARRYOUT BAGS ADDING NEW KIRKLAND MUNICIPAL CODE SECTION 16.05.050 SUSPENDING FOR A PERIOD OF ONE YEAR THE REQUIREMENT THAT CERTAIN RETAIL ESTABLISHMENTS IN THE CITY COLLECT A PASS-THROUGH CHARGE FOR RECYCLABLE PAPER CARRYOUT BAGS.

1           WHEREAS, the City Council adopted Ordinance 4477 in 2015,  
2 finding it in the best interest of the health, safety and welfare of the  
3 people of the city of Kirkland that regulations include a pass-through  
4 charge on the use of recycled paper carryout bags in order to allow  
5 retailers to recover the higher cost of providing recycled paper bags,  
6 encourage greater use of reusable bags, to reduce the cost of solid  
7 waste disposal by the City, and to protect the environment; and  
8

9           WHEREAS, Ordinance 4477 created Chapter 16.05 of the  
10 Kirkland Municipal Code (KMC) entitled "Retail Carryout Bags"; and  
11

12           WHEREAS, KMC Section 16.05.020 presently requires that all  
13 retail establishments in the city collect a pass-through charge of not less  
14 than \$0.05 for each recyclable paper carryout bag provided to  
15 customers; and  
16

17           WHEREAS, representatives of the Kirkland Downtown  
18 Association, small retail establishments in the city of Kirkland, and others  
19 have asked the City Council to reconsider the requirement that certain  
20 classifications of retail establishments be required to collect the pass-  
21 through charge from their customers, in part because such customers  
22 often do not plan to make such purchases and therefore have not  
23 considered bringing their own reusable bags as an alternative to the  
24 charge; and  
25

26           WHEREAS, the City Council wishes to suspend, for a period of  
27 one year, the requirement that such classifications of retail  
28 establishments collect the pass-through charge from their customers,  
29 while maintaining such requirement for other types of retail  
30 establishments whose customers generally plan to make purchases and  
31 are therefore more likely to have considered bringing their own reusable  
32 bags as an alternative to the charge; and  
33

34           WHEREAS, the City Council believes such one year suspension  
35 will provide opportunities for further education, outreach and study of  
36 ways to encourage greater use of reusable bags, reduce the cost of solid  
37 waste disposal by the City, and protect the environment.  
38

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

41 Section 1. A new Section 16.05.050 of the KMC is adopted to  
42 read as follows:

43  
44

45 **16.05.050 Suspension of Pass-through charge -- Applicability.**

46 Notwithstanding any provision of this chapter actually or seemingly  
47 to the contrary, the requirement that retail establishments in the city  
48 shall collect a pass-through charge of not less than five cents for each  
49 recyclable paper carryout bag provided to customers that has a  
50 manufacturer's stated capacity of one-eighth barrel (eight hundred  
51 eighty-two cubic inches) or larger shall be suspended until May 1, 2017;  
52 provided, however, that such suspension shall not apply to retail  
53 establishments in the city with the following North American Industry  
54 Classification System (NAICS) codes: 445110 (Supermarkets and Other  
55 Grocery (Except Convenience) Stores; 445120 (Convenience Stores);  
56 446110 (Pharmacies and Drug Stores); 447110 (Gasoline Stations);  
57 447190 (Other Gasoline Stations); and 452910 (Warehouse Clubs and  
58 Supercenters).

59

60 Section 2. This ordinance shall be in force and effect five days  
61 from and after its passage by the Kirkland City Council and publication,  
62 as required by law.

63

64 Passed by majority vote of the Kirkland City Council in open  
65 meeting this \_\_\_\_ day \_\_\_\_, 2016.

66

67 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_, 2016.

\_\_\_\_\_  
DEPUTY MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

ORDINANCE O-4576

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RETAIL CARRYOUT BAGS.

1           WHEREAS, the City Council adopted Ordinance O-4477 on  
2 February 17, 2015 related to regulating the provision of single-use  
3 carry-out bags by retail establishments in the city of Kirkland; and  
4

5  
6           WHEREAS, such ordinance went into full effect in March 2016,  
7 following a one-year education and outreach effort; and  
8

9           WHEREAS, such ordinance included a provision requiring all  
10 retailers to collect a pass-through charge of not less than five cents per  
11 bag to provide retailers with additional revenue to offset the cost of  
12 more expensive paper bags and to serve as a nominal but consistent  
13 reminder to residents, visitors, and tourists to bring reusable bags when  
14 shopping in Kirkland; and  
15

16           WHEREAS, representatives of the Kirkland Downtown  
17 Association, small retail establishments in the city and others asked the  
18 Council to reconsider the requirement to collect a pass-through charge  
19 from their customers for large paper bags, in part because such  
20 customers often do not plan in advance to make such purchases and  
21 therefore have not considered bringing their own reusable bags as an  
22 alternative to the charge; and  
23

24           WHEREAS, the Council adopted Ordinance O-4515 on April 19,  
25 2016, suspending until May 1, 2017 for certain classifications of small  
26 retail establishments the requirement to collect the paper bag pass-  
27 through charge to allow affected retailers more time to adjust to the  
28 new regulation and provide outreach to their customers; and  
29

30           WHEREAS, at the Council's March 21, 2017 regular meeting,  
31 representatives of the Kirkland Downtown Association and Greater  
32 Kirkland Chamber of Commerce asked the Council to consider making  
33 permanent the exemption of the paper bag pass-through charge for  
34 certain classifications of smaller retail establishments; and  
35

36           WHEREAS, the matter was referred by the Council to its Public  
37 Works, Parks and Human Services Committee, which met on April 5,  
38 2017 and voted 2-1 in favor of recommending to the Council that such  
39 exemption be made permanent.  
40

41 NOW, THEREFORE, the City Council of the City of Kirkland do ordain as  
42 follows:  
43

44           Section 1. Kirkland Municipal Code Section 16.05.020 is  
45 amended to read as follows:

46 **16.05.020 Recycled paper bag pass-through charge.**

47 (a) The provisions of this section related to pass-through charges  
48 shall apply only to retail establishments in the city with the following  
49 North American Industry Classification System (NAICS) codes: 445110  
50 (Supermarkets and Other Grocery (Except Convenience) Stores);  
51 445120 (Convenience Stores); 446110 (Pharmacies and Drug Stores);  
52 447110 (Gasoline Stations); 447190 (Other Gasoline Stations); and  
53 452910 (Warehouse Clubs and Supercenters).

54 (b) No retail establishment in the city shall provide a paper  
55 carryout bag with a manufacturer’s stated capacity of one-eighth barrel  
56 (eight hundred eighty-two cubic inches) or larger that is not a recyclable  
57 paper bag. All retail establishments in the city and set forth in  
58 subsection (a) shall collect a pass-through charge of not less than five  
59 cents for each recyclable paper carryout bag provided to customers that  
60 has a manufacturer’s stated capacity of one-eighth barrel (eight  
61 hundred eighty-two cubic inches) or larger. It shall be a violation of this  
62 section for any retail establishment set forth in subsection (a) to pay or  
63 otherwise reimburse a customer for any portion of the pass-through  
64 charge; provided, that the retail establishments shall not charge or  
65 collect a pass-through charge from anyone with a voucher or electronic  
66 benefits card issued under the Women, Infants and Children (WIC) or  
67 Temporary Assistance to Needy Families (TANF) support programs, or  
68 federal Supplemental Nutrition Assistance Program (SNAP, also known  
69 as Basic Food), or the Washington State Food Assistance Program  
70 (FAP).

71 (c) All retail establishments set forth in subsection (a) shall  
72 indicate on the customer transaction receipt the number of recyclable  
73 paper carryout bags provided and the amount of the pass-through  
74 charge.

75 ~~(c) Prior to the effective date of the ordinance codified in this~~  
76 ~~chapter, retail establishments may voluntarily implement the restrictions~~  
77 ~~on retail carryout bags allowed, as described herein, and may~~  
78 ~~concurrently implement a pass-through charge.~~

79 (d) Notwithstanding the requirements in subsection (a-b) of this  
80 section, nothing in this chapter shall restrict retail establishments from  
81 providing a discount to customers who use reusable bags.

82  
83 Section 2. Kirkland Municipal Code Section 16.05.050 is  
84 repealed.

85  
86 Section 3. This ordinance shall be in force and effect five days  
87 from and after its passage by the Kirkland City Council and publication,  
88 as required by law.

89  
90 Passed by majority vote of the Kirkland City Council in open  
91 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.

92  
93 Signed in authentication thereof this \_\_\_\_ day of  
94 \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

Attest:

---

City Clerk

Approved as to Form:

---

City Attorney

**CITY OF KIRKLAND****Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033**  
**425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Shields, Director of Planning and Building  
Tom Phillips, Building Official

**Date:** April 11, 2017

**Subject:** Development Fee Schedule Amendments

**RECOMMENDATION**

It is recommended that the City Council adopt the attached Ordinance that amends the Kirkland Municipal Code regarding development services fees and provides financial compensation for homeowners that are required to have their address changed due to nearby land development.

**BACKGROUND DISCUSSION**

This Ordinance creates new development fees for remote electronic (Skype) inspections, moves the fees for Table 8 of KMC Chapter 21.74 from two tables to one and provides compensation for homeowners that are required to have their address changed due to nearby land development.

The Skype inspection fee is being recommended to incentivize applicants to request Skype inspections. The Building division has started a pilot program where water heater and furnace replacements could be done using Skype software. Currently, when contractors replace a water heater or furnace they require the homeowner to schedule the inspection. Because many homeowners work during the day, the homeowners do not follow through with the required inspection request and the permit eventually expires without any inspection. This can result in a dangerous or improper installation not being inspected.

To mitigate this problem, the proposed ordinance would allow the contractor to request a Skype permit for \$30 versus a traditional, on-site inspection for \$75. If the Skype inspection is chosen, the contractor simply calls the Building division's Skype address when the job is complete but before they leave the house. The contractor then uses their smart device to show the City inspector the installation as well as answer any questions the inspector may have. The process will typically be done in less than 15 minutes. Plan reviewers will be doing the inspections to ensure there will always be someone available to take the Skype inspection request during business hours. This program was discussed with the Planning and Economic committee where the committee members recommended that staff bring an Ordinance to the full Council for approval.



Development Fee Schedule Amendments

April 11, 2017

The fees set forth in Table 8 of KMC Chapter 21.74 are currently set forth in two separate Tables, both of which are entitled Table 8. This ordinance will combine these fees into one Table 8 for clearer reading.

The address change compensation is being recommended to help offset the burden homeowners endure when required to change their address due to nearby development activity. Some development activity creates the need for additional house numbers where there are not any available numbers in the correct sequence. This has been an ongoing problem that has increased with higher development activity. About 18 months ago the GIS division began the transition of taking responsibility for assigning new addresses from the Building division. This included creating addressing guidelines with the assistance of the fire marshal and building official. The guidelines require that development activity cannot result in a house that is out of sequence, which may require some existing homes to have their address changed. This Ordinance requires the developer to pay the property owners of each affected house \$250. Because development can occur with or without a subdivision, both Titles 21 and 22 need to be amended. This issue was discussed in the Public Safety committee where the committee members recommended that staff bring an Ordinance to the full Council for approval.

ORDINANCE O-4577

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE KIRKLAND MUNICIPAL CODE TO REVISE AND CREATE CERTAIN FEES RELATED TO DEVELOPMENT SERVICES.

1           WHEREAS, the City would like to require developers to  
2 compensate homeowners who must change their address due to the  
3 developer’s new project; and  
4

5           WHEREAS, the City desires to provide affordable development  
6 fees for remote electronic inspections using technology such as Skype,  
7 for certain types of permits; and  
8

9           WHEREAS, the Kirkland Municipal Code must be amended to  
10 provide affordable development fees for remote electronic inspections;  
11 and  
12

13           WHEREAS, the fees set forth in Table 8 of Kirkland Municipal  
14 Code Chapter 21.74 should be presented in one table rather than two.  
15

16           NOW, THEREFORE, the City Council of the City of Kirkland do  
17 ordain as follows:  
18

19           Section 1. A new Section 21.06.418 is added to Chapter 21.06  
20 of the Kirkland Municipal Code to read as follows:  
21

**21.06.418 Address change compensation.**

22  
23 When the City determines that development activity, not associated with  
24 a subdivision or short subdivision, will require an existing house to  
25 change its street address to be in compliance with the City’s Addressing  
26 Guidelines, the developer or their agent shall compensate the property  
27 owner(s) of the affected houses, \$250 for each house affected, unless  
28 the house is owned by the developer. The developer must provide the  
29 City with proof that the \$250 compensation has been paid to the  
30 affected property owner(s) prior the building permit(s) being issued.  
31

32           Section 2. Kirkland Municipal Code Section 21.74.030, Table 8  
33 is amended to read as follows:  
34

**21.74.030 General provisions for construction and permit fees.**

Table 8 —Mechanical Inspection Fees—One- and Two-Family Dwellings

Mechanical Fees For New Single-Family and Duplexes:

8% of the building permit fee

**Mechanical Fees for Remodels/Additions\***

(Does not include like for like water heater and/or furnace only replacement)

- Each New Appliance \$41.00 (Maximum Fee \$246.00)\*\*
- New Duct System \$41.00
- Gas Piping Only \$41.00
- Thermostat Wiring \$20.50\*\*\*

**Like For Like Water Heater Or Furnace Only Replacement:**

Remote electronic inspection \$30 each

On-site inspection \$75 each

~~**Table 8—Mechanical Inspection Fees—One- and Two-Family Dwellings**~~

- ~~• Gas Piping Only \$41.00~~
- ~~• Thermostat Wiring \$20.50\*\*\*~~

\*No fee for source-specific exhaust fans  
 \*\*Gas piping included  
 \*\*\*Must be a licensed electrical contractor

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Section 3. Kirkland Municipal Code Section 21.74.030, Table 10 is amended to read as follows:

**21.74.030 General provisions for construction and permit fees.**

**Table 10 Section I—Plumbing Permit Fees—One- and Two-Family Dwellings**

**Plumbing Fees For New One- and Two-Family Dwellings:**

8% of the building permit fee

**Plumbing Fees for Alterations/Additions:**

(Does not include like for like water heater only replacement)

- Each new or moved plumbing fixture: \$20.50
- For re-piping domestic water lines within existing structures: \$20.50 per dwelling unit
- Minimum permit fee \$41.00, maximum permit fee \$246.00

**Like For Like Water Heater Only Replacement:**  
Remote electronic inspection \$30 each  
On-site inspection \$75 each

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Section 4. A new Section 22.32.090 is added to Chapter 22.32 of the Kirkland Municipal Code to read as follows:

**22.32.090 Address change compensation.**

When the city determines that the subdivision or short subdivision will require an existing house to change its street address to be in compliance with the City’s Addressing Guidelines, the developer or their agent shall compensate the property owner(s) of the affected houses, \$250 for each house affected, unless the house is owned by the developer. The developer must provide the City with proof that the \$250 compensation has been paid to the affected property owner(s) prior the subdivision or short subdivision being recorded with King County.

Section 5. 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 6. 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 \_\_\_\_\_, 2017.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4577

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE KIRKLAND MUNICIPAL CODE TO REVISE AND CREATE CERTAIN FEES RELATED TO DEVELOPMENT SERVICES.

SECTION 1. Adds a new Kirkland Municipal Code ("KMC") Section 21.06.418 entitled "Address Change Mitigation Fee."

SECTION 2. Amends Table 8 of KMC Section 21.74.030 relating to mechanical permit fees for one and two-family dwellings.

SECTION 3. Amends Table 10 Section 1 of KMC Section 21.74.030 relating to plumbing permit fees for one and two-family dwellings.

SECTION 4. Adds a new KMC Section 22.32.090 entitled "Address Change Compensation."

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. 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 \_\_\_\_\_, 2017.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**  
City Manager's Office  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.kirklandwa.gov

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Tracey Dunlap, Deputy City Manager  
Kathy Brown, Public Works Director  
Rob Jammerman, Development Engineering Manager  
William Evans, Assistant City Attorney

**Date:** April 6, 2017

**Subject:** Interlocal Agreement with Northshore Utility District

## RECOMMENDATION:

Authorize the City Manager to enter into an interlocal agreement with Northshore Utility District to Transfer Service Area, Amendment and Termination of the Wheeling Agreement and Construction of Improvements (Attachment 1 to the Resolution).

## BACKGROUND DISCUSSION:

Northshore Utility District (NUD) provides water and/or sewer utility services to much of the northern half of the City of Kirkland. The sewer service area boundary meanders through the Totem Lake Urban Center, with the City providing service to some parcels, especially southwest of I-405, and NUD providing service to the north and east, including to the Totem Lake Mall redevelopment. In 1979, the City entered into a wheeling agreement with NUD for sewer flows from City sewer customers to pass through NUD's system to the King County system, subject to a wheeling charge. The sewer customers subject to the wheeling agreement are part of the 116 Basin, as shown in Attachment 2, including Fred Meyer, the Kirkland Justice Center, and the former Lifebridge Church site, that is currently under redevelopment by the Wolff Company. In evaluating options to serve the Wolff property and subsequent development in the basin, it became apparent that continuing under the wheeling agreement would be a costly option and the City and NUD entered into discussions to evaluate other approaches.

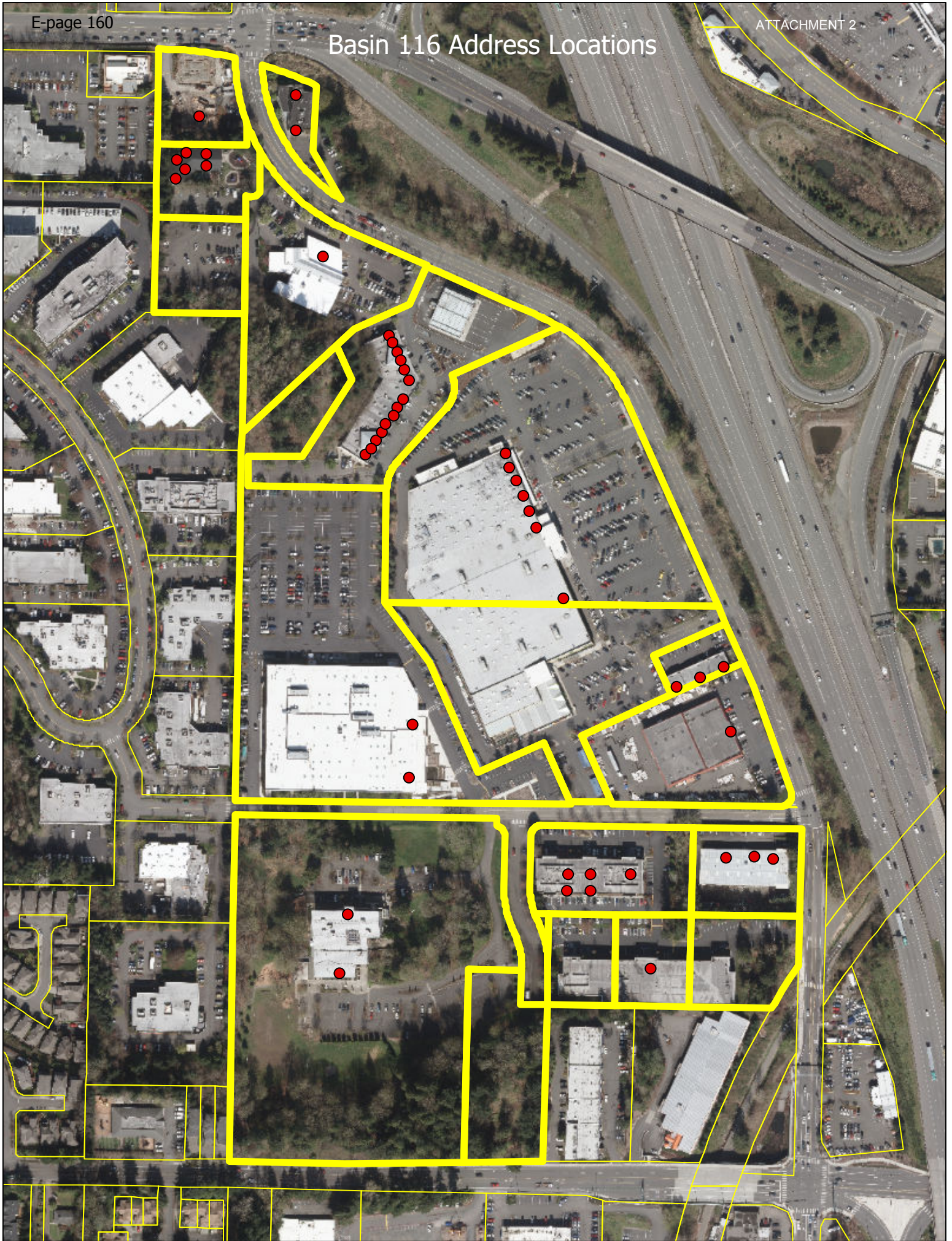
At the same time, NUD identified the need to add sewer capacity in their Totem Lake service area to serve new development, including the Villages at Totem Lake. The main project to add capacity to the system is to construct a trunk line easterly on NE 124th Street corridor to enter the system at the York pump station. In total, the cost of the improvements is estimated at \$9 million and NUD has established a Capacity Expansion Connection Charge (CECC) to recover the costs of the improvements (initially set at \$1,926 per equivalent multiple-family dwelling unit over a projected number of units totaling 4,657). This charge will be collected from new units in the area in addition to NUD's standard connection charge. Given current development

projects in the pipeline, it is possible that this number of units could be connected in 5-10 years.

After extensive discussions between the City and NUD, serving redevelopment in the 116 Basin, including the Wolff project, using the improvements planned by NUD is the most cost effective alternative. The best way to accomplish this is by transferring the customers in the 116 Basin from the City of Kirkland to NUD's service area. This action has the advantage of simplifying the service area boundaries and extinguishing the wheeling agreement. The loss in revenue to the City's sewer utility is offset in part by the elimination of existing wheeling charges and is more than offset by projected wheeling charges if the basin remained in the City's service area. NUD sewer rates are lower than the City's rates, so the existing customers in the basin should see a reduction in their monthly sewer bill. The agreement contemplates the transfer occurring effective June 30, 2017 and the City and NUD will work together to transition the existing customers.

The Northshore Utility District Board of Commissioners approved the interlocal agreement at their March meeting.

# Basin 116 Address Locations





PIN	FULL_ADDRESS	MAIL_FLAG	CITY	STATE	ZIPCODE
2826059041	12330 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059041	12332 120TH AVE NE	Y	KIRKLAND	WA	98034
2926059231	12233 116TH AVE NE, SUITE 201	Y	KIRKLAND	WA	98034
2926059231	12233 116TH AVE NE, SUITE 101	Y	KIRKLAND	WA	98034
2926059231	12233 116TH AVE NE, SUITE 203	Y	KIRKLAND	WA	98034
2926059231	12233 116TH AVE NE, SUITE 103	Y	KIRKLAND	WA	98034
2926059231	12233 116TH AVE NE, SUITE 104	Y	KIRKLAND	WA	98034
2926059231	12233 116TH AVE NE, SUITE 202	Y	KIRKLAND	WA	98034
2826059070	11730 118TH AVE NE, SUITE 300	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE L	Y	KIRKLAND	WA	98034
2826059018	11725 NE 118TH ST	Y	KIRKLAND	WA	98034
2826059018	11727 NE 118TH ST	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE A	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE F	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE N	Y	KIRKLAND	WA	98034
2826059070	11730 118TH AVE NE, SUITE 100	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE M	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE H	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE G	Y	KIRKLAND	WA	98034
2826059108	11710 118TH AVE NE	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE I	Y	KIRKLAND	WA	98034
2826059193	11919 120TH AVE NE, SUITE B	Y	KIRKLAND	WA	98034
2826059070	11730 118TH AVE NE, SUITE 600	Y	KIRKLAND	WA	98034
2826059070	11730 118TH AVE NE, SUITE 200	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE E	Y	KIRKLAND	WA	98034
2826059193	11919 120TH AVE NE, SUITE C	Y	KIRKLAND	WA	98034
2826059032	11835 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE K	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE C	Y	KIRKLAND	WA	98034
2826059122	12231 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE B	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE J	Y	KIRKLAND	WA	98034
2826059193	11919 120TH AVE NE, SUITE A	Y	KIRKLAND	WA	98034
2826059122	12221 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059122	12227 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059114	12305 120TH AVE NE, SUITE D	Y	KIRKLAND	WA	98034
2826059122	12223 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059122	12229 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059122	12225 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059225	12335 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059091	11731 120TH AVE NE	Y	KIRKLAND	WA	98034
2826059122	12237 120TH AVE NE	Y	KIRKLAND	WA	98034
2926059030	11525 NE 124TH ST	Y	KIRKLAND	WA	98034
2826059070	11730 118TH AVE NE, SUITE 400	Y	KIRKLAND	WA	98034
6209300010	11740 NE 118TH ST	Y	KIRKLAND	WA	98034
6209300010	11750 NE 118TH ST	Y	KIRKLAND	WA	98034

2826059091 11731 120TH AVE NE, SUITE A	Y	KIRKLAND	WA	98034
2826059091 11731 120TH AVE NE, SUITE B	Y	KIRKLAND	WA	98034

RESOLUTION R-5251

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND NORTHSORE UTILITY DISTRICT FOR THE TRANSFER OF SERVICE AREA, AMENDMENT AND TERMINATION OF THE WHEELING AGREEMENT AND CONSTRUCTION OF IMPROVEMENTS.

1           WHEREAS, the City of Kirkland ("City") and the Northshore Utility  
2 District ("District") are both providers of public water and sewer services  
3 within the limits of the City. While City serves the southern portion  
4 within its corporate boundaries, District serves the northern portion  
5 including the Totem Lake Area ("TLA"); and  
6

7           WHEREAS, in 1979, due to the topography in the TLA, L.I.D. No.  
8 115 was unable to connect to City's sewer facilities there and so entered  
9 into the Wheeling Agreement with District whereby it wheeled the sewer  
10 flows through its system instead for a charge; and  
11

12           WHEREAS, the TLA is now seeing significant development that  
13 would result in even greater sewer flows through District's system that  
14 would make continuing under the Wheeling Agreement a costly option  
15 for City; and  
16

17           WHEREAS, District is willing to terminate the Wheeling  
18 Agreement in consideration for City transferring the sewer infrastructure  
19 and accounts from that area to District; and  
20

21           WHEREAS, the aforementioned development also requires that  
22 District must install a new trunk line to serve the TLA, which is estimated  
23 to cost approximately nine million dollars to construct, which cost will  
24 be recovered through connections fees charged in the TLA; and  
25

26           WHEREAS, District believes it must insure it will be completely  
27 reimbursed these costs through connections fees even if City were to  
28 assume District's infrastructure and operations in the TLA; and  
29

30           WHEREAS, City is willing to continue collecting these fees and  
31 forward them to District if that were to occur until District has been  
32 reimbursed; and  
33

34           WHEREAS, the attached Interlocal Agreement addresses each of  
35 the foregoing objectives; and  
36

37           WHEREAS, Chapter 39.34 RCW authorizes City and District to  
38 enter into an interlocal cooperation agreement to perform any  
39 governmental service, activity or undertaking which each contracting  
40 party is authorized by law to perform,  
41

42           NOW, THEREFORE, be it resolved by the City Council of the City  
43 of Kirkland as follows:

44           Section 1. The City Manager is authorized and directed to  
 45 execute on behalf of the City of Kirkland an Interlocal Agreement  
 46 substantially similar to that attached as Attachment 1, which is entitled  
 47 "Interlocal Agreement Transfer of Service Area, Amendment and  
 48 Termination of the Wheeling Agreement and Construction  
 49 of Improvements."

50  
 51           Passed by majority vote of the Kirkland City Council in open  
 52 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.

53  
 54           Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
 55 2017.

\_\_\_\_\_

MAYOR

Attest:

\_\_\_\_\_

City Clerk

**INTERLOCAL AGREEMENT**  
**Transfer of Service Area, Amendment and Termination of the**  
**Wheeling Agreement and Construction of Improvements**

This agreement ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between the Northshore Utility District, a municipal corporation in King County, Washington ("District") and the City of Kirkland, a municipal corporation in King County, Washington ("City"). City and District are collectively referred to as "Parties."

**RECITALS**

- (a). City and District are both providers of public water and sewer services within the limits of City. While City serves the southern portion of its corporate boundaries, District serves the northern portion including the Totem Lake Area ("TLA").
- (b). District provides sanitary sewer service to the TLA drainage basin (as identified in Exhibit "A") via a major sewer trunk line, flowing east-to-west, known as the Totem Lake Trunk.
- (c). City provides sanitary sewer service to one of its drainage sub-basins (the "116 Basin"), located along 116<sup>th</sup> Avenue NE as identified in Exhibit "A", by discharging the sewage collection into District's system for conveyance or "wheeling" to King County for treatment, via the Totem Lake Trunk generally following the alignment of NE 124<sup>th</sup> Street, from approximately 132<sup>nd</sup> Avenue NE to the King County trunk line connection at approximately 100<sup>th</sup> Ave NE. This arrangement is covered by the terms of an existing inter-local agreement, dated January 4, 1976, and attached as thereafter amended as Exhibit "B", ("Wheeling Agreement").
- (d). Wheeling Agreement allows District to preserve the capacity of the Totem Lake Trunk for the demand of its own service area and allows either party to terminate the arrangement with a one-year written notice.
- (e). City has made certain land use plans identified as "Totem Lake Housing Incentive Areas" in its comprehensive planning document, which will add more housing units to TLA and is expected to increase the flow volume through the Totem Lake Trunk.
- (f). Totem Lake Trunk is currently at or over capacity and cannot accommodate additional sewage flow.
- (g). A developer, the Wolff Company, has proposed the re-development of the Lifebridge Church site within 116 Basin. If constructed, the proposed re-development project will add approximately 550 dwelling units to TLA drainage basin. Other major projects, presently under construction or identified for re-development, will also add a significant number of dwelling units to the sewer system drainage basin served by the Totem Lake Trunk.

(h). To adequately prepare to serve the additional future housing units in TLA drainage basin, including the 116 Basin, improvements to the District sanitary sewer system must be constructed. These improvements consist of one or more of the followings:

- Slip-lining of the Totem Lake Trunk to increase capacity.
- Construction of an additional sewer main generally parallel to the existing Totem Lake Trunk to bypass the Totem Lake Trunk.
- Construction of a trunk line that will convey wastewater flows from the TLA easterly along the NE 124<sup>th</sup> Street corridor into the King County system located in the Sammamish Valley.
- Other sewer system improvements as may be necessary to expand the capacity of the District's sanitary sewer system to serve future developments in TLA drainage basin.

The improvements required to accommodate the increase in demand for service in TLA drainage basin, as described above, shall hereinafter be referred to as "TLA Sewer Improvements."

(i). District has the resources and is willing to build the TLA Sewer Improvements to address the increase demand in TLA drainage basin and to take over as the direct retail sewer service provider of the 116 Basin under the conditions described in this Agreement.

## AGREEMENT

In consideration of the terms and conditions contained herein, the Parties now agree as follows:

1. On a date agreed to by both Parties, but no later than June 30, 2017 ("Transfer Date"), City shall transfer all sewer accounts and local collection facilities within the 116 Basin to District at no cost to District and the Wheeling Agreement shall be deemed amended as of the Transfer Date to allow termination to occur under the Wheeling Agreement, which shall also occur as of the Transfer Date by entering into this Agreement. City will pay District the pro rata wheeling charge owed under the Wheeling Agreement through that date. District shall take over as the direct provider of retail sewer service to all connections within the 116 Basin in the same manner that it serves all other customers of District. To accomplish the transfer, the Parties agree to the followings:
  - (a) City shall provide District with electronic and hard copy files of customer accounts information, as-built drawings of facilities if available, all information related to sanitary sewer service operation and maintenance, such as service records, repairs, video records, grease interceptors, etc. of the 116 Basin.
  - (b) If necessary, City shall assign to District all easements for the location of local collection facilities within the 116 Basin.

- (c) City shall assign and provide copies of any special agreements affecting the local sewer facilities to be transferred.
  - (d) District and City will work together to notify impacted customers and ensure a smooth billing transition on the Transfer Date.
2. District shall provide a letter of service availability with normal stipulations, including the execution of this Agreement, to the Wolff Company for the re-development of the Lifebridge Church site. District will provide the same to any other developers within the TLA upon request following the execution of this Agreement.
3. District shall start the planning and construction of TLA Sewer Improvements immediately following the execution of this Agreement at District expense.
4. District has established a cost estimate for the TLA Sewer Improvements of approximately \$9 million. This estimate is divided by the 4,657 additional equivalent multi-family dwelling units, as provided by the City Planning staff, anticipated to be served by the TLA Sewer Improvements to arrive at a Capacity Expansion Connection Charge (CECC) of \$1,926 per equivalent multiple-family dwelling unit. The final CECC may be more or less than \$1,926 depending on the actual cost of the TLA Sewer Improvements but it shall still be calculated by dividing by 4,657. The CECC may also be adjusted by District in future years for inflation. The CECC will be charged to all new connections served by the TLA Sewer Improvements or the Totem Lake Trunk over and above District's regular sewer connection charges.
5. Starting with the collection of the first CECC, District shall keep accurate records of the number of new connections in TLA. District shall also keep accurate records of the engineering, design, construction, labor, material, permitting and all other costs incurred for the TLA Sewer Improvements.
6. If another capital project of similar scale, and under similar circumstances, is required within the jurisdictional boundaries of another city served by the District and said capital project will benefit only that city, District will require that city to enter into a similar Agreement.
7. City agrees to collect the CECC from future developments to be served by TLA Sewer Improvements or the Totem Lake Trunk at the rate in effect at that time and pay those CECCs to District until 4,657 equivalent multiple-family dwelling units have connected in TLA drainage basin or for 20 years after any assumption, whichever first occurs, should it choose to exercise its statutory authority pursuant to Chapter 35.13A RCW or other statutes to assume jurisdiction over District or any District responsibilities, property, facilities, equipment or utility customers located within areas served by the TLA Sewer Improvements or the Totem Lake Trunk. Said payments by City shall be separate and in

Kirkland and NUD Interlocal Agreement  
Transfer of Service Area, Amendment &  
Termination of the Wheeling Agreement  
& Construction of Improvements

addition to any statutory obligations that City may have in the event of the above-mentioned assumption.

- 8. A copy of this Interlocal Agreement shall be filed with the City Clerk and the King County Recorder's Office.
- 9. This agreement shall go into effect immediately upon being signed by both Parties.
- 10. District agrees to defend, indemnify and hold harmless City, its elected and appointed officials, officers, agents, and employees from and against any and all claims, losses and liability for injuries, sickness, death or property damage, arising from any act, error or omission in the performance of the Agreement, except to the extent caused by the sole negligence of City.
- 11. City agrees to defend, indemnify and hold harmless District, its elected and appointed officials, officers, agents, and employees from and against any and all claims, losses and liability for injuries, sickness, death or property damage, arising from any act, error or omission in the performance of the Agreement, except to the extent caused by the sole negligence of District.
- 12. This Agreement constitutes the final and completely integrated agreement between the Parties concerning the subject matter herein and shall supersede all prior agreements, oral or otherwise regarding its subject matter. No modification or amendment of this Agreement shall be valid or effective unless evidenced in writing and signed by both parties.

**CITY:**

CITY OF KIRKLAND

By \_\_\_\_\_

Kurt Triplett, City Manager

**Approved as to Form:**

OFFICE OF THE CITY ATTORNEY

By \_\_\_\_\_

Wm. R. Evans  
Assistant City Attorney

**DISTRICT:**

NORTHSORE UTILITY DISTRICT

By 

Fanny Yee, its General Manager

**Approved as to Form:**

DISTRICT GENERAL COUNSEL

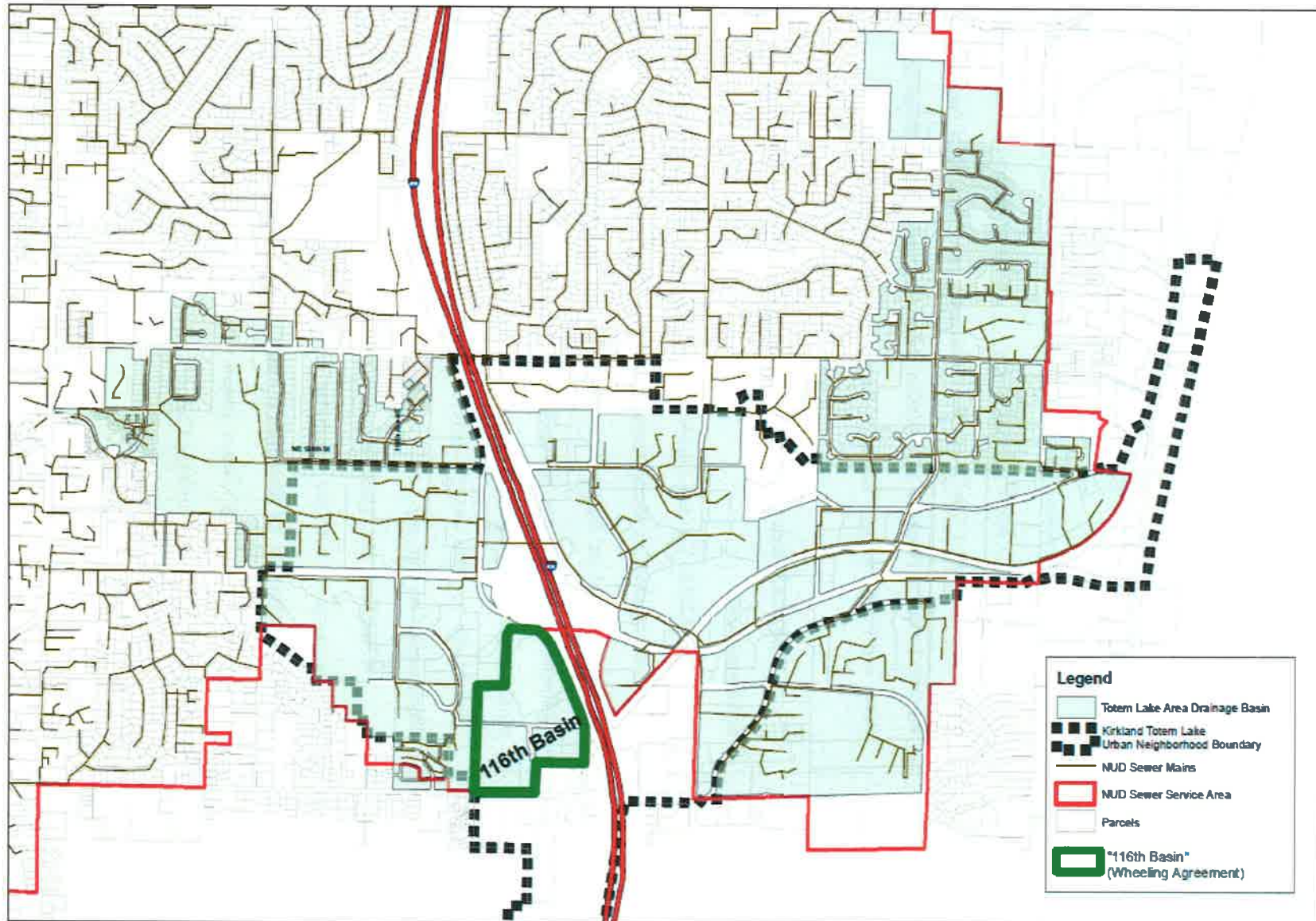
By 

Kinnon Williams  
Inslee Best Doezie and Ryder, PS



Kirkland and NUD Interlocal Agreement  
Transfer of Service Area, Amendment &  
Termination of the Wheeling Agreement  
& Construction of Improvements

# EXHIBIT A



**Exhibit B**  
**Wheeling Agreement**

*1996-1-3-NUD Resolution*  
**FIRST AMENDMENT TO**  
**SEWER SERVICE AGREEMENTS**

This First Amendment to Sewer Service Agreements ("First Amendment") is made and entered into this 8 day of JANUARY, 1996, by and between the City of Kirkland, an optional code city ("City"), and the Northshore Utility District, a municipal corporation formerly known as Northeast Lake Washington Sewer District and Northeast Lake Washington Sewer and Water District ("District"), for the purposes set forth below.

**RECITALS:**

WHEREAS, both City and District are authorized by state law to enter into cooperative agreements, and

WHEREAS, City and District previously entered into an Agreement dated March 3, 1978, copy attached, in which District agreed to provide sewer service to the property within the City described on Exhibit A to the Agreement, and City and District entered into an additional Agreement dated November 5, 1979, copy attached, in which District agreed to provide sewer service to the property within the City described on Exhibit A to the Agreement (such March 3, 1978 and November 5, 1979 agreements collectively referred to as the "Agreements" herein), and

WHEREAS, the Agreements provided that City shall pay District a monthly sewer trunkage charge of \$.40 per month for residential customer or residential unit equivalent ("ERU") as defined by the Metropolitan King County Council ("METRO") actually connected to and served by the City's sewer system within the areas described on Exhibit A in the Agreements (the "Sewer Trunkage Charge"), and

**Exhibit B**  
**Wheeling Agreement**

WHEREAS, the District's operation and maintenance expenses have increased substantially since the parties entered into the Agreements and District has requested that the Agreements be amended to (a) change the monthly Sewer Trunkage Charge to \$1.85 per ERU to reimburse District for its operation and maintenance expenses incurred relating to the sewer service provided under the Agreements, and (b) provide for the adjustment of such Sewer Trunkage Charges hereinafter for District operation and maintenance expenses incurred to provide sewer service under the Agreements, and

WHEREAS, City is agreeable to such amendment of the Agreements subject to the terms and conditions below,

NOW, THEREFORE, in consideration of the Agreements set forth herein, the parties agree to amend the Agreements as follows:

1. Equivalent Residential Unit. Commencing January 1, 1993, METRO's definition of an ERU was changed from 900 cu.ft. of water usage per month to 750 cu.ft. per month. For the purposes of computing Sewer Trunkage Charges under this First Amendment, the 750 cu.ft. per month definition shall be used; provided that if the METRO definition of an ERU changes in the future, the definition of an ERU for the purposes herein shall change accordingly effective the date of such change. The parties also acknowledge that METRO merged into King County on January 1, 1995 and that the King County Department of Metropolitan Services succeeded to Metro's duties and functions and that such King County department shall be considered METRO for the purposes of this First Amendment.

2. Sewer Trunkage Charges. Section 4 of the Agreements are amended to provide that the monthly Sewer Trunkage Charge shall be increased to \$1.85 per month per ERU commencing the 1 day of FEBRUARY, 1996. In addition, such Sewer Trunkage

*RA*

**Exhibit B**  
**Wheeling Agreement**

Charge shall be adjusted every two years thereafter. The adjustment shall be based on District's operation and maintenance expenses, as defined in the District's accounting records, including but not limited to, the District's general ledger and income statement ("Expenses"), but excluding Metro service charges. Effective every two (2) years from the date of this First Amendment, the monthly Sewer Trunkage Charge per ERU in the Agreements shall be determined as follows:

(a) The District's Expenses for the prior year shall be identified;

(b) The Total number of ERUs reported by the District to Metro for the final reporting period of the preceding year plus the total number of ERUs which are the subject of the Agreements reported by the City to Metro for the final reporting period of the preceding year shall be identified;

(c) The Expenses as determined in paragraph 2(a) herein shall be divided by the total number of ERUs as determined in paragraph 2(b) herein to determine the adjusted Sewer Trunkage Charge. City shall thereafter pay such adjusted Sewer Trunkage Charge per ERU in the Agreements to the District until such charge is adjusted further as provided herein.

3. No Other Changes. Except as expressly modified herein, the Agreements shall remain unchanged and in full force and effect.

4. Effective Date. This First Amendment shall take effect upon its approval by the District's Board of Commissioners and the City of Kirkland Council.

SIGNED this 4th day of January, 1995 1996  
CITY OF KIRKLAND

By: [Signature]  
Its: City Manager



Kirkland and NUD Interlocal Agreement  
Transfer of Service Area, Amendment &  
Termination of the Wheeling Agreement  
& Construction of Improvements

**Exhibit B**  
**Wheeling Agreement**

STATE OF WASHINGTON     )  
  ) ss.  
COUNTY OF KING         )

I certify that I know or have satisfactory evidence that D. BRUCE GARDNER is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the PRESIDENT of Northshore Utility District to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.



Dated JAN 08 1996  
Ronald A. Gehrke  
NAME: RONALD A GEHRKE  
(Print Name)

Notary Public in and for the State of  
Washington.  
Commission Expires: 3-30-98

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**Wheeling Agreement**

**NORTHSHORE UTILITY DISTRICT  
KING COUNTY, WASHINGTON**

**RESOLUTION NO. 1996-1-3**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE  
NORTHSHORE UTILITY DISTRICT OF KING COUNTY,  
WASHINGTON, APPROVING THE FIRST AMENDMENT TO SEWER  
SERVICE AGREEMENTS WITH THE CITY OF KIRKLAND.**

WHEREAS, Fanny Yee, District Comptroller, has requested that the District Board of Commissioners approve an amendment to certain sewer service agreements with the City of Kirkland to increase Kirkland's payments to the District for the wheeling of sewer service; now, therefore,

BE IT RESOLVED by the Board of Commissioners of the Northshore Utility District of King County, Washington, that the First Amendment to Sewer Service Agreements in the form attached hereto as Exhibit "A" and incorporated herein by this reference with the City of Kirkland is hereby approved, and that D. Bruce Gardiner is authorized and directed to execute such Amendment on behalf of the District.

ADOPTED by the Board of Commissioners of the Northshore Utility District of King County at the regular open public meeting thereof held January 8, 1996.



\_\_\_\_\_  
D. BRUCE GARDINER



\_\_\_\_\_  
TRUDY ROLLA

\_\_\_\_\_  
KINNON WILLIAMS



\_\_\_\_\_  
MICHAL McALLISTER



\_\_\_\_\_  
D. A. ELLIS

COPY

Kirkland and NUD Interlocal Agreement  
Transfer of Service Area, Amendment &  
Termination of the Wheeling Agreement  
& Construction of Improvements

**Exhibit B**  
**Wheeling Agreement**

ORIGINAL

*(also known as agreement 2)*

RESOLUTION 1979-11-5

A RESOLUTION of Northeast Lake Washington Sewer District of King County, Washington, authorizing execution of Joint Use Agreement between Northeast Lake Washington Sewer District and City of Kirkland.

*Kirk Res R. 2655*

WHEREAS, the District has common boundaries with the City of Kirkland, hereinafter referred to as "City"; and

WHEREAS, the district received a request from City to provide sanitary sewer service to property located within City; and

WHEREAS, said area is not presently connected to the existing City Sewer system, and because of the topography of the area may not readily be so connected; and

WHEREAS, the subject area can conveniently connect into the existing district facilities; and

WHEREAS, both districts are authorized by Chapter 39.34 of the Revised Code of Washington to enter into Intergovernmental Cooperative Agreements; and

WHEREAS, both District and City are desirous of assisting one another; now, therefore,

BE IT RESOLVED that Northeast Lake Washington Sewer District is hereby authorized and directed to enter into an Intergovernmental Cooperative Agreements with the City of Kirkland, attached hereto and labeled Exhibit A incorporated herein by this reference, and the Commissioners are authorized to execute the same on behalf of the District.

PASSED BY THE BOARD OF COMMISSIONERS of Northeast Lake Washington Sewer District of King County, Washington at the regular meeting held November 5, 1979.

*D. A. Ellis*  
D. A. ELLIS, President & Commissioner

*Russel D. Coffey*  
RUSSEL D. COFFEY, Secretary & Commissioner

*C. W. Davidson*  
C. W. DAVIDSON, Commissioner



**Exhibit B**  
**Wheeling Agreement**

AGREEMENT *10/2* - *Orig.*

THIS AGREEMENT made and entered into this day, by and between the City of Kirkland, an optional code city, hereafter referred to as "city"; and Northeast Lake Washington Sewer District of King County, Washington, a municipal corporation, hereinafter sometimes referred to as "sewer district".

W I T N E S S E T H

WHEREAS, both city and sewer district are authorized by state law to enter into cooperative agreements, and

WHEREAS, the area described and designated on Exhibit A, attached hereto and by this referenced incorporated in full herein, as subject area lies within the City of Kirkland and the sewer service area of the City of Kirkland Sanitary Sewer System, and

WHEREAS, the North Kirkland Improvement Project (L.I.D. 115) includes the installation of sanitary sewer service facilities within said subject area, and

WHEREAS, said area is not presently connected to the existing Kirkland Sanitary Sewer System, and because of the topography of the area may not readily be so connected, and

WHEREAS, the service area and corporate boundaries of Northeast Lake Washington Sewer District lie adjacent to subject area, and subject area can conveniently connect into the existing Northeast Lake Washington Sewer System facilities, and

## Exhibit B Wheeling Agreement

WHEREAS, both parties are desirous where possible and convenient to mutually assist one another under terms and conditions as set forth herein, now, therefore,

IN CONSIDERATION of the agreements herein contained, it is agreed as follows:

Section 1. All sanitary sewer facilities to be constructed within the subject area as a part of or in connection with Local Improvement District No. 115, and the North Kirkland Improvement Project (which facilities are described and designated on Exhibit A, as attached hereto, and by this reference incorporated herein), shall upon construction and acceptance become for all purposes including customer service charges and maintenance, part of the Kirkland Sanitary Sewer System, but may nevertheless, be connected into the Northeast Lake Washington Sewer District sanitary sewer trunkage facilities at the point or points so designated as "connection point" on Exhibit A. Prior to making connection, city shall notify sewer district of the intended date of connection so that sewer district may cause its engineers to be physically present and to inspect and approve the connection to the sewer district's system. All costs of making said connection in complying with all federal, state and other applicable regulatory agency requirements shall be at the sole cost and expense of city.

Section 2. Sewer district agrees to accept sewage only from the area described in Exhibit A entering into its system

Kirkland and NUD Interlocal Agreement  
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& Construction of Improvements

## Exhibit B Wheeling Agreement

through said designated connection point and agrees to convey the same through its system to its connection with the municipality of Metropolitan Seattle System. The providing of this service by sewer district to city shall be subject to all requirements, rules and regulations of the municipality of Metropolitan Seattle (METRO), and agrees to pay all fees due METRO with respect to the sewage entering sewer district's system. Should it hereafter be claimed or asserted by sewer district or METRO that there are excessive flows due to infiltration or other reasons from the area described in Exhibit A resulting in increased METRO charges to sewer district, then city agrees to install a metering device to measure the flow entering district's system at the connection points.

Section 3. It is acknowledged that city has designed and constructed the sewer system within Exhibit A and that all costs of construction and of said connection to the system of sewer district shall be at the sole cost and expense of city and no part of the cost of construction of sanitary sewer facilities to be constructed within the area described in Exhibit A nor any of its maintenance, repair, replacement or restoration shall be borne or paid by sewer district.

Section 4. City agrees to pay to district the sum of \$ 35,633.89 as a connection charge for connecting the area described in Exhibit A to the system of the district which sum shall be paid as a condition precedent to the city making

## Exhibit B Wheeling Agreement

the connection to the sewer district sewage system. Said payment has been based upon the sewer district existing requirement for connection charges of \$750 per gross acre.

In addition thereto, city will pay to sewer district a monthly sewer trunkage charge in an amount equal to forty cents (\$0.40) per month for residential customer or residential equivalent (residential equivalent being computed per requirements of METRO) actually connected to and served by the facilities of City of Kirkland Sewer System within the area described in Exhibit A. City will maintain and provide records to sewer district of all customers, residential and commercial, and water flow for commercial customers so that the residential equivalent can be computed from time to time as requested by sewer district of city. Said monthly service trunkage charge shall be billed by sewer district to city from time to time but, in no event, less than annually. City agrees to report monthly to sewer district the number of residential customers or residential equivalents added to the system of city within the area described in Exhibit A for the preceding calendar month so that at all times district shall have an accurate count of residential customers or residential equivalents within the area described in Exhibit A.

Section 5. Sewer district reserves the right to provide sanitary sewer service within the sewer district boundary including those properties lying immediately west of and within the same drainage basin which could be served by way of connection into the City of Kirkland system described in Section 1 above. Said drainage basin is delineated on the map included as part

## Exhibit B Wheeling Agreement

of Exhibit A. The City of Kirkland may likewise provide sewer services by way of connection into the sewer facilities described in Section 1 to those properties within the same drainage basin which are within the City of Kirkland provided that if services provided to property within the City of Kirkland by connection to a system that ultimately connects to the sewer district sewer system, then the property to be served must be real property included on Exhibit A and for which the connection charge has been computed and paid as provided for in Section 4. City may not provide sewer service to any real property, or residential equivalent customers whose sewage will flow into the sewer district's system unless said property is located on and a part of the real property described in Exhibit A, and connection fees have been paid as provided in Section 4 hereof. It is recognized that sewer district has a vested interest in limiting and defining the flow that will enter sewer district system in that district has to reserve capacity for other areas of sewer district that will not hereafter require sewer service by connecting to the sewer service of district that is providing services to city pursuant to this agreement.

Section 6. Neither party shall by virtue of this agreement acquire any proprietary or governmental interest in the sewage system or sewerline of the other party. Each party shall be solely responsible for the operation, maintenance, restoration and replacement of its own system of sewers.

Section 7. No waiver by either party of any term or condition of this agreement shall be deemed or construed as a waiver of any other term or condition.

Kirkland and NUD Interlocal Agreement  
Transfer of Service Area, Amendment &  
Termination of the Wheeling Agreement  
& Construction of Improvements

### Exhibit B Wheeling Agreement

Section 8. Each party agrees and declares that this agreement is a valid exercise of the mutual assistance and interlocal governmental cooperation authority granted to the respective parties under the laws of the State of Washington, and to that end each of the parties agrees to defend and support this agreement as being for the benefit of the health, safety, and general welfare of the general public, and each party further agrees to cooperate with the other party with respect to any appearance which may be required by either party in any proceeding before any other governmental agency.

Section 9. This agreement may be terminated by either party giving twelve (12) months notice to the other party of intent to terminate this agreement whereupon the termination date shall be upon expiration of twelve (12) months from date of receipt of said notice. In the event of termination under this paragraph, all costs of disconnection and replacement and restoration shall be paid by city.

THIS AGREEMENT signed this 17 day of NOVEMBER, 1979.

NORTHEAST LAKE WASHINGTON SEWER  
DISTRICT OF KING COUNTY, WASHINGTON

BY [Signature]  
President, Board of Commissioners

BY Ronald D. Coffey  
Secretary, Board of Commissioners

CITY OF KIRKLAND

BY [Signature]

The execution of this agreement approved on behalf of Northeast Lake Washington Sewer District by resolution of its Board of Commissioners, adopted the        day of       , 197   , and authorized by the City of Kirkland by Resolution No. R-2655 of the Kirkland City Council adopted the 17th day of September, 1979.

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& Construction of Improvements

**Exhibit B**  
**Wheeling Agreement**

RESOLUTION NO. R - 2655

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF KIRKLAND A CERTAIN AGREEMENT BETWEEN THE CITY OF KIRKLAND AND NORTHEAST LAKE WASHINGTON SEWER DISTRICT RELATING TO SANITARY SEWER FACILITIES WITHIN THE NORTH KIRKLAND IMPROVEMENT PROJECT AREA (L.I.D. NO. 115).

WHEREAS, a portion of the area lying within the North Kirkland Improvement Project (L.I.D. No. 115) as described in the agreement between the City of Kirkland and the Northeast Lake Washington Sewer District, a copy of which is attached to the original of this Resolution and by this reference incorporated herein, lies within the City of Kirkland and the sewer service area of the City of Kirkland's Sanitary Sewer System; and

WHEREAS, said area is not presently connected to the Kirkland Sanitary Sewer System, and because of the topography of the area, cannot readily be so connected; and

WHEREAS, the service area and corporate boundaries of the Northeast Lake Washington Sewer District lie adjacent to said area, said area can conveniently connect into the existing Northeast Lake Washington Sewer facilities; and

WHEREAS, both the City and sewer district are authorized by State law to enter into intergovernmental cooperative agreements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Mayor is hereby authorized and directed to sign on behalf of the City of Kirkland that certain agreement, a copy of which is attached to the original of this Resolution and by this reference incorporated herein. Said agreement permits the City of Kirkland to connect a portion of the Kirkland Sanitary Sewer System, constructed within the area described in said agreement, and lying within the North Kirkland Improvement Project area (L.I.D. No. 115), into the existing Northeast Lake Washington Sewer System facility in the vicinity of 116th Avenue N.E. and N.E. 124th Street.


Section 2. Said agreement shall become effective upon its being properly signed by both the City of Kirkland, as herein authorized, and by the Northeast Lake Washington Sewer District.

Kirkland and NUD Interlocal Agreement  
Transfer of Service Area, Amendment &  
Termination of the Wheeling Agreement  
& Construction of Improvements

**Exhibit B**  
**Wheeling Agreement**

PASSED by majority vote of the Kirkland City Council in  
regular meeting on the 17th day of September, 1979.

SIGNED IN AUTHENTICATION thereof on the 17th day of  
September, 1979.

  
MAYOR *Robert*

ATTEST:

  
Director of Administration & Finance  
(ex officio City Clerk)

I hereby certify that the foregoing is a true and  
correct copy of a Resolution of the City of Kirk-  
land and that the same was published or posted ac-  
cording to law, said Resolution being R-2655  
and entitled "A Resolution as above."  
*Annabel Jensen, Deputy City Clerk*

R-2655







**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
**www.kirklandwa.gov**

---

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Michael Olson, Director of Finance and Administration  
Kathi Anderson, City Clerk

**Date:** April 6, 2017

**Subject:** City Council Policies and Procedures Update

### **RECOMMENDATION:**

City Council approves the attached resolution amending the City Council Policies and Procedures to provide for updates to its Board and Commission Appointments Chapter, sections 8.01, "Applicability/Definition" and 8.06, "Term Limitations."

### **BACKGROUND DISCUSSION:**

The City Council approved Ordinance 4568, establishing a Human Services Commission and Repealing Sections 2 and 3 of Resolution 3315 (Establishing a Human Services Advisory Committee) at their March 21, 2017 regular meeting. The proposed amendment to section 8.01 reflects that action in changing the name of that body.

At the City Council's February 7, 2017 regular meeting, the Council considered a request from a Commission incumbent to waive the term limitations policy relative to his application for reappointment during the 2017 annual recruitment. Following the discussion, a request for a possible amendment to section 8.06 was made and referred to the Finance and Administration Committee for review.

The Committee reviewed that proposed amendment at its February 28, 2017 meeting and recommended that a draft be brought to the full Council for consideration following completion of the 2017 Board and Commission recruitment process.

The amendment as drafted uses a two-year parameter in place of the current one-year timeframe, and changes the maximum number of days served in an initial unexpired term in order to qualify for an exception to the eight-year term limitation. This change would result in a potential maximum of ten-year total years of service for candidates initially appointed to unexpired terms with two years or less remaining. If the unexpired term has more than two years remaining, the appointee would be limited to the remainder of the term, plus an additional four year term.

The full Council Policies and Procedures document is attached to the resolution and updated to include the proposed changes. A draft of the sections reflecting the proposed revisions is below with strike-through and underlined changes.

8.01 Applicability/Definition. **Unless otherwise provided by statute or the Kirkland Municipal Code**, for the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Arts Commission

Design Review Board

Park Board

~~Human Services Advisory Committee~~

[Human Services Commission](#)

Planning Commission

Library Board

Tourism Development Committee (Lodging Tax Advisory Committee)

Salary Commission

Transportation Commission

8.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill [730365](#) days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill [731366](#) days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

RESOLUTION R-5252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE AMENDMENTS TO SECTIONS 8.01 AND 8.06 OF THE KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES, AND READOPTING ALL OF THE COUNCIL POLICIES AND PROCEDURES.

1 WHEREAS, the City Council approved updated and consolidated  
2 City Council Policies and Procedures, as recommended by the Finance  
3 and Administration Committee, with the passage of Resolution R-5206  
4 on September 6, 2016; and  
5

6 WHEREAS, the Finance and Administration Committee now  
7 recommends that the full Council amend Section 8.01,  
8 "Applicability/Definition," and Section 8.06 "Term Limitations" to the City  
9 Council Policies and Procedures and that the Council readopt all of the  
10 Council Policies and Procedures; and  
11

12 WHEREAS, the City Council desires that City government be  
13 transparent and accountable to the public; and  
14

15 WHEREAS, the City Council seeks to govern in a manner that is  
16 responsive to the community, in collaboration with City management,  
17 and in a business-like and professional manner; and  
18

19 WHEREAS, written principles, policies and procedures best  
20 assure an atmosphere conducive to principled, accountable and  
21 transparent governance.  
22

23 NOW, THEREFORE, be it resolved by the City Council of the City  
24 of Kirkland as follows:  
25

26 Section 1. The amended "City of Kirkland City Council Policies  
27 and Procedures," dated April 2017, attached as Exhibit A and  
28 incorporated by this reference are approved.  
29

30 Passed by majority vote of the Kirkland City Council in open  
31 meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.  
32

33 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
34 2017.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

# CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



April 2017

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## CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

1.02 Goals — Purpose. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.03 Operational Values. In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service and furthers Kirkland's interests beyond the our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – The City of Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative with a focus on outcomes. The City will continue to conduct a statistically valid citizen survey every two years to gather qualitative data about the citizen's level of satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – The City of Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhood identity while supporting the needs and values of the community as a whole.

The City Council Goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect citizen input as well as changes in the external environment and community demographics.



1.04 City Council Goals

***NEIGHBORHOODS***

**Value Statement:** The citizens of Kirkland experience a high quality of life in their neighborhoods.

**Goal:** Achieve active neighborhood participation and a high degree of satisfaction with neighborhood character, services and infrastructure.

***PUBLIC SAFETY***

**Value Statement:** Ensure that all those who live, work and play in Kirkland are safe.

**Goal:** Provide for public safety through a community-based approach that focuses on prevention of problems and a timely response.

***HUMAN SERVICES***

**Value Statement:** Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.

**Goal:** To support a regional coordinated system of human services designed to meet the special needs of our community and remove barriers to opportunity.

***BALANCED TRANSPORTATION***

**Value Statement:** Kirkland values an integrated multi-modal system of transportation choices.

**Goal:** To reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health, and transportation choices.

***PARKS, OPEN SPACES AND RECREATIONAL SERVICES***

**Value Statement:** Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

**Goal:** To provide and maintain natural areas and recreational facilities and opportunities that enhance the health and well-being of the community.

***DIVERSE HOUSING***

**Value Statement:** The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, size and affordability.

**Goal:** To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs.

***FINANCIAL STABILITY***

**Value Statement:** Citizens of Kirkland enjoy high-quality services that meet the community's priorities.

**Goal:** Provide a sustainable level of core services that are funded from predictable revenue.

***ENVIRONMENT***

**Value Statement:** We are committed to the protection of the natural environment through an integrated natural resource management system.

**Goal:** To protect and enhance our natural environment for current residents and future generations.

***ECONOMIC DEVELOPMENT***

**Value Statement:** Kirkland has a diverse, business-friendly economy that supports the community's needs.

**Goal:** To attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for residents.

***DEPENDABLE INFRASTRUCTURE***

**Value Statement:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

**Goal:** To maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

## **CHAPTER 2: CITY COUNCIL CODE OF CONDUCT**

2.01 Code of Conduct for City Council and Boards and Commissions. The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this Code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the Code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

**We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.**

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

**Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.**

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

**We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.**

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindsides one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

### CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised*, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this Chapter.

3.02 Submittal of Council Agenda Items. 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. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, 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.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Executive Session
5. Honors and Proclamations
6. Communications
  - a. Announcements
  - b. Items from the Audience (See Section 3.07 for the three minute limitation.)
  - c. Petitions
7. Special Presentations
8. Consent Calendar
  - a. Approval of Minutes
  - b. Audit of Accounts and Payment of Bills and Payroll
  - c. General Correspondence
  - d. Claims
  - e. Award of Bids
  - f. Acceptance of Public Improvements and Establishing Lien Periods
  - g. Approval of Agreements
  - h. Other Items of Business
9. Public Hearings
10. Unfinished Business
11. New Business
12. Reports
  - a. City Council Regional and Committee Reports
  - b. City Manager Reports
    - (1) Calendar Update

13. Items from the Audience
14. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to section 3.05, 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 and moved to the regular agenda 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.

3.07 Public Comment. 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 and the public:

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 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 times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. 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. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority.

3.08. Petitions. In the event that the City Council is presented with a petition from a citizen, the City Council will take a formal vote providing direction which may include any of the following options:

1. Accept the petition and refer the matter to a Council Committee for further study.
2. Accept the petition and refer to staff for follow-up.
3. Accept the petition and determine that no further action is needed.

Any petition referred to a Council Committee or staff will be presented at a subsequent regular meeting with an explanation of the resolution.

In order to be considered complete, a petition should include each signer's name and their city of residence.

3.09 Regional and Committee Reports. The Councilmember representative or chair of each respective regional or other committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council related to new or significant items or when so requested by the presiding officer or any member of the Council.

3.10 Duties of the Presiding Officer. 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. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.
5. Handle discussion in an orderly way:
  - a. Give every Councilmember who wishes an opportunity to speak.
  - b. Permit audience participation at appropriate times.
  - c. Keep all speakers to the rules and to the question.
  - d. Give pro and con speakers equal opportunity to speak.
  - e. Repeat motions, put motions to a vote and announce the outcome.
  - f. Suggest but not make motions for adjournment.
  - g. Appoint committees when authorized to do so.
6. Maintain order and decorum.

3.11 Rules for Councilmember Conduct.

1. No member shall speak more than twice on the same subject without permission of the presiding officer.
2. 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.
3. 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.
4. 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.

3.12 Voting. 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, in quasi-judicial matters, where a Councilmember 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:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the City Council,
4. To add or remove items on a future Council meeting agenda,
5. 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,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, and

8. 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 the Consent calendar, has first been removed.

3.13 Tie Votes. 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.

3.14 Non-Tie Vote with Lack of Affirmative Votes. 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 Councilmembers are present.

3.15 Motions to Reconsider. Except as provided in Section 3.14, 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.

3.16 Motions to Lay A Matter on the Table. 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.

3.17 Motion for Adjournment. A motion for adjournment shall always be in order.

3.18 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the chair, to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.19 Suspension of Rules. 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 affirmative votes be cast.

3.20 City Staff Attendance at Meeting. 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.

3.21 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be made available to the members of the Council as part of the Council meeting packet prior to their next regular meeting.

3.22 Procedure for Considering Process IIA Appeals. The City Council shall consider a Process IIA appeal under Kirkland Zoning Code (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 KZC 150.125.



3.23 Procedure for Considering Process IIB Applications. 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.

3.24 Remote Attendance at Council Meetings. From time to time, a Council Member may not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision of all items on the agenda or only on particular agenda items. The procedure and guidelines for permitting a Council Member to attend a Council meeting by speakerphone or other audio/video equipment are as follows. Remote attendance should be the rare exception, not the rule, and requires the approval of the majority of the Council as provided for below.

1. Examples of situations where remote attendance would be appropriate include, but are not limited to:

- a. An emergency exists which prevents Council Members from attending in person and immediate action is needed.
- b. An agenda item is time sensitive, and remote attendance is needed for a quorum.
- c. An agenda item is of very high importance to the Council Member who cannot be physically present.
- d. It is important for all Council Members to be involved in a decision, but one Council Member is unable to be physically present.

2. Procedure and Guidelines. If a Council Member wishes to participate in Council meeting agenda items remotely, the Council Member should notify Council of his or her intent at the Council meeting prior to the meeting which they wish to attend remotely. If that is not possible, the Council Member should notify the City Manager not later than the business day prior to the Council meeting which the Council Member wishes to attend remotely. With less notice, it may not be possible to make the necessary arrangements to allow remote attendance. If the Mayor attends remotely, he or she may participate in discussions, but the Deputy Mayor, if physically present at the Council meeting shall be the presiding officer.

A Council Member may participate in some or all of the Council meeting remotely. When the portion of the Council meeting involving remote attendance is before the Council, the presiding officer shall inform all present of the intent to initiate a remote communication.

- a. The presiding officer shall confirm and announce that all present at the meeting and in the remote location can clearly hear all other parties and (as appropriate) access visual content that may be presented.
- b. With such confirmation, Council Members – whether they are physically at the meeting or at a remote location - constituting a majority may approve the use of remote communication for all or any specified portion of the meeting.
- c. Unless the Council Member is participating remotely for the entire meeting, when the portion of the Council meeting for which remote attendance has been

approved has concluded, the presiding officer shall announce the same and the attendance of the Council Member communicating remotely shall end. The City Clerk shall record the beginning and ending times of the remote attendance.

- d. In the event that a remote communication link is broken or significantly degraded such that it no longer meets the full requirements of this section, the presiding officer shall confirm the loss of service and announce the close of the remote attendance. The attendance of the Council Member communicating remotely shall end. The City Clerk shall record the time of the closure.
3. Requirements of the System. The Council Member attending remotely must be able to hear the discussion on the agenda item taking place in the Council chambers, and must be able to be heard by all present in Council Chambers.
  4. For purposes of voting, remote attendance at a Council meeting shall be considered equal to being physically present at the meeting. All votes conducted with a Council Member attending remotely shall be conducted by roll call.

**CHAPTER 4: STUDY SESSIONS AND RETREATS**

4.01 Study sessions. Study sessions shall be held as provided by Kirkland Municipal Code 3.10.020. Study sessions are used by the Council to review upcoming agenda items, current and future programs or projects, to discuss, investigate, review or study matters of City business for informational purposes. No final action is taken while in study session; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at a study session will be scheduled for a regular or special council meeting.

4.02 Council retreats. Council retreats are held annually or semi-annually at the Council's discretion. The purpose of the retreats is to allow the Council to devote concentrated attention to single or multiple time consuming subjects. No final action is taken at retreats; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at a Council retreat will be scheduled for a regular or special council meeting.

## **CHAPTER 5: COUNCIL COMMUNICATIONS**

5.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, residents 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 the normal course of daily business.

2. Routine Requests — Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence — Correspondence that requires policy decision or approval by Council 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. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters — All such correspondence when so identified by the City Clerk 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.

5. Prompt Acknowledgments — The City Manager or designee will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the City Council or a City department.

5.02 Council Communications with the Public. The Kirkland City Councilmembers are committed to open and progressive communications in their capacity as elected officials. Individual Councilmembers use a variety of methods to communicate with the public, stakeholders, partners

and the media. Social media platforms offer a way to deliver public information and customer service to constituents and give citizens another means to interact with their government. The purpose of this policy is to provide guidelines for Council communication with the public, when Councilmembers are acting in their official capacity or commenting on City government matters, through traditional media outlets or the use of social media platforms through personal accounts or pages.

The Council believes that the following guidelines will provide consistency in procedures and allow for use of more tools to communicate with the public.

1. The content and tenor of all public communications should model the same professional behavior displayed during Council meetings and community meetings and reflect well on the individual Councilmember, the City Council as a whole and the community.
2. The following disclaimers should be included in whole or referenced with a link to the disclaimers for all communications initiated by Councilmembers in open forums.
  - a. The views expressed represent the views of the author and may not reflect the views of the Kirkland City Council.
  - b. Responses to this communication by other Councilmembers may be limited by the provisions of the Open Public Meetings Act under which a policy discussion must be held in an open public meeting if a quorum of the City Council participates.
  - c. Comments posted in response to a Councilmember-initiated communication may be subject to public disclosure under the Public Records Act.
3. Media outlets such as newspapers, radio and television news coverage may be used as communications medium by individual Councilmembers provided that the communication clearly states that the views expressed do not represent those of the City Council or the City of Kirkland but the views of the individual Councilmember.
4. Communications Initiated by Councilmembers. Guest editorials, letters to the editor and blog posts published by Councilmembers should be provided to the full City Council at the same time they are delivered to the media outlet. Drafts of guest editorials, letters to the editor or blog posts may not be circulated for comment by a quorum of the Council prior to publication as this may violate the Open Public Meetings Act.
5. Use of Social Media. Posts to social media sites (Web 2.0) such as blogs, Facebook and Twitter may be used by individual Council members to communicate with the public provided the following guidelines are used:
  - a. Blog posts or other posts to social media sites should include, or reference by a link, the disclaimers listed in Section 2.
  - b. Social media sites are not to be used for the conduct of City Council business other than to informally communicate with the public. Public notices, items of legal or fiscal significance that have not been released to the public and discussion of quasi-judicial matters may not be included in Councilmembers social media posts. Councilmembers are encouraged to maintain social media sites with settings that can restrict users' ability to comment in order to avoid inadvertent discussions of these items. Unsolicited public comments on quasi-judicial matters

must be placed on the record by the Councilmember at the time the matter is before the City Council for consideration.

- c. In order to demonstrate- openness and a willingness to listen to the entire community, Councilmember posts on social media sites should be made through a public-facing page or by marking individual posts as available to the public as a whole.
  - d. When commenting on a post or an article published by someone other than a Councilmember, a link to the standard disclaimers in Section 2 should be included within the thread.
6. If a Councilmember makes a factual error in a public communication, it should be corrected as soon the error comes to light. Blog posts may be corrected by amending a previous post with a note that a correction was made.
7. Retention of Council Electronic Communications and Social Media Content. All email and text messages, files downloaded from outside sources and other electronic files, relating to the conduct of government or the performance of any governmental or proprietary function, are considered official City business records and are subject to the Washington State Public Records Act and the laws governing the retention and destruction of public records.<sup>1</sup>
- a. Email messages sent or received via City email addresses are captured by the City archiving system servers. Council communications are potentially archival and will be retained in accordance with the State retention schedule.
  - b. Email messages sent or received using personal addresses should be forwarded to the member's City account, but should also be maintained in their original form to preserve associated metadata. Attachments should be saved to City server drives as appropriate.
  - c. Text message records are maintained by the communications carrier/providers with varying policies and practices, and can be difficult to retrieve and to maintain in accordance with State law. At this time, Councilmembers should only use text messaging for transitory communications and not to discuss City business.
  - d. Social Media postings should be captured via screen shots which are emailed to, and retained in, the Councilmember's City email account as an interim archiving method pending selection of an appropriate social media archiving technology solution.
  - e. Members should consult with the City Clerk's Office for assistance with any retention questions.
8. Use of City-owned equipment to update personal social media sites or email accounts is subject to Administrative Policy 7.1 which allows for incidental use of City equipment for personal needs provided the activity does not cause the City to incur additional cost or liability or pose additional risk to security, privacy or conflict with any other City policy. Use of City-owned equipment or email accounts for campaign purposes is prohibited by RCW 42.17A.555.

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<sup>1</sup> "Public record" is broadly defined in RCW 42.56.010(3) to include, ". . . any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. . . "

**CHAPTER 6: PROCLAMATIONS**

6.01 Proclamations. A proclamation is a formatted certificate, issued by the Mayor, to give recognition and support to ceremonial occasions and special events, or to raise awareness about concerns of interest to the community as a whole. Proclamations are symbolic; no official policy, action or legal act is imparted or intended as a result.

1. All proclamations will be issued at the discretion of the Mayor.
2. Proclamations can recognize international, national, state, and local events, as well as matters of historical interest, in order to bring them to the attention of Kirkland citizens. Proclamation content should relate to a public purpose or benefit.
3. A proclamation that has not previously been issued by the Mayor of Kirkland shall be reviewed by the Mayor and Deputy Mayor for content to ensure that it does not conflict with an adopted policy position of the Kirkland City Council.
4. The City Manager's Office will coordinate all requests for proclamations. Proclamation requests should be received no later than two weeks prior to a City Council Meeting to allow time for the proclamation to be prepared, reviewed, and added to the Council Agenda.
5. Proclamations shall be presented at Council Meetings only if a recipient is present in the audience or at the discretion of the Mayor. All other proclamations will be sent by mail to the recipient.

## CHAPTER 7: COUNCIL COMMITTEES

7.01 Purpose and Relationship to City Council. Committees are advisory and do not take action on behalf of the Council. The purpose of Council Committees is to review matters in detail and to make reports to the full Council for possible Council actions. Council Committees may be standing committees or ad hoc committees which are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task.

There are four standing Council Committees:

- Finance and Administration
- Public Safety
- Planning and Economic Development
- Public Works, Parks and Human Services

7.02 Council Committee Topics. Committee topics are developed through a collaborative process between the City Council and staff or by referral by the City Council. Council Committees will be assigned an agenda topic when it supports a policy or budget decision that will come before the City Council in the near future. Agenda items may be:

- Identified by the Committee and approved by the City Council;
- Referred by City Council to a committee for monitoring or input, or;
- Referred by the City Manager for early input prior to presentation to the City Council.

New topics requested by a Councilmember that involve more than four hours of staff time should be reviewed by the City Manager for staff impacts. All topics referred to Council Committees will have final consideration before the full Council after receiving a report from the Council Committee regarding all policy options presented. The chair of each Council Committee is responsible for reporting to the City Council, at a regular meeting, new or significant items discussed at the committee's most recent meeting. Meeting minutes for every Council Committee meeting will be posted to the City's webpage and the Council's internal web page along with a list of current and future topics being discussed by each committee. The topic lists will also indicate when and by whom the topics were initiated. Pending agenda topics for Council Committees will be reviewed at least annually by the full Council when outdated or unnecessary topics may be eliminated unless the City Council decides to carry over a particular topic into the next year.

7.03 Council Committee Meetings. The regular time and location of standing Council Committee meetings will be posted on the City's website. Special meetings and/or changes in the date, time or location will also be posted.

Finance and Administration	Monthly, last Tuesday, 9 a.m.	City Hall - 123 5 <sup>th</sup> Ave.
Planning and Economic Development	Monthly, 2 <sup>nd</sup> Monday, 3 p.m.	City Hall - 123 5 <sup>th</sup> Ave.
Public Works, Parks and Human Services	Monthly, 1 <sup>st</sup> Wednesday, 10 a.m.	City Hall - 123 5 <sup>th</sup> Ave.
Public Safety	Monthly 3 <sup>rd</sup> Thursday, 8:30 a.m.	City Hall - 123 5 <sup>th</sup> Ave.



Standing Council Committee meetings are open to the public. Members of public may attend standing Council Committee meetings, but may not provide testimony or participate in the meeting discussion. Unless a quorum of the Council is in attendance, ad hoc meetings of Council Committees, such as tours or meetings with other elected officials, do not need to be posted the City’s website.

If a committee member is unable to attend the committee meeting in person, they may attend by speaker phone provided that adequate notice is provided to the Chair and the City Manager.

7.04 Council Committee Appointments. Council Committee appointments are generally for a two-year period. Unless a vacancy occurs, Council Committee appointments are made every even-numbered year to coincide with the Council selection of the Mayor. Immediately following the first regular Council meeting in even-numbered years, City Council members should let the Mayor know about their interest 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 second City Council meeting in January for Council’s consideration at which time the committee appointments will be made by the City Council.

If a vacancy should occur during the year, this appointment opportunity should be announced at a Council meeting. Those Council members 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.

7.05 Council Standing Committees.

<b>Committee/Topic Areas</b>	<b>Staff</b>
<p><b>Finance and Administration</b></p> <ul style="list-style-type: none"> <li>• Finance and budget</li> <li>• Utility rates</li> <li>• Human Resources and Performance Management</li> <li>• Technology</li> <li>• Public Records</li> <li>• Council Policies and Procedures</li> </ul>	<p><i>Deputy City Manager and Director of Finance and Administration</i></p>
<p><b>Public Safety</b></p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire and Emergency Medical Services</li> <li>• Municipal Court</li> <li>• Emergency Management</li> <li>• Code Enforcement</li> </ul>	<p><i>Deputy City Manager</i></p>
<p><b>Planning and Economic Development</b></p> <ul style="list-style-type: none"> <li>• Business Retention and Recruitment</li> <li>• Business Roundtable</li> <li>• Tourism</li> <li>• Events</li> <li>• Development Services (permitting)</li> <li>• Long Range Planning</li> <li>• Housing</li> </ul>	<p><i>Planning and Community Development Director and Economic Development Manager</i></p>

<p><b>Public Works, Parks and Human Services</b></p> <ul style="list-style-type: none"> <li>• Public Works operations and CIP</li> <li>• Parks Operations and CIP</li> <li>• Parks planning</li> <li>• Environment</li> <li>• Utilities</li> <li>• Facilities and Fleet</li> <li>• Human Services</li> </ul>	<p><i>Public Works Director and Parks and Community Services Director</i></p>
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7.06 Council Intermittent Committees

<b>Committee/Topic Areas</b>	<b>Staff</b>
<p><b>Legislative</b></p> <ul style="list-style-type: none"> <li>• State and Federal Legislative Agenda and Monitoring</li> <li>• Liaison with State and Federal Elected Officials</li> </ul>	<p><i>Intergovernmental Relations Manager</i></p>

## CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS

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:

8.01 Applicability/Definition. **Unless otherwise provided by statute or the Kirkland Municipal Code**, for the purposes of this policy, the term advisory board shall include the following appointed bodies:

Cultural Arts Commission  
 Design Review Board  
 Human Services Commission  
 Park Board  
 Planning Commission  
 Library Board  
 Tourism Development Committee (Lodging Tax Advisory Committee)  
 Salary Commission  
 Transportation Commission

8.02 Eligibility. Relatives, family members or domestic partners 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.

8.03 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.

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

8.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31<sup>st</sup> 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.

8.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 730 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 731 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

8.07 Attendance. Appointees shall attend 80 percent 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 percent of all meetings unless waived by the City Council.

8.08 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 who are interested in and eligible for reappointment may be reappointed by the City Council for a second term without an open competitive process.

8.09 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.

8.10 Reappointment Process. Prior to the beginning of the open competitive process, an ad hoc committee of the Council will be chosen, by lot, to review and recommend incumbents for a second term. The recommendations will be based upon past performance and made in consultation with the appropriate Board or Commission chair for presentation to the City Council at the next regular meeting.

8.11 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. 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.

8.12 Appointment Process. Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a board or commission, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, the ad hoc committee of the Council will recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

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 shall, in open session, make its reappointments of incumbents and appointments of new members and may designate alternates that could be considered for appointment in the event of a vacancy occurring within six months of the appointment through resignation or removal. Following appointment, the appointee and alternates, as well as all other candidates, will be notified in writing of the Council's decision.

8.13 Criteria for Removal. Failure to continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above is cause for the removal of a member of a board or commission by a majority vote of the Council.

8.14 Open Government Training Requirement. Within 90 days of assuming their positions, all members of boards and commissions appointed by the City Council must receive the training required by the Open Government Trainings Act regarding the Open Public Meetings Act.



**CITY OF KIRKLAND**  
**City Manager's Office**  
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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Ellen Miller-Wolfe, Economic Development Manager  
Philippa Marsh, Special Projects Coordinator

**Date:** April 7, 2017

**Subject:** APPROVING *PEBBLES RIPPLING*  
BY ARTIST BETH RAVITZ FOR 1% FOR ART SIDEWALK ART

### **RECOMMENDATION:**

City Council by motion accepts the recommendation of the Cultural Arts Commission in approving the 1% for Art Sidewalk Art by Artist Beth Ravitz (Attachment A).

### **BACKGROUND DISCUSSION:**

The Council has authorized millions of dollars of sidewalk investments in the six-year CIP. Many of these sidewalk projects have a budget size and scope to qualify them for the City's recently adopted 1% for Art policy. However, the 1% amount generated from each of these projects would not likely be sufficient to create a new and unique art component for each sidewalk. Consistent with the concept of "pooling" smaller 1% amounts, the CIP Staff and the Kirkland Cultural Arts Commission agreed to develop a sidewalk design that could be used for currently planned and all future sidewalk projects. By doing so, there is a potential to realize economies of scale for design, fabrication, installation costs and savings on staff resources.

The decision to design an art installation that can be used in multiple projects came to light with the 124th Avenue NE Sidewalk Project, currently in design. That Project has a total art budget of \$12,000, with \$7,000 provided for the development of a design and \$5,000 remaining to fabricate and install the art. The plan is for every sidewalk project to have at least one incorporated paver. The design is emblematic of Kirkland and can be repeated all over the city, symbolically connecting neighborhoods to the larger community. Sidewalk standards, including ADA compliance and other constraints, were provided by CIP Staff and were included as part of the call for artists.

#### Artist Selection

The RFQ was released in July 2016 and nine applications were received. Three finalists were interviewed by the Committee, which consisted of members of the Cultural Arts Commission and CIP staff. Beth Ravitz, a Florida artist, was chosen based on:

- The variety of work she is able to produce,

- The Committee's belief that the other artists were proficient in a specific medium, but they felt that flexibility in developing the concept was important,
- She was very clear on being able to provide pricing information for designs, and
- She was open to using local fabricators if the design allowed for it.

### Design Development

The Committee held meetings with the artist to develop the design concept including:

- A discussion of a variety of mediums and designs to determine the current concept, and
- A review of several concepts before selecting a recommended concept.

Independent of the artist, the Committee sponsored a Survey Monkey® poll asking the community what words best describe Kirkland. The Committee selected three words based on the findings of the poll, which were then incorporated in the design.

On March 15, 2017, the design was approved by the Cultural Arts Commission to be recommended to City Council. The design was also presented at the Council Finance Committee meeting of February 28 and the April 5, 2017 Parks and Public Works Committee.

### Pricing

An initial quote for fabrication (Attachment B), is \$2,150 per medallion with only a slight quantity discount. This pricing will fit within the parameters of all 1% for art sidewalk budgets.

If the Council concurs with the Cultural Arts Commission recommendation, then staff is seeking a motion approving the 1% for Art Sidewalk Art by Artist Beth Ravitz to be used in current and future public sidewalk projects.



**“PEBBLES RIPPLING”**

“Pebbles Rippling” is a timeless image evoking all things Kirkland...a vibrant community.

The design is based on natural features found in Kirkland. The center medallion design motifs are referenced by the stylized leaves rimming the outer border, and the dogwood blossom nestled inside of yet another leaf motif. Surrounding the blossom and leaf are wavy lines suggesting water and an abstract fish continuing the waterfront theme. The center sun with rays spraying outward and birds floating through the sky energize the design as well as making a positive statement about Kirkland’s weather. One always hopes for the sun!

Encircling the center medallion is a series of rings reminiscent of skipping a pebble in the water and the resulting rings that appear.



Examples of Work from Sidewalk Artist Beth Ravitz



Public Artist/Consultant

Beth Ravitz

Fine Artist/Sculptor

[www.bethravitz.com](http://www.bethravitz.com)

11831 Highland Place · Coral Springs · FL · 33071

954-701-2118

[bethravitz@gmail.com](mailto:bethravitz@gmail.com)

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### Kirkland Medallion Project: Pricing and Technical Detail

Enclosed is the pricing for the Kirkland Medallion Project we have been collaborating on. This process has been a terrific example of how an engaged public art process should manifest; thank you very much for being an excellent team to work with. Depending upon the number of Medallions ordered at any single time, certain production price breaks are available. I have provided a simple guide below:

Single Medallion = \$2,150

5+ Medallions = \$1,925 /per Medallion

10+ Medallions = \$1,850 /per Medallion

The above pricing includes the material, fabrication, crating, shipping, and technical support for installation. The City is responsible for installation and post installation surface treatment (a light sanding). I will provide the team with detailed installation and finish instructions and/or technical drawings. The process for installation and post installation is linear and easy to accomplish.

To insure the Medallions are robust once installed, I will ship the Medallions with a system of below-grade "pins" to secure any delicate parts of the design and to insure the entirety of the Medallion is responsibly integrated into the cement. These "pins" function similar to a sculptural footer, providing stability and strength within the cast walkway. The confluence of pins and the "bite" of the enveloping cement will insure the medallions are durable in a busy public setting.

As always, I am available to discuss and clarify the enclosed proposal information. Thank you once more,



**CITY OF KIRKLAND**  
**Dept. of Parks and Community Services**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000  
www.kirklandwa.gov

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## **MEMORANDUM**

**To:** Kurt Triplett  
**From:** Lynn Zwaagstra, Parks and Community Services Director  
**Date:** April 13, 2017  
**Subject:** Position Request for Parks and Community Services

### **Recommendation**

That the City Council review and approve the recommendation to add an additional temporary Deputy Director position for the Parks and Community Services Department through December 31, 2018.

### **Background**

The Parks and Community Services Department has undergone significant staffing changes with regard to its full-time equivalent (FTE) positions since 2010. During the economic downturn, key positions were eliminated, positions and functions were combined and duties were reassigned.

In 2011, Parks and Community Services had 5 administrative positions responsible for the overall management and administration of the department. This consisted of the Director, Deputy Director, Administrative Assistant, Park Planning and Development Manager and Business Services Manager. General scope of service included the following:

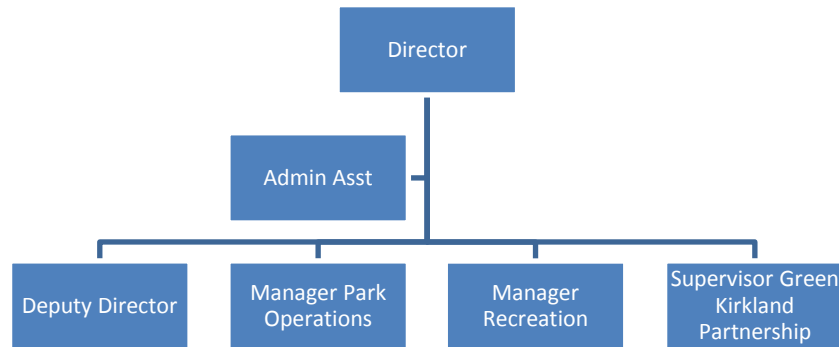
- Funded CIP \$888,000;
- Recreation Program Hours 23,606;
- Human Services Grants Dollars Awarded \$535,671;
- Park Acres Under Oversight 490.09;
- Park Maintenance Hours 39,555;
- Natural Park Acres in Restoration 30;
- Annual Green Kirkland Partnership Volunteer Hours 1,909.

In 2016, there were 3 administrative positions, which included the Director, Deputy Director and Administrative Assistant. However the amount of area served and the Parks services provided increased significantly due to the 2011 annexation of Finn Hill, Juanita and Kingsgate and the voter-approved Parks Levy in 2012.

The 2016 general scope of services increased to the following:

Funded CIP \$3,677,400;  
 Recreation Program Hours 25,353;  
 Human Services Grants Dollars Awarded \$872,908;  
 Park Acres Under Oversight 634.02;  
 Park Maintenance Hours 55,219;  
 Natural Park Acres in Restoration 81;  
 Annual Green Kirkland Partnership Volunteer Hours 3,216.

In 2011, the Park Planning and Development Manager position was combined with the Deputy Director position. Today, that position focuses on planning, acquisitions, CIP projects and the oversight of community and human services. Additionally, the Deputy Director assists with special projects, high priority operational needs and Council work plan items. The current management tier of the organizational structure functions as follows.



Over the past year, the Deputy Director has needed to focus almost exclusively on the planning and implementation of the annual CIP, which has increased significantly in dollars as well as complexity added by the newly adopted Critical Areas Ordinance and Surface Water Design Manual. As a consequence, the general operational duties of the Deputy have either returned to the Director or are performed sporadically. The growth of both the CIP and the general operational needs of the Parks Department has placed significant strain on the Director and Deputy Director and made proactive efforts to improve and innovate difficult to achieve.

There are important issues within the department that need to be addressed to forge a successful path into the future:

- Growth in the City as a whole, and in Parks and Community Services in particular, has led to the need for more defined policies, procedures and protocols, as well as better systems to support these standard practices.
- The growth in park acreage, amenities, and recreation programs has outgrown the financial model in place, creating unsustainable service levels and pressure on the general fund. This requires detailed analysis to find efficiencies, new ways of doing business and creative revenue generation to forge a more long-term

sustainable model.

- As leadership in the Department becomes eligible for retirement, succession planning and positioning for the future is critical.

To support the current work plan, manage the significant increase in cost and complexity of capital projects, address standard systems and practices, update the business model to a more long-term sustainable model and consider succession planning, the City Manager recommends the addition of a new temporary high-level management position. After careful analysis and modeling of numerous scenarios, it was determined that the most effective solution is to temporarily add a second Deputy Director position. If approved by the Council, the duties would be divided into a Deputy Director for Planning, CIP and Human Services, and a Deputy Director of Operations.

The Deputy Director for Planning, CIP and Human Services will be responsible for:

- Strategic approach to property acquisition, including proactive parcel targeting and a 5-year acquisition plan.
- Drive to completion prior year funded capital improvement projects.
- Collaborate with the Public Works CIP group to complete current design projects and oversee project construction.
- Analyze and prioritize capital needs.
- Conduct a community process to determine the top priorities for the city/school playfield partnership projects and move the project(s) into design and construction.
- Develop and implement a strategic grant program to augment capital funding.
- Carryout feasibility studies and master planning processes identified by the community and outlined in the Parks, Recreation and Open Space Plan that guides and informs the capital improvement project program.
- Assist with initiating sinking fund and large-scale maintenance projects.
- Provide information and updates to the community on the status of acquisitions, planning, design and construction projects.
- Implement the new Human Services Commission, including new governing rules and onboarding commission members.
- Implement Inclusive and Welcoming Community initiatives.

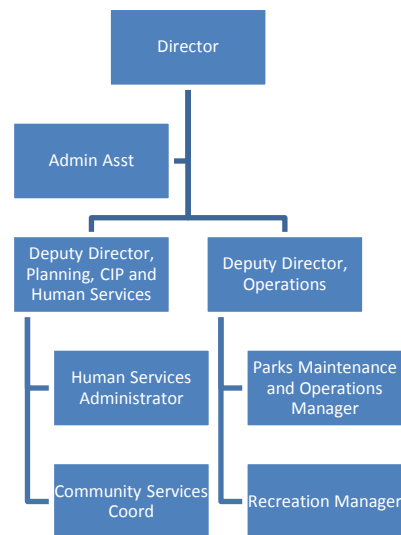
The Deputy Director for Operations position will be responsible for:

- Operational support to parks maintenance, recreation and the Green Kirkland Partnership.
- Developing updated policies, procedures and protocols.
- Finding operating efficiencies and adjusting levels of service in the most effective manner possible to adapt to changing circumstances, leveraging information available from the new maintenance management system (Lucity) that will be implemented later this year.
- Analyzing current revenue, cost recovery and developing solutions to create a more sustainable business model going into the future.
- Drive work plan projects, such as creation of trail standards, wayfinding and signage standards, off leash dog area management strategies and maximizing the

park vendor program.

- Consider modern business practices and innovative ways to serve the community.
- Relieve pressure on the Director and current Deputy Director to enhance the ability of all three positions to provide more effective community and Council service, operational management and strategic and tactical leadership for the Department.

If the Council concurs with the staff recommendation, the management tier of the organizational structure will be revised to the following through December 31, 2018.



## **Funding**

The cost of the additional Deputy Director for 18 months is \$242,397 as identified in the attached Fiscal Note. The Council would need to approve funding for the temporary position and Fiscal Note by motion to increase the 2017-2018 Parks & Community Services Department budget. The source of the funding is proposed to be from one-time year end General Fund resources above estimates. The Finance staff has nearly finished closing out 2016 General Fund revenues and expenditures. Finance has identified that there will be a substantial amount of money available due to 2016 revenues above estimates and 2016 department under-expenditures. The final amounts will be brought forward to the Council at the May 9 retreat, along with staff recommendations on potential allocations of the revenue. Consistent with adopted fiscal policies, the staff recommendations will prioritize completing the adopted 2017-2018 City Work Program and reserve replenishment. Even after funding this position, there will be significant new one-time resources for the Council to allocate.

The new funding is to support the work of the Deputy Director of Planning, CIP and Human Services. Staff evaluated reallocating Parks CIP and levy funding as alternatives to one-time general fund revenues. However, as Council is aware, several Parks CIP project bids have come in substantially over engineer estimates. Any reprioritization of CIP dollars should therefore be part of comprehensive review of the current adopted 6 year CIP, which will come to the Council in the summer. The need for this position is more

immediate. In addition, much of the Parks CIP is supported by REET and Park impact fees. These two revenue sources are somewhat constrained in the activities they can legally fund. The one-time General Fund money is much more flexible and will allow the Deputy Director to also work on non-CIP issues such as the City Work Program, Park Board support, community services and the Welcoming Community Initiative. If a capital-focused position is deemed necessary beyond 2018, alternative funding through the CIP would likely be developed as part of the 2019-2020 budget process.

**FISCAL NOTE**

*CITY OF KIRKLAND*

Source of Request							
Lynn Zwaagstra, Director, Parks & Community Services Department							
Description of Request							
Funding of \$242,397 to create a one-time Deputy Director position from July 1, 2017 through December 31, 2018 to support the Department's work plan, address standard systems and practices, update its business model to be more sustainable in the long-term, and consider succession planning.							
Legality/City Policy Basis							
Fiscal Impact							
Increase of \$242,397 to the 2017-2018 Parks & Community Services Department budget in the General Fund funded with one-time resources generated by actual revenues received above estimates and under expenditures. Because the position is temporary, no additional FTE authority is needed.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>	One-time 2016 year-end General Fund resources above estimates are available to fund this request.						
Other Information							

Prepared By	Doug Honma-Crane, Budget Analyst	Date	April 12, 2017
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