



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 SPECIAL MEETING

City Council Chamber
Wednesday, August 2, 2017
6:00 p.m. – Study Session
7:30 p.m. – Special Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website 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. Continuity of Operations and Continuity of Government Plan Update
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
 - a. Representative Shelley Kloba, 2017 Legislative Session Debrief
 - b. City of Kirkland Core Values Video
8. *CONSENT CALENDAR*
 - a. *Approval of Minutes:* July 18, 2017

***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.

b. Audit of Accounts:

Payroll \$

Bills \$

*c. General Correspondence**d. Claims**e. Award of Bids**f. Acceptance of Public Improvements and Establishing Lien Period*

- (1) 3rd Avenue South & 2nd Street South Sewermain, and 2nd Street South Watermain Replacement Project, Shoreline Construction Company, Woodinville, WA and Authorize Transfer of Funds
- (2) 2016 Street Preservation Program - 2016 Phase II Street Overlay Project, Watson Asphalt Paving Co., Inc., Redmond, WA and Authorize Use of Surplus Funds
- (3) Annual Aging Infrastructure Replacement Project, Iron Creek Construction, Inc., Issaquah, WA and Approve Return of Excess Project Funds to Utility Funding Source
- (4) Arterial Street Light Conversion Project, Ameresco, Inc., Renton WA

*g. Approval of Agreements**h. Other Items of Business*

- (1) Street Tree Inventory - Request for Additional Funding
- (2) Letter of Support for City of Kirkland Port Grant Application
- (3) Resolution R-5261, Relinquishing Any Interest the City May Have, Except for a Utility Easement, in an Unopened Right-of-Way as Described Herein and Requested by Property Owner A. Leonard Smith.
- (4) Ordinance O-4586 and its Summary, Relating to Purchasing and Bonding Policy.
- (5) Ordinance O-4587, Relating to Dance and Dance Halls.
- (6) Ordinance O-4588 and its Summary, Relating to Lodging Tax Advisory Committee.
- (7) Ordinance O-4589, Relating to Property Tax Investment and Distribution.
- (8) Report on Procurement Activities

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.

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.

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.

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

a. McAuliffe Park Expansion

- (1) Ordinance O-4590 and its Summary, Authorizing the City Manager to Execute a Real Property Purchase and Sale Agreement for the Richards' Property if Possible and, if not, Authorizing the Acquisition of That Property for Park Purposes by Appropriate Eminent Domain Proceedings in the Manner Provided for by Law and Providing for the Cost of Property Acquisition.

b. Animal Services

- (1) Ordinance O-4591 and its Summary, Authorizing the City to Provide Local Animal Services Through Establishment of a Local Animal Control Authority in the Kirkland Police Department, and to Hire and Train a Local Animal Control Officers, and to Enter Into Third Party Contracts Necessary to Support the City's Local Animal Services.
- (2) Ordinance O-4592 and its Summary, Adopting Portions of the City's Local Animal Control Ordinance That Sets Forth the City's Purpose and Scope In Providing Local Animal Services, Sets Forth Definitions, and Sets Forth Pet Licensing Requirements.
- (3) Ordinance O-4593, Relating to Park Rules and Allowing Dogs to be Off-Leash in Designated Off-Leash Dog Parks, Specific Portions of Parks Designated as Off-Leash or in Designated Parks During Park Hours That Have Been Specifically Designated as Off-Leash Hours, So Long as the Dog Remains Under Control of the Owner or Handler.
- (4) Resolution R-5262, Establishing Pet License Fees, Fines and Penalties Related to Local Animal Services.

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



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Heather Kelly, Continuity Planning Contractor, Fire
Kevin Raymond, City Attorney

Date: July 21, 2017

Subject: CONTINUITY OF OPERATIONS AND GOVERNMENT PLANNING PROJECT
ORIENTATION AND CONSIDERATION OF LEGISLATION RELATED TO
EMERGENCIES UPDATES

RECOMMENDATION:

It is recommended that the City Council receive an update on the City's Continuity of Operations and Continuity of Government planning. The briefing will provide background on the necessity and purpose of the documents, as well as a status report and timeline for their completion. It is also recommended that the City Council authorize the Public Safety Committee members, or other members designated by the Council, to identify and complete the information needed for the Council Appendix to a new Continuity of Operations and Continuity of Government Plan ("Plan"). Given the summer schedule, the interviews with designated Councilmembers would likely be individual interviews rather than a Committee meeting. Staff would synthesize the responses from the designated Councilmembers and bring final recommendations back to the full Council for review and approval. A draft appendix has been created and provided for discussion and review.

It is also requested that Council provide comments and direction to staff at the study session related to important ancillary issues associated with the successful implementation of the Plan and well-coordinated responses by the City of Kirkland ("City") in the event of a natural, human-made or technological emergency affecting the city of Kirkland. Draft documents, including potential amendments to the Kirkland Municipal Code ("KMC") and the Council's Policies and Procedures also have been created for discussion and review.

BACKGROUND DISCUSSION:

On May 18, 2017, the City contracted for the services of Heather Kelly, a Continuity Planner, to facilitate a coordinated, inclusive planning effort focused on the continuity of City operations and government during and following a major emergency or disaster. The ability of a jurisdiction to maintain its delivery of essential functions to the community during and following an emergency or disaster is critical to the protection of life, property, and the environment. A documented, holistic approach to service delivery, decision making, and resource management

will facilitate the ability of the City to best serve the community and businesses of the city Kirkland.

Ms. Kelly is working with City departments and the Municipal Court to develop a Plan based on current capability and resources. Each department, as guided by Ms. Kelly, is developing department specific continuity documents.

During the planning process gaps and inconsistencies in documentation, process, and legislation have been identified and are in the process of being resolved. The final plans will include updated information, documents and processes. While the draft plans for the overall government are included as attachments to this memo, staff intends to focus on the gaps for the Council at the study session.

Areas being reviewed directly related to the Council include:

- The absence of documented, readily-available procedures for the continuation of Council action when, due to the emergency, multiple Councilmembers may be unavailable and a quorum impossible or impractical, even with remote telecommunication capabilities.
- Timely appointment of Councilmember positions vacated during an emergency, for example due to disability or death.
- Clarity and updated roles related to KMC Chapter 3.20, Emergency Management.

The City Attorney, Kevin Raymond, performed research and review to develop the recommendations provided based on current laws and regulations and best practice examples.

Based on feedback and direction from Council, it is anticipated that staff would return to Council at a future meeting with proposals for adoption by Council that include: (1) adoption of a Plan by resolution; (2) adoption of amendments to Council Policies and Procedures by resolution; and (3) enactment of amendments to Chapter 3.20 KMC, Emergency Management, by ordinance.

Attachment A: Continuity Plan Draft

Attachment B: Council Appendix Draft

Attachment C: Council Essential Functions Worksheet Draft

Attachment D: Council Policies and Procedures Draft

Attachment E: KMC Chapter 3.20 Emergency Management Draft

Attachment F: CMO Succession Document Draft

Continuity of Operations (COOP) Continuity of Government (COG) Plan



XXXX 2017

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Confidential for Internal Use Only

This document contains confidential information which, if made public or disclosed, could violate the personal or privacy interests of others or compromise the security of essential equipment, services or systems of the City of Kirkland. The document is intended for internal

City of Kirkland use only. All or some portions of this document may be exempt from disclosure under the Washington Public Records Act, Chapter 42.56 RCW, or the Freedom of Information Act, United States Code §552, 41 Code of Federal Regulations Part 105-60.

The City Attorney must be consulted prior to the release of any or all of this document.

Promulgation Statement

Date XX/XX/XXXX

Transmitted here is the City of Kirkland's Continuity of Operations (COOP) Continuity of Government (COG) plan (Plan). This Plan provides a guide from which the City of Kirkland departments can implement actions to support the delivery of essential functions during and after a disaster or emergency.

This Plan supersedes any previous COOP and/or COG documents and has been approved by the City Council through Resolution R-XXX dated XXXX. It will be reviewed annually and updated as described in this plan. Recipients are requested to advise the Fire Department Office of Emergency Management of any changes that might result in Plan improvement or increase of usefulness.

Kurt Triplett
City Manager
City of Kirkland

DRAFT

RECORD OF DISTRIBUTION

The record of distribution will be used to verify that department leadership have acknowledged acceptance of this Plan. An electronic version of this Plan can be accessed by City employees with COOP responsibilities at XXXXXXXX.

Date of Delivery	Number of Copies Delivered	Method of Delivery	Name, Title, and Department of Receiver
	1	Hard Copy	Kevin Raymond, City Attorney, CAO
	3	Hard Copy	Kurt Triplett, City Manager, CMO Tracey Dunlap, Deputy City Manager, CMO Marilynne Beard, Deputy City Manager, CMO
	7	Hard Copy	XXX City Council
	2	Hard Copy	Judge Lambo, Presiding Judge, Municipal Court Court Administrator, Municipal Court
	2	Hard Copy	Michael Olson, Director, Finance & Administration Greg Piland, XXXX, Finance & Administration
	3	Hard Copy	Joe Sanford, Fire Chief, Fire Helen Ahrens-Byington, Emergency Manager, Fire Emergency Operations Center
	2	Hard Copy	Jim Lopez, Director, Human Resources Shawn Friang, XXXX, Human Resources
	2	Hard Copy	Brenda Cooper, Director, Information Technology Donna Gaw, XXX, Information Technology
	2	Hard Copy	Lynn Zwaagstra, Director, Parks & Community Services Linda Murphy, XXXXX, Parks & Community Services
	3	Hard Copy	Eric Shields, Director, Planning & Building Mike McGivern, XXX, Planning & Building Desiree Goble, XXX, Planning & Building
	2	Hard Copy	Cherie Harris, Chief, Police Robert Saloum, Lieutenant, Police
	2	Hard Copy	Kathy Brown, Director, Public Works Erin Devoto, Deputy Director, Public Works
		Hard Copy	
		Hard Copy	

RECORD OF CHANGES

From the date of promulgation of this Plan, the Office of Emergency Management (OEM) will track and record changes made to the document. The record of changes should contain, at a minimum, a change number, the date of the change, the name of the person who made the change, and a description of the change.

Change Number	Section	Date of Change	Individual Making Change	Description of Change
0	All	XX/XX/2017	OEM	Creation of Plan

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DRAFT

Introduction

The City of Kirkland (City) has essential operations that need to be performed or rapidly resumed in a disaster or emergency situation. While the impact of an incident cannot be predicted, planning for operations under such conditions may mitigate the effects of the disaster or emergency on people, facilities, and City services. To that end, the City has prepared a Continuity of Operations (COOP) Continuity of Government (COG) Plan (Plan) to serve as a guide for sustainment or resumption of essential services affected by a disaster.

The City intends to provide the highest level of response and recovery to an incident as possible; however, there is no guarantee that the City will have the capability or resources to meet the needs of every resident, visitor, or business before, during, or after a disaster or emergency.

The Plan establishes guidance to support City essential functions when a disaster or emergency threatens or impacts City operations to the point that requires changes to the delivery of City services or the relocation of City personnel or operations. The Plan provides guidance for when the City may need to implement COOP activities related to an incident that impacts essential functions, roles of staff, facilities, or delivery of services to City residents, visitors, or businesses. Emergency Response actions initiate based on the incident and standing protocols and are not addressed in this Plan.

City employees may have identified responsibilities in an emergency that requires COOP and/or COG activities to sustain essential City functions. Such employees are expected to fill their COOP and/or COG role(s) to the extent practicable under the circumstances and consistent with relevant job descriptions, City personnel policies and any relevant collective bargaining agreement provisions.

Purpose

The ability of the City to support essential functions during times of disaster or emergency and to provide for the needs of the residents, visitors, and businesses within the City limits is a priority of City government. To facilitate implementation of this ability the City has coordinated the development of this Plan.

This Plan describes how the CITY will endeavor to perform essential functions during and after a disaster or emergency that disrupts normal City operations. This Plan is intended to guide the City during an actual incident; however, specific actions will depend on the situation.

This Plan supports the performance of essential functions from alternate locations, due to the primary facility becoming unusable for a period of time, and also provides for continuity of government and decision-making if senior management or elected officials are unavailable, inaccessible, or victims of the incident.

Authorities and References

The Plan has been developed to support implementation of the City:

- Municipal Code Chapter 3.20 Emergency Management
- Administrative Policy Chapter 1 Policy 1-2 Severe Weather/Emergency Conditions

In addition, the Plan supports implementation of the following Washington State laws and regulations:

- Chapter 38.52 RCW
- Chapter 42.14 RCW
- Title 118-30 WAC

References that have supported the development of this Plan include:

- Kirkland Municipal Code
- Kirkland Administrative Policy Manual
- City of Kirkland Comprehensive Emergency Management Plan (CEMP)
- City of Kirkland City Council Policies and Procedures
- Homeland Security Presidential Directive 20, National Continuity Policy
- Presidential Policy Directive 40
- Presidential Policy Directive 51
- Federal Continuity Guidance Circular 1 and 2
- Washington State RCW 42.14.050 Continuity of Government Act

Scope and Applicability

The Plan applies to all City departments and personnel. COOP activities may be initiated at any time as determined necessary by City leadership. COOP activities may be in coordination with an Emergency Operations Center (EOC) activation or may occur independent of EOC activities.

COOP activities may be executed for site specific, Citywide, or regional disruptions to City operations, typically due to a natural, technological, or human-caused disaster or emergency; but not limited to these situations.

The scope of this Plan is focused on the critical services that should not be disrupted for more than twelve hours following an incident. The intent of this document is to provide a framework to support delivery of essential services that are identified as critical to the continuation of government; protection of life safety, property, and the environment; and incident response and recovery operations that care for the residents, visitors, and businesses of Kirkland.

City Departments identified a major earthquake as the type of incident with the highest potential to cause a COOP situation; followed by a significant health crisis, such as a pandemic or epidemic. Departments acknowledged several other risks that could create the need for COOP activities as well.

The outcome of the department threat assessment resulted from a calculation of two factors, probability and severity. These factors were multiplied together and averaged based on the number of completed assessments returned during the planning process.

Probability is the likelihood of a specific type of incident occurring; rated on a scale of 1 – 3, with one representing low probability, two medium, and three a high probability of occurrence.

Severity is measured by the actual or potential impacts resulting from the type of incident. The following is the guidance used to assign a numerical value to severity.

- Catastrophic Incident = 4 = Multiple deaths, shutdown of operations for 30 days or more, more than 50% of property is severely damaged.
- Major Incident = 3 = Injuries or illness requires major professional medical care, shutdown of operations for at least 2 weeks, more than 25% of property is severely damaged.
- Moderate Incident = 2 = Injuries or illness requires professional medical care, shutdown of operations for more than 1 week, more than 10% of property is severely damaged.
- Minor Incident = 1 = Injuries or illness are treatable with basic first aid, shutdown of operations for less than a week, less than 10% of property is severely damaged.

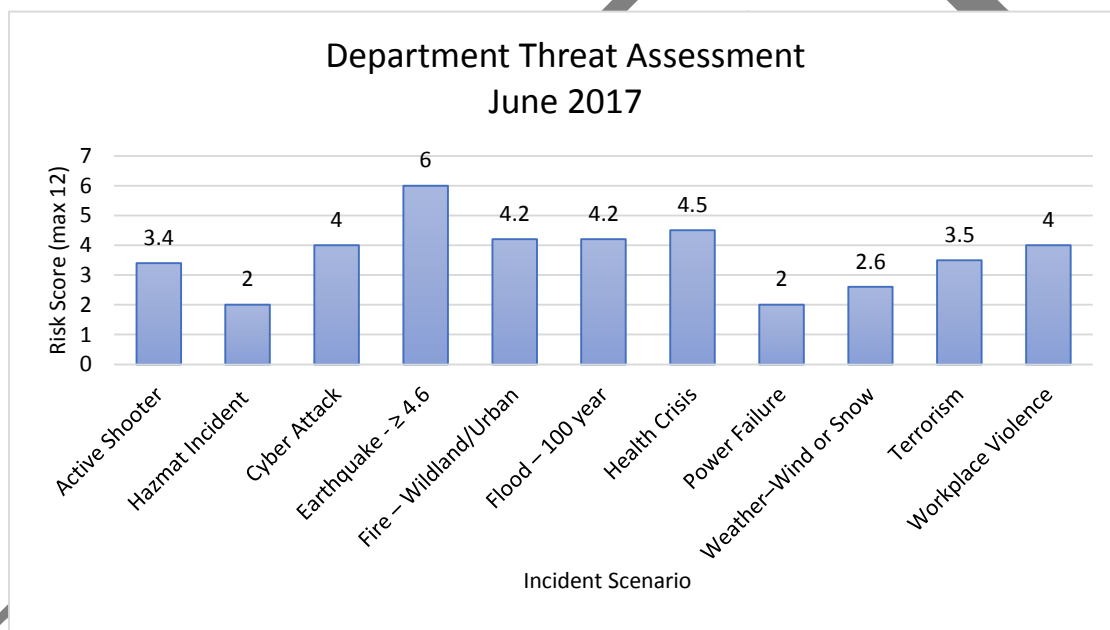


Figure 1 – Threat Assessment Results June 2017

The planning approach for development of this Plan was focused on a resource that is both flexible and scalable, to address high-frequency low impact situations, low-frequency high impact situations, and combinations in between.

When confronting disruption of normal operations, the City will endeavor, to the best of its ability, to provide essential functions even under the most challenging emergency circumstances. The City has identified essential functions as activities required by local, regional, state, or federal laws or regulations necessary to support the safety and security of City employees, systems, services, and the public, support the restoration of City operations, and facilitate emergency response actions.

Planning

Plan Objectives

The objectives of this Plan are to:

- facilitate decision-making during COOP activities
- reduce disruptions to essential functions
- document the order of succession of critical management positions
- identify vital facilities, equipment, records, and other assets
- guide an orderly transition to COOP activities and return to operations

Planning Assumptions

Assumptions used to support the City's development of this Plan include but are not limited to:

- Disasters, emergencies or threatened emergencies can adversely impact the City's ability to continue to support essential functions.
- When COOP activities are initiated, the City will implement a predetermined plan using trained and equipped personnel whenever possible.
- Personnel and resources located outside the area affected by the disaster or emergency may or may not be available to support City essential functions.
- Some City services may be limited or suspended to enable the City to concentrate on essential functions.
- The timeline for establishment of some essential functions may exceed 12 hours of the incident onset.
- Alternate support or delivery of essential functions may extend beyond the response phase of an incident and extend into long-term recovery.
- City staff may implement telecommuting practices to support delivery of essential services.
- Recovery from an incident may result in the decision to not restore certain City services, facilities, or positions.
- Staff members may be unavailable during or after a disaster or emergency and thus may be unable to support COOP activities.

Planning Scenarios

This Plan was developed around a set of scenarios which reflect the City's department threat assessment regarding the types of impacts which may result in COOP activities. Any or all scenarios may result in the injury, death, or inability to account for City staff, elected officials, or the public at a City facility. In addition, any or all scenarios may affect critical infrastructure systems that the City relies on for normal business operations and service delivery.

The City has identified the following types of scenarios as the most likely to trigger COOP activities:

- **Department, Essential Function, or Facility Affected.** Under this scenario, one or more departments, essential functions, or key facilities is unable to perform normal

business activities. The most likely causes of such disruption are fire, system/mechanical failure, loss of utilities such as electricity, telephone, or water, explosion, active shooter, terrorism, or a biological outbreak. Other scenarios that produce limited or no physical damage to City facilities may also interrupt service delivery.

- **City of Kirkland Local Area Affected.** Under this scenario, City facilities are limited or closed to normal business activities as a result of the localized impact. The most likely causes of such disruption are utility failure, civil disturbance, technology network disruption, terrorism, biological outbreak, credible threats of action, or other scenarios that would limit access to or use of City facilities. This type of incident could significantly impact the City's operational capability. Facilities may be unavailable or damaged due to the incident.
- **Regional Area Affected.** Under this scenario, the City facilities and possibly the local area would be inaccessible, inoperable, or unavailable for normal business activities. The most likely causes of such disruption are major disaster such as an earthquake, severe weather for example snow or wind, terrorism, cyber-attack, major health outbreak, an actual or threatened use of a weapon of mass destruction, or other scenarios that would limit access to or use of City facilities. This type of incident could render the City or specific departments inoperable for a significant period. Facilities will most likely be unavailable or have major damage due to the incident. Senior management, technical and supporting personnel may be deceased, injured, unable to reach a City facility, or unaccounted for.

Concept of Operations (CONOPS)

To implement COOP activities, the City has developed a concept of operations (CONOPS), which describes the approach. The CONOPS guides how the City will facilitate COOP activities including notification, implementation, service delivery, and return to operations.

COOP activities may involve, but are not limited to:

- assignment of a COOP team to perform specific activities necessary to facilitate COOP activities;
- purposeful movement of selected staff or technical personnel to an alternate operating facility;
- the implementation of temporary work procedures;
- and the delegation of authorities to successors.

COOP Implementation

The City Manager or his or her designee, may direct the implementation of COOP activities. COOP activities are implemented based on known or anticipated threats and emergencies that may occur with or without warning. The City will use a phased approach for implementation, whereby essential functions are sustained or established early and additional services will follow as needed and available.

- **Notice threats or emergencies:** There are some threats that may provide advance warning that will allow notification of, direction to, and if necessary, the relocation of employees. Situations that may provide such warning include inclement weather or a threat of violence.
- **No notice threats and emergencies during business hours:** Incidents may not be preceded by warning, for example earthquakes, fire, or terrorist attacks. In these circumstances employees should follow their emergency procedures to stay safe and resolve the issue if possible. COOP activities will be initiated, if appropriate, and employees will be provided direction by their department leader or the City Manager's Office.
- **No notice threats and emergencies during non-business hours:** Incidents may also occur with no warning outside of business hours. In these circumstances, COOP activities will be initiated, if appropriate, and employees will be notified of any changes to working conditions as soon as possible through various communications methods.

The City has developed a guide, Appendix XX Decision Guide, to assist the City Manager or designee in assessing the impacts of a situation and determining the need to initiate COOP activities. Use of this guide may help to reduce inappropriate or unnecessary COOP activities.

Delegations of Authority

Formal signed delegation of authority documents (Annex XX Delegation of Authority) have proactively been completed for critical duties and City leadership positions. Additional delegation of authority are established in documented department policy. Should a primary position incumbent be unable to serve, a delegation may be implemented. The delegation will specify what the authority covers, what limits may be placed upon exercising it, who (by title) will have the authority, and under what circumstances the delegation applies.

COOP Teams

When COOP activities are necessary, a COOP Team and sub teams may be established to coordinate support for delivery of essential functions. The City has identified key positions to perform critical activities on the COOP Teams.

COOP Team organizational structure is planned to reflect the following organizational chart; however, the incident will dictate which departments will be involved, as well as the activities that need to be support or planned.

COOP Organizational Chart

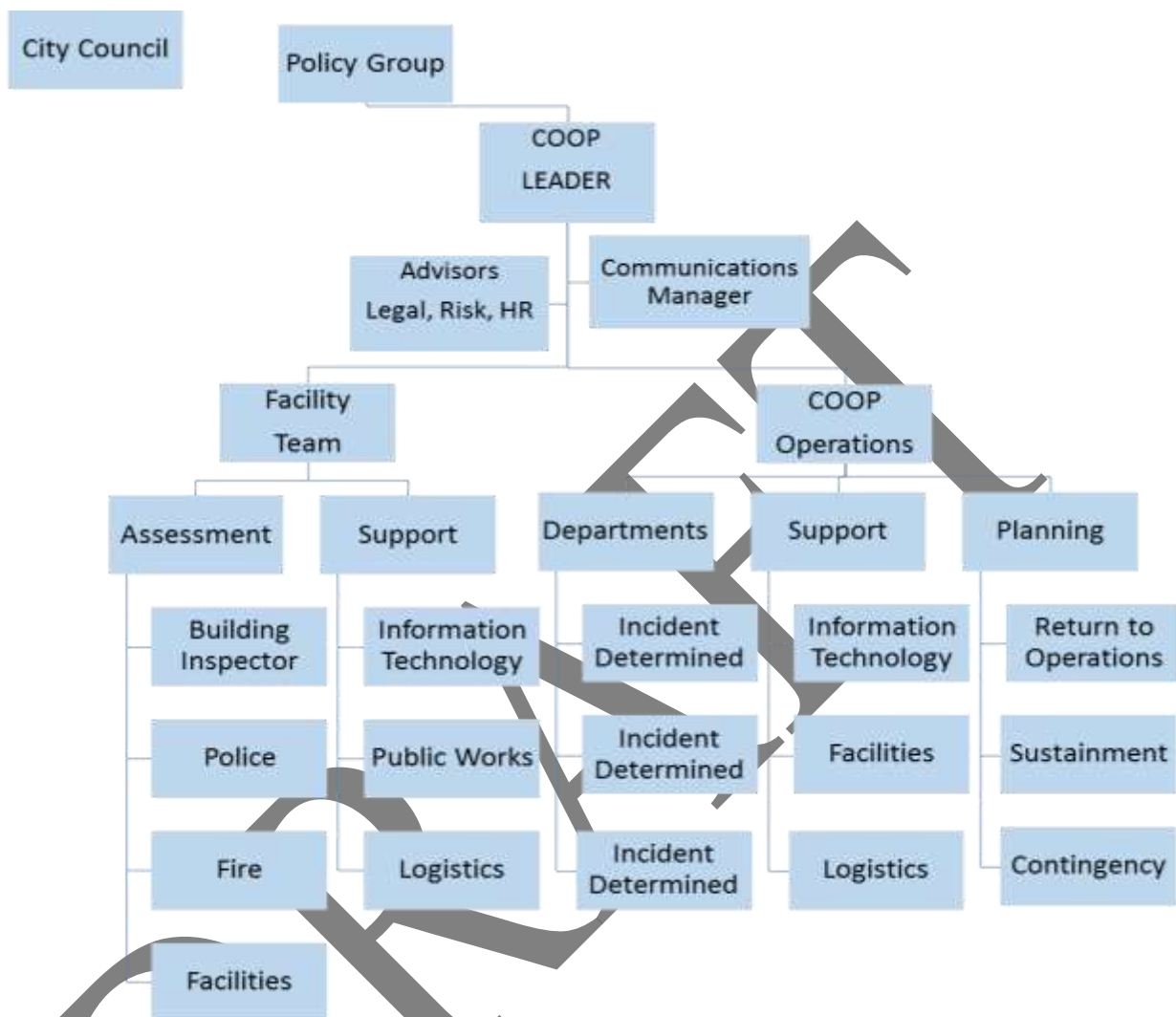


Figure XX - COOP Team Organizational Chart

The following describes the teams, team members, and typical responsibilities. Following the table is additional information about COOP roles.

COOP Roles and Responsibilities

Title	Team Members	Typical Responsibilities
Policy Group	City Manager, Directors, Human Resource advisor, Legal advisor, Communications Manager, and Council representation.	<ul style="list-style-type: none"> • Authorize COOP activities. • Provide policy decisions and direction. • Coordinate inter-agency and media communications. • Promote coordination among departments.
COOP Team	COOP Leader, Facility Team, Operations Team, Advisors, and Communications Manager.	<ul style="list-style-type: none"> • Coordinate COOP activities including planning, technical, and facility support. • Implement policy directives related to COOP • Oversee safety and security of COOP personnel and activities. • Manage COOP related public information • Coordinate COOP procurement and contracts when beyond department level. • Assess and report on status of delivery of essential functions to Policy Group.
Facility Team	Personnel with technical expertise to support critical services, systems, or resources necessary to operationalize facilities to support department delivery of essential functions.	<ul style="list-style-type: none"> • Support alternate site selection through assessments. • Ready critical processes, systems, resources, and locations necessary to support essential functions. • Coordination with the operations team for site occupation. • Coordinate locating/contracting for non-City owned alternate facility options.
Operations Team	Personnel with department knowledge, administrative skills, and technical expertise.	<ul style="list-style-type: none"> • Provide department level situational awareness and requests for support for delivery of essential functions. • Perform planning for return to operations, COOP activity sustainment, and contingency requirements. • Provide logistical and technical support to departments to facilitate essential function delivery.

Figure XX – COOP Roles and Responsibilities

- **Policy Group**, provides policy decisions related to COOP activities and strategic direction and communication to City staff and the public.
 - This group is led by the City Manager and consists of Department Directors, the City Attorney, technical experts, and representatives from Municipal Court and City Council as appropriate.

- **COOP Team** is a combination of the Facility Team and Operations Team, guided by the Policy Group, and supported by legal and communications staff.
 - The COOP Team Lead will be designated by the City Manager at the time of an incident.
- **Facility Team** will perform activities necessary to ready a facility for the performance of essential functions. This may include the site inspection and security assessment, establishment of telecommunications or information technology systems, alternate site workspace creation, and the movement of vital records.
 - The Facility Team will be staffed by representatives from facilities, police, fire, building inspection, information technology, and public works as appropriate and available.
- **Operations Team** coordinates support for essential functions, develops strategies and plans addressing contingencies and recovery operations. The Operations Team will coordinate with the Facility Team to synchronize operations and to successfully bring up services and systems using alternate locations, back-up systems, mobilized resources, temporary work procedures, and pre-determined or impromptu work around plans.
 - The Operations Team will be staffed by representatives from City departments with departmental knowledge, basic administrative skills, or technical expertise.

COOP resources not available within City supplies or through mutual aid agreements will be procured either through normal department procurement procedures or if the EOC is activated through the EOC logistics section.

Phases of COOP

The City will use a phased approach to the initiation, management, and eventual de-escalation of COOP activities.

Phase 1: Initiation

- **Notification.** The City intends to use the City's mass notification system to inform leadership of an incident. The Policy Group will assess the situation and determine if COOP activities are necessary. If it is determined that COOP activities are necessary a COOP Leader will be assigned, and the COOP Team will be notified and directed to respond to a designated location. City employees, partners, and the public will be notified of COOP activities, as able and appropriate, using any or all of the communication resources available.
- **Initial Actions.** The Policy Group including the COOP Team Leader will meet, in person or via teleconference, to determine what COOP activities are necessary and what direction will be given to the COOP Team for implementation. The Communication Manager will initiate public messaging and manage media interest. Key COOP department staff will be notified to initiate COOP activities to support delivery of essential services at the primary site or a designated alternate site if necessary.

- **Establish Operations.** The COOP Team will inform the Policy Group when facilities, systems, or resources are prepared to support delivery of essential services. Departments will provide essential services to the best of their ability with the capability available.

Phase 2: Alternate Operations

- **Delivery of Essential Functions.** The department(s) will deliver essential functions using temporary work procedures or from an alternate facility, if needed and able based on incident impact and resource availability.
- **Establishment of Communications.** The department(s) will establish communication internally, to external agencies, and to the public, as able and appropriate.
- **Augmentation of Staff.** As the situation progresses, additional staff will be activated to provide services and functions, as able.
- **Development of Plans for a Return to Operations.** As soon as feasible, the COOP Operations Team will begin planning and preparation of activities to return to normal operations based on resources, staffing, and facility availability.

Phase 3: Return to Operations

- **Ending Alternate Process.** The Policy Group and COOP Team Leader will meet to identify the timeline of concluding COOP activities. Based on their decision the COOP Team will develop guidance for ending alternate operations and returning to a non-emergency status at the designated facility.
- **COOP Team Conclusion.** The COOP Team will demobilize the site they have been working from, including the delivery of all documentation related to COOP activities performed to Emergency Management. The Communications Manager will provide public information regarding resumption of services and manage media interest.

The table below highlights the key COOP activities to be accomplished by phase. All activities are the responsibility of the COOP Team Lead until delegated to sub teams or staff.

Phase	Key COOP Activities
Phase 1- Initiation	<ul style="list-style-type: none"> • Instruct Facility Team to ready alternate facility, if needed. • Notify impacted local, regional, and State agencies. • Activate plans to transfer to alternate facility. • Notify agency employees and contractors regarding activation of COOP plan and their status. • Assemble documents/equipment required for essential functions at alternate facility. • Continue essential functions at regular facility, if available, until alternate facility is ready. • Activate Facilities and Operations Teams as necessary.

Phase 2 - Alternate Operations	<ul style="list-style-type: none"> • Provide guidance to Contingency group personnel and information to the public. • Identify replacements for missing personnel (delegation of authority and orders of succession). • Commence full execution of operations supporting essential functions at the alternate facility.
Phase 3 - Return to Operations	<ul style="list-style-type: none"> • Supervise return to operations. • Demobilize COOP Team site. • Arrange employee emotional support, if needed. • Deliver public information of status.

Department COOP Responsibilities

Each City department should have an organizational structure identified to support delivery of essential functions. Department activities are unique; however, at a minimum department's should be prepared to:

- facilitate department COOP activities;
- support activation of alternate facilities, supporting communications, and information technology systems;
- support COG activities as appropriate;
- provide public information content to the Communication Manager for dissemination;
- assess and report situational status for department responsibility;
- develop or implement temporary service plans;
- coordinate resource support for employees emotional and physical wellbeing; and
- lead department recovery activities.

Notification

The City recognizes that the COOP activities could be initiated under a variety of conditions; therefore multiple notification systems may be used for contacting COOP Team members and employees, as appropriate to the situation. Systems include but are not limited to telephone networks, technology-based mass notification tools, such as Code Red or Outlook email, public and employee recorded information hotlines, or public safety radio systems.

The appropriately authorized user of each system will be responsible for making notifications when directed by the Policy Group to do so. (Chart of system and authorized user???)

Essential Functions

The City has identified essential functions and continuity of government priorities. The City also identified critical processes, services, systems, and equipment necessary to support each essential function, as well as key personnel required. A detailed list of essential functions and dependencies can be found in each department specific appendix.

The following table provides a high-level summary of department specific areas of essential functions including the Continuity of Government (COG) status and Return to Operations (RTO) target for each.

Essential Functions by Department

Responsible Department	Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
City Attorney	Legal Advice	Provide direct legal advice to City leadership, departments, and staff. Prepare relevant documents in response to incident.	No	4 hours
City Council	Leadership	Maintain City Seat of Government, facilitate policy actions.	Yes	2 hours
City Council	Legislation	Support incident and COOP operations through actions and funding allocation.	Yes	4 hours
City Council	Outreach	Liaison with partners and elected officials, and connect with the public.	Yes	2 hours
City Manager's Office	City Leadership	Provide leadership for the incident, the City, and the public.	Yes	2 hours
City Manager's Office	Communications	Facilitate internal and external messaging.	Yes	2 hours
City Manager's Office	Intergovernmental Relations	Coordinate political official involvement.	No	6 hours
Courts	Court Hearings	Court proceedings that implement public law.	Yes	12 hours
Courts	In Custody Hearings	Court proceedings that address in custody status.	Yes	72 hours
Facilities	TBD			

Responsible Department	Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Finance & Administration	Employee payroll and benefits	Maintain continuity of payroll for City employees.	Yes	12 hours
Finance & Administration	Purchasing	Procure materials and professional services for incident needs.	No	12 hours
Finance & Administration	Manage Money	Monitor and track cash available for City operations.	No	24 hours
Finance & Administration	Record Preservation	Protect vital records.	Yes	12 hours
Fire	Response	Fire, medical, rescue, and hazmat response services.	Yes	2 hours
Fire	Emergency Operations (EOC)	Support and/or coordinate City response to the incident.	Yes	2 hours
Fire	Alert and Warning	Provide public notice of life safety situations and actions.	Yes	2 hours
Fire	Operations Support	Maintain equipment and gear for response efforts.	No	4 hours
Human Resources	Risk Management	Identification, evaluation, and mitigation of risk.	??	4 hours
Human Resources	Internal Recruitment	Fulfill requests for personnel for incident response.	No	6 hours

Responsible Department	Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Human Resources	Injury and fatality management	Support the identification and family notification of injured or deceased employees.	No	2 hours
Human Resources	Enforcement	Enforce compliance with laws, union contracts, and ADA requirements.	Yes	4 hours
Human Resources	Safety Training	Conduct just in time safety training for employees and volunteers for the incident.	Yes	4 hours
Human Resources	Workforce Management	Manage safety concerns and support and retain employees.	No	12 hours
Human Resources	Compensation	Manage and maintain pay and benefit system.	Yes	12 hours
Information Technology	Technology Support	Support access to and use of telecom, internet, and computer hardware and software.	No	2 hours
Information Technology	Geographic Information System (GIS)	Support access and implementation of GIS systems.	No	2 hours
Information Technology	Data Maintenance	Maintain data system security and availability.	No	2 hours
Parks & Community Services	Mass Care	Support care, feeding, and shelter operations for City staff performing COOP activities.	No	24 hours
Parks & Community Services	COOP Support	Participate on COOP Facilities Team.	No	6 hours

Responsible Department	Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
Planning and Building	Building Inspection	Perform emergency building inspections.	Yes	12 hours
Police	Patrol	Respond to emergency calls and support traffic operations.	Yes	2 hours
Police	Corrections	Maintain operations of the correction facility providing for clients.	Yes	2 hours
Police	Investigations	Investigate felony crimes.	Yes	24 hours
Police	Incident Support	Provide security assistance for incident response.	Yes	6 hours
Public Works	Water	Facilitate water distribution to fire hydrants and COOP facilities.	No	2 hours
Public Works	Fleets and Equipment	Vehicle and fuel service for City personnel.	No	2 hours
Public Works	Incident Support	Support Department and COOP activities with staff and logistics.	No	4 hours
Public Works	Streets	Clear priority routes for incident and COOP activities.	No	12 hours
Public Works	Sewer	Facilitate sewer services for COOP facilities.	No	12 hours

Figure XX – Essential Functions by Department

Order of Succession

If the City Manager, Council Members, or Directors are unavailable during an emergency, the City has an established Orders of Succession and when appropriate Delegations of Authority to support continuation of City government.

The City recognizes the importance of leadership in the delivery of essential functions and thus has identified the following Order of Succession, based on position, to support operations during and emergency or disaster.

Department	Order of Succession by position
City Council	<ol style="list-style-type: none"> 1. Mayor 2. Deputy Mayor 3. Councilmember chosen by Council in absence of Mayor or Deputy Mayor
City Manager's Office	<ol style="list-style-type: none"> 1. City Manager 2. Deputy City Manager 3. Deputy City Manager 4. City Attorney
City Attorney's Office	<ol style="list-style-type: none"> 1. City Attorney 2. Senior Assistant City Attorney 3. Assistant City Attorney
Court	<ol style="list-style-type: none"> 1. Judge 2. Court Administrator 3. Court Supervisor 4. Probation Supervisor
Finance and Administration Department	<ol style="list-style-type: none"> 1. Finance Director 2. Accounting Manager 3. Financial Planning Manager 4. Customer Service Supervisor 5. City Clerk
Fire Department	<ol style="list-style-type: none"> 1. Fire Chief 2. Deputy Fire Chief 3. Battalion Chief 4. Ranking Officer
Human Resources Department	<ol style="list-style-type: none"> 1. Human Resources Director 2. Senior Human Resources Analyst 3. Safety and Risk Analyst
Information Technology	<ol style="list-style-type: none"> 1. Information Technology Director 2. Information Technology Manager Network and Operations 3. Information Technology Manager Enterprise Applications 4. Information Technology Manager Spatial Systems
Parks & Community Services	<ol style="list-style-type: none"> 1. Director 2. Deputy Director, Planning & Community Services 3. Deputy Director, Operations 4. Parks Operation Manager 5. Recreation Services Manager

Department	Order of Succession by position
Planning and Building Department	<ol style="list-style-type: none"> 1. Director 2. Deputy Director 3. Building Official 4. Development Review Manager
Police Department	<ol style="list-style-type: none"> 1. Police Chief 2. Captain 3. Lieutenant 4. Sergeant
Public Works	<ol style="list-style-type: none"> 1. Director 2. Deputy Director 3. Streets Division Manager 4. Development Engineering Manager 5. Transportation Manager 6. Capital Projects Manager 7. Surface & Wastewater Manager 8. Water Manager

Figure XX – Order of Succession by Position

Alternate Facilities

The CITY recognizes that normal operations may be disrupted and that there may be a need to perform essential functions at alternate locations. A list of City owned facilities can be found in Annex XXX. It is understood that although preferred alternate sites have been identified by some departments, the ultimate decision as to which site to use will be dependent upon the situation, condition of the alternate site, and potential duration of need. For specific details of relocation site requirements by department see Appendix XX COOP Facility Requirements.

If relocation is necessary, the Facility Team will perform a site evaluation to confirm the facility is safe for use and to identify resources necessary to make the site operational for the designated department.

The department will prepare to relocate by informing employees of the need to relocate and of their role in the transition. The department will retrieve their Go-Kit, if able, and initiate establishment of essential functions at the designated alternate site. Once the alternate site is established, staffed, and ready for operations, and if appropriate, public messaging will be provided via all methods available to inform the community of where and how to reach the services of the department.

The department will operate from the alternate location until such a time that the original facility is available for reoccupation, or a new location has been identified and prepared for operations. Transition to the original or new facility will initiate with establishment of the work area, followed by movement of personnel, notification of relocation, and implementation of service.

Communications

Communications is a critical capability for City government as communication systems support connectivity to internal organizations, external partners, critical vendors and customers, and the public. To support communications during COOP activities, the City has identified primary and alternate communication resources. The Operations Team Support Group will coordinate with the Facilities Team and departments to provide as many normal communication methods as possible, based on operational status, during a COOP scenario.

Systems may be limited due to infrastructure failures caused by the emergency or disaster, thus prioritization of capability may need to occur based on life safety, COG requirements, and incident management demands.

The majority of City operations desire the ability to use telephone, email, and text messaging communication systems. Some field based departments, such as fire and police, rely on the public safety 800 MHz radio system for tactical communications. Appendix X COOP Communication Systems provides an overview of communication systems used in the City. For departments that leverage unique communication capabilities for delivery of essential services, that information can be found in their department specific Appendix as an attachment.

Vital Records and Databases

The City has identified vital records and databases, which facilitate the performance of essential functions. Although most functions can be performed by using hard copy forms, departments benefit greatly by having access to electronic databases for research and verification purposes.

Departments that rely on electronic documents and forms are encouraged to produce at least master hard copy versions for inclusion in their Go-Kit. Most hard copy documents will require data entry or electronic retention if used during COOP activities.

One key database several departments referenced as a key resource for operations is access to Geographical Information Services (GIS) systems, files, and resources.

The Information Technology Department maintains contact information for vendors and contractors available to support the restoration of vital records, systems, and processes.

Detailed listing of vital records and database requirements can be found in the department specific appendixes Attachment A: Essential Functions Worksheet of this Plan.

Critical Systems and Equipment

The City has identified critical systems and equipment necessary to support a COOP incident. The primary equipment needed by all departments include technology based solutions such as cell phones, computers, printers, and Microsoft Office and department specific operations software programs.

In addition to technology resources many departments identified City vehicles as critical equipment to their operations.

Field based departments, such as Public Works, also identified personal protective equipment as a requirement of safe operations. Specific department systems and equipment requirements can be viewed in the department specific appendixes Attachment A: Essential Functions Worksheet.

Technology based systems can be viewed in Appendix XX Information Technology Requirements.

External Contacts

The City contracts with numerous vendors for support and delivery of essential functions. The expectation is that contracted vendors will have continuity plans to facilitate service delivery to the City.

The City is a local, regional, and State partner in the support and delivery of services to the public and business communities. The City values the partnership and agreements that have been established and intends to leverage those relationships as able for the support and delivery of essential functions during a COOP incident.

Go-Kits

Departments are expected to develop and maintain, at least quarterly, a "go-kit" comprised of critical documents (electronic and hard copy) including forms and files, staff rosters and contact information, key partner, customer, and vendor contact lists, and appropriate supplies to support initial COOP activities and establishment of service delivery from an alternate site.

The department go-kit should be mobile and easily accessible by staff. All department staff should know the location of the go-kit, particularly personnel with a COOP department assignment.

Each employee with a COOP designated role is expected to create a "go-kit" to enhance preparedness for responding to an incident. A go-kit should contain those items considered essential to supporting operations at an alternate site. Each kit may be somewhat unique, but most should include such items as COOP checklists, key contact lists (names, phones, addresses, etc.), files specific to positions, specialized tools routinely used, and maps of the local area and potential alternate sites.

Appendix XX and XX provide lists of recommended go-kit items. In addition, Annex XXX provides a list of personal preparedness items all staff are encouraged to keep at their desk.

For home, family, and car preparedness kit recommendations visit the Emergency Management website at www.

Employee Support

A situation that requires the implementation of COOP activities can be stressful and physically or emotionally upsetting to employees and volunteers. The City will endeavor to support and provide the appropriate resources to assist personnel with managing crisis stress management.

Resources may include increase awareness or access to the Employee Assistance Program (EAP), formal Critical Incident Stress Management (CISM) sessions, on site mental, emotional, or spiritual support staff, or referral to professional mental health providers.

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COOP Plan Maintenance

The City intends to maintain a viable COOP capability through the review and update of this Plan partnered with training and exercising on COOP activities.

The Office of Emergency Management will coordinate the maintenance of the Plan.

Plan Maintenance

Activity	Tasks	Frequency	Responsibility
Plan update	Review entire plan for accuracy Incorporate lessons observed and improvement adjustments Manage distribution of plan updates	Annually	OEM
Update Order of Succession	Obtain names of current incumbents and designated successors Confirm or update Delegation of Authorities	As-needed and at least Annually	OEM with department support
Checklists	Update and revise checklists	As needed	OEM
Orient elected officials and senior management	Brief on Plan, COOP concepts, and their responsibilities related to COOP activities	Annually for all and within 30 days of new appointment or hire	OEM? CMO?
Plan and conduct COOP activity exercise	Conduct at least one drill, table-top, or functional internal exercise testing part or all COOP activities	Annually	OEM with department support
	Conduct joint exercise with local, regional, and/or state agencies	As available	OEM with department support



City of Kirkland Continuity of Operations Continuity of Government City Council Appendix

Introduction

During a Continuity of Operations (COOP) scenario, the Kirkland City Council (City Council) has a role in the City of Kirkland (City) leadership, legislation, and outreach. The City Council provides direction and support to the incident through legislative actions and interjurisdictional interactions. The City Council is flexible and adaptable and has limited resource requirements to perform essential functions.

Essential Functions

Essential functions for the City Council during a COOP incident include leadership, legislation, and outreach to other jurisdictions and the public. Detailed information about the delivery of these services is available in Attachment A Essential Functions Worksheet of this appendix. Below is a high-level summary including Continuity of Government (COG) status for each function.

Responsible Department	Essential Function	Function Description	Continuity of Government	Recovery Time Objective (RTO)
City Council	Leadership	Maintain City Seat of Government, facilitate policy actions.	Yes	2 hours
City Council	Legislation	Support incident and COOP operations through actions and funding allocation.	Yes	4 hours
City Council	Outreach	Liaise with other jurisdictions, elected officials and staff, and connect with the public.	Yes	2 hours

Key Personnel

In the event of a COOP and/or COG scenario, the City Council performs essential leadership, legislative and outreach functions. The City Council performs such essential functions in part by taking formal action through the affirmative vote of a majority of the entire membership of the City Council. In matters not requiring formal action, the City Council is represented by its Mayor or, in the absence of the Mayor, by its Deputy Mayor. In the absence of both the Mayor and the Deputy Mayor, the City Council is represented by a Councilmember chosen by the affirmative vote of the entire membership of the City Council or, in the absence of a quorum consisting of at least four Councilmembers, a simple majority vote of those members present. See City Council Policies and Procedures.

Department Relocation

Incident impacts and operational needs will dictate the safe options for relocation; therefore, the City Council does not have a designated alternate location. The City Council location serves as the seat of government so whenever possible, the City Council will remain at City Hall. If there is a requirement to relocate, efforts will be made to remain within the city limits and near the City Manager's Office, wherever then located, and the Emergency Operations Center.

Possible alternate locations for the City Council include Fire Station 26 (9930 124th Ave NE) or the Kirkland Justice Center (11740 NE 118th St).

Communications

The City Council does not have any unique communication requirements, but does rely heavily on internet connectivity, computers and other normal operational systems. The intent is to use normal operational systems, or as many of them as are possible, including but not limited to desk phones, cell phones, Outlook email, and text messaging for communication during a COOP scenario.

Vital Records, Files, and Databases

The City Council has identified vital records to include..... (to be determined based on further input from Council)

Critical Systems

The City Council identified critical systems to support essential functions as(to be determined based on further input from Council)

Critical Equipment

The City Council has identified...(to be determined based on further input from Council)

External Contacts

The City Council is not dependent on external agencies for delivery of essential functions. However, the City Council does acknowledge the support jurisdictional partners at local, state,

and federal levels of government and private entities can provide and intends to engage with these agencies and entities as appropriate.

Return to Operations

The City Council will have continual, but possibly limited, operations during a COOP incident. Return to operations includes the relocation back to the original facility or a new facility in the City Council is working from an alternate location. The City Council will resume normal business activities, in addition to any incident or COOP activities, as able based on resource availability.

Department Resource Documents

The attached documents serve as resources that support COOP activities related to essential functions, authorities, and staff.

Attachment A: Essential Functions Worksheet

Attachment B: COOP Staff Roster

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Council Essential Functions Worksheet – DRAFT**Completed By:****Approved By:**

Essential Function	Essential Function Description	Key Positions and Back-Ups	Vendors or External Contacts	Vital Records	Equipment	Systems	Recovery Time Objective
Leadership	Maintain City Seat of Government Advise City Manager's Office on policy issues Enact Proclamation of Emergency for COOP activities, if needed	Council Members	N/A	Contact list City ordinances, codes, resolutions, rules	Phones (desk and cell) Computer	Outlook Voicemail Text	2 hours
Legislation	Facilitate COOP – Issue moratoria, suspension of operations, etc. Establish funding source(s) for COOP activities	Council Members	N/A	Official decision documentation	Paper and pen or computer, electronic recording device	None Or Word	4 hours
Outreach	Liaise with partner jurisdictions, County, State, and Federal elected officials Participate in public messaging and meetings	Council Members	Partner Jurisdictions County, State, and Federal elected officials and staff	Contact List	Phone (desk and cell) Computer	Outlook Voicemail Text	2 hours

June 2017 v2

CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



[REDACTED] 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 blindside 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.

~~8-9.~~ To authorize a Councilmember to serve as Presiding Officer in the event of the death, disability or extended absence or unavailability of both the Mayor and Deputy Mayor.

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.

3.25 Special Meetings and Emergencies. Special meetings, including times and places for meetings during emergencies, shall be conducted in accordance with Chapter 42.30 RCW, the Open Public Meetings Act.

3.26 Vacancies. Vacancies on the Council shall be filled as follows and in accordance with RCW 42.12.070:

1. Where one position is vacant, the remaining Councilmembers shall appoint a qualified person to fill the vacant position.
2. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions, the remaining Councilmembers and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled, with each of the new appointees participating in each appointment that is made after his or her appointment.
3. If less than two Councilmembers remain in office, the King County Council shall appoint a qualified person or persons to the Council until the Council has two Councilmembers.
4. If the Council fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the Council shall cease and the King County Council shall appoint a qualified person to fill the vacancy.
5. If the King County Council fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the King County Council or the Council may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the Governor fills the vacancy the King County Council has not appointed a qualified person to fill the vacancy.
6. As provided for in Chapter 29A.24 RCW, each person who is appointed to the Council shall serve until a qualified person is elected at the next election at which a member of the Council normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

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.¹
 - 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.

¹ "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 th Ave.
Planning and Economic Development	Monthly, 2 nd Monday, 3 p.m.	City Hall - 123 5 th Ave.
Public Works, Parks and Human Services	Monthly, 1 st Wednesday, 10 a.m.	City Hall - 123 5 th Ave.
Public Safety	Monthly 3 rd Thursday, 8:30 a.m.	City Hall - 123 5 th 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.

Committee/Topic Areas	Staff
Finance and Administration <ul style="list-style-type: none"> • Finance and budget • Utility rates • Human Resources and Performance Management • Technology • Public Records • Council Policies and Procedures 	<i>Deputy City Manager and Director of Finance and Administration</i>
Public Safety <ul style="list-style-type: none"> • Police • Fire and Emergency Medical Services • Municipal Court • Emergency Management • Code Enforcement 	<i>Deputy City Manager</i>
Planning and Economic Development <ul style="list-style-type: none"> • Business Retention and Recruitment • Business Roundtable • Tourism • Events • Development Services (permitting) • Long Range Planning • Housing 	<i>Planning and Community Development Director and Economic Development Manager</i>

Public Works, Parks and Human Services <ul style="list-style-type: none"> • Public Works operations and CIP • Parks Operations and CIP • Parks planning • Environment • Utilities • Facilities and Fleet • Human Services 	<i>Public Works Director and Parks and Community Services Director</i>
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7.06 Council Intermittent Committees

Committee/Topic Areas	Staff
Legislative <ul style="list-style-type: none"> • State and Federal Legislative Agenda and Monitoring • Liaison with State and Federal Elected Officials 	<i>Intergovernmental Relations Manager</i>

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 31st of March of the applicable year. A member being appointed to fill a vacant position shall be appointed to fill the vacancy for the remainder of the unexpired term.

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 Attorney's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3030****www.kirklandwa.gov**

MEMORANDUM

To: Kurt Triplett, City Manager

From: Heather Kelly, Emergency Management Contractor, Fire
Kevin Raymond, City Attorney

Date: **July 20, 2017**

Subject: REVISIONS TO KIRKLAND MUNICIPAL CODE CHAPTER 3.20 RELATED TO
EMERGENCY MANAGEMENT

RECOMMENDATION:

City Council pass the attached ordinance making revisions to Kirkland Municipal Code ("KMC") Chapter 3.20 related to emergency management.

BACKGROUND DISCUSSION:

The City of Kirkland ("City") is in the process of taking steps to enhance its ability to respond quickly and effectively to the occurrence of a disaster or other emergency affecting the city of Kirkland, whether natural, human-made or technological in origin. The City's Office of Emergency Management ("OEM") is facilitating the development and adoption of Continuity of Operations ("COOP") and Continuity of Government ("COG") plans (collectively "Plan") to guide and support the City's emergency responses. Chapter 3.20 KMC includes a number of provisions that no longer reflect City practices and in some instances refer to repealed or re-codified state laws. As a result, and as an important part of the City's overall emergency planning efforts, Chapter 3.20 KMC is appropriate for amendment at this time.

What follows is a summary of the basis for the recommended code revisions, tracking existing Chapter 3.20 KMC, section by section:

Section 3.20.010

- Disasters and other emergencies are considered "incidents." "Events" are the result of government planning.
- Only the federal government can "declare" an emergency. State and local governments "proclaim" them.
- "Services" added to ensure definition is comprehensive and consistent with following sections.
- Disaster and emergency planners now use the term "human-made" rather than "man-made," and typically include "technological" to account for this increasingly common incident form, e.g. computer system failures.

Section 3.20.020

- City can "help ensure" but cannot "ensure" success of disaster and emergency responses.
- Helpful in some isolated instances to clarify between "city" the local government and "city" the geographical area (i.e. city of Kirkland). The code reviser will lower case all references to "city."
- Updated term under state law is "comprehensive emergency management plan." "Essential functions" considered more descriptive and less ambiguous than "government programs."

Section 3.20.030

- This unit of City government now referred to as an "office" rather than a "division."
- The presently referenced WAC provision has been repealed.

Section 3.20.040

- The added sentence related to the appointment of an Emergency Manager by the Fire Chief, subject to the City Manager's approval, has been added to conform to current City practice.

Section 3.20.050

- Chapter 118-07 WAC has been re-codified as Chapter 118-30 WAC.
- In this context, "ensure" is a better term than "insure."

Section 3.20.060

- The former emergency coordination center ("ECC") is now referred to as the emergency operations center ("EOC").
- There no longer exists a crisis action team ("CAT").
- Incident commanders ("IC's") vary depending on the type and scale of an incident and are deployed in the field. ICs would not have a role overseeing operations from the EOC, which is the role of the Emergency Manager under the direction of the Director of Emergency Services (i.e. Fire Chief).

Section 3.20.070

- Considered helpful to include state law language conferring broad authority (together with specific examples) of City to response to disasters and other emergencies without regard to time-consuming procedures and formalities otherwise required by law.

Section 3.20.080

- City now has an emergency management action team ("EMAT"), which has replaced the former emergency management task force ("EMTF").
- Membership of the EMAT has been modified to reflect current EMAT practice, including additions of City Attorney and Communications Manager.

Section 3.20.090

- Amends confusing, and two-tiered and in some instances antiquated "ratification of actions" language. The City Manager is ultimately responsible to the City Council for the City's response to an incident or other emergency. The City Manager will be expected to act immediately and likely before the Council will be able to meet. The intent of this amended section is to make it clear that the City Manager is expected to act

immediately, subject to action by the Council, including a ratification of prior acts, as soon as practicable.

Section 3.20.110

- Cleans up internal references to the emergency management compensation board, a creature of state law, and establishes board membership as appropriate to a council-manager form of government (e.g. in addition to a Councilmember, City Manager rather than Mayor is a board member, as under council-manager form of government the city manager is a city's chief executive officer).

DRAFT

ORDINANCE _____

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

WHEREAS, the City of Kirkland ("City") is in the process of enhancing its planning and ability to respond to natural, human-made or technological disasters; and

WHEREAS, as part of such process the City is developing plans providing for Continuity of Operations ("COOP") and Continuity of Government ("COG"); and

WHEREAS, Kirkland Municipal Code ("KMC") Chapter 3.20 related to emergency management includes provisions that no longer reflect City practices and therefore need to be revised to help meet the City's emergency response needs, including through successful implementation of the COOP and COG plans (collectively, "Plan").

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

Section 1. Kirkland Municipal Code Section 3.20.010 is amended to read as follows:

3.20.010 Definitions.

For the purposes of this chapter the following terms shall have their ordinary meaning and, in addition:

(a) "Emergency or disaster" means an incident event or set of circumstances which:

(1) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or

(2) Reaches such a dimension or degree of destructiveness as to warrant the proclamation declaration of a state of emergency.

(b) "Emergency management" means the preparation for and the carrying out of all emergency services and functions to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid those victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, human-made or technological, ~~or man-made~~, and to provide support for search and rescue operations for persons and property in distress.

Section 2. Kirkland Municipal Code Section 3.20.020 is amended to read as follows:

3.20.020 Purpose.

Because of the possibility of the occurrence of emergencies or disasters of unprecedented size and destructiveness, and in order to help ensure that preparations of the city will be adequate to deal with such disasters, and generally to protect the public peace, health, and safety, and to preserve the lives and property of the people of the city of Kirkland, it is the purpose of this chapter to provide for emergency management in

~~the city in accordance with the city's comprehensive emergency management plan providing of Kirkland and to create an emergency management plan to provide for coordination of the city's emergency management and other essential government functions city of Kirkland's emergency management with other government programs.~~

Section 3. Kirkland Municipal Code Section 3.20.030 is amended to read as follows:

3.20.030 Office Division created.

There is hereby created, within the fire department, an office ~~a division~~ of emergency management to perform emergency management functions. The office division of emergency management is the city's city ~~of Kirkland's~~ local organization for emergency management for the purposes of RCW 38.52.070. ~~For purposes of state regulation WAC 118-06-050(1)(b)(i), it is hereby specified that the division of emergency management represents only the city of Kirkland.~~

Section 4. Kirkland Municipal Code Section 3.20.040 is amended to read as follows:

3.20.040 Director.

The office division of emergency management shall be headed by the director of emergency services. The city manager shall appoint the fire chief as the director of emergency services. The director of emergency services shall be directly responsible to the city manager for the organization, administration, and operation of the office of emergency management ~~division~~. The director of emergency services shall appoint an emergency manager subject to approval of the city manager.

Section 5. Kirkland Municipal Code Section 3.20.050 is amended to read as follows:

3.20.050 Comprehensive emergency Emergency management plan.

The director of emergency services shall create and maintain the city's comprehensive an emergency management plan ~~which will also serve as the city of Kirkland's comprehensive emergency operations plan as described in Chapter 118-30 118-07 WAC. The city manager shall ensure~~ insure that the city ~~of Kirkland~~ executes its comprehensive emergency management plan in the event of disaster and operates in accordance with said plan.

Section 6. Kirkland Municipal Code Section 3.20.060 is amended to read as follows:

3.20.060 EOC ECC.

The comprehensive emergency management plan shall provide for activation of the city's emergency operations center (EOC) ~~emergency coordination center (ECC) or a crisis action team (CAT)~~. Operation of the EOC ECC shall be under the direction of the director of emergency services by and through the emergency manager, incident commander (IC). ~~The emergency management plan shall provide for the designation of the IC, who will normally be the fire chief, the police chief, or the director of public works.~~

Section 7. Kirkland Municipal Code Section 3.20.070 is amended to read as follows:

3.20.070 Emergency powers.

In the event of an emergency or disaster coming within the scope of this chapter, the city of Kirkland shall have the broadest authority and greatest discretion consistent with state law ~~the laws of the city of Kirkland and of the state of Washington~~ with respect to emergency response and operation. These powers include, but are not limited to, those provided for in RCW 38.52.070; namely, the authority to act in light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of funds.

Section 8. Kirkland Municipal Code Section 3.20.080 is amended to read as follows:

3.20.080 Emergency management action team ~~task force~~.

There is hereby established an emergency management action team (EMAT), ~~task force (EMTF)~~ which shall be composed of at least the following: director of emergency services, emergency manager, city attorney, communication manager, and one representative from each city department. The EMAT shall support the activities of the office of emergency management to help ensure that all city departments are prepared to help respond to needs in the city of Kirkland during and after a disaster ~~members of the city council, the city manager or designee; members of the CAT; the city attorney or designee; and the public information officer. The emergency management plan shall provide for meetings of the EMTF as a work group, meaning those members of the EMTF available to meet, as needed, shall for such meeting, be the EMTF work group. The city manager or designee shall chair the EMTF work group. The EMTF shall have as one of its functions, liaison to members of the city council who were not present at a work group meeting. Work group meetings may be called to address questions or implications of public health, safety and welfare relative to a disaster situation, particularly disaster recovery.~~

Section 9. Kirkland Municipal Code Section 3.20.090 is amended to read as follows:

3.20.090 Ratification of actions.

The incident commander shall have the authority to act on behalf of the city council, the mayor, and/or the city manager, subject to ratification as soon as is practicable. The city manager shall have the authority to take action on behalf of the city in the event of an emergency or disaster subject to ratification by the city council as soon as practicable ~~council and/or the mayor pursuant to the emergency management plan, subject~~

~~to ratification by the EMTF work group, the city council and/or the mayor.~~

Section 10. Kirkland Municipal Code Section 3.20.110 is amended to read as follows:

3.20.110 Emergency management compensation board.

There is hereby established an emergency management compensation board for the processing of claims arising from emergency management related activities. This board shall function as provided for in the emergency management plan and be guided by applicable state law such as RCW 38.52.210(2) through 38.52.260. The ~~emergency management claims compensation~~ board shall be composed of: one councilmember selected by the council; the city manager; the director of emergency services; the emergency manager; and the city attorney. The councilmember shall serve as the chair of the ~~compensation~~ board and the emergency manager ~~director of emergency services~~ shall serve as secretary of the board.

Section 11. Kirkland Municipal Code Section 3.20.120 is hereby repealed.

Section 12. 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 13. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2017.

Signed in authentication thereof this ____ day of _____, 2017.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

[CITY OF KIRKLAND LETTERHEAD]DRAFT CITY MANAGER SUCCESSION AND DELEGATION ORDER

AN ORDER dated _____, delegating authority when the City Manager is absent and designating a line of succession in the event of a vacancy in the position of City Manager.

WHEREAS, I, Kurt Triplett, and the duly appointed City Manager for the City of Kirkland ("City"), having assumed such position on _____; and

WHEREAS, from time to time the City Manager may be absent from the city of Kirkland or otherwise unavailable to sign official documents or take other official actions; and

WHEREAS, it sometimes will be necessary during those occasions for various official documents to be signed to carry on the City's business and for various orders and directions to be given on behalf of the City Manager; and

WHEREAS, the City Manager may be unavailable to direct implementation of the City's Comprehensive Emergency Management Plan, as well as its Continuity of Operations ("COOP") and Continuity of Government ("COG") plans, in response to a natural, human-made or technological disaster or other emergency affecting the city of Kirkland; and

WHEREAS, it is necessary to satisfy federal and state law requirements directing that the City designate the names of those responsible for implementing such plans in the event of a such a disaster or other emergency; and

WHEREAS, in the event of an emergency Chapter 3.20 Kirkland Municipal Code delineates the role of the City Manager in the event of a disaster or other emergency affecting the city of Kirkland.

NOW, THEREFORE, I, Kurt Triplett, City Manager, do hereby order and direct that the following individuals are designated to act on my behalf and in my absence and delegate to each my powers and duties to be assumed and carried out, in the following order, by:

- (1) Deputy City Manager: _____
- (2) Deputy City Manager: _____
- (3) City Attorney: Kevin Raymond
- (4) Public Works Director: Kathy Brown
- (5) Planning and Building Director: Eric Shields
- (6) Finance and Administration Director: Michael Olson

FURTHERMORE, I officially designate the following individuals, in the order listed, to serve as interim City Manager in the event of a vacancy in the position of City Manager until such position is filled by the City Council:

- (1) Deputy City Manager: _____
- (2) Deputy City Manager: _____
- (3) City Attorney: Kevin Raymond

- (4) Public Works Director: Kathy Brown
- (5) Planning and Building Director: Eric Shields
- (6) Finance and Administration Director: Michael Olson

NOW, THEREFORE, I, Kurt Triplett, City Manager, do hereby order and direct:

Dated and effective this ____ day of _____, 2017.

Kurt Triplett
City Manager

Attest:

Kathi Anderson
City Clerk



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Lorrie McKay, Intergovernmental Relations Manager
Date: July 21, 2017
Subject: SPECIAL PRESENTATION – REPRESENTATIVE SHELLEY KLOBA

RECOMMENDATION:

Council should receive a debriefing on the 2017 legislative session from Representative Shelley Kloba.

BACKGROUND DISCUSSION:

Following incumbent Luis Moscoso's decision not seek re-election to the House of Representatives in the 1st Legislative District, Shelley Kloba, Kirkland resident and former member of the Kirkland City Council, ran for and was elected in the November 2016 general election to serve a two-year term in the House.

Rep. Kloba's experience as a Kirkland City Councilmember for two years, coupled with her prior experience, passion and advocacy for education and human services issues, positioned her well for her committee assignments in Olympia this past session. She serves as the vice-chair of the House Commerce & Gaming committee, and as vice-chair of the Technology & Economic Development committee. She also serves on the House Transportation Committee. Representative Kloba was the primary sponsor of 10 pieces of legislation, and was the secondary sponsor of over 70 additional bills.

From the first day of the 2017 session, Representative Kloba stood in strong support of the City's 2017 legislative priorities, two of which she championed in the House. For example, Rep. Kloba was the prime sponsor of the House version of the bill to allow local jurisdictions the option to set a lower taxing limit for a Metropolitan Park District (MPD). Because the senate version (SB 5138) moved through the senate's process first, Rep. Kloba helped to successfully shepherd it through the House. SB 5138 was signed by the Governor in May and became effective law in July. Also, from the day the 2017 session opened, Rep. Kloba took the lead in advocating for funding for the Basic Law Enforcement Academy (BLEA) in the state's operating budget. She also worked hard to ensure funding for BLEA was included in the supplemental operating budget. Rep. Kloba's efforts were successful as both the supplemental and operating budgets passed with Kirkland's recommended BLEA funding support levels.



CITY OF KIRKLAND
Human Resources Department
123 5th AVE, Kirkland, WA 98033 425.587-3210
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: James Lopez, Director of Human Resources and Performance Management
Date: July 26, 2017
Subject: Performance Management—Core Values Video

RECOMMENDATION

Receive background and a viewing of the "Core Values Video" for employees which is now being used as part of the City's performance management system. The video link is below.

http://kirkland.granicus.com/MediaPlayer.php?view_id=41&clip_id=3563

BACKGROUND

The purpose of this memorandum is to give the council a brief history concerning the creation of Kirkland's "Core Values Video", an award winning¹ internal production that describes those qualities that makes the City's work experience so unique and special. The Core Values Video was created over the course of several years and represents a significant management team collaboration. The content in the video was performed by City staff, and representatives from every department played a role in delivering its core message.

The video, which is slightly over 4 minutes, provides a detailed narrative of those values and qualities that the management team concluded differentiate the City's workforce from other organizations. There are four Core Values that define Kirkland Employees:

We Work Hard;
We Work Together;
We Take Initiative;
We Care!

¹ The City was selected for a 2017 Telly Award (Bronze) for the category of "Non-Broadcast Productions: Employee Communications." The City is also a Finalist for the 2017 National Association of Telecommunications Officers and Advisors (NATOA) Government Programming Awards for the category of "Instruction/Training".

It is important to note that the values and messages were chosen from a process that identified existing characteristics of current and former employees who were high performers and collaborative team players with a strong work ethic. In short, the process was descriptive, not prescriptive. The key message is “this is who we are, and how we operate,” not “who we hope to be someday.”

The idea of creating this list of core values was introduced as part of the City’s overall performance management program launched at the 2013 management retreat. The performance management program was split into two initiatives. The first focused on the development of the City’s strategic anchors and performance dashboard. The second, on the core values of the organization and the human capital side of performance. The Core Values Video is a key deliverable from the second initiative.

At the 2013 retreat, the entire management team engaged in a facilitated process of identifying the City’s core values. From that first meeting, key concepts such as focus, collaboration, accountability and responsiveness were identified for further exploration. Following the retreat, a smaller working group² was tasked with developing those concepts to further define the message. Once the group finished its work, including providing additional descriptive language to help clarify the concepts³, the working group returned to the 2014 management retreat and presented its proposals. Following the 2014 retreat, senior leadership approved the messages and the communication phase of the project was underway.

The video, which is a key part of the communication effort, had no identified funding, so staff created an internal production team with a work program that maximized resources on an extended timeline. Officially naming themselves “Other Duties As Assigned Productions”, members of the Production Team are Terrance Creighton, Rob Mullin, Dimitri Ancira, Mike Connor, Inga Hyche and James Lopez. Building on the work of the leadership team, the production team set a story board, crafted a script and created a flexible shooting schedule. One of the key decisions made by the production team was to give all City staff the opportunity to participate. As a result, most of the participants in the video responded to a “casting call” open to all City employees. A first draft of the video was presented at the 2015 management retreat, and after receiving feedback, the final version was completed this year.

SUMMARY AND NEXT STEPS

The Core Values Video hopes to accomplish the critical goal of communicating *clarity* on the importance of these workplace values, and will be part of a continued City-wide effort to acknowledge, reward and hire to these values. The video itself is scheduled to be shown as part of the new hire orientation process and will soon be loaded on the City’s learning management system as a supplement to the performance evaluation program.

City leadership will also be integrating the core values as a key criteria in several critical areas such as employee performance evaluations, the awards recognition program at employee appreciation day, the City’s hiring process and as a basis for promotion inside the organization.

² Members of the leadership working group consisted of Lorrie McKay, Tom Phillips, Bobbi Wallace, Aimee Vance, Ellen Miller-Wolf and James Lopez

³ The descriptive language eventually helped shape the script for the video

As remarked by noted author Patrick Lencioni, "The single greatest advantage any company can achieve is organizational health."⁴ Lencioni goes on to clarify that "an organization has integrity-is healthy- when it is whole, consistent, and complete, that is, when its management, operations, strategy and culture fit together and make sense."⁵ In order to cultivate and maintain a healthy productive workforce, it is critical to acknowledge what makes a workforce so special and reward those values as part of the core strategic focus of the organization. The Core Values Video is intended to help accomplish that goal.

⁴ Patrick Lencioni, *The Advantage: Why Organizational Health Trumps Everything Else In Business*

⁵ *Id.*



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
July 18, 2017

1. CALL TO ORDER

Mayor Walen called the study session to order at 6:00 p.m. and the regular meeting to order at 7:35 p.m.

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Animal Services Update and Proposed Animal Control Ordinances

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Police Chief Cherie Harris, Senior Assistant City Attorney Stephanie Croll and Intergovernmental Relations Manager Lorrie McKay.

4. EXECUTIVE SESSION

Mayor Walen announced at 7:03 p.m. that Council would enter into executive session to discuss potential litigation and would return at 7:30 p.m. At 7:28 p.m., City Clerk Kathi Anderson announced that Council would require an additional five minutes and would return to the Chamber at 7:35 p.m., which they did. Also attending the session were City Attorney Kevin Raymond, Senior Assistant City Attorney Stephanie Croll, City Manager Kurt Triplett, Deputy City Manager Marilynne Beard, Planning and Building Director Eric Shields, and Public Works Director Kathy Brown.

a. To Discuss Potential Litigation

5. HONORS AND PROCLAMATIONS

a. 2017 Governor's Smart Communities Award Presentation

Washington State Department of Commerce Senior Planner Valerie Smith, representing Governor Jay Inslee, presented the award for the Areté Mixed-Use Development to Natural and Built Environment Developers Robert Pantley and Angela Rozmyn. Development Services Planning Manager Jeremy McMahan and Washington State Representatives Roger Goodman, Vandana Slatter and Joan McBride were also in attendance.

6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience

Molly Working
Nives Stanfelj
Rick Bodlaender
John Medunic
Susan Vossler
Claire Koenig
Janice Gerrish
Nancy Bernard
Larry Maurer
Cindy King

- c. Petitions

7. SPECIAL PRESENTATIONS

- a. 2017 Legislative Session Debrief

As the legislature is still in session, Representative Vandana Slatter was rescheduled to a future meeting.

- b. Public Records Disclosure Semi-Annual Report

Deputy City Clerk Ana Campbell provided the report to Council and responded to Council questions.

8. CONSENT CALENDAR

- a. Approval of Minutes

The Kirkland City Council meeting minutes of July 5, 2017 were approved via approval of the Consent Calendar.

- b. Audit of Accounts:
Payroll \$3,195,764.53
Bills \$3,237,155.28
run #1633 checks #612459 - 612580
run #1634 checks #612582 - 612721

- c. General Correspondence

d. Claims

Claims received from Enterprise Damage Recovery Unit, Granger Insurance Corp. for Thomas Foy, and Paul Onofrei were acknowledged via approval of Consent Calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) NE 85th Street Corridor Improvement Project

Council accepted the work on the NE 85th Street Corridor Improvement Project, as completed by Johansen Excavating, Inc., of Buckley, WA, thereby establishing the statutory lien period and authorized the return of all remaining funds to the appropriate sources for this project with multiple funding sources, including returning \$305,856 to REET 2 reserves to supplement the 2017 Striping, Park Lane, and ITS Phase II projects, via approval of the Consent Calendar.

(2) Park Lane Pedestrian Corridor Enhancements Phase 2 & Water Main Replacement Project

Council accepted the work on the Park Lane Pedestrian Corridor Enhancements Phase 2 & Water Main Replacement Project, as completed by Marshbank Construction Inc., of Lake Stevens, WA, thereby establishing the statutory lien period and approved a budget adjustment by returning \$129,629 in surface water funding to the Surface Water Construction Reserves and adding \$67,361 in REET 2 Reserves from the NE 85th Street project to close-out the non-motorized element of the project via approval of the Consent Calendar.

g. Approval of Agreements

(1) Resolution R-5260, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH NATIONAL COOPERATIVE PURCHASING ALLIANCE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

h. Other Items of Business

(1) Ordinance O-4583, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARKS AND RECREATION."

(2) ITS Implementation Phase II – Project and Budget Update

This item was pulled from the Consent Calendar for consideration under New Business, item 11.d.

(3) Report on Procurement Activities

Councilmembers commented on the completion of important projects on 85th Street and Park Lane, and requested a follow up from staff on claims related to City vehicle accidents.

Motion to Approve the Consent Calendar, with the exception of item 8.h.(2)., which was pulled for consideration under New Business, item 11.d.

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. Houghton/Everest Neighborhood Center Discussion and Direction

Senior Planner Angela Ruggeri provided information responsive to the remaining questions asked at the June 6, 2017 City Council study session relating to the Houghton/Everest Neighborhood Center Plan amendments and received Council feedback.

Motion to Request that the Houghton Community Council and the Planning Commission provide recommendations on allowing residential suites on city-owned property, as amended.

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

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

Motion to Amend the motion to include an analysis of increasing the density of residential units on city owned property.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

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

Motion to Request that the Houghton Community Council and the Planning Commission also provide recommendations on allowing residential suites on the property to the north, also known as the Waddell property.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Doreen Marchione

Vote: Motion carried 5-2

Yes: Deputy Mayor Jay Arnold, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

No: Councilmember Dave Asher, and Councilmember Jon Pascal.

Council recessed for a short break.

b. Annual Striping Program (2017 Project) - Budget Adjustment

Motion to Approve a project budget adjustment of \$100,000 using REET 2 reserves returned from the N.E. 85th Street Project in order to provide additional thermoplastic pavement markings throughout the City as part of the 2017 Annual Striping Program.

Moved by Councilmember Dave Asher, seconded by Councilmember Jon Pascal

Vote: Motion carried 7-0

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

11. NEW BUSINESS

a. Purchase of Affordable Housing Unit, Plaza on State Condominiums

Motion to Authorize the expenditure of up to \$230,000 from Affordable Housing In-Lieu Fees for the purchase and resale of an existing affordable housing unit in the Plaza On State condominiums.

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

b. Request from RJB Wholesale, Inc. for Totem Lake Land Use Change

Motion to Include the request from RJB Wholesale, Inc. for consideration of a Totem Lake Comprehensive Plan amendment as part of the Planning Commission's 2017 Work Program.

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

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

c. Holmes Point Overlay Moratorium Ordinance Options

Senior Planner Janice Coogan provided an overview of the ordinances for Council consideration and responded to Council questions.

- (1) Ordinance O-4584 and its Summary, Establishing a Moratorium Within the Holmes Point Overlay Zone on the Acceptance of Applications for Short Plats and Subdivisions Proposing Phased Review of Tree Retention Plans and Requiring Comprehensive Review of Tree Retention Plans With Short Plat or Subdivision Applications in the Holmes Point Overlay Zone Via an Integrated Development Plan (IDP), File CAM17-00408.

Motion to Approve Ordinance O-4584 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND, ESTABLISHING A MORATORIUM WITHIN THE HOLMES POINT OVERLAY ZONE ON THE ACCEPTANCE OF APPLICATIONS FOR SHORT PLATS AND SUBDIVISIONS PROPOSING PHASED REVIEW OF TREE RETENTION PLANS AND REQUIRING COMPREHENSIVE REVIEW OF TREE RETENTION PLANS WITH SHORT PLAT OR SUBDIVISION APPLICATIONS IN THE HOLMES POINT OVERLAY ZONE VIA AN INTEGRATED DEVELOPMENT PLAN (IDP), FILE CAM17-00408."

Moved by Councilmember Dave Asher, seconded by Councilmember Jon Pascal

Vote: Motion carried 4-3

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

No: Councilmember Doreen Marchione, Councilmember Toby Nixon, and Mayor Amy Walen.

- (2) Ordinance O-4585 and its Summary, Establishing a Moratorium Within the Holmes Point Overlay Zone on the Removal of Significant Trees Associated With Development Activity in the Public Right of Way Except for Actions Undertaken by the City of Kirkland on a Capital Improvement Project, or Public or Private Utilities, or Trees that are a Safety Hazard or Public Nuisance, or When Failure to Allow Removal Would Deny All Economically Viable Use of a Subject Property.

Motion to Table Ordinance O-4585 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND, ESTABLISHING A MORATORIUM WITHIN THE HOLMES POINT OVERLAY ZONE ON THE REMOVAL OF SIGNIFICANT TREES ASSOCIATED WITH DEVELOPMENT ACTIVITY IN THE PUBLIC RIGHT OF WAY EXCEPT FOR ACTIONS UNDERTAKEN BY THE CITY OF KIRKLAND ON A CAPITAL IMPROVEMENT PROJECT, OR PUBLIC OR PRIVATE UTILITIES, OR TREES THAT ARE A SAFETY HAZARD OR PUBLIC NUISANCE, OR WHEN FAILURE TO ALLOW REMOVAL WOULD DENY ALL ECONOMICALLY VIABLE USE OF A SUBJECT PROPERTY."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

d. ITS Implementation Phase II - Project and Budget Update

Item 8.h.(2). was pulled from the Consent Calendar for consideration under New Business. Councilmember Pascal recused himself from consideration of the motion because he worked for the company that designed the project.

Motion to Approve an ITS Implementation Phase II project budget adjustment increase of \$80,000 using REET 2 reserve funds returned from the N.E. 85th Street project.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

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

12. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding a recent Kirkland Business Roundtable meeting; a Sound Cities Association Public Issues Committee meeting; the upcoming City Hall for All event on July 29; the upcoming August 1st National Night Out events; noted that the August 1 Council meeting has been rescheduled to August 2nd; a Council Ad Hoc Transportation group meeting; a ribbon cutting at the Maelstrom Brewery in Totem Lake; a King County Emergency Management Advisory Committee meeting; a King County Regional Water Quality Committee meeting; a King County Metropolitan Solid Waste Management Advisory Committee meeting; Councilmember Sweet requested that the City Manager organize a mini-retreat around the issue of solid waste; an Eastside Transportation Partnership meeting; Deputy Mayor Arnold speech to the Rotary Club of Woodinville; Council agreed to refer an issue concerning development in rural areas on the border with Woodinville to the Legislative Committee for consideration; the Kirkland Uncorked event; and Council agreed to refer an issue concerning occupancy of Single Family zoned housing to the Planning and Economic Development Committee for consideration.

b. City Manager Reports

Deputy City Manager Marilynne Beard provided Council with an overview of the upcoming City Hall for All event on July 29. City Manager Kurt Triplett reported on a meeting on July 9 where he spoke with the Kirkland/Kenmore Indivisible group.

(1) Calendar Update

City Manager Kurt Triplett reported that a public hearing on the Holmes Point Overlay Moratorium Ordinance is scheduled for the September 5 council meeting; and that staff would begin to reach out to Council to schedule a mini-retreat on solid waste. Council agreed to Councilmember Nixon's request for a staff review of the tree ordinance and how it is working; and to a staff review of the rules around moorage limits.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of July 18, 2017 was adjourned at 10:23 p.m.

Kathi Anderson, City Clerk

Amy Walen, Mayor



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

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: July 25, 2017
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer 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) Paula Frederick
11736 NE 107th Pl
Kansas City, Missouri 64184

Amount: \$466.40

Nature of Claim: Claimant states damage to property resulted from a City owned tree falling onto fence.

- (2) Salon Featherly Suites LLC
13017 NE 85th Street
Kirkland, WA 98033

Amount: \$600.00

Nature of Claim: Claimant states damage resulted from faulty water meter readings due to water meters not being replaced after new water line installation on NE 85th.

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



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aparna Khanal, P.E., Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 14, 2017

Subject: 3RD AVENUE S & 2ND STREET S SEWERMAIN REPLACEMENT AND
2ND STREET S WATERMAIN REPLACEMENT PROJECT – ACCEPT WORK

RECOMMENDATION:

City Council to:

- Accept the work on the 3rd Avenue South & 2nd Street South Sewermain, and the 2nd Street South Watermain Replacement Project performed by Shoreline Construction Company, Woodinville, WA, thereby establishing the statutory lien period;
- Authorize the transfer of \$40,000 in Utility Project funds to the Street Preservation Program for the 2018 overlay of the two streets impacted by the utility work; and,
- Approve the return of \$190,743 in excess Project funds to the original Utility funding source.

By taking action on this memo during approval of the consent calendar, City Council is accepting the work for the Project, authorizing a transfer of Utility funds to Streets funding and authorizing the return of all remaining funds back to the Utility.

BACKGROUND DISCUSSION:

The Project provided water and sewer utility upgrades and improvements within a portion of 3rd Avenue South and 2nd Street South, in the Moss Bay Neighborhood (Attachment A). The work included the installation of approximately 780 feet of new 8-inch sanitary sewermain and 860 feet of new 8-inch ductile iron watermain, including all new water service lines, sewer lateral connections and all required right-of-way and site restoration efforts.

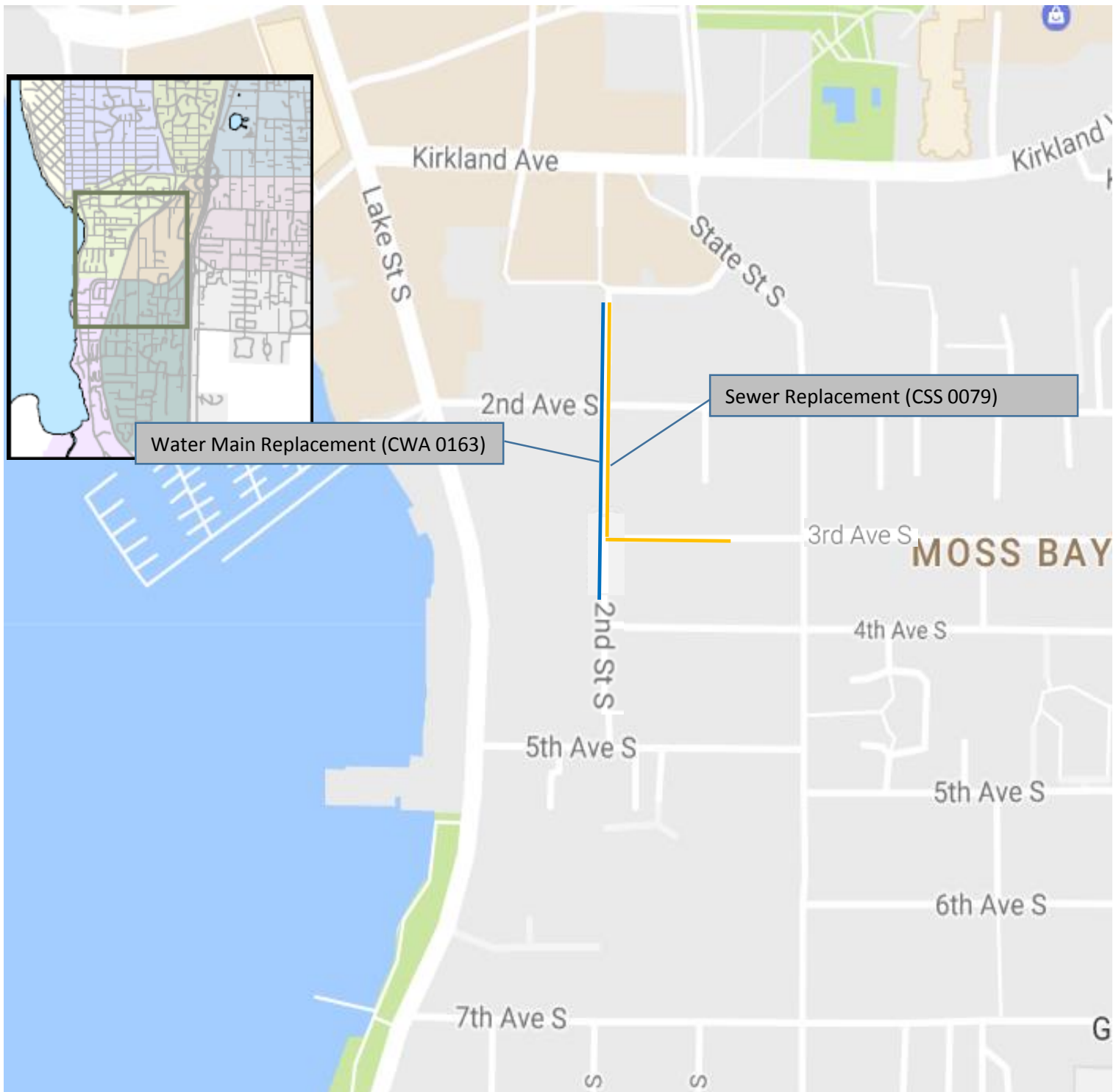
The Project impacted a high percentage of existing road surface and, as a result, a new asphalt overlay is required. In order to realize the best economy-of-scale for overall cost impacts for the replacement pavement work, it is recommended the Project contribute funds to the 2018 Street Overlay Project for the resurfacing of the street as part of that larger Annual Street Preservation Program. The cost for overlay is projected to be \$40,000 and staff recommends

City Council approval for transferring that amount from the Project to the Annual Street Preservation Program for the future overlay efforts.

At the meeting of March 7, 2017, City Council awarded the construction contract to Shoreline Construction in the amount of \$687,598.71. Construction began on March 29, 2017 and was physically complete on July 7, 2017. Through the execution of the contract, two contract change orders were issued. The first change order was for increasing the length and diameter of an existing storm drain pipe that was originally known to be in conflict with both of the new utilities. During the construction, however, it was discovered that City's GIS maps had incorrect pipe information and more and larger diameter pipe material was subsequently needed to resolve the conflict. The second change order was for additional wheelchair ramps in preparation for the street overlay in 2018. The total earned by the contractor for this Project was \$765,101.96. This amount was offset by lower than expected engineering costs and was well within the project contingency.

With all project costs accounted for, there remains a budget surplus of \$190,743 and staff is recommending the return of all surplus funds to the original Project funding source (Attachment B and C).

Attachment A – Vicinity Map
Attachment B – Project Budget Report
Attachment C – Fiscal Note



VICINITY MAP – 3rd AVE SOUTH AND 2ND STREET SOUTH
SEWER AND WATER MAIN PROJECT

3rd AVE SOUTH & 2ND STREET SOUTH - SEWER & WATER PROJECT (CSS 0079/CWA 0163)

Attachment B

PROJECT BUDGET REPORT

PHASE

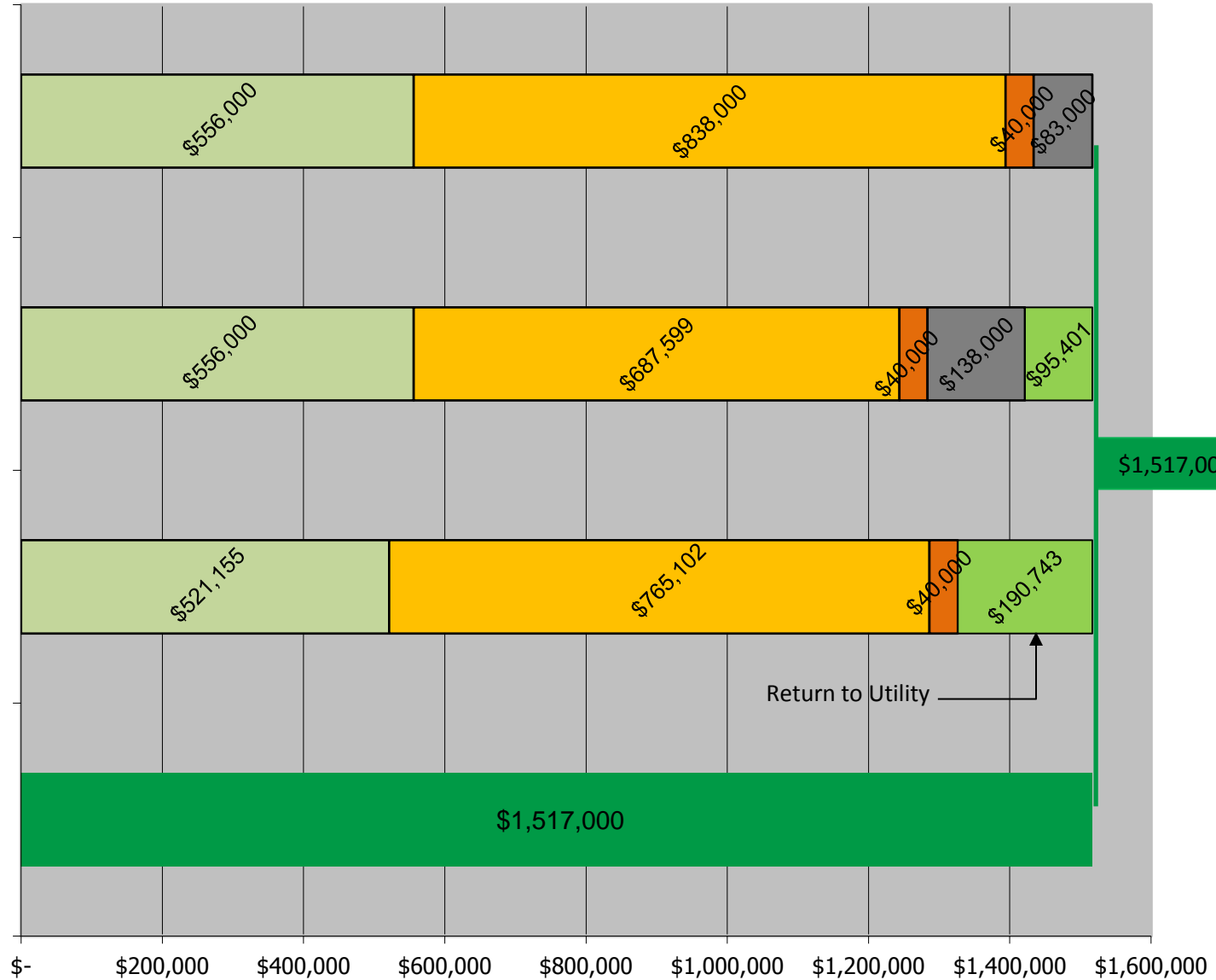
APPROVED BUDGET
(2017 - 2022 CIP)

AWARD
(spring 2017)

ACCEPT
(this memo)

FUNDING

- ENGINEERING
- CONSTRUCTION
- OVERLAY
- CONTINGENCY
- RETURN FUNDING
- UTILITY FUNDING



ESTIMATED COST

FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Kathy Brown, Public Works Director							
Description of Request							
<p>Authorize the transfer of \$269,647 from 3rd Avenue South and 2nd Street South Sewermain Replacement (CSS 0079), as part of the acceptance of work. Transfers are \$38,904 to 2nd Street South Watermain Replacement (CWA 0163), \$40,000 to 2018 Annual Street Preservation Project (CST 1806 000), and \$190,743 to Water Sewer Construction Reserve.</p>							
Legality/City Policy Basis							
Fiscal Impact							
<p>One-time transfer of \$40,000 to 2018 Annual Street Preservation Project (CST 1806). The project balance is able to fully fund this request.</p> <p>One-time transfer of \$38,904 to 2nd Street South Watermain Project (CWA 0163). The project balance is able to fully fund this request.</p> <p>One-time transfer of \$190,743 to the Water Sewer Construction Reserve. The project balance is able to fully fund this request.</p>							
Recommended Funding Source(s)							
	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve	Water/Sewer Construction	6,915,455	350,000	2,765,911	(190,743)	9,522,109	N/A
	<p>Prior authorized uses: \$100,000 for 2017 Water Systems Improvements (CWA 0154); \$250,000 for 1st Street Sewermain Replacement (CSS 0069).</p> <p>Prior authorized additions: \$2,621,953 from project closures adopted as part of the 2017 June adjustments; \$143,958 from closure of utility portions of N.E. 85th Street Projects.</p>						
Revenue/Exp Savings	Unspent project balance in 3rd Avenue South and 2nd Street South Sewermain Replacement (CSS 0079).						
Other Source							
Other Information							
Prepared By	George Dugdale, Senior Financial Analyst				Date	July 24, 2017	



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: George Minassian, P.E., Senior Project Engineer
Dave Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 20, 2017

Subject: ANNUAL STREET PRESERVATION PROGRAM
2016 PHASE II STREET OVERLAY PROJECT – ACCEPT WORK

RECOMMENDATION:

City Council to:

- Accept the work on the 2016 Street Preservation Program – 2016 Phase II Street Overlay Project performed by Watson Asphalt Paving Co, Inc., of Redmond, WA, thereby establishing the statutory lien period; and,
- Authorize the use of surplus 2016 Street Preservation funds for use on the 2018 Street Preservation Program.

By taking action on this memo during approval of the consent calendar, City Council is accepting the contract work completed for the 2016 Phase II Street Overlay Project and authorizing the use of the surplus funds.

BACKGROUND DISCUSSION:

The 2016 Street Overlay Project is Phase II of the Annual Street Preservation Program for the maintenance and rehabilitation of the City's street network. The Project included subgrade preparation and repair, asphalt grinding, and the application of a new surface layer of asphalt. The 2016 Street Overlay Project included seven schedules of work resulting in the resurfacing of approximately 10 lane miles of roadway (Attachment A).

Phase I of the Annual Street Preservation Program was the Curb Ramp & Concrete Repairs Project, which was accepted by the Council at its November 1, 2016 meeting. The Phase III Project of the Annual Program is the Slurry Seal Project, which was also accepted by the Council at the January 3, 2017 meeting.

The total budget for the 2016 Annual Street Preservation Program is a combination of two revenue sources, the base CIP funding and Proposition 1 Levy funds, as follows:

Revenue Source	Amount
2013-2018 base CIP	\$1,750,000
Prop 1 Levy funds	\$2,300,000
TOTAL	\$4,050,000

At its regular meeting of June 7, 2016, Council awarded the 2016 Street Overlay Project to Watson Asphalt Paving Co., Inc., in the amount of \$2,277,411.30. Construction began on August 8, 2016 and the work was physically complete on June 12, 2017 after enduring a winter-weather suspension of the construction activities.

The total of all payments made to the contractor was \$2,080,481.01 with the reduced contract amount due to bid item quantities being less than originally estimated. With all costs known for all three phases of the Annual Street Preservation Program, the currently anticipated expenses for the entire 2016 Street Preservation Program are as follows:

Phase	Status	ORIGINAL Amount	FINAL Amount
	TOTAL BUDGET	\$4,050,000	\$4,050,000
Phase I Curbs and Ramps	Accepted 11/1/2016	(\$486,165)	(\$471,790)
Phase II Street Overlay	Accept – This Memo	(\$2,277,411)	(\$2,080,481)
Phase III Slurry Seal	Accepted 1/3/2017	(\$390,000)	(\$211,997)
Eng., Admin., Inspect., Outreach	Complete	(\$680,000)	(\$670,743)
Milling Machine Contribution	Complete	(\$155,919)	(\$82,152)
	Remaining Balance	\$60,505	\$532,837

The 2016 Street Overlay Project (Phase II) is the final Phase for the 2016 Street Preservation Program. With City Council's acceptance of the work on this Project, together with all changes from all Phases presently accounted for, over \$530,000 remains in the overall budget and staff recommends all remaining funds be transferred to the 2018 Street Preservation Program. (Attachments B and C). Through a continual improvement process, staff evaluates the performance of the program each year and seeks innovative and effective ways to use all budgeted funds for Street Preservation in the year they are programmed.

Attachment A: Vicinity Map

Attachment B: Project Budget Report – Phase II

Attachment C: Fiscal Note

2016 Street Overlay Project/CST1606

ATTACHMENT A

Schedule B
84th Ave NE

Schedule C
132nd Ave NE

Schedule G
100th Ave NE

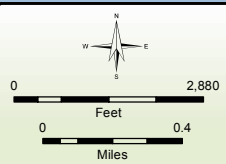
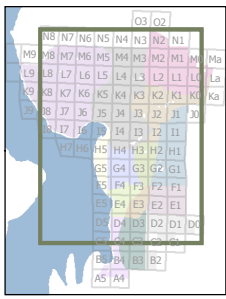
Schedule E
93rd Ave NE

Schedule F
Slater Ave NE

Name	From	To	Length
84th Ave NE	NE 136th St	NE 145th St	<i>to the City Limits</i>
132nd Ave NE	NE 137th St	NE 143rd St	<i>to the City Limits</i>
100th Ave NE	NE 124th St	NE 132nd St	
93rd Ave NE	Juanita Drive	NE 124th St	
Slater Ave NE	NE 116th St	NE 120th St	
NE 60th St	116th Ave NE	Ben Franklin ES	<i>Starts from east of ES</i>

Schedule D
NE 60th St

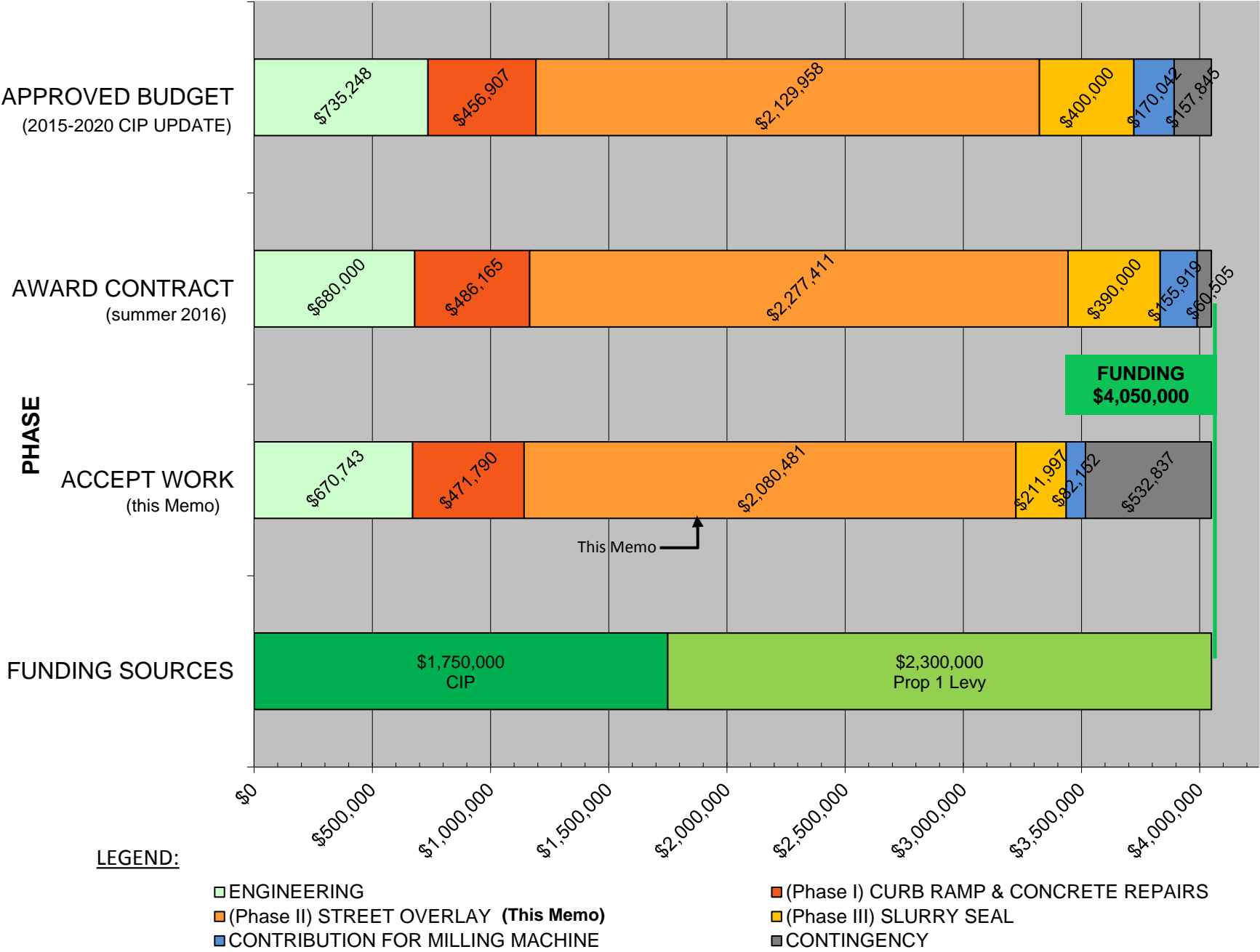
- CIP
- LEVY
- Parks / Open Spaces
- Schools
- Cross Kirkland Corridor
- City Limits



Author: Name In Map Doc Properties
Name: 2016 Overlay Council
Date Saved: 5/20/2016 5:17:44 PM

Project Budget Report
2016 Street Overlay Project
(ST-1606)

Attachment B



FISCAL NOTE*CITY OF KIRKLAND*

Source of Request														
Kathy Brown, Public Works Director														
Description of Request														
<p>Authorize a combined increase of \$532,837 for the 2018 Annual Street Preservation Program (CST 1806 000) and 2018 Street Levy Street Preservation (CST 1806 003) projects, using remaining fund balance from the 2016 Annual Street Preservation Program (CST 1606 000) and 2016 Street Levy Street Preservation (CST 1606 003) projects.</p>														
Legality/City Policy Basis														
Fiscal Impact														
<p>An increase of \$186,567 in REET 2 funding for the 2018 Annual Street Preservation Program (CST 1806 000). The remaining balance in the 2016 Annual Street Preservation Program (CST 1606 000) is able to fully fund this request.</p> <p>An increase of \$346,270 in Street Levy funding for the 2018 Street Levy Street Preservation Program (CST 1806 003). The remaining balance in the 2016 Street Levy Street Preservation Program (CST 1606 003) is able to fully fund this request.</p>														
Recommended Funding Source(s)														
Reserve	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target							
Revenue/Exp Savings	<p>Unspent funding of \$186,567 in 2016 Annual Street Preservation Program (CST 1606 000). Remaining funding in this project is REET 2.</p> <p>Unspent funding of \$346,270 in 2016 Street Levy Street Preservation Program (CST 1606 003). This project is funded with Street Levy funding.</p>													
Other Source														
Other Information														

Prepared By	George Dugdale, Senior Financial Analyst	Date	July 21, 2017
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CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lane Kawaoka, P.E., Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 20, 2017

Subject: ANNUAL AGING/FAILING INFRASTRUCTURE REPLACEMENT PROJECT
ACCEPT WORK

RECOMMENDATION:

City Council to:

- Accept the work on the Annual Aging Infrastructure Replacement Project, as completed by Iron Creek Construction, Inc., of Issaquah, WA, in the amount of \$79,588.47, thereby establishing the statutory lien period; and,
- Approve the return of excess Project funds to the original Utility funding source.

By taking action on this memo during approval of the consent calendar, City Council is accepting the work for Aging/Failing Infrastructure Replacement Project and authorizing the return of all remaining funds to the Surface Water Construction Reserves.

BACKGROUND DISCUSSION:

The Annual Aging/Failing Infrastructure Replacement Project is for the regular replacement of Surface Water Utility infrastructure that has surpassed its expected and useful service life and/or is experiencing other system failures. The subject Project is to remediate a failed pipe and resultant sinkhole by installing approximately 300 feet of new stormwater poly-vinyl chloride (PVC) pipe along a portion of 111st Ave NE, in the North Juanita Neighborhood (Attachment A).

The design phase for the subject Project began in 2015, however, due to environmental review and a number of required design iterations, the final design was completed in 2016. Typically, for smaller projects, it is common to have a relatively high percentage (30% to 40%) of the total budget to be spent "soft costs," including design, inspection, construction management and in-house administrative costs. For the subject Project, the length of time and effort to get to the preferred design option resulted in an even higher percentage (approximately 50%) for soft costs compared to the total of all Project expenses, as shown on the Project Budget Report (Attachment B).

The Annual Replacement of Aging/Failing Infrastructure Program is an approved CIP Project with \$200,000 per year in funding. For the current Project, City Council approved the carrying forward of a remaining \$38,658 from the prior year's project. The resultant is a total budget of \$238,658 for the current Project.

At the City Council meeting of January 3, 2017, a construction contract was awarded to Iron Creek Construction, LLC, in the amount of \$87,045.00. The work began on February 13 and was physically complete on May 5, 2017. A total of \$79,588.47 was earned by the Contractor with the \$7,457 contract reduction due to material quantities being less than estimated.

With current total Project expenses estimated to be near \$194,000 and a total budget of \$238,658 there is current budget surplus on the order of \$44,000 (Attachment B and C). At the completion of the Project close-out processes, after all related close-out expenses are known, staff recommends returning all remaining funds from the subject Project to the Surface Water Construction Reserves to be available for future surface water project needs.

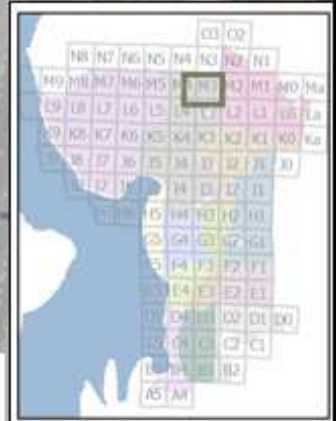
Attachments A – Vicinity Map

Attachment B – Project Budget Report

Failed pipe abandoned
and sink hole repaired

Location of New 300'
Pipe Tie into existing
storm system

I-405

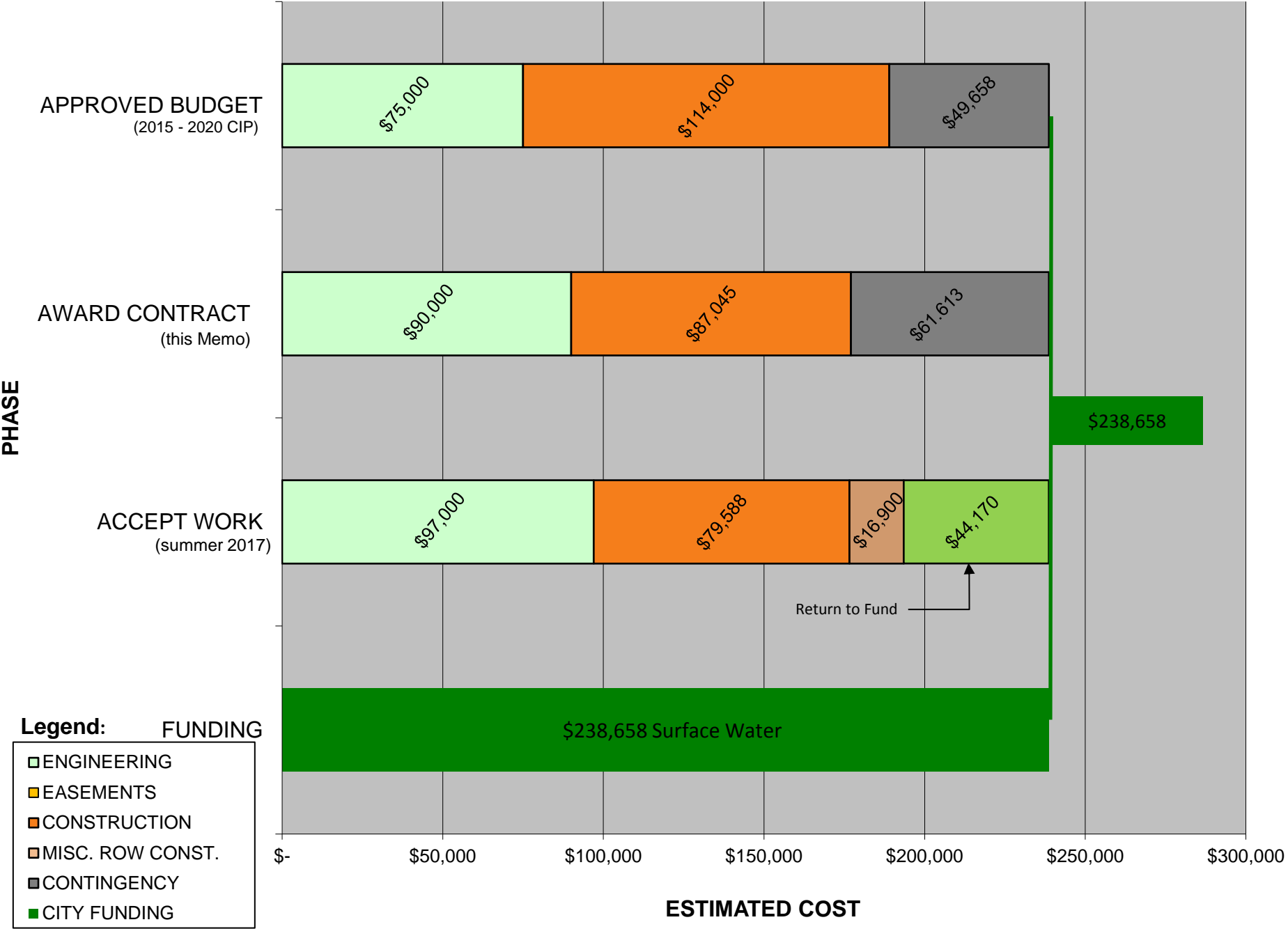


Area Map

Juanita
Creek



2015 Annual Aging/Failing Infrastructure Replacement Project
Project Budget Report



FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Kathy Brown, Public Works Director							
Description of Request							
Approve the return of \$44,170 to Surface Water Construction Reserves, following acceptance of work on the 2015 Annual Aging Infrastructure Project (CSD 1547 000).							
Legality/City Policy Basis							
Fiscal Impact							
One-time addition of \$44,170 to Surface Water Construction Reserve.							
Recommended Funding Source(s)							
	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve	Surface Water Construction	2,658,105	553,605	1,216,382	(44,170)	3,365,052	
	<p>Prior uses of \$553,605 for Juanita Creek Rockery Replacement project (CSD 0067), Juanita Drive Quick Wins (CNM 0090), and Holmes Point Drive Storm Drain Replacement (CSD 0091).</p> <p>Prior additions of \$1,216,382 from CIP project closures adopted as part of the June 2017 adjustments, Park Lane Pedestrian Improvement Acceptance of Work (CNM 0064) and various N.E. 85th Street project closures.</p>						
Revenue/Exp Savings							
Other Source							
Other Information							
Prepared By	George Dugdale, Senior Financial Analyst				Date	July 24, 2017	



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Public Works Director
Erin Devoto, Deputy Public Works Director
Ray Steiger, P.E., Operations Planning Manager

Date: August 1, 2017

Subject: ARTERIAL STREET LIGHT LED CONVERSION -- ACCEPT WORK

RECOMMENDATION:

It is recommended that the City Council accept the work performed by Ameresco, Inc., a State Certified Energy Savings Performance Contractor (ESCO), on the Arterial Street Light Conversion Project (ST-0088) and establish the statutory lien period.

By taking action on this memo during approval of the consent calendar, City Council is accepting the physical work performed by the Contractor, and allowing staff to proceed with the required Public Works paperwork and eventual release of the Contractor's retainage.

BACKGROUND AND DISCUSSION:

The 2016 Capital Improvement Program included \$900,000 to convert all approximately 840 sodium vapor (HPS) City-owned street lights along the City's busiest streets and Downtown to efficient LED street lights. It is estimated that the energy savings would recover all of the conversion investment in approximately 11-12 years.

In early 2016, City staff was informed by staff from the Washington State Department of Commerce (DOC) that grant funding had been made available by the State Legislature for energy efficiency and solar projects through a competitive process. Kirkland was encouraged to apply for the grant funds. The City had previously secured this type of grant funding to upgrade HVAC systems and lighting at a number of City owned facilities.

In March, 2016, Council's Public Works, Parks, and Human Services Committee concurred with staff's recommendation to apply for the DOC grant funds. The application was made and provided for the conversion of an additional 40 lights at the Downtown Transit Center; the increased project scope required a total local match of \$995,000 (\$95,000 more than the 2016 CIP budget). City staff was informed on May 20th that \$172,000 in grant funds had been awarded. At its June 9, 2016 meeting, Council authorized the use of an additional \$95,000 in street reserves and to accept the grant.

Additional funding for the Project came in July, 2016, when based on the final scope of work, Puget Sound Energy (PSE) awarded the City up to \$134,000 in funds for a conservation grant to help offset the costs of conversion. Combined with City and DOC grant funds, the total funding available for the conversion was \$1,301,000.

With a base contract amount of \$720,296, construction began in August, 2016, and was completed in March, 2017. The final amount paid for construction was \$815,926 which included two change orders: 1) addition of the Transit Center Lights (\$89,482), and 2) addition of miscellaneous lights not included in the original inventory (\$6,148). Including engineering fees, construction management, allowable mark-up, bonding, and construction, a total of \$1,052,645 will be paid to Ameresco and its subcontractors. State administration fees associated with managing the ESCO total \$49,500. Thus, at final close out, after full grant receipt and reimbursement from Puget Sound Energy, approximately \$199,000 will be available to return to the street reserves. Although there are many competing needs for street fund dollars, staff is also evaluating whether this \$199,000 might be dedicated to convert more Parks lights to LED, or to create a street light grant program similar to the Neighborhood Safety Program. If staff proposes and Council approves either such a program, the funds can be reallocated from the reserves to implement the program.

Attachment A – Vicinity Map

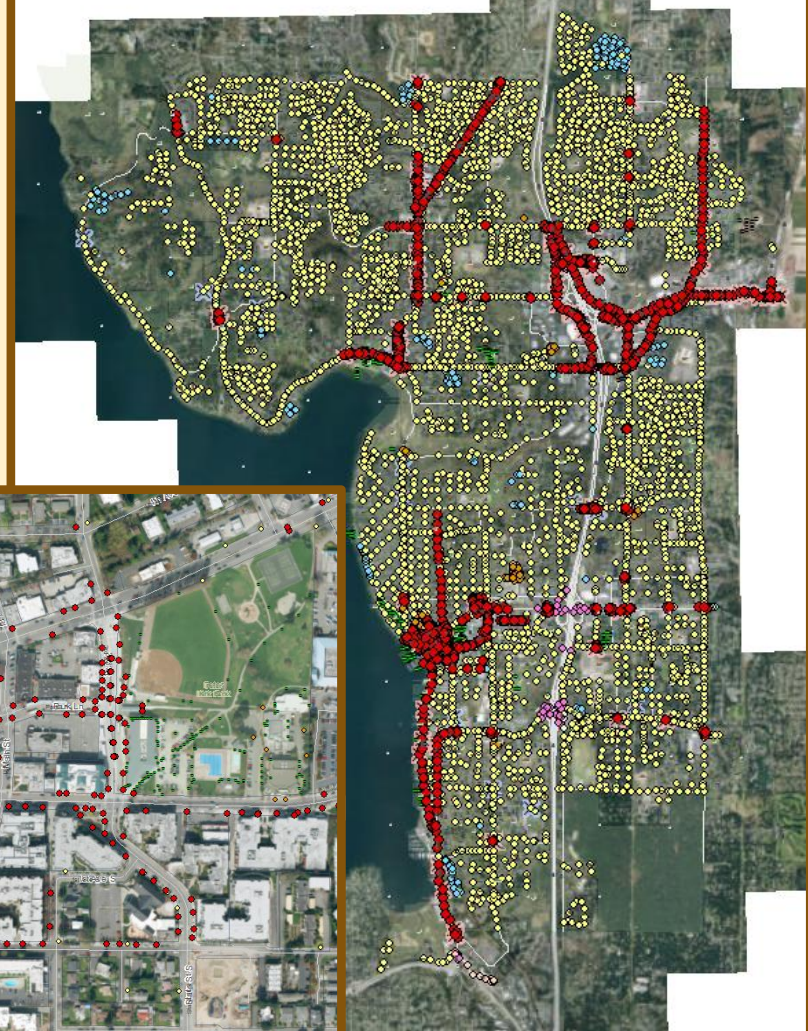
Attachment B – Project Budget Report

Arterial Street Light Conversion Project Vicinity Map (ST-0088)

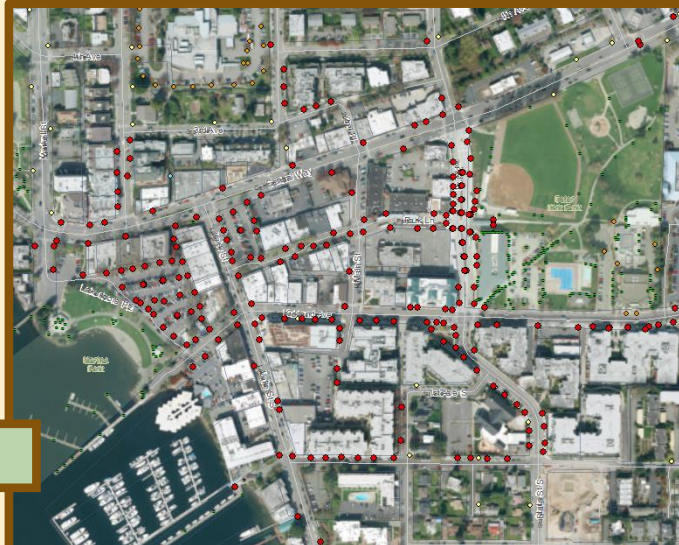
OWNERSHIP LEGEND

- Kirkland Streets (this project)
- Kirkland Parks
- Kirkland Facilities
- Puget Sound Energy
- Private
- Washington State DOT

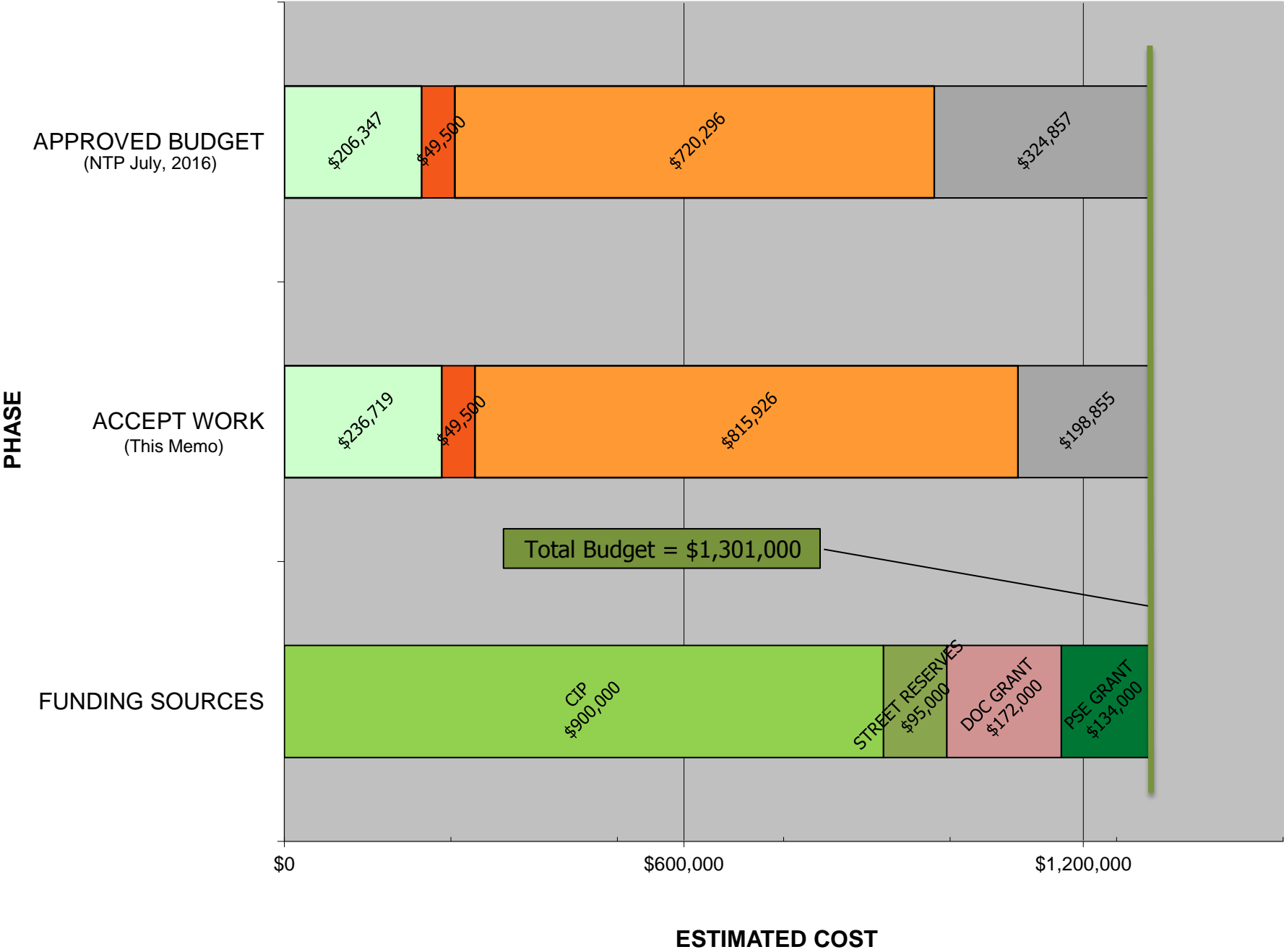
City-wide locations



Downtown locations



Project Budget Report
Arterial Street Light LED conversion Project
(ST-0088)





CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Public Works Director
Erin Devoto, Deputy Public Works Director
Ray Steiger, P.E., Operations Planning Manager

Date: August 1, 2017

Subject: TREE INVENTORY – REQUEST FOR FUNDING INCREASE

RECOMMENDATION:

City Council to authorize the use of \$8,000 in unobligated Street Fund balance to increase the overall funding for the public tree inventory along arterials and collectors within Kirkland.

By taking action on this memo during approval of the consent calendar, City Council is increasing the overall funding of this inventory to \$74,000. The original budget was \$66,000; \$46,000 was approved as a Public Works service package in the 2015/2016 budget and another \$20,000 was programmed in the 2015 IT/GIS budget.

BACKGROUND DISCUSSION:

The City maintains an estimated 40,000 public trees throughout the City excluding those located in parks/open spaces. Update of the City's tree inventory is recommended in both the 2014 Surface Water Master Plan and in the Urban Forestry Strategic Management Plan. It is also identified as a work task in the 2014-2019 City-wide Urban Forest Work Plan. A public tree inventory was completed in the parks system in 2015, however the remaining tree inventory, in the street right-of-way, was placed on hold until the Public Works implementation of the Lucity Maintenance Management software system, which is now completed.

Tree data such as location, type, size, condition, surrounding conditions, immediate maintenance needs, and history provide a basis for projecting future expenses, defining various levels of service, alerting managers to potential public safety concerns, and for strategic planning. Similar to sewer lines, water mains, and asphalt roads, public trees are important elements of the City's infrastructure with a variety of maintenance needs, growth patterns, and values.

Currently, the City's right of way (ROW) tree inventory contains data gathered from two sources: in 2004, data was collected for approximately 23,000 trees in the pre-annexed City boundary; in 2011, concurrent with annexation, the City's GIS staff recorded the locations of over 15,000 ROW trees from the newly annexed neighborhoods. Combined, these two inventories put the estimated number of trees at approximately 38,600 trees located in the

ROW. The data resides in the City's GIS browser, however it now differs considerably from the existing tree conditions due to the growth and redevelopment Kirkland has experienced.

By code, trees in the right-of-way are the maintenance responsibility of the abutting property owner with two exceptions: trees located in Central Business Districts, or if public safety is threatened. In the 2004 inventory, six percent of the inventoried trees (1,087 trees in the pre-annexed city boundary) were reported as dead or in poor health; these are conditions that often pose the greatest risk to public safety.

Currently, over one-third of Kirkland's total number of ROW trees are of an unknown value, size, condition, maintenance need, and risk potential. To work towards completing a public tree inventory by 2019, the City's Tree Team has prioritized high-use roads, arterials and collector streets, as the highest priority. It is estimated that this represents approximately 32% of the City's trees (arterials: 6,204, collectors: 5,767). Additional trees located within Kirkland neighborhood ROWs will be inventoried as funds become available.

The original budget for this project, established in 2014, was based on an estimate of \$4 per tree and submitted and approved as a 2015/2016 Budget service package. During 2015, the Parks Department conducted a similar inventory using in part grant funds, and the cost per tree was \$6.50.

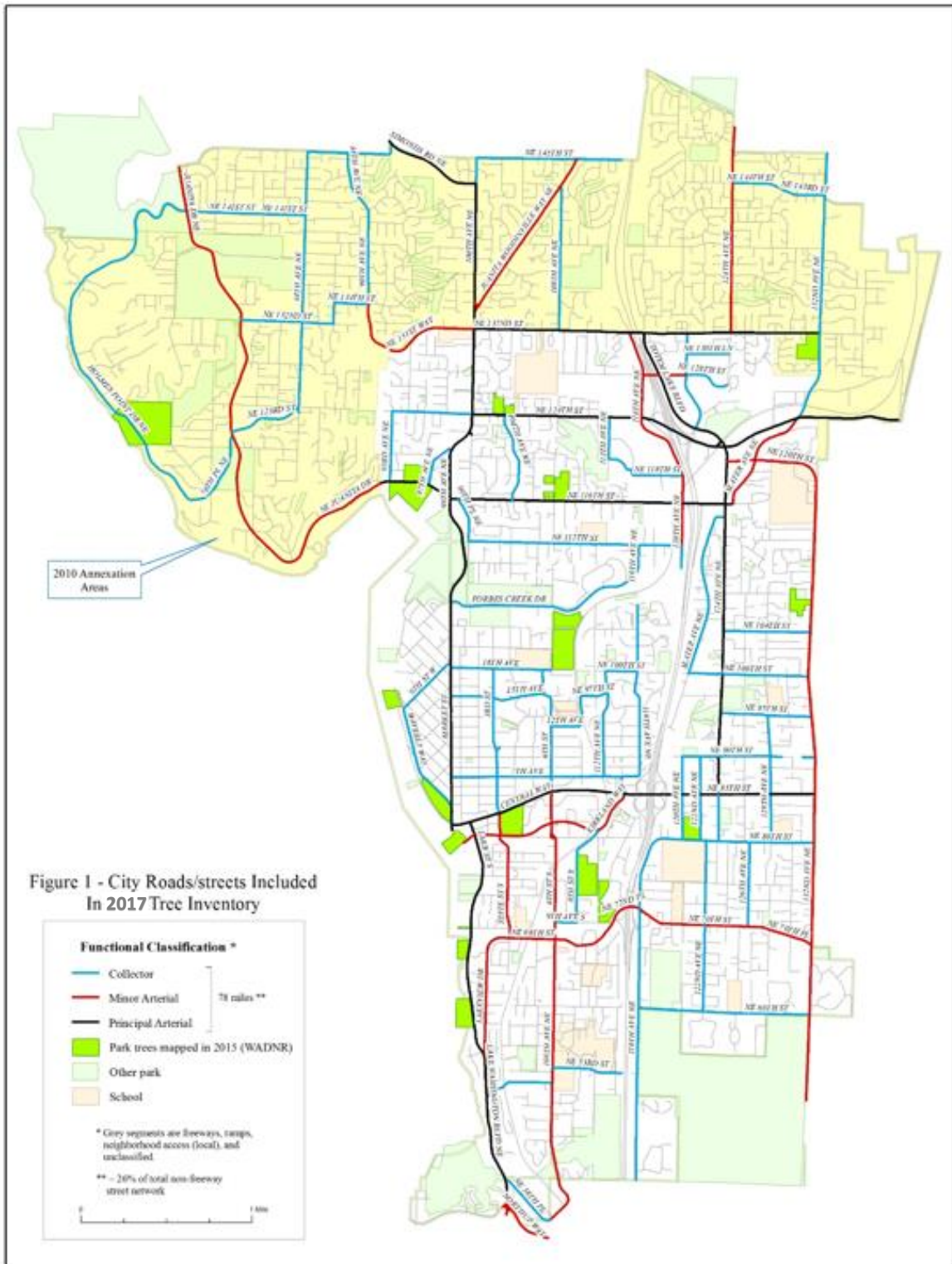
With the budget already established, staff evaluated a number of options to recommend to Council in order to proceed. Staff is recommending an additional \$8,000 to conduct the inventory and then return in 2018 with a better assessment of the number of potentially “at-risk” trees to conduct more thorough evaluation on (Option D – Table 1) of those at-risk trees.

[illegible]

Table 1 – Funding Options

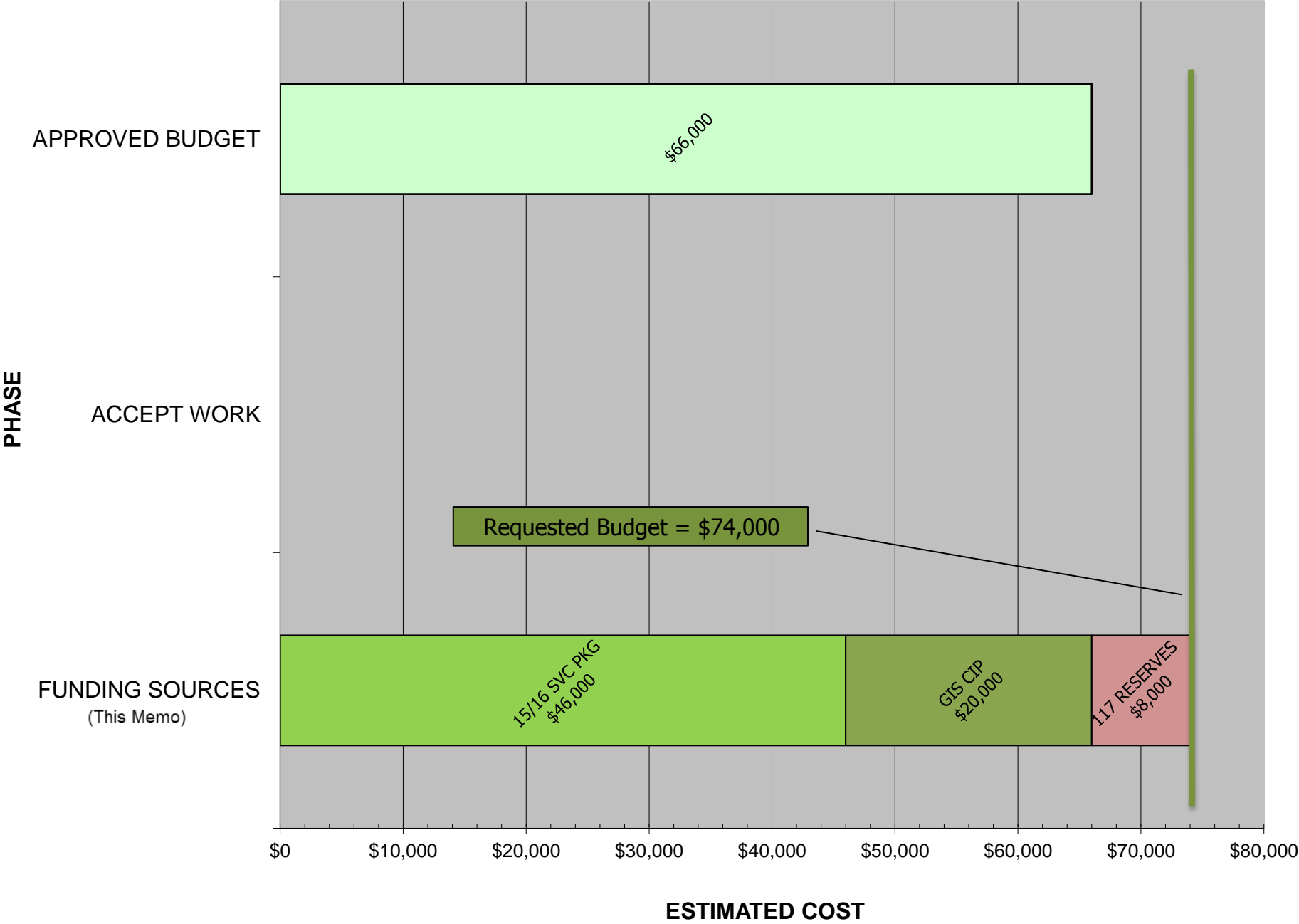
As part of the June 2017 adjustments, Council recognized \$247,979 in unobligated year-end balance in the Street Fund. This request would reduce that balance by \$8,000. With City Council's authorization of additional funding, an RFP for the work will be issued to select a firm to conduct the inventory. Collection of data will begin this summer (during the "leaf on" period) and will be completed late this fall. The completed inventory will be used by Public Works staff and completes a vital data set that will be monitored in the City's new Maintenance Management System, Lucity.

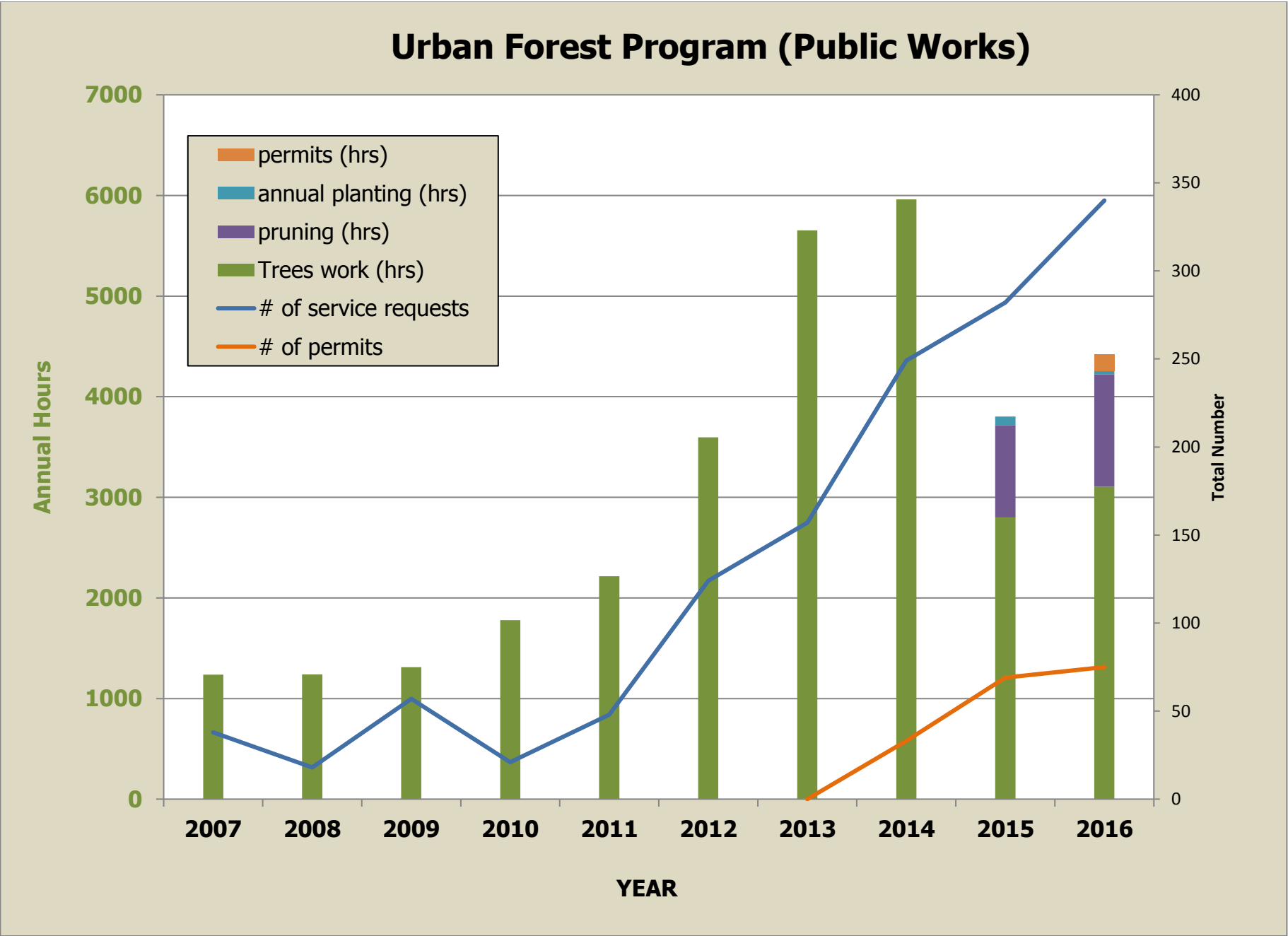
Attachment A – Vicinity Map
Attachment B – Project Budget Report
Attachment C – Public Works Tree Work ('07-'16)
Attachment D – Fiscal Note



Project Budget Report
Arterial Street Tree Inventory

Attachment B





FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Kathy Brown, Public Works Director							
Description of Request							
Authorize use of \$8,000 in unobligated Street Fund balance to increase overall funding for the public tree inventory along arterial and collector streets.							
Legality/City Policy Basis							
Fiscal Impact							
A one-time reduction of \$8,000 in the unobligated cash balance in the Street Fund. The balance is able to fully fund this request.							
Recommended Funding Source(s)							
	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve						0	
Revenue/Exp Savings							
Other Source	As part of the June 2017 adjustments, Council recognized \$247,979 in unobligated year end balance in the Street Fund. This request would reduce that balance by \$8,000						
Other Information							
Prepared By	George Dugdale, Senior Financial Analyst				Date	July 24, 2017	

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

To: Kurt Triplett, City Manager

From: Ellen Miller-Wolfe, Economic Development Manager

Date: July 19, 2017

Subject: Letter of Support for City of Kirkland Port Grant Application

RECOMMENDATION:

It is recommended that the City Council approve the Mayor to sign a letter of support for Kirkland's application for funding from the Port of Seattle Economic Development Partnership Program totaling \$65,000. The letter of support is required by the Port as a condition of receiving the funds. Staff recommends using the Port funding for a Marina Park Moorage Financial feasibility study and two Economic Development initiatives: The Innovation Triangle; and Start-Up 425. The Port grant must be matched by a City contribution of 50% or \$32,500. A portion of the City match will support the Moorage Financial Feasibility Study with the remaining going to support the Innovation Triangle and Start-up 425 initiatives.

By approving the consent calendar the Council is authorizing the Mayor to sign the letter.

BACKGROUND DISCUSSION:

The Port of Seattle is soliciting funding requests from King County cities for economic development projects. The Port funding application is due August 24. The City of Kirkland is eligible for \$65,000 in Port funds, but is required to match those funds at 50% or \$32,500. The funding application must include a resolution supporting the funding request.

The City is submitting three projects that satisfy Port criteria:

Continuing the exploration of the Marina Park moorage expansion, the Port Application includes a **Financial Feasibility Study** to examine the cost/benefit of expanding the number of moorage slips and amenities at Marina Park;

The Innovation Triangle is a partnership of Redmond-Bellevue-Kirkland to attract technology businesses to these communities. To date the Innovation Triangle has developed marketing and promotional materials for this program including a website, banners and pamphlets; had a booth presence and attended meetings with foreign businesses at the SelectUSA Conference in June and held a recruitment event with potential businesses. The Innovation Triangle is planning further recruitment activities for 2017/2018; and

Start-Up 425 is a collaborative effort of the cities of Kirkland, Redmond, Bellevue, Issaquah and Renton to expand entrepreneurship opportunities across Eastside communities by helping entrepreneurs turn ideas into reality. This local company assistance program consists of workshops for young businesses and mentoring opportunities.

The attached letter of support will be provided with the grant application by the August 24 due date and does commit the City to provide the grant match of \$32,500. A fiscal note identifying Kirkland's grant match funding will be presented for approval at a September City Council meeting.

August 2, 2017

Mr. Dave McFadden
Economic Development Director
Port of Seattle
Pier 66
Seattle, WA

Dear Mr. McFadden:

On behalf of the City of Kirkland, I want to lend our support for an application for a second year of Port of Seattle economic development funding of up to \$65,000 for programs and initiatives we are pursuing together with our Eastside partners and also for the City of Kirkland.

This past year, Port funds enabled the Innovation Triangle, a partnership of the cities of Kirkland and Bellevue and One Redmond, to recruit technology companies to our communities and promote the Eastside as a technology hub. Products of the grant included:

- Attendance at SelectUSA, this country's preeminent trade show, connecting foreign investment and businesses to economic development professionals from around the nation.
- Development of marketing collateral providing current data on our major technology business clusters, as well as information on the business districts that will accommodate continued growth of the tech sector.
- Hosting of thirty foreign companies this past October that included touring some of our major Eastside businesses and academic institutions offering tech programs, as well as providing a special evening at the Immerse Conference, a prestigious Virtual Reality trade show then occurring in Bellevue.
- Leveraging the Innovation Triangle to encourage car share companies to support employee transportation around the Eastside.

Locally, the City of Kirkland, working with Reid Middleton, a marine engineering firm, prepared an engineering study for the potential expansion of our downtown marina. Already the largest public moorage on Lake Washington, the engineering study indicated that with reconfiguration and additions, there was the potential to more than double the size of the marina while allowing for other marina uses and protecting environmental and scenic qualities.

In the coming year our plan is to continue the work of the Innovation Triangle. This includes participation in trade shows both here and abroad, work with commercial brokers to identify options for providing space for new companies that are testing our region, and many other strategies. We also will participate in Startup 425 with Bellevue, Redmond, Issaquah and Renton, an initiative that seeks grow and retain entrepreneurs and early stage companies.

Finally, as a follow-up to the moorage engineering study, we will be doing a financial study that will provide information on the revenues and costs associated with expanding the downtown marina.

The City of Kirkland will be providing the required grant match and stands ready to answer any questions you may have. We appreciate our initial partnership and hope for your approval of this second application. Many thanks for your continued support of our economic development programs.

Sincerely,

Mayor Amy Walen for the Kirkland City Council



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Katy Coleman, Development Engineering Analyst
Kathy Brown, Public Works Director

Date: July 5, 2017

Subject: RESOLUTION TO RELINQUISH THE CITY'S INTEREST IN UNOPENED RIGHT-OF-WAY VAC17-00232

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution relinquishing interest, except for a utility easement, in the unopened right-of-way abutting the vacant parcel generally located at 90th Avenue NE and NE 121st Street. Specifically, the subject right-of-way is identified as follows: the east 30 feet of unopened 90th Ave NE (Latona Street), together with the south 30 feet of unopened NE 121st St (Third Street), together with the west 30 feet of unopened 91st Ave NE (Canal Street), or whatever portions remain for recognition of possible vacation by this Resolution; all abutting the boundaries of the following described property: Lots 1 through 11, and Lots 19 through 30, Block 27, Waterfront Addition to Kirkland, according to the plat thereof recorded in Volume 6 of Plats, page 92, records of King County, Washington.

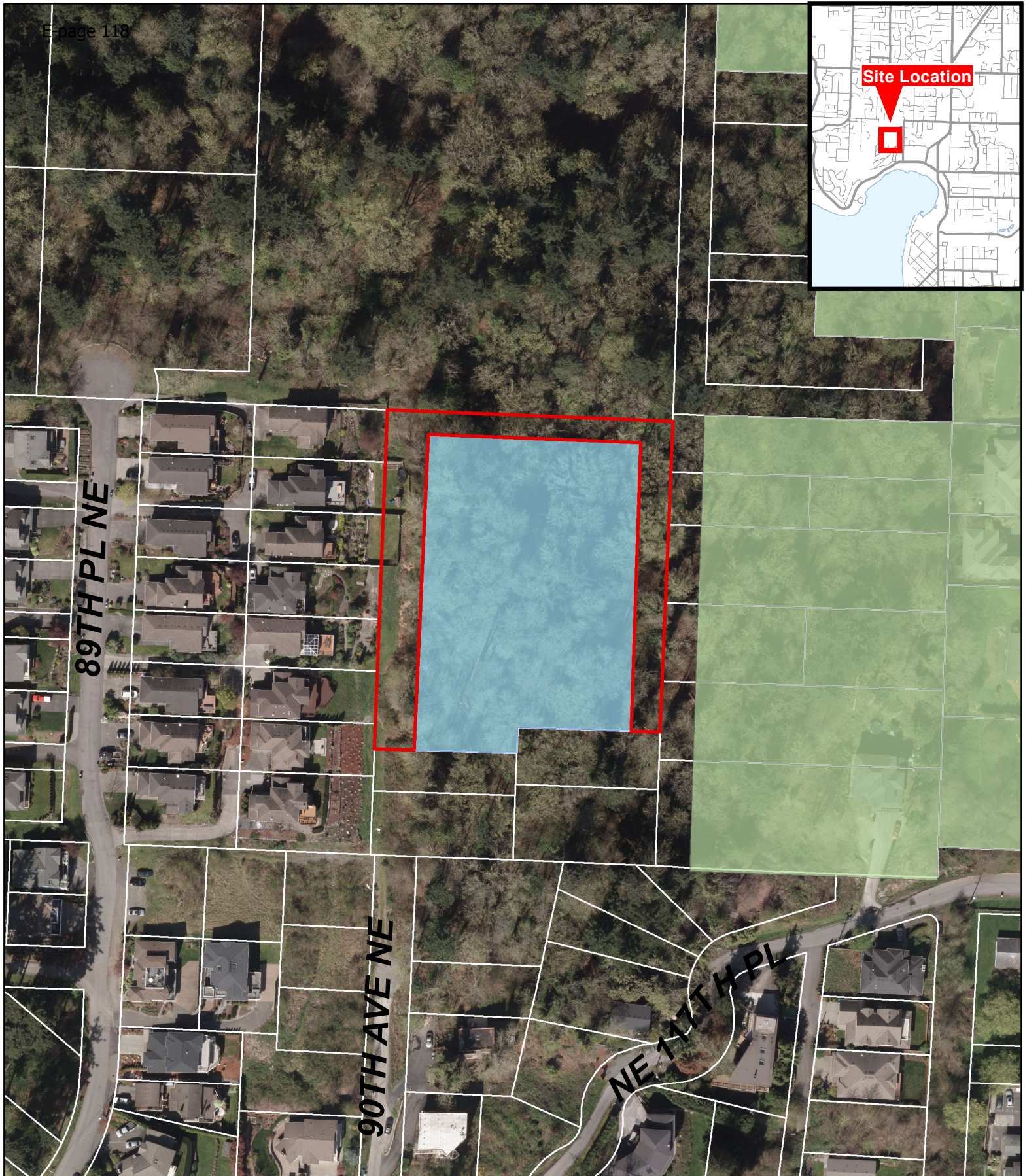
Approval of this memo by adopting the Consent Calendar will authorize relinquishing interest, except for a utility easement, in said right-of-way.

BACKGROUND DISCUSSION:




The unopened portion of the right-of-way abutting the vacant property (Attachment 1) was originally platted and dedicated in 1890 as Waterfront Addition to Kirkland. The Five Year Non-User Statute provides that any street or right-of-way platted, dedicated, or deeded prior to March 12, 1904, which was outside City jurisdiction when dedicated, and which remains unopened or unimproved for five continuous years, is then vacated. The subject right-of-way has not been opened or improved, but it has never formally been vacated and still appears on the City records as unopened right-of-way.

A. Leonard Smith, owner of the property abutting this right-of-way, submitted information to the City claiming the right-of-way was subject to the Five Year Non-User Statute (Vacation by Operation of Law), Laws of 1889, Chapter 19, Section 32. After reviewing this information, the City Attorney concurs with the owner, and recommends approval of the enclosed Resolution to bring closure to the matter.

Attachment A: Vicinity Map
Resolution



Smith Property
Non-User Vacation Exhibit
90th Ave NE/NE 121st St

-  Proposed Vacation
-  Granted Non-User Vacations
-  Smith Property



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No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

RESOLUTION R-5261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELINQUISHING ANY INTEREST THE CITY MAY HAVE, EXCEPT FOR A UTILITY EASEMENT, IN AN UNOPENED RIGHT-OF-WAY AS DESCRIBED HEREIN AND REQUESTED BY PROPERTY OWNER A. LEONARD SMITH.

1 WHEREAS, the City has received a request to recognize that any
2 rights to the land originally dedicated in 1890 as right-of-way abutting
3 a portion of Waterfront Addition to Kirkland has been vacated by
4 operation of law; and

5
6 WHEREAS, the Laws of 1889, Chapter 19, Section 32, provide
7 that any county road which remains unopened for five years after
8 authority is granted for opening the same is vacated by operation of law
9 at that time; and

10
11 WHEREAS, the area which is the subject of this request was
12 annexed to the City of Kirkland, with the relevant right-of-way having
13 been unopened; and

14
15 WHEREAS, in this context it is in the public interest to resolve
16 this matter by agreement.

17
18 NOW, THEREFORE, be it resolved by the City Council of the City
19 of Kirkland as follows:

20
21 Section 1. As requested by the property owner A. Leonard
22 Smith, the City Council of the City of Kirkland hereby recognizes that the
23 following described right-of-way has been vacated by operation of law
24 and relinquishes all interest it may have, if any, except for a utility
25 easement, in the portion of right-of-way described as follows:

26
27 The east 30 feet of unopened 90th Ave NE (Latona Street),
28 together with the south 30 feet of unopened NE 121st St (Third
29 Street), together with the west 30 feet of unopened 91st Ave NE
30 (Canal Street), or whatever portions remain for recognition of
31 possible vacation by this Resolution; all abutting the boundaries
32 of the following described property: Lots 1 through 11, and Lots
33 19 through 30, Block 27, Waterfront Addition to Kirkland,
34 according to the plat thereof recorded in Volume 6 of Plats, page
35 92, records of King County, Washington.

36
37 Section 2. This resolution does not affect any third party rights
38 in the property, if any.

39
40 Passed by majority vote of the Kirkland City Council in open
41 meeting this ____ day of _____, 2017.

Signed in authentication thereof this _____ day of
_____, 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Raymond, City Attorney
Ellie Krossa, Legal Intern

Date: July 20, 2017

Subject: AN ORDINANCE RELATING TO PURCHASING AND BONDING POLICY

RECOMMENDATION:

City Council pass the attached ordinance. This ordinance would amend Kirkland Municipal Code ("KMC") Section 3.85.230 to conform to changes in state law related to the use of performance and payment bonds or retained amounts in lieu thereof, as well as the financial strength of sureties, utilized in connection with City of Kirkland ("City") public works projects. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

BACKGROUND DISCUSSION:

State law generally requires that contractors on city public works projects post performance and payment bonds issued by sureties to help ensure the satisfactory completion of projects in the event of a contractor default. In some cases involving less costly public works projects, however, and in lieu of performance and payment bonds, state law allows cities to temporarily withhold (or "retain") a certain percentage of the total contract amount to help ensure satisfactory completion of those less costly projects in the event of a contractor default, including those defaults related to the payment of unpaid wages and benefits to project workers. In all instances where bonds are posted by sureties, state law also requires that sureties meet minimum, industrywide financial strength ratings.

Recent changes to state law related to city public works project bonding and retainage practices require conforming amendments to KMC Section 3.85.230. SB 5734, enacted in 2017 by the Washington State legislature, changes certain financial thresholds related to the use of performance and payment bonds and retained amounts in lieu thereof on many city public works projects.

Currently, KMC 3.85.230(a)(2) requires that performance and payment bonds equal to 100% of the total contract amount be provided on any contract in excess of \$35,000. KMC 3.85.230(b) specifies that the City may, if requested by a contractor, instead temporarily retain 50% of the contract amount for contracts valued at under \$35,000.

SB 5734 essentially establishes a new threshold amount of \$150,000 for the retainage option. It acknowledges that while cities may continue to require payment and performance bonds equal to 100% of the total contract amount, cities may at the request of a contractor, and in lieu of

the posting of bonds, retain no more than 10% of the contract amount for contracts valued at \$150,000 or less. (Previously, the retainage option applied to public works contracts valued at \$35,000 or less but allowed the retained amount to be 50% of the value of those smaller contracts.) This ordinance would amend KMC Sections 3.85.230(a)(2) and 3.85.230(b) to mirror these changes to state law. With this change, the City is more likely to require performance and payment bonds equal to 100% of the contract amount even for contracts under \$150,000 due to the reduction in the allowable retainage percentage from up to 50% to no more than 10% of the total contract.

KMC 3.85.230(a)(2) also currently establishes that sureties posting performance and payment bonds maintain an A.M. Best financial rating of A:VII or better. However, RCW 60.28.011(6), requires that sureties used in connection with city public works projects have a minimum A.M. Best financial strength rating that does not exceed A-, and the state legislation does not allow a local jurisdiction to require a higher financial rating. This ordinance would amend KMC Section 3.85.230(a)(2) to conform to this new surety financial strength standard, which is a lower, but still strong, marker of financial strength.

This ordinance was requested, reviewed and approved by Greg Piland, Purchasing Agent in the Department of Finance and Administration.

ORDINANCE O-4586AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
PURCHASING AND BONDING POLICY.

1 WHEREAS, Kirkland Municipal Code ("KMC") Section 3.85.230
2 relates to the public works project bonding and retainage policies of the
3 City of Kirkland ("City"); and
4

5 WHEREAS, KMC Section 3.85.230(a)(2) generally requires that
6 City public works project contractors post performance and payment
7 bonds equal to 100% of the public works project contract; and
8

9 WHEREAS, KMC Section 3.85.230(b) allows City public works
10 project contractors to choose, in lieu of the posting of performance and
11 payments bonds, to instead allow the City to retain a certain specified
12 percentage of the public works project contract amount until final
13 acceptance and project close-out for contracts valued below a specified
14 threshold amount; and
15

16 WHEREAS, KMC Section 3.85.230(a)(2) also requires that
17 sureties issuing performance and payment bonds maintain specified
18 minimum bonding company ratings; and
19

20 WHEREAS, Senate Bill ("SB") 5734 enacted by the Washington
21 legislature in 2017 controls various public works purchasing and bonding
22 policies of public entities including cities; and
23

24 WHEREAS, SB 5734 provides that cities may require that public
25 works project contractors post performance and payment bonds equal
26 to 100% of the public works project contract amount for all contracts in
27 in an amount equal to or less than \$150,000; and
28

29 WHEREAS, SB 5734 provides that cities, at the request of a
30 contractor, may choose, in lieu of the posting of performance and
31 payments bonds, to instead retain 10% of the public works project
32 contract amount until final acceptance and project close-out related to
33 contracts in an amount equal to or less than \$150,000; and
34

35 WHEREAS, SB 5734 further provides that the recovery of any
36 unpaid wages and benefits must be the first priority for any actions filed
37 against retainage held by a city; and
38

39 WHEREAS, RCW 60.28.011 requires that sureties issuing
40 performance and payment bonds maintain minimum A.M. Best financial
41 strength rating as long as the minimum rating does not exceed A-.
42

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

45 Section 1. Kirkland Municipal Code Section 3.85.230 is amended
46 to read as follows:

47
48 **3.85.230 Bonding policy**

49 (a) For all public works contracts, the following minimum bonding
50 requirements shall be met for each procurement:

51
52 (1) A bid deposit in the form of a bid bond, cashier's check or certified
53 check in an amount equal to at least five percent of the total bid must
54 be enclosed with the submitted sealed bid if the bid is in excess of sixty-
55 five thousand dollars or in excess of forty thousand dollars if only a
56 single craft or trade is involved with the public works or the public works
57 project is for street signalization or street lighting.

58
59 (2) A performance bond and a payment bond for one hundred percent
60 of the total contract price shall be received from the successful
61 contractor prior to contract execution for all contracts except as
62 otherwise provided for in this section in excess of thirty-five thousand
63 dollars. The surety issuing the bond must have an A. M. Best financial
64 strength rating of A- A:VII or better. If the surety does not have an A.
65 M. Best rating of at least A- A:VII, the city's risk/safety analyst is to be
66 consulted prior to approval.

67
68 (b) On public works contracts of one hundred and fifty thirty-five
69 thousand dollars or less, at the option of the contractor, the city may,
70 in lieu of a performance and payment bond, retain ten fifty percent of
71 the contract amount for a period of thirty days after date of final
72 acceptance, or until receipt of all necessary releases from the
73 Department of Revenue and settlement of any liens fixed under Chapter
74 60.28 RCW, whichever is later. The recovery of unpaid wages and
75 benefits must be the first priority for any actions filed against such any
76 retained amounts.

77
78 (c) If the limited public works process allowed under Section
79 3.85.170(b) is used, the city may waive the requirements for
80 performance and payment bonds and/or retainage.

81
82 (d) The purchasing agent, in consultation with the project manager,
83 city attorney's office and risk/safety analyst as needed, shall have
84 authority to determine amounts of protective bid guarantees for all
85 purchases in the best interests of the city.

86
87 Section 2. If any provision of this ordinance or its application to
88 any person or circumstance is held invalid, the remainder of the
89 ordinance or the application of the provision to other persons or
90 circumstances is not affected.

91
92 Section 3. This ordinance shall be in force and effect five days
93 from and after its passage by the Kirkland City Council and publication,
94 as required by law.

95
96 Passed by majority vote of the Kirkland City Council in open
97 meeting this ____ day of _____, 2017.

98 Signed in authentication thereof this ____ day of _____,
99 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4586

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
PURCHASING AND BONDING POLICY.

SECTION 1. Amends the bonding policy for all public works contracts.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2017.

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

Kathi Anderson, City Clerk



CITY OF KIRKLAND

City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Raymond, City Attorney
Ellie Krossa, Legal Intern

Date: July 20, 2017

Subject: AN ORDINANCE RELATING TO PUBLIC DANCE AND DANCE HALLS

RECOMMENDATION:

City Council pass the attached ordinance. This ordinance would repeal Kirkland Municipal Code ("KMC") Chapter 7.24, which sets forth definitions, regulations, and licensing requirements for public dance halls. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

BACKGROUND DISCUSSION:

This amendment has been recommended for consideration by Councilmember Toby Nixon as part of a review of the KMC. Chapter 7.24 KMC currently includes definitions, regulations and licensing requirements for public dance halls, which have not been revised since 1986. The Department of Finance and Administration and Police Department advise "dance halls" in Kirkland present no noteworthy regulatory issues and the issuance of "cabaret licenses" pursuant to the chapter have steadily declined over the years. There were only three such licenses issued in 2016, resulting in only \$300 in revenue to the City. The costs of administering the licenses (e.g. staff time) would have easily exceeded that \$300 in revenue. There were only four cabaret licenses issued in 2015, and just two in 2014. Chapter 7.24 KMC relating to Dance Halls is separate from Chapter 7.26 KMC relating to Erotic Performance Establishments, which will continue to require Erotic Performance Establishment licenses.

Chapter 7.24 KMC is recommended for repeal as no longer necessary from a regulatory perspective and also as a program that is not cost effective to administer. This ordinance has been reviewed and approved by the Police Chief, Director of Parks and Community Services and the Director of Finance and Administration.

A copy of the language in Chapter 7.24 KMC that will be deleted is included as Attachment A hereto for your reference.

Attachment A: Chapter 7.24 KMC

Chapter 7.24 DANCES AND DANCE HALLS

Sections:

- [7.24.010](#) Definitions.
- [7.24.020](#) Dance hall—License required—Exception.
- [7.24.030](#) Dance hall license—Rules governing—Fee.
- [7.24.040](#) Dance—Permit required—Fee.
- [7.24.050](#) Unlawful operation.
- [7.24.060](#) Additional regulations when persons under eighteen admitted—Exceptions.
- [7.24.061](#) Purpose—Construction—Election of other remedies.
- [7.24.062](#) Hours of operation—Age restrictions—Penalty.
- [7.24.063](#) Readmission fee.
- [7.24.064](#) Access—Peace officer—Director.
- [7.24.065](#) Licensing—Retroactivity.
- [7.24.066](#) Indemnification.

7.24.010 Definitions.

- (a) “Public dance” includes any dance to which the general public is admitted for which an attendance charge or donation is imposed as a condition of attendance.
- (b) “Public dance hall” means any place where public dancing is permitted or conducted as a part of the normal course of business of such place. (Ord. 1060 § 1, 1966)

7.24.020 Dance hall—License required—Exception.

It is unlawful to open up, conduct, manage, operate or maintain a public dance hall within the city without a valid and subsisting public dance hall license, provided however, that any holder of a valid cabaret dance license shall be exempt from the license provisions of this chapter so long as the cabaret dance license is kept current and valid. (Ord. 1060 § 2, 1966)

7.24.030 Dance hall license—Rules governing—Fee.

Public dance hall licenses, their issuance and revocation shall be governed by Sections [7.20.030](#), [7.20.040](#) and [7.20.080](#) of this title. The annual license fee for a public dance hall license shall be one hundred dollars. (Ord. 1060 § 3, 1966)

7.24.040 Dance—Permit required—Fee.

It is unlawful to hold a public dance whether or not such public dance takes place on premises licensed as a public dance hall, without first having obtained a permit therefor from the city at least forty-eight hours prior to the commencement of the public dance for which said permit is requested. The fee for dance permits shall be twenty-five dollars for the giving or holding of each dance, provided however, that such fee shall be waived as to current and valid dance hall licenses and cabaret dance licenses when the dance is to be held upon the licensed premises. (Ord. 2806 § 2, 1984; Ord. 1060 § 4, 1966)

7.24.050 Unlawful operation.

It is unlawful for a person or business to whom a dance hall license or permit has been issued, including any owners, officers or employees thereof, to conduct the dance or other activity in violation of any applicable state or local law, statute or ordinance. (Ord. 2806 § 3, 1984)

7.24.060 Additional regulations when persons under eighteen admitted—Exceptions.

Any person holding a dance hall license or dance permit shall in addition to the requirements of Sections [7.24.010](#) through [7.24.050](#) also comply with the provisions of Sections [7.24.060](#) through [7.24.066](#), inclusive, when persons under eighteen are admitted or allowed to be present during any public dance, or on the premises of any public dance hall. The provisions of this chapter shall not apply if the public dance is sponsored or conducted by an accredited educational institutional. (Ord. 2936 § 1 (part), 1986)

7.24.061 Purpose—Construction—Election of other remedies.

The amendatory ordinance codified in Sections [7.24.060](#) through [7.24.066](#) is an exercise of police power for the protection of the public welfare, health and safety of those children that attend and patronize dance halls. The city council finds and declares that the pervasive problems of runaway children, drug abuse and abuse of children are problems of such magnitude that they are a matter of city concern and are contributed to by unregulated dance halls; as such the amendatory ordinance codified in Sections [7.24.060](#) through [7.24.066](#) shall regulate dance halls that admit persons under the age of eighteen. The provisions of the amendatory ordinance codified in Sections [7.24.060](#) through [7.24.066](#) shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in the amendatory ordinance codified in Sections [7.24.060](#) through [7.24.066](#) shall be deemed to repeal or modify any of the provisions of any other law or ordinance of the city relating to dance halls or licensing. (Ord. 2936 § 1 (part), 1986)

7.24.062 Hours of operation—Age restrictions—Penalty.

- (a) No person conducting a public dance or person maintaining a public dance hall shall allow persons under the age of sixteen to enter or remain on the premises unless accompanied by their parent or legal guardian.
- (b) No person conducting or operating a public dance or public dance hall shall allow persons under the age of eighteen to enter or remain on the premises unless accompanied by their parent or legal guardian after two a.m.
- (c) Every person who knowingly or recklessly shall allow a person to enter or remain in violation of this section shall be guilty of a misdemeanor. It is the responsibility of the person conducting and/or operating a public dance to require identification showing the age of each person admitted.
- (d) Any person under the age of eighteen years who shall by affirmative misrepresentation of age obtain admission to or permission to remain in any public dance in violation of this chapter shall be guilty of a misdemeanor.
- (e) For the purposes of this section, the word "premises" shall include the dance hall structure or building, including entrance ways, hallways, grounds, yards and off-street parking facilities available for utilization by patrons or employees of the dance hall. (Ord. 2936 § 1 (part), 1986)

7.24.063 Readmission fee.

No person conducting or operating a public dance or public dance hall shall permit any person, other than an employee, to leave the dance or dance hall and return unless that person pays a readmission fee equal to, or greater than, one-half the original price of admission. (Ord. 2936 § 1 (part), 1986)

7.24.064 Access—Peace officer—Director.

All peace officers of the city and/or the director of the department of finance and administration shall have free access to public dances and dance halls when a dance is being conducted for the purpose of inspection and to enforce compliance with the provisions of Sections [7.24.060](#) through [7.24.066](#). (Ord. 4416 § 45, 2013: Ord. 3573 § 56, 1997: Ord. 2936 § 1 (part), 1986)

7.24.065 Licensing—Retroactivity.

All licenses issued prior to the effective date of the ordinance codified herein shall entitle the holder of such license a period of thirty-five days, following the effective date of the ordinance, to comply with the provisions of Sections [7.24.060](#) through [7.24.066](#). (Ord. 2936 § 1 (part), 1986)

7.24.066 Indemnification.

(a) The licensee shall indemnify and hold the city harmless from any and all losses, claims, actions, or damages suffered by any person or persons by reason of or resulting from any negligence of the licensee or its agents, employees, or patrons or on account of any act or omission of the licensee in its exercise of its license or use or occupancy of the premises. In the event any suit or action is brought against the city, the licensee shall, upon notice of the commencement thereof, defend the same, at no cost and expense to the city, and promptly satisfy any final judgment adverse to the city or to the city and the licensee jointly; provided, that in the event the city determines that one or more principles of governmental or public law are involved, the city retains the right to participate in such action. The above liability shall not be diminished by the fact, if it be a fact, that any such death, injury, damage, loss, cost, or expense may have been, or may be alleged to have been, contributed to by the negligence of the city or its officers, employees, or agents; provided, however, that nothing contained in this section shall be construed as requiring the licensee to indemnify the city against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the city or its officers, employees or agents.

(b) As a condition precedent to obtaining a license, the licensee shall, at no expense to the city, secure and maintain during the full term of this agreement general comprehensive liability insurance issued by one or more companies authorized to do business in the state of Washington, which insurance shall be subject to the approval of the city attorney as to company, form, coverage, and which insurance must fully protect the city from any and all claims and risks in connection with any activity performed by the licensee by virtue of this agreement and provide the following minimum coverage:

- (1) One million dollars per person, per occurrence;
- (2) One million dollars annual aggregate.

Said policy must specifically name the city of Kirkland as an additional insured party thereunder in the following manner:

The City of Kirkland is an additional insured for all coverages provided by this policy of insurance and shall be fully and completely protected by this policy and for any claim, suit, injury, death, damage or loss of any sort sustained by a person, organization or corporation in connection with any activity upon or use or occupancy of establishments regulated by this section.

The coverages provided by this policy to the City or any other named insured shall not be terminated, reduced, or otherwise changed in any respect without providing at least thirty (30) days' prior written notice to the department of finance and administration of the City of Kirkland.

(c) The licensee shall deliver to the department of finance and administration of the city a copy of all policies required under this provision and all endorsements thereto or other evidence to the reasonable satisfaction of the department of finance and administration that the licensee has secured or renewed and is maintaining insurance as required by this section.

(d) The procuring of the insurance required by this section shall not be construed to limit licensee's liability hereunder.

(e) Licensee shall provide for the prompt and efficient handling of all claims for injury, death, damage or loss arising out of the acts or omissions of licensee during the term of this section. Licensee agrees that all such claims, whether processed by licensee or its insurer, either directly or by means of an agent, will be handled by a person with a permanent office within the corporate limits of Kirkland. (Ord. 4416 § 46, 2013; Ord. 3573 § 57, 1997; Ord. 2936 § 1 (part), 1986)

The Kirkland Municipal Code is current through Ordinance 4582, passed June 20, 2017.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

ORDINANCE O-4587

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DANCE AND DANCE HALLS.

1 WHEREAS, as part of a review of the Kirkland Municipal Code
2 ("KMC") by Councilmember Toby Nixon, it was recommended that
3 Chapter 7.24 of the KMC related to Dance and Dance Halls be repealed
4 as outdated and unnecessary language.

5
6 NOW, THEREFORE, the City Council of the City of Kirkland do
7 ordain as follows:

8
9 Section 1. Kirkland Municipal Code Chapter 7.24 is hereby
10 repealed.

11
12 Section 2. If any provision of this ordinance or its application to
13 any person or circumstance is held invalid, the remainder of the
14 ordinance or the application of the provision to other persons or
15 circumstances is not affected.

16
17 Section 3. This ordinance shall be in force and effect five days
18 from and after its passage by the Kirkland City Council and publication,
19 as required by law.

20
21 Passed by majority vote of the Kirkland City Council in open
22 meeting this ____ day of _____, 2017.

23
24 Signed in authentication thereof this ____ day of
25 _____, 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney



CITY OF KIRKLAND

City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Raymond, City Attorney

Date: July 20, 2017

Subject: AN ORDINANCE RELATING TO LODGING EXCISE TAX AND THE LODGING TAX ADVISORY COMMITTEE

RECOMMENDATION:

City Council pass the attached ordinance. This ordinance would amend several sections of Chapter 5.19 of the Kirkland Municipal Code ("KMC") to revise and update references to the Tourism Development Committee ("TDC"), currently referred to as the Lodging Tax Advisory Committee. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

BACKGROUND DISCUSSION:

This amendment has been recommended for consideration by Councilmember Toby Nixon as part of a review of the KMC. Pursuant to state law, the Lodging Tax Advisory Committee was created on July 3, 2001 in order to follow the functions specified under RCW 67.28.1817. Over time, this committee has become known as the Tourism Development Committee. Chapter 5.19 currently includes outdated references to this committee name, thereby justifying its amendment at this time. This ordinance has been reviewed and approved by the Director of Finance and Administration.

ORDINANCE O-4588AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LODGING
TAX ADVISORY COMMITTEE.

1 WHEREAS, as part of a review of the Kirkland Municipal Code
2 ("KMC") by Councilmember Toby Nixon, it was recommended that
3 Article II of Chapter 5.19 of the KMC related to the Lodging Tax Advisory
4 Committee be amended to revise and update the name of the
5 committee.

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 5.19.210 is amended
11 to read as follows:

12
13 **5.19.210 Tourism development committee ~~Lodging tax~~**
14 **advisory committee.**

15 A ~~tourism development committee lodging tax advisory committee~~ is
16 hereby declared to have been established and created by the city council
17 on July 3, 2001. The purpose of the Tourism development committee
18 ("TDC") ~~lodging tax advisory committee~~ ("LTAC") is to perform the
19 functions of a lodging tax advisory committee under RCW 67.28.1817
20 and also to be an ongoing advisory committee to the ~~Kirkland city~~
21 council, with duties as described in this chapter or as directed by the
22 city council, following procedures as provided in this chapter.

23
24 Section 2. Kirkland Municipal Code Section 5.19.220 is amended
25 to read as follows:

26
27 **5.19.220 Membership.**

28 The TDC ~~LTAC~~ shall be comprised of seven voting members, each
29 appointed by the ~~Kirkland city~~ council. The ~~Kirkland city~~ council may
30 appoint nonvoting members to the TDC ~~LTAC~~. Members of the TDC
31 ~~LTAC~~ are not required to be residents of the city of Kirkland.

32 (a) Voting members shall be as follows:

33 (1) One member shall be a ~~Kirkland city~~ council member, who shall
34 serve as chair;

35 (2) Three members shall be representatives of businesses required to
36 collect tax under this chapter;

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

39 (b) The term of membership shall be through March 31st of the year
40 following appointment; provided, that a member's term shall not expire
41 until the appointment of a new member is effective. By statute, eligibility
42 for appointment under subsection (a)(2) or (a)(3) of this section is
43 mutually exclusive. The ~~city~~ council shall review the membership of the
44 advisory committee annually and make changes as appropriate. Each
45 year, organizations representing businesses required to collect the
46 lodging tax, organizations involved in activities authorized to be funded

by lodging tax revenue, and local agencies involved in tourism promotion may submit recommendations for membership on the TDC LTAC.

Section 3. Kirkland Municipal Code Section 5.19.230 is amended to read as follows:

5.19.230 Duties.

(a) A city proposal shall be submitted to the TDC LTAC for review and comment if the city proposes an increase in the rate of the tax imposed under this chapter, the repeal of an exemption from a tax imposed under this chapter, or a change in the use of revenue received under this chapter. The TDC LTAC shall submit comments on such a proposal to the city council in a timely manner through generally applicable public comment procedures. Comments from the TDC LTAC shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the lodging tax fund created under this chapter.

(b) The TDC LTAC should submit its comments on the proposal no more than forty-four days after its receipt of the proposal. However, failure of the TDC LTAC to submit comments shall not prevent the city from acting on the proposal once forty-five days have elapsed since the proposal was submitted to the TDC LTAC. The city is not required to submit an amended proposal to the TDC LTAC.

(c) In addition to the foregoing, the TDC LTAC will submit a report to the city's director of finance and administration as to whether the proposed budget for lodging tax revenue and lodging fund expenditures is consistent with long-term stability of the lodging tax fund.

Section 4. Kirkland Municipal Code Section 5.19.240 is amended to read as follows:

5.19.240 Quorum.

A quorum of the TDC LTAC shall be a majority of persons currently serving as voting members of the TDC LTAC. A quorum must be present in order for a vote to be taken on a recommendation to go to the city council.

Section 5. Kirkland Municipal Code Section 5.19.250 is amended to read as follows:

5.19.250 Procedure.

(a) All business of TDC LTAC shall be guided by "Robert's Rules of Order."

(b) The chair shall propose an agenda for meetings, shall preside at all meetings, and shall vote on matters being voted on by TDC LTAC. The chair shall be responsible for assuring that TDC LTAC reports are presented to the city on time and shall select a member to record decisions of TDC LTAC that establish policies or recommendations.

(c) TDC LTAC may select a vice-chair or a temporary chair to act in the absence of the chair.

(d) TDC LTAC may adopt a written policy of TDC LTAC practices, not inconsistent with this chapter or other direction of city council.

Section 6. Kirkland Municipal Code Section 5.19.270 is amended to read as follows:

5.19.270 Expenses.

The members of the TDC LTAC shall receive no compensation and are not eligible for reimbursement of expenses incidental to service on the TDC LTAC. TDC LTAC may request specific support necessary to carry out its responsibilities by a request made, in advance, to the city manager.

Section 7. Kirkland Municipal Code Section 5.19.280 is amended to read as follows:

5.19.280 Removal.

A member of TDC LTAC may be removed during their term by the city council only for sufficient cause. Sufficient cause means:

- (a) Absence for two consecutive meetings without prior excuse from the chair; or
- (b) Violation of the public trust or malfeasance.

Section 8. 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 9. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council..

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2017.

Signed in authentication thereof this _____ day of _____, 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4588

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LODGING
TAX ADVISORY COMMITTEE.

SECTIONS 1 - 7. Updates the name of the lodging tax
advisory committee to the tourism development committee.

SECTION 8. Provides a severability clause for the ordinance.

SECTION 9. 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.

Kathi Anderson, City Clerk



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Raymond, City Attorney

Date: July 20, 2017

Subject: AN ORDINANCE RELATING TO PROPERTY TAX INVESTMENT AND DISTRIBUTION

RECOMMENDATION:

City Council pass the attached ordinance. This ordinance would amend several sections of Chapter 5.82 of the Kirkland Municipal Code ("KMC") to revise and update internal references to the King County Comptroller and replace them with the current title of King County Treasurer. By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

BACKGROUND DISCUSSION:

This amendment has been recommended for consideration by Councilmember Toby Nixon as part of a review of the KMC. Chapter 5.82 KMC currently includes outdated references to the King County Comptroller. This title has now been changed to the King County Treasurer. This ordinance replaces all references to the Comptroller with the new title of Treasurer. The ordinance has been reviewed and approved by the Director of Finance and Administration.

ORDINANCE O-4589

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PROPERTY TAX INVESTMENT AND DISTRIBUTION.

1 WHEREAS, as part of a review of the Kirkland Municipal Code
2 ("KMC") by Councilmember Toby Nixon, it was recommended that
3 Chapter 5.82 of the KMC related to Property Tax Investment and
4 Distribution be amended to update references to the King County
5 Treasurer.

6
7 NOW, THEREFORE, the City Council of the City of Kirkland do
8 ordain as follows:

9
10 Section 1. King County Municipal Code Section 5.82.010 is
11 amended to read as follows:

12
13 **5.82.010 Property taxes available for investment by county**
14 **treasurer ~~comptroller~~.**

15 The city council finds that property taxes collected by the King County
16 treasurer ~~comptroller~~ for and on behalf of the city of Kirkland are
17 moneys which are not required for immediate expenditure by the city
18 while held by the treasurer ~~comptroller~~ and are surplus moneys of the
19 city available for investment by the treasurer ~~comptroller~~.

20
21 Section 2. Kirkland Municipal Code Section 5.82.020 is amended
22 to read as follows:

23
24 **5.82.020 County treasurer ~~comptroller~~ directed to invest**
25 **property taxes.**

26 The King County treasurer ~~comptroller~~ is authorized and directed,
27 pursuant to the provisions of RCW 36.29.020, to invest in the manner
28 specified and in the investments authorized by state law any and all
29 funds which are due to the city of Kirkland for property taxes while
30 retained in the custody of the comptroller pending distribution to the
31 city. This includes all property taxes collected for the city and retained
32 by the treasurer ~~comptroller~~ pending an official accounting.

33
34 Section 3. Kirkland Municipal Code Section 5.82.030 is amended
35 to read as follows:

36
37 **5.82.030 County ~~City~~ treasurer ~~comptroller~~ authorized to**
38 **deduct investment service fee.**

39 Pursuant to the provisions of RCW 36.29.020, when the King County
40 treasurer ~~comptroller~~ invests property tax moneys for the city while in
41 his or her custody, he or she may deduct and retain the investment
42 service fee provided by state law when the interest earnings on the
43 investment of the property tax moneys become available to the city.

44
45 Section 4. Kirkland Municipal Code Section 5.82.040 is amended
46 to read as follows:

5.82.040 King County directed to distribute property taxes together with accrued interest on investments thereof.

King County is authorized and directed to distribute to the director of finance and administration, for and on behalf of the city of Kirkland, all property taxes collected as frequently as daily, and the treasurer ~~comptroller~~ is directed to distribute to the city all interest accrued on the investment thereof by the county at the time of the distribution of the property tax moneys to the city. The director of finance and administration is authorized to give a receipt therefore whenever funds are delivered to the city. Delivery may be in money, or as a transfer of an investment authorized by RCW 36.29.020, made by the treasurer ~~comptroller~~ on behalf of the city.

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.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, 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: July 20, 2017

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR THE COUNCIL MEETING OF August 2, 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 July 6, 2017 are as follows:

	Project	Process	Estimate/Price	Status
1.	Kirkland Playfields Partnership Program.	Architect and Engineer Roster	\$51,710.00	Contract awarded to Lyon Landscape Architects of Kirkland, WA.
2.	Utility Billing Printing and Mailing Services.	Requests for Proposals	\$170,000.00	Amended contract awarded to Automatic Funds Transfer Services of Seattle, WA.
3.	Purchase of three (3) Schwarze Street Sweepers for the Public Works Department.	Cooperative Purchase	\$664,943.55	Purchase order issued to Atlantic Machinery, Inc. of Silver Spring, MD.

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



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Deputy City Manager
Lynn Zwaagstra, Director of Parks & Community Services
Michael Cogle, Deputy Director of Parks & Community Services
Wm. R. Evans, Assistant City Attorney

Date: August 2, 2017

Subject: McAuliffe Park Expansion: Authorization to Execute a Purchase and Sale Agreement for Acquisition of the Richards Property or Use Eminent Domain Proceedings for the Acquisition

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance authorizing the City Manager to execute a purchase and sale agreement for the acquisition of the Richards Property or to proceed with acquisition of the Property by use of eminent domain proceedings.

BACKGROUND DISCUSSION:

McAuliffe Park was created by the City of Kirkland through a series of land acquisitions occurring between 1998 and 2001. Comprised of 11.60 acres, the park features historic structures and offers park visitors a variety of recreation opportunities such as community gardening, picnicking, a playground, and forested trails.

The Richards Property (see map **Attachment A**) is contiguous to McAuliffe Park and is a rare opportunity to preserve and expand vital open space in the South Juanita Neighborhood. Comprised of two separate tax parcels (#2926059207-04 and #2926059194-09) totaling 1.29 acres, the Richards Property features a dense stand of mature Douglas fir trees and some ornamental shrubs. A small house is located on one of the two parcels. Built in 1959, the house is in poor condition and is not currently habitable. The Property's value is in the land only and the house is non-contributing to the value of the overall site. If redeveloped for residential purposes, it is estimated that the 6-8 homes could be built on the Property.

The Richards Property is identified as a key acquisition target for the City and was included in an overall Park Acquisition Strategy report presented to the City Council at their June 13, 2017 retreat. Staff have been in negotiations with the Property owners since early 2016 and have extended a purchase offer of \$1,672,000 based on a fair market appraisal.

City staff will continue efforts to close this transaction on a negotiated basis. However, eminent domain proceedings may be necessary for the City to complete the acquisition of the Property. RCW 8.12 authorizes and empowers Cities to condemn land and property for park purposes.

Condemnation authority is not granted to public entities as a coercive measure. Rather, it allows for the acquisition of property for purposes deemed to be in the public's interest, and only at fair market value. There are financial benefits to property owners whose properties are acquired through eminent domain. The owners of the Richards Property are aware of the potential use of eminent domain and are not opposed to its use to acquire the property.

Passing of the Ordinance by City Council at this time still allows the City to reach a negotiated agreement with the owners for the sale of the Property, but it will enable the City to move forward with either strategy in a timely manner. The City's priority is to resolve the transaction without undertaking the condemnation option.

Funding

Funding for this transaction is detailed in the attached Fiscal Note (**Attachment B**) and is summarized as follows:

\$ 170,000	Parks Levy – 2017
\$ 726,000	Parks Levy – 2018
\$ 100,000	REET 1 2013 Open Space, Park Land, Trail Opportunity Fund (CPK 01349000)
\$ 100,000	REET 1 2015 Open Space, Park Land, Trail Opportunity Fund (CPK 01549000)
<u>\$ 600,000</u>	REET 1 Reserves (to be replenished from proceeds of Blair Parcel sale)
\$ 1,696,000	Total

In addition to the \$1,672,000 purchase price, the request includes funding for an environmental site assessment (\$4,000) to be conducted during the due diligence period and for demolition of the residential structure on the site (\$20,000).

Note that a portion of the funding necessary for the property purchase is anticipated to come from the proceeds of a proposed sale of City-owned property known as the Blair Parcel, also identified on the attached map (**Attachment A**). The 0.43 acre parcel has been used as a residential rental property since its purchase by the City for \$195,000 in 1999. The Blair Parcel has the potential to be redeveloped for up to two or three single family homes, and current market value is estimated at \$600,000. Staff is recommending sale of the Blair Parcel to offset purchase of the Richards Property, as the Richards Property is viewed as being more desirable as public park space for McAuliffe Park and for the neighborhood. Options for disposition of the Blair Parcel were reviewed by the City Council Public Works, Parks, and Human Services Committee at their April 5, 2017 meeting.

At a future City Council meeting staff will return with a proposed ordinance to formally surplus the Blair Parcel in order to effect its sale. In the meantime, the Parks and Community Services Department has been working with the Planning and Building Department on those actions necessary to formally re-zone the Blair Parcel from Park Use to Residential Use (RSX 7.2, consistent with surrounding zoning in the neighborhood). Property re-zoning and requisite Comprehensive Plan amendment requests are currently in process, to be considered by the Planning Commission beginning in August and to be presented to the City Council for approval by the end of 2017. Sale of the Blair Parcel would commence at the conclusion of the re-zone process and proceeds from the sale would be deposited into REET 1 Reserves.

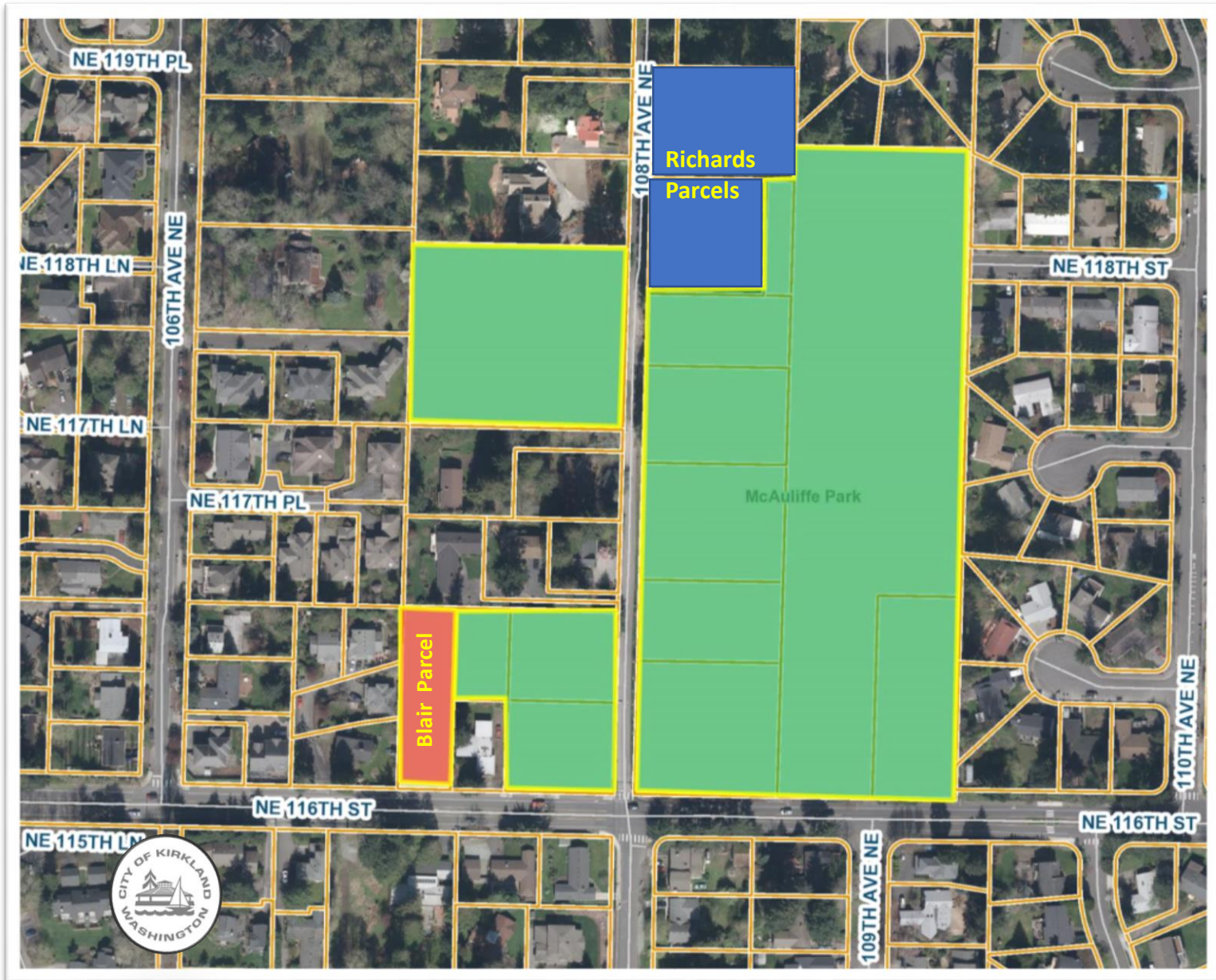
Attachments:

A – Map

B – Fiscal Note

Ordinance and Exhibit A: Purchase & Sale Agreement

Ordinance Publication Summary



FISCAL NOTE*CITY OF KIRKLAND*

Source of Request							
Michael Cogle, Deputy Director, Parks & Community Services Department							
Description of Request							
Add \$1,526,000 to the 2017 Neighborhood Parks Land Acquisition project (CPK 0133 317) by 1) transferring \$600,000 in REET 1 Reserves to the 2017 Neighborhood Parks Land Acquisition project with the intent of replenishing the reserve following the sale of the Blair Parcel; 2) transferring an additional \$200,000 in REET 1 Reserves to the project and; 3) reallocating \$726,000 in existing appropriations from the 2018 Neighborhood Parks Land Acquisition project (CPK 0133 318) to the 2017 project for the remainder of the purchase as well as demolition of existing structures and environmental site assessment.							
Legality/City Policy Basis							
Fiscal Impact							
One-time net use of \$800,000 in REET 1 Reserves. The reserve is able to fully fund this request. It is anticipated that \$600,000 of this use will be replenished with the proceeds from the sale of the Blair Parcel. The remaining \$200,000 reflects the fund balances of the 2013 and 2015 Open Space, Park Land, and Trail Opportunity Fund projects (CPK 1349 and CPK 1549) which were closed in the June 20, 2017 budget adjustments and returned to REET 1 Reserves.							
Recommended Funding Source(s)							
	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve	REET 1 Reserves	3,834,466	715,000	272,848	800,000	2,592,314	1,585,000
	REET 1 Reserves Previously authorized uses of \$715,000 for Juanita Beach Park Bathhouse Replacement project. Previously authorized additions of \$272,248 following project closures approved with the June 20, 2017 budget adjustments.						
Revenue/Exp Savings	Shift \$726,000 in existing appropriations for 2018 Neighborhood Park Land Acquisition project (CPK 0133 318) to 2017 Neighborhood Park Land Acquisition project (CPK 0133 317). These projects are both funded entirely by Parks Levy Fund revenues.						
Other Source							
Other Information							
The 2017 Neighborhood Parks Land Acquisition project has \$170,000 in current funding. When combined with the additions above, the project budget totals \$1,696,000, matching the purchase offer described in the attached memo and estimated costs for environmental site assessment and demolition of existing structures.							
Prepared By	Doug Honma-Crane, Budget Analyst				Date	July 21, 2017	

ORDINANCE O-4590

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR THE RICHARDS' PROPERTY IF POSSIBLE AND, IF NOT, AUTHORIZING THE ACQUISITION OF THAT PROPERTY FOR PARK PURPOSES BY APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW AND PROVIDING FOR THE COST OF PROPERTY ACQUISITION.

1 WHEREAS, the Richards' property ("Property") is adjacent to the
2 City's current McAuliffe Park and its acquisition is necessary to expand
3 the park and enhance the public's use and enjoyment of the park; and

4 WHEREAS, staff has negotiated a proposed Purchase and Sale
5 Agreement ("Agreement") for acquisition of the Property as provided in
6 the attached Exhibit A, which will be forwarded to the owners if
7 approved by the Council; and

8 WHEREAS, if the owners do not accept the Agreement or one
9 substantially similar to it, staff would like to be prepared to initiate
10 eminent domain proceedings; and

11 WHEREAS, staff has provided notice to affected property owners
12 and the public of this final action authorizing condemnation pursuant to
13 RCW 8.25.290.

14
15 NOW, THEREFORE, the City Council of the City of Kirkland do
16 ordain as follows:

17
18 Section 1. The City Manager is hereby authorized and directed
19 to execute on behalf of the City of Kirkland a Real Property Purchase
20 and Sale Agreement for the Property substantially similar to that
21 attached to this Ordinance as Exhibit "A."

22
23 Section 2. The land and property rights within the City of
24 Kirkland, King County, Washington, described in Exhibit A attached to
25 this Ordinance and which description is hereby incorporated by
26 reference, necessary for public park purposes, is hereby condemned,
27 appropriated and taken for such public purposes, subject to the making
28 or paying of just compensation to the owners thereof in the manner
29 provided by law.

30
31 Section 3. The expense of acquiring the Property shall be paid
32 for from Kirkland Parks Levy funding identified in the City of Kirkland's
33 adopted Capital Improvement Program as well as REET 1 Reserves.

34
35 Section 4. The City Attorney is authorized to begin and
36 prosecute legal proceedings in the manner provided by the law to
37 purchase, condemn, take, appropriate, and otherwise acquire the lands

38 and other property rights and privileges necessary to carry out the
39 purposes of this Ordinance.

40
41 Section 5. This ordinance shall be in force and effect five days
42 from and after its passage by the Kirkland City Council and publication
43 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
44 form attached to the original of this ordinance and by this reference
45 approved by the City Council.

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

50
51 Signed in authentication thereof this ____ day of
52 _____, 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

OFFER TO PURCHASE AND AGREEMENT TO SELL REAL PROPERTY

This Agreement made this ____ day of _____, 2017, by and between the City of Kirkland, a municipal corporation of the State of Washington ("Buyer"), and Kerry A. Richards and Kim B. Richards, owners of the real property hereinafter described ("Seller").

For and in consideration of the mutual covenants herein contained, the sufficiency of which is unconditionally acknowledged by Buyer and Seller, the parties hereby agree as follows:

1. Purchase of Real Property. Subject to City Council appropriation of funds, which must occur within sixty days of the end of the Due Diligence Period provided in Section 9 or Seller may terminate this Agreement, Seller and Buyer hereby agree to the purchase and sale of the real property described as follows:

Parcel No. 292605-9207-04

That portion of the Southwest quarter of the southeast quarter of Section 29, Township 26 North, Range 5 East, W.M., described as follows:

BEGINNING at the Southwest corner of the Southeast quarter of said Section 29; thence North 1°35'30" East, 724.64 feet to the True Point of Beginning; thence continuing North 1°35'30" East 160 feet; thence South 89°11'50" East 160 feet; thence South 1°35'30" West 160 feet; thence North 89°11'50" West 160 feet to the Point of Beginning; situate in the County of King, State of Washington.

AND

Parcel No. 292605-9194-09

That portion of the Southwest quarter of the Southeast quarter of Section 29, Township 26 North, Range 5 East, W.M., described as follows:

BEGINNING at the Southwest corner of the Southeast quarter of said Section 29; thence North 1°35'30" East, 884.64 feet to the True Point of Beginning; thence continuing North 1°35'30" East, 154.64 feet; thence South 89°11'50" East, 198 feet; thence South 1°35'30" West, 154.64 feet; thence North 89°11'50" West 198 feet to said True Point of Beginning; situate in the County of King, State of Washington.

("Property").

2. Purchase Price; Payment. The Purchase Price for the Property shall be One Million Six Hundred Seventy Two Thousand and 00/100 Dollars (\$1,672,000.00). At or before Closing, Buyer shall deposit the Purchase Price with the Escrow Holder.

3. Escrow Holder: Promptly following the execution of this Agreement, Buyer shall open an escrow with Chicago Title Company, Bellevue, Washington (the "Escrow Holder"). A

copy of this Agreement shall be provided to the Escrow Holder to advise the Escrow Holder of the terms and conditions hereof. Escrow Holder shall conduct the Closing pursuant to the escrow instructions of the Parties which shall be consistent herewith.

4. Sale Under Threat of Condemnation. The City of Kirkland declares that as a municipal corporation it is vested with the power of eminent domain to acquire real property for municipal purposes and that it has been authorized by City of Kirkland Ordinance No. _____ to acquire the Property through the exercise of eminent domain, and acquisition of the Property (and all interest therein) is under the threat of condemnation. As a result, no Real Estate Excise Tax will be due upon the sale.

5. Title Policy and Condition of Title. Buyer will order a standard coverage preliminary commitment for title ("Title Report") from a title company immediately upon mutual execution hereof. Within 30 days after receipt of the title report, Buyer shall notify Seller what exceptions to title, if any, will be accepted by Buyer. Only those exceptions approved by Buyer in writing shall constitute permitted exceptions. Seller shall remove all exceptions that are not permitted exceptions prior to closing date, however if Seller is unable to remove such exceptions prior to closing date, this Agreement shall be deemed null and void unless the time for closing is extended by mutual agreement of the parties.

6. Closing. Title on closing to be conveyed to Buyer by statutory warranty deed free and clear of all taxes, assessments, liens, and encumbrances, and shall be so insurable. The Date of Closing shall be the date the deed is recorded. The deed shall be recorded when sale proceeds are available for Seller. Buyer shall be entitled to possession of the property on closing. The closing of the sale of the property shall be held at the Bellevue offices of Chicago Title Company ("Escrow") no later than 45 days after the Kirkland City Council authorizes condemnation of the Property. This date may be extended by agreement of the parties which agreement shall not be unreasonably withheld.

The cost and expenses of closing shall be paid by Buyer. Seller shall pay any cost or expense required to be paid in order to clear Seller's title. Buyer and Seller shall place with escrow all instruments, documents, and monies necessary to complete the sale in accordance with this Agreement.

7. Access to Property. Buyer and its employees and agents shall have the right and permission from the date of this Agreement through closing date to enter upon the Property for inspection purposes.

8. Property Tax. Even though Buyer is exempt from property taxes, all property taxes applicable to the property will be paid by Seller prior to closing or through Escrow. Immediately after closing, if any taxes have been paid in excess of what was required, the City will advise King County to refund the excess taxes to Seller if refundable.

9. Due Diligence Inspection. Buyer shall satisfy itself by investigation and inspection, at its cost and expense in its sole and absolute discretion, that the condition of the Property for Buyer's contemplated use meets with its approval ("Due Diligence Contingency"). If Buyer is not satisfied with the condition of the Property, Buyer may terminate this Agreement by delivering written notice of termination to Seller within seventy five (75) days of the date this Agreement is

signed by both parties ("Due Diligence Period"). In such event this Agreement shall terminate and the Parties shall have no further obligations hereunder.

During the Due Diligence Period, Buyer, its designated representatives or agents shall have the right at its own expense to (a) perform any and all tests, inspections, studies, surveys or appraisals of the Property deemed necessary, on any subject, by the Buyer; (b) obtain a Phase I or Phase II Environmental Assessment on the Property and perform any and all tests, inspections and studies deemed necessary; and (c) examine all due diligence materials related to the Property that Buyer may reasonably request from Seller that are in Seller's possession and about which Seller has knowledge, and that are not protected as attorney work product, by the attorney-client privilege or by other similar confidentiality protections. If Buyer does not purchase the Property, Buyer shall restore it to its pretest condition after the testing is complete.

10. Condition of Property. All representations and warranties of Seller contained herein shall be true, accurate, and complete at the time of closing. The physical condition of the property at closing shall be the same as on the date of this Agreement. If not, Buyer may elect at its sole discretion to either 1) rescind this Agreement, with Seller refunding the entire purchase price and reimbursing Buyer for all costs incurred, or 2) have Seller pay for all costs of repair or restoration at Seller's expense.

10.1 Seller shall not enter into any lease, trust deed, mortgage, restriction, encumbrance, lien, license or other instrument or agreement affecting the property without the prior written consent of Buyer from and after the date of this Agreement. Seller warrants as follows: that Seller is the sole legal owner of the fee simple interest in the property and is not holding title as a nominee for any other person or entity; that no person or entity has a first right of refusal or option to purchase or other similar right to or interest in the property; that no labor, materials or services have been furnished or will be furnished in, on or about the property or any part thereof as a result of which any mechanics', laborers' or materialpersons' liens or claims might arise.

10.2 This offer is made with respect to the physical condition of the real property on an "as is and where is basis" as of the date of closing.

11. Seller's Knowledge. To the best of Seller's knowledge, the property is not in violation of any law or regulation relating to the environmental conditions thereon and there is no hazardous waste, toxic substance or pollutant, within the scope of any state, federal or local environmental statute or rule.

12. Remedies. If Seller reasonably concludes that Buyer is in breach of this Agreement, Seller's sole remedy shall be to terminate this Agreement by sending written notice to Buyer and Escrow. If Buyer reasonably concludes that Seller is in breach of this Agreement, Buyer shall have the right to either terminate this Agreement by sending written notice to Seller and Escrow or may instead maintain an action for specific performance (together with recovery of costs and attorney's fees incurred in such action). If an action or proceeding occurs between the parties seeking enforcement of any provision contained in this Agreement, the prevailing party in any such action or proceeding shall be entitled to reasonable attorney's fees and costs in addition to any other relief which a court of law having jurisdiction determines it is entitled to.

13. Notice. Any demand, request or notice which either party hereto desires or may be required to make or deliver to the other shall be in writing and shall be deemed given whether delivered by facsimile, delivered to the person, or three days after being deposited in the United States mail, addressed as follows:

To Seller:

Kerry A. Richards
Bradshaw & Richards, P.S.
11300 Roosevelt Way NE, Suite 300
Seattle, WA 98125

To Buyer:

City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033
Ph. (425)587-3030
Fax. (425)587-3025

Kim B. Richards
c/o Kerry A. Richards
Bradshaw & Richards, P.S.
11300 Roosevelt Way NE, Suite 300
Seattle, WA 98125

14. Binding. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto and shall inure to the benefit of them.

15. Seller has until _____, 2017, to accept this offer. Time is of the essence of this Agreement and the dates and deadlines contained herein are also of the essence of this Agreement.

The above identified Buyer hereby makes the foregoing offer to purchase real property from Seller on the terms and conditions set forth above.

DATED this _____ day of _____, 2017.

CITY OF KIRKLAND

By: _____
Kurt Triplett, City Manager

Approved as to form:

City Attorney

ACCEPTANCE OF OFFER TO PURCHASE AND AGREEMENT TO SELL

The Seller hereby accepts the foregoing offer to purchase real property and agrees to sell same to Buyer on the terms and conditions set forth above.

Kerry A. Richards

Date: _____

Kim B. Richards

Date: _____

PUBLICATION SUMMARY
OF ORDINANCE O-4590

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR THE RICHARDS' PROPERTY IF POSSIBLE AND, IF NOT, AUTHORIZING THE ACQUISITION OF THAT PROPERTY FOR PARK PURPOSES BY APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW AND PROVIDING FOR THE COST OF PROPERTY ACQUISITION.

SECTION 1. Authorizes the City Manager to execute a purchase and sale agreement for the Acquisition of the Richards' property.

SECTION 2. Authorizes condemnation of property necessary for park purposes.

SECTION 3. Identifies the source of revenue for the acquisition.

SECTION 4. Authorizes the City Attorney to initiate condemnation proceedings to acquire the property necessary for the public purpose.

SECTION 5. 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.

Kathi Anderson, City Clerk



CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Chief of Police
Stephanie Croll, Senior Assistant City Attorney

Date: July 21, 2017

Subject: ANIMAL SERVICES ORDINANCES, PART 1 AND RESOLUTION

RECOMMENDATION:

That the City Council adopt the following authorizing legislation related to establishing the Kirkland's Animal Services Program:

- Part 1-a of an Animal Services Ordinance authorizing the City to provide animal services for the City of Kirkland commencing on January 1, 2018.
- Part 1-b of an Animal Services Ordinance setting forth definitions integral to the City's provision of animal services; and authorizing the City Council to set license fees, fines and penalties related to cats, dogs and certain other animals via resolution.
- An ordinance amending a portion of the City's Parks Code, KMC 11.80.030 and 11.80.060, allowing dogs to be off-leash in parks or portions of parks or during hours that have been specifically designated as off-leash, so long as the dog remains under control of the handler.
- A resolution, effective January 1, 2018, setting initial pet licensing fees, fines and penalties for the City of Kirkland.

BACKGROUND:

The City of Kirkland contracts with King County to provide animal services which includes animal control, sheltering and licensing. Following a series of meetings in late 2016, the City Council chose to allow its contract with King County to expire at the end of 2017 and begin providing its own animal services program beginning January 1, 2018.

In approximately 1985, the City adopted the animal control ordinances enacted by King County, which are currently codified at KMC Ch. 8.04. As the City transitions into providing animal services locally, it must adopt updated animal control ordinances, while still keeping the current ordinances in effect until December 31, 2017. To that end, Council held a study session on July 18, 2017, to review initial proposed ordinances establishing the City's Animal Control Authority

and to set license fees, fines and penalties and provide Council comment and direction. During the study session, staff highlighted that the ordinance updates would happen incrementally and over time between now and the end of the year. The ordinances and resolution below are the first in a series of legislative actions necessary to implement the program.

Ordinance Part 1a. – Kirkland Animal Services

The first Ordinance authorizes the City to commence providing its own animal services within the City on January 1, 2018. This Ordinance shall become effective at this time (five days after passage) as it enables the City to set up its Animal Control Authority and hire/train an Animal Control Officer so that the City will be prepared to begin providing services on January 1, 2018. This Ordinance will be codified as KMC Ch. 8.09, and is largely consistent with King County's ordinance and KMC Ch. 8.04. King County will continue to provide the City with animal services under contract until December 31, 2017. Much of KMC. Ch. 8.04 will be repealed when Kirkland begins providing the service.

Consistent with Council's direction, Staff updated the Ordinance to state that the City Manager or designee may enter into any agreements with any third party for the purpose of furthering the City's goal of providing animals services to its residents.

Council advised that the City's canvassing program should be developed by the Animal Control Authority. But it expressed concern that canvassing should not include enforcement. Staff have changed the Ordinance to indicate that the City will develop and implement an "educational canvassing program." This will not include any enforcement, but canvassers may pass on serious animal cruelty complaints to the Police Department. The canvassing program may also authorize residents to purchase pet licenses from canvassers, but the specifics of how that may work still need to be investigated and discussed.

Consistent with Council's direction, staff updated the ordinance to clarify that donations received shall be deposited into an account to be applied to animal services program elements only. At this time the City has not codified a provision allowing directed donations (such as a donor wanting to direct that funds be used only to assist licensing a pet for an indigent resident), but the code may be amended in the future as the program is implemented and evaluated.

Councilmembers expressed the need to be cautious about "soliciting" donations for animal services. The word "solicit" has been retained in the Ordinance because it enables passive solicitation, such as having a link at the conclusion of PetData's licensing website that asks registrants if they want to include a donation to the City's animal services program. As currently drafted, the ordinance says that active solicitation must be approved by the Council via resolution.

Ordinance 1b. – Purpose and Scope

This second Ordinance identifies the purpose and scope of the City's Animal Services Ordinance. As directed by Council, Staff changed the scope section to read that it applies to licensing of "pets," not just "dogs and cats."

This Ordinance, although passed now, will not become effective until January 1, 2018, as the City wants to avoid confusion or conflict with its current ordinance, which contracts out animal

services to King County. As noted, King County will continue to provide the City with animal services until December 31, 2017.

Several definitions have been added by Staff at Council's request, such as the new definitions adopted by the State with regard to the State's regulation of tethering animals (Substitute Senate Bill 5356, effective July 23, 2017), *i.e.*, definitions for "dog," "necessary shelter," and "tether."

The Ordinance authorizes Council to set license fees, fines and penalties initially by resolution and from then on as part of the biennial budget process.

At the July 18, 2017 study session, councilmembers expressed support for a number of specific customer-focused ideas with regard to pet licensing that staff will investigate. Examples of ideas that were raised include:

- Exploring the capability for a pet owner with multiple pets to align their animals' licenses to be renewed on the same anniversary date.
- Offering multiple-year licenses.
- Exploring the possibility of utilizing micro-chipping technology as a pet's license, as some pet-owners may choose to avoid putting a collar with metal tags on their animal for fear of the animal getting the collar caught and the animal injuring itself. Staff would also note that quick-release pet collar technologies have advanced as well and are another potential solution to this problem.

Staff are following-up with PetData to determine if their system can support any or all of these ideas.

Councilmembers also expressed concern about tattooing pets with license numbers. Staff recommends not making tattoos unlawful due to common industry usage. While the City does not advocate tattoos, breeders commonly use them, especially for show dogs which are tattooed before they come to the owner.

Ordinance – Parks Code Amendment Allowing Dogs Off-leash

This third Ordinance amends a portion of the City's Parks Code, to allow dogs to be off-leash in designated off-leash dog parks, designated off-leash portions of parks, or in designated parks during designated off-leash hours, provided they are under control of their handler. Off-leash options for portions of parks, or during certain hours of the day, will be reviewed by the Park Board in 2018. The Park Board will recommend any changes to the Council for review. This proposed ordinance language reflects current practice for the existing dog park and also allows flexibility for further park areas or hours to be designated as off-leash by the Council without having to update the animal services code.

Resolution Setting Initial Licensing fees

The Resolution sets the initial license fees, fines and penalties for pets and animal services in the City. The proposed fees, fines and penalties are the same as those currently being assessed by King County with one exception. Pursuant to Council's concern, Staff has eliminated any reference to, or fee for, "In-field pick up of an owner's deceased pet, or pick up of a pet voluntarily released to the Animal Control Officer."

Additional Future Issues:

Staff will be presenting additional animal control and services provisions to Council in the near future. The next related presentation, scheduled for September 5, 2017, will include some or all of the following issues:

- Animals in Residential Zones, KZC 115.20
- RCWs and WACs to Adopt by Reference
- Additional Animal Control and Services Provisions:
 - o Requirements for kennels, catteries, shelters, pet stores and groomers
 - o Requirements for fostering; "private animal placement permits" required
 - o Enforcement
 - o Penalties, civil infractions, misdemeanors
 - o Impounding
 - Spay and neuter requirements after impounding
 - Redeem after impounding
 - o Cruelty to Animals
 - o Nuisances
 - o Notice and Order to Abate a Public Nuisance
 - o Appeal procedure
 - o Vicious Animals
 - o Dangerous Dogs, Potentially Dangerous Dogs and Requirements for owning
 - o Dog leash required
 - o Rabies vaccination required
 - o Reporting animal bites required
 - o Animal waste pick up required
 - o Confining/trapping another's animal prohibited
 - o Exotic Animals
 - Licensing
 - Inspections
 - Violations and penalties

Attachment 1 to this memo shows the edits in track changes mode made to the Animal Control Authority draft language that the Council reviewed at the July 18, 2017 study session. The Animal Control Ordinance before the Council for adoption is the "clean" updated version of the ordinance.

Attachment 2 to this memo shows the edits in track changes mode to the draft Animal Services Regulations that the Council reviewed at the July study session. The Animal Services Regulations ordinance before the Council for adoption is the "clean" update version.

Attachment 1: Animal Control Authority

Attachment 2: Animal Services Regulations

Chapter 8.09 ANIMAL CONTROL AUTHORITY

Sections:

- 8.09.010 [Animal control authority](#) - ~~E~~established.
- 8.09.020 Animal control officer - established - compensation.
- 8.09.030 Agreements - authorization.
- 8.09.040 [Educational](#) ~~C~~anvassing program.
- 8.09.050 Gifts, bequests and donations - solicitation and acceptance.

8.09.010 [Animal control authority](#) - ~~E~~established. There is established, [in the City of Kirkland](#), an animal control authority in the police department. The animal control authority is by this chapter designated the agency authorized to provide animal care services and enforce animal control laws [for the City commencing on January 1, 2018](#).

8.09.020 Animal control officer - established - compensation. There is established within the Animal Control Authority the position of Animal Control Officer, [which duties shall be defined and to be compensation rateated determined at a rate established](#) in accordance with City of Kirkland personnel policies.

8.09.030 Agreements - authorization. The city manager or designee is authorized to enter into an agreement with a vendor for the licensing of [-pets, cats and dogs](#). The city manager or designee is also authorized to enter into animal care agreements with shelters and veterinarians as necessary, [and to enter into other agreements with other third parties as necessary to implement this code](#).

8.09.040 [Educational](#) Canvassing program. The City shall develop and implement [an educational canvass](#) program ~~to canvass~~ within the City limits for compliance with the licensing requirements of this chapter. [The canvassing program may authorize residents to purchase pet licenses from canvassers and shall authorize canvassers to report animal cruelty complaints to the police department](#).

8.09.050 Gifts, bequests and donations - solicitation and acceptance.

A. Consistent with KMC Chapter 3.14, city officials and staff who report directly to those officials may ~~solicit and~~ accept from the general public and business communities and all other persons, gifts, bequests and donations to the City in support of animal services. [City officials and staff who report directly to those officials may solicit gifts, bequests and donations to the City in support of animal services if authorized to do so through a resolution approved by the council](#).

B. All gifts, bequests and donations of money to the City for animal services shall be deposited and credited to ~~the a~~ donation account, [specifically set up to receive only funds from animal services donations](#).

Chapter 8.09 ANIMAL CONTROL REGULATIONS

Sections:

- 8.09.110 Purpose and scope.
- 8.09.120 Definitions.
- 8.09.130 Pet licenses - required - issuance - penalty - fee use - exceptions.
- 8.09.140 Licenses Not Required.
- 8.09.150 License fees and penalties.
- 8.09.160 Fees authorized.

8.09.110 Purpose and scope.

It is the public policy of the city to secure and maintain such levels of animal control as will protect human health and safety, to prevent cruelty to animal life, and to the greatest degree practicable to prevent ~~injury-damage~~ to property. To this end, it is the purpose of this title to provide a means of licensing ~~dogs-and-cats~~pets; to regulate kennels, catteries, grooming parlors, and pet shops; to control errant animal behavior so that it shall not become a public nuisance; and to prevent cruelty to animals.

8.09.120 Definitions.

In construing this chapter, except where otherwise plainly declared or clearly apparent from the context, words shall be given their common and ordinary meaning. In addition, the following definitions apply to this chapter:

1. "Altered" means spayed or neutered.
2. "Animal" means any living creature except humans, insects and worms.
3. "Animal Control Authority" means the person, association or corporation, appointed or authorized by the City to enforce the provisions of this chapter and all other ordinances of the city pertaining to animal control.
4. "Animal Control Officer" and "Officer" means officers employed by the Animal Control Authority and includes police officers. Whenever "Animal Control Officer" is used in this title, the term shall mean the City's Animal Control Officer and his or her designee.
5. "Animal Services" means the City's program of providing animal ~~care~~, control, licensing, and contracted sheltering services, and may also include investments in pet-related improvements and activities in public facilities and parks.
6. "At large" means off the premises of the owner and not under the immediate control of the owner, member of the owner's immediate family, or person authorized by the owner, by means of a leash, cord or chain no longer than eight feet.
7. "Cattery" means a place where four or more adult cats are kept, whether by owners of the cats or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult cat is one of either sex, altered or unaltered, that is at least six months old.
8. "City" means the City of Kirkland.
9. "Council" means the City Council for the City of Kirkland.
10. "Dangerous dog" means any dog that, according to the records of the Animal Control Authority (a) inflicts severe injury on a human being without provocation on public or private property; (b) kills a domestic animal without provocation while the dog is off the owner's property; or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or

domestic animals; provided, however, that an animal shall not be considered a "dangerous dog" if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

11. "Dog" means an animal of the species *Canis lupus familiaris*.

112. "Domestic animal" means any animal that is usually or commonly tamed and bred by humans, such as, but not limited to, any dog, cat, rabbit, guinea pig, gerbil, bird, horse, mule, ass, bovine animal, lamb, goat, sheep, hog or other animal made to be domestic.

123. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during the loss of consciousness.

134. "Food" means food or feed appropriate to the species for which it is intended.

145. "Fostering" means harboring, keeping or maintaining stray, homeless, abandoned and/or unwanted domestic animals and locating adoptive homes for those animals. ~~Dogs and cats shall not be placed in adoptive homes in the City unless they have first been licensed and spayed or neutered, or the adoptive home agrees to have the dog or cat licensed and spayed or neutered when the animal is old enough.~~

156. "Grooming service" and "grooming parlor" means any place or establishment, public or private, where animals are bathed, clipped or combed for the purpose of enhancing either their aesthetic value or health, or both, and for which a fee is charged.

167. "Harbored, kept or maintained" means performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's domicile by the property owner or renter.

178. "Hobby cattery" means a noncommercial cattery at or adjoining a private residence where four or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number otherwise allowed by code.

189. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult dogs are bred or kept for any combination of hunting, training and exhibition for organized shows, for field, working or obedience trials or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number otherwise allowed by code.

1920. "Inherently dangerous animal" means any live member of the listed species, including hybrids thereof, which, due to its inherent nature, may be considered dangerous to humans. Inherently dangerous animals include but are not limited to:

a. Canidae, meaning and including any member of the dog family not customarily domesticated by man, or any hybrids thereof, but not including domestic dogs and wolf hybrids (cross between a wolf and a domestic dog).

b. Felidae, meaning and including any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats.

c. Ursidae, meaning and including any member of the bear family, or any hybrids thereof.

d. Reptilia, meaning venomous and "devenomized" reptiles, including but not necessarily limited to all members of the following families: Helodermidae (gila monster), Viperidae (pit vipers), Crotalidae (rattlesnakes), Atractaspididae (mole vipers), Hydrophiidae (sea snakes), and Elapidae (coral snakes and cobras).

e. Colubridae snakes which are rear fanged, including, but not necessarily limited to dispholidus typus (boomslangs), thebtornis kirtlandii (African twig or vine snake), and rhabdophis (keelbacks).

f. Colubridae snakes which reach a length of 10 feet and over, including but not necessarily limited to green anaconda, reticulated pythons, Burmese python, albino Indian python, and African rock python.

g. Crocodilia, meaning and including crocodiles, alligators and caimans.

~~20~~21. "Inhumane treatment" means every act or omission whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

~~21~~22. "Juvenile" means any dog or cat, altered or unaltered, that is under six months old.

~~22~~23. "Kennel" means a place where four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult dog is one of either sex, altered or unaltered, that is at least six months old.

~~23~~24. "Leash" for purposes of this Title means a cord, rope, chain or some other type of line that secures upon the collar/harness of an animal, mainly a dog, to keep the animal under control of the handler. A leash may not be longer than eight feet when measured from the attachment to the dog's collar/harness to the base of the handler's handgrip.

~~24~~25. "Livestock" means animals kept either in the open fields or structures for training, boarding, home use, sales, or increase. Livestock includes cattle, hogs, sheep, goats, horses, llamas and other large grazing animals but does not include small wild or predatory animals.

~~25~~26. "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

27. "Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

~~26~~28. "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.

~~27~~29. "Owner" means any person having an interest in or right of possession to an animal. "Owner" also means any person having control, custody or possession of any animal, or by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

~~28~~30. "Pack" means a group of two or more animals running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when the animals are not restrained or controlled.

~~29~~31. "Person" means any individual, partnership, firm, company, corporation, association, trust, estate or other legal entity.

~~30~~32. "Pet" means a domestic animal owned and kept by an individual or family for enjoyment and pleasure rather than utility. The term "pet" includes all animals required to be licensed under the terms of this chapter when properly licensed.

~~31~~33. "Pet shop" means any person, establishment, store or department of any store that acquires live animals, including birds, reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets.

~~32~~34. "Potentially dangerous dog" means: (1) any dog that when unprovoked: (a) inflicts a bite or bites on a human, pet or livestock either on public or private property; or (b) chases or

approaches a person upon the streets, sidewalks, or any other public grounds or private property in a menacing fashion or apparent attitude of attack; or (2) any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans, pets or livestock on any public or private property.

3335. "Poultry" means domestic fowl normally raised for eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, geese, pheasants, quail, guinea fowl, pea fowl and other similar domesticated birds. Nothing herein shall be interpreted to conflict with or eliminate any state wildlife licensing requirement with relation to the keeping of any type of fowl.

3436. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

3537. "Private animal placement permit" means a permit or permits issued to qualified persons engaged in fostering domestic animals, to allow them to possess more animals than is otherwise specified by this code.

3638. "Running at large" means to be off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control. There shall be a presumption that police dogs, search and rescue dogs and other such working dogs which are training or working under the control of their handler are not running at large.

3739. "Service animal" means any animal that is trained or being trained to aid a person who is blind, hearing impaired or otherwise disabled and is used for that purpose and is registered with a recognized service animal organization.

3840. "Severe Injury" means any physical injury that results in broken bones or disfiguring lacerations requiring a suture or sutures or cosmetic surgery.

3941. "Shelter" means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

42. "Tether" means: (i) to restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

4043. "Under control" means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching or injuring any bystander or other animal and from causing or being the cause of personal or physical property damage when off a leash or off the premises of the owner. Police dogs, search and rescue dogs and other such working dogs shall be presumed to be under control while such dogs are training or working under the control of their handler even though no leash or direct restraint is utilized.

4144. "Vicious animal" means an animal that endangers the safety of any person or domestic animal by biting or attacking without provocation.

8.09.130 Pet licenses - required - issuance - penalty - fee use - exceptions.

A. All dogs and cats twelve weeks old and older that are owned, harbored, kept or maintained in the City shall be licensed and registered. Licenses shall be renewed on or before the date of expiration.

B. The Animal Control Authority, or such other person, firm or entity authorized by the city council, shall issue a ~~pet dog or cat~~ license upon the payment of a fee as provided for by this subsection. Upon issuance of a license, a metal tag corresponding to the number of the application shall be furnished to the applicant. The applicant shall cause the same to be attached to the appropriate ~~pet dog or cat~~. Tags shall not be transferable from one animal to another.

C. Pet licenses ~~for dogs and cats~~ shall be valid for a term of one year from the date of issuance, expiring on the last day of the twelfth month. There is no proration of any license fees. Renewal licenses shall retain the original expiration period whether renewed before, on or after their respective renewal months.

D. Applications for a pet license shall be on forms provided by the Animal Control Authority.

E. License tags shall be worn by ~~pets dogs~~ at all times. As an alternative to a license tag, a ~~pet dog or cat~~ may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the Animal Control Authority.

F. Owners of ~~pets dogs or cats~~ who hold valid licenses from other jurisdictions and who move into the City may transfer the license by paying a transfer fee. The license shall maintain the original license's expiration date.

G. An applicant may be denied the issuance or renewal of a pet license, if the applicant was previously found in violation of the animal cruelty provisions of this title or convicted of animal cruelty under RCW 16.52.205 or 16.52.207.

1. An applicant may be denied the issuance or renewal of a pet license for up to:

(a) four years, if found in violation of the animal cruelty provisions of this title or convicted of a misdemeanor under RCW 16.52.207; or

(b) indefinitely, if convicted of a felony under RCW 16.52.205.

2. Any applicant who is either the subject of a notice and order under this title or charged with animal cruelty under RCW 16.52.205 or 16.52.207, may have the issuance or renewal of their pet license denied pending the final result of either the notice and order or charge.

H. ~~Pet Cat or dog~~ owners are subject to a penalty ~~according to the schedule in KMC~~ for failure to comply with the licensing requirements of this section. Penalties shall be set by resolution of the City Council as part of the biennial budget process.

I. A late fee shall be charged on all pet license applications unless waived by the Animal Control Authority due to unique circumstances. The Animal Control Authority shall adopt administrative criteria for granting late fee waivers, according to the schedule provided in KMC. ~~Penalties and late~~ Late fees shall be set by resolution of the City Council as part of the biennial budget process.

J. All fees and fines collected under this chapter shall be deposited in the general fund in an account to be applied solely to animal services.

8.09.140 Licenses Not Required.

The provisions of this section shall not apply to dogs used by a law enforcement agency for police work, nor to dogs or cats in the custody of a veterinarian or animal shelter or animal rescuer, or whose owners are nonresidents temporarily within the city for a period not exceeding 30 days.

8.09.150 License fees and penalties.

After establishing initial fees and penalties by resolution, unless otherwise designated, subsequent pet license fees and animal control fees and fines shall be set by resolution of the city council as part of the biennial budget process.

8.09.160 Fees authorized.

A. In addition to any other fees required by this chapter, prior to the release of animals in the custody of the Animal Control Authority or its agents, the Animal Control Authority shall charge fees under this chapter as follows:

1. Room fees for impound: \$15.00/day ~~for the first 72 hours of custody~~ (or the actual cost incurred, whichever is greater). This may be applicable to foster care programs.

2. All other services: cost incurred.

B. Prior to the release of animals as set forth in Section A above, or the adoption of animals in the custody of the Animal Control Authority or its agent, the Animal Control Authority shall be entitled to collect the reasonable veterinary fees incurred, if any.

C. In addition, prior to the release or adoption of animals as set forth in Sections A or B above, the contracted animal shelter provider shall be entitled to collect a reasonable room and board fee.

ORDINANCE O-4591

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE CITY TO PROVIDE LOCAL ANIMAL SERVICES THROUGH ESTABLISHMENT OF A LOCAL ANIMAL CONTROL AUTHORITY IN THE KIRKLAND POLICE DEPARTMENT, AND TO HIRE AND TRAIN LOCAL ANIMAL CONTROL OFFICERS, AND TO ENTER INTO THIRD PARTY CONTRACTS NECESSARY TO SUPPORT THE CITY'S LOCAL ANIMAL SERVICES.

1 WHEREAS, the City of Kirkland has, in the past, for many years
2 contracted with King County to allow the County to provide the City with
3 animal services, such as animal control, sheltering and licensing; and
4

5 WHEREAS, beginning in 1985, the City adopted the animal
6 control ordinances enacted by King County, which are currently in effect
7 in the City, codified at Kirkland Municipal Code, KMC chapter 8.04; and
8

9 WHEREAS, the City's contract with King County will expire on
10 December 31, 2017; and
11

12 WHEREAS, on November 1, 2016, the City made a decision to
13 begin providing its own local animal services commencing on January 1,
14 2018; and
15

16 WHEREAS, the City Council held a study session on July 18,
17 2017, to review initial proposed ordinances to eventually replace KMC
18 chapter 8.04 and establish a local animal control authority in the City;
19 and to set license fees, fines and penalties for the City; and to enter into
20 contracts with third parties to support the City's local animal services;
21 and
22

23 WHEREAS, this Ordinance authorizes the City, at this time, to set
24 up a local animal control authority in the Kirkland Police Department; to
25 hire and train animal control officers; and to enter into third party
26 contracts necessary to begin providing local animal services as of
27 January 1, 2018; and
28

29 WHEREAS, the City is interviewing candidates for the position of
30 local animal control officer and should make a hiring decision by
31 approximately September 1, 2017, and adopt relevant animal services
32 and animal control ordinances before then, or soon thereafter, so that
33 the City may properly train the animal control officer to be prepared to
34 begin enforcement of the City's animal services and animal control
35 ordinances as of January 1, 2018; and
36

37 WHEREAS, the City is negotiating with PetData to enter into a
38 contract to provide licensing services for the City to begin on January 1,
39 2018, and the City needs to provide PetData with the license fees, fines
40 and penalties the City will assess once it begins providing local animal
41 services on January 1, 2018; and

WHEREAS, the City is negotiating with the Everett Animal Shelter to provide animal shelter services for the City to begin on January 1, 2018.

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

Section 1: A new Title 8.09 of the Kirkland Municipal Code is hereby created to read as follows:

Chapter 8.09
ANIMAL CONTROL AUTHORITY

Sections:

8.09.010 Animal control authority - established.

8.09.020 Animal control officer - established - compensation.

8.09.030 Agreements - authorization.

8.09.040 Educational canvassing program.

8.09.050 Gifts, bequests and donations - solicitation and acceptance.

8.09.010 Animal control authority - established.

There is established, in the City of Kirkland, an animal control authority in the police department. The animal control authority is by this chapter designated the agency authorized to provide animal services and enforce animal control laws for the City commencing on January 1, 2018.

8.09.020 Animal control officer - established - compensation.

There is established within the Animal Control Authority the position of Animal Control Officer, which duties shall be defined and compensation rate determined in accordance with City of Kirkland personnel policies.

8.09.030 Agreements - authorization.

The city manager or designee is authorized to enter into an agreement with a vendor for the licensing of pets. The city manager or designee is also authorized to enter into animal care agreements with shelters and veterinarians as necessary, and to enter into other agreements with other third parties as necessary to implement this code.

8.09.040 Educational canvassing program.

The City shall develop and implement an educational canvassing program within the City limits for compliance with the licensing requirements of this chapter. The canvassing program may authorize residents to purchase pet licenses from canvassers and shall authorize canvassers to report animal cruelty complaints to the police department.

8.09.050 Gifts, bequests and donations - solicitation and acceptance.

90 A. Consistent with KMC Chapter 3.14, city officials and staff who
91 report directly to those officials may accept from the general public and
92 business communities and all other persons, gifts, bequests and
93 donations to the City in support of animal services. City officials and
94 staff who report directly to those officials may solicit gifts, bequests and
95 donations to the City in support of animal services if authorized to do so
96 through a resolution approved by the council.

97 B. All gifts, bequests and donations of money to the City for
98 animal services shall be deposited and credited to a donation account,
99 specifically set up to receive only funds from animal services donations.

100
101 Section 2. If any provision of this ordinance or its application to
102 any person or circumstance is held invalid, the remainder of the
103 ordinance or the application of the provision to other persons or
104 circumstances is not affected.

105
106 Section 3. This ordinance shall be in force and effect five days
107 from and after its passage by the Kirkland City Council and publication
108 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
109 form attached to the original of this ordinance and by this reference
110 approved by the City Council.

111
112 Passed by majority vote of the Kirkland City Council in open
113 meeting this ____ day of _____, 2017.

114 Signed in authentication thereof this ____ day of
115 _____, 2017.
116

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4591

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE CITY TO PROVIDE LOCAL ANIMAL SERVICES THROUGH ESTABLISHMENT OF A LOCAL ANIMAL CONTROL AUTHORITY IN THE KIRKLAND POLICE DEPARTMENT, AND TO HIRE AND TRAIN LOCAL ANIMAL CONTROL OFFICERS, AND TO ENTER INTO THIRD PARTY CONTRACTS NECESSARY TO SUPPORT THE CITY'S LOCAL ANIMAL SERVICES.

SECTION 1. Establishes an animal control authority with compensation for the animal control officer, authorizes the signing of third party contracts and acceptance of gifts, bequests and donations in support of animal services.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2017.

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

Kathi Anderson, City Clerk

ORDINANCE O-4592

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL ORDINANCE THAT SETS FORTH THE CITY'S PURPOSE AND SCOPE IN PROVIDING LOCAL ANIMAL SERVICES, SETS FORTH DEFINITIONS, AND SETS FORTH PET LICENSING REQUIREMENTS.

1 WHEREAS, the City of Kirkland has, in the past, for many years
2 contracted with King County to allow the County to provide the City with
3 animal services, such as animal control, sheltering and licensing; and
4

5 WHEREAS, beginning in 1985, the City adopted the animal
6 control ordinances enacted by King County, which are currently in effect
7 in the City, codified at Kirkland Municipal Code, KMC chapter 8.04; and
8

9 WHEREAS, the City's contract with King County will expire on
10 December 31, 2017; and
11

12 WHEREAS, on November 1, 2016, the City made a decision to
13 begin providing its own local animal services commencing on January 1,
14 2018; and
15

16 WHEREAS, Council held a study session on July 18, 2017, to
17 review initial proposed ordinances to eventually replace KMC chapter
18 8.04 and establish a local animal control authority in the City; and
19

20 WHEREAS, Council defined the purpose and scope of the City's
21 local animal services ordinance, set forth the definitions for the City's
22 local animal services ordinance, and set forth the pet licensing
23 requirements for the City.
24

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

28 Section 1. A new Section 8.09.110 of the Kirkland Municipal
29 Code is hereby created to read as follows:
30

31 **8.09.110 Purpose and scope.**

32 It is the public policy of the city to secure and maintain such levels
33 of animal control as will protect human health and safety, to prevent
34 cruelty to animal life, and to the greatest degree practicable to prevent
35 damage to property. To this end, it is the purpose of this title to provide
36 a means of licensing pets; to regulate kennels, catteries, grooming
37 parlors, and pet shops; to control errant animal behavior so that it shall
38 not become a public nuisance; and to prevent cruelty to animals.
39

40 Section 2. A new Section 8.09.120 of the Kirkland Municipal
41 Code is hereby created to read as follows:

8.09.120 Definitions.

In construing this chapter, except where otherwise plainly declared or clearly apparent from the context, words shall be given their common and ordinary meaning. In addition, the following definitions apply to this chapter:

1. "Altered" means spayed or neutered.
2. "Animal" means any living creature except humans, insects and worms.
3. "Animal Control Authority" means the person, association or corporation, appointed or authorized by the City to enforce the provisions of this chapter and all other ordinances of the city pertaining to animal control.
4. "Animal Control Officer" and "Officer" means officers employed by the Animal Control Authority and includes police officers. Whenever "Animal Control Officer" is used in this title, the term shall mean the City's Animal Control Officer and his or her designee.
5. "Animal Services" means the City's program of providing animal control, licensing and contracted sheltering services, and may also include investments in pet-related improvements and activities in public facilities and parks.
6. "At large" means off the premises of the owner and not under the immediate control of the owner, member of the owner's immediate family, or person authorized by the owner, by means of a leash, cord or chain no longer than eight feet.
7. "Cattery" means a place where four or more adult cats are kept, whether by owners of the cats or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult cat is one of either sex, altered or unaltered, that is at least six months old.
8. "City" means the City of Kirkland.
9. "Council" means the City Council for the City of Kirkland.
10. "Dangerous dog" means any dog that, according to the records of the Animal Control Authority (a) inflicts severe injury on a human being without provocation on public or private property; (b) kills a domestic animal without provocation while the dog is off the owner's property; or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals; provided, however, that an animal shall not be considered a "dangerous dog" if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.
11. "Dog" means an animal of the species *Canis lupus familiaris*.
12. "Domestic animal" means any animal that is usually or commonly tamed and bred by humans, such as, but not limited to, any dog, cat,

90 rabbit, guinea pig, gerbil, bird, horse, mule, ass, bovine animal, lamb,
91 goat, sheep, hog or other animal made to be domestic.

92 13. "Euthanasia" means the humane destruction of an animal
93 accomplished by a method that involves instantaneous unconsciousness
94 and immediate death or by a method that causes painless loss of
95 consciousness and death during the loss of consciousness.

96 14. "Food" means food or feed appropriate to the species for which
97 it is intended.

98 15. "Fostering" means harboring, keeping or maintaining stray,
99 homeless, abandoned and/or unwanted domestic animals and locating
100 adoptive homes for those animals.

101 16. "Grooming service" and "grooming parlor" means any place or
102 establishment, public or private, where animals are bathed, clipped or
103 combed for the purpose of enhancing either their aesthetic value or
104 health, or both, and for which a fee is charged.

105 17. "Harbored, kept or maintained" means performing any of the
106 acts of providing care, shelter, protection, refuge, food or nourishment
107 in such a manner as to control the animal's actions, or that the animal
108 or animals are treated as living at one's domicile by the property owner
109 or renter.

110 18. "Hobby cattery" means a noncommercial cattery at or adjoining
111 a private residence where four or more adult cats are bred or kept for
112 exhibition for organized shows or for the enjoyment of the species.
113 However, a combination hobby cattery/kennel license may be issued
114 where the total number of cats and dogs exceeds the number otherwise
115 allowed by code.

116 19. "Hobby kennel" means a noncommercial kennel at or adjoining
117 a private residence where four or more adult dogs are bred or kept for
118 any combination of hunting, training and exhibition for organized shows,
119 for field, working or obedience trials or for the enjoyment of the species.
120 However, a combination hobby cattery/kennel license may be issued
121 where the total number of cats and dogs exceeds the number otherwise
122 allowed by code.

123 20. "Inherently dangerous animal" means any live member of the
124 listed species, including hybrids thereof, which, due to its inherent
125 nature, may be considered dangerous to humans. Inherently dangerous
126 animals include but are not limited to:

127 a. Canidae, meaning and including any member of the dog
128 family not customarily domesticated by man, or any hybrids thereof, but
129 not including domestic dogs and wolf hybrids (cross between a wolf and
130 a domestic dog).

131 b. Felidae, meaning and including any member of the cat family
132 not customarily domesticated by man, or any hybrids thereof, but not
133 including domestic cats.

134 c. Ursidae, meaning and including any member of the bear
135 family, or any hybrids thereof.

136 d. Reptilia, meaning venomous and "devenomized" reptiles,
137 including but not necessarily limited to all members of the following

families: Helodermidae (gila monster), Viperidae (pit vipers), Crotalidae (rattlesnakes), Atractaspidae (mole vipers), Hydrophiidae (sea snakes), and Elapidae (coral snakes and cobras).

e. Colubridae snakes which are rear fanged, including, but not necessarily limited to dispholidus typus (boomslangs), thebtornis kirtlandii (African twig or vine snake), and rhabdophis (keelbacks).

f. Colubridae snakes which reach a length of 10 feet and over, including but not necessarily limited to green anaconda, reticulated pythons, Burmese python, albino Indian python, and African rock python.

g. Crocodilia, meaning and including crocodiles, alligators and caimans.

21. "Inhumane treatment" means every act or omission whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

22. "Juvenile" means any dog or cat, altered or unaltered, that is under six months old.

23. "Kennel" means a place where four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult dog is one of either sex, altered or unaltered, that is at least six months old.

24. "Leash" for purposes of this Title means a cord, rope, chain or some other type of line that secures upon the collar/harness of an animal, mainly a dog, to keep the animal under control of the handler. A leash may not be longer than eight feet when measured from the attachment to the dog's collar/harness to the base of the handler's handgrip.

25. "Livestock" means animals kept either in the open fields or structures for training, boarding, home use, sales, or increase. Livestock includes cattle, hogs, sheep, goats, horses, llamas and other large grazing animals but does not include small wild or predatory animals.

26. "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

27. "Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

28. "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.

29. "Owner" means any person having an interest in or right of possession to an animal. "Owner" also means any person having control, custody or possession of any animal, or by reason of the animal being

seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

30. "Pack" means a group of two or more animals running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when the animals are not restrained or controlled.

31. "Person" means any individual, partnership, firm, company, corporation, association, trust, estate or other legal entity.

32. "Pet" means a domestic animal owned and kept by an individual or family for enjoyment and pleasure rather than utility. The term "pet" includes all animals required to be licensed under the terms of this chapter when properly licensed.

33. "Pet shop" means any person, establishment, store or department of any store that acquires live animals, including birds, reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets.

34. "Potentially dangerous dog" means: (1) any dog that when unprovoked: (a) inflicts a bite or bites on a human, pet or livestock either on public or private property; or (b) chases or approaches a person upon the streets, sidewalks, or any other public grounds or private property in a menacing fashion or apparent attitude of attack; or (2) any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans, pets or livestock on any public or private property.

35. "Poultry" means domestic fowl normally raised for eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, geese, pheasants, quail, guinea fowl, pea fowl and other similar domesticated birds. Nothing herein shall be interpreted to conflict with or eliminate any state wildlife licensing requirement with relation to the keeping of any type of fowl.

36. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

37. "Private animal placement permit" means a permit or permits issued to qualified persons engaged in fostering domestic animals, to allow them to possess more animals than is otherwise specified by this code.

38. "Running at large" means to be off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control. There shall be a presumption that police dogs, search and rescue dogs and other such working dogs which are training or working under the control of their handler are not running at large.

39. "Service animal" means any animal that is trained or being trained to aid a person who is blind, hearing impaired or otherwise

disabled and is used for that purpose and is registered with a recognized service animal organization.

40. "Severe Injury" means any physical injury that results in broken bones or disfiguring lacerations requiring a suture or sutures or cosmetic surgery.

41. "Shelter" means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

42. "Tether" means: (i) to restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

43. "Under control" means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching or injuring any bystander or other animal and from causing or being the cause of personal or physical property damage when off a leash or off the premises of the owner. Police dogs, search and rescue dogs and other such working dogs shall be presumed to be under control while such dogs are training or working under the control of their handler even though no leash or direct restraint is utilized.

44. "Vicious animal" means an animal that endangers the safety of any person or domestic animal by biting or attacking without provocation.

Section 3. A new Section 8.09.130 of the Kirkland Municipal Code is hereby created to read as follows:

8.09.130 Pet licenses - required - issuance - penalty - fee use - exceptions.

A. All dogs and cats twelve weeks old and older that are owned, harbored, kept or maintained in the City shall be licensed and registered. Licenses shall be renewed on or before the date of expiration.

B. The Animal Control Authority, or such other person, firm or entity authorized by the city council, shall issue a pet license upon the payment of a fee as provided for by this subsection. Upon issuance of a license, a metal tag corresponding to the number of the application shall be furnished to the applicant. The applicant shall cause the same to be attached to the appropriate pet. Tags shall not be transferable from one animal to another.

C. Pet licenses shall be valid for a term of one year from the date of issuance, expiring on the last day of the twelfth month. There is no proration of any license fees. Renewal licenses shall retain the original expiration period whether renewed before, on or after their respective renewal months.

D. Applications for a pet license shall be on forms provided by the Animal Control Authority.

E. License tags shall be worn by pets at all times. As an alternative to a license tag, a pet may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the Animal Control Authority.

F. Owners of pets who hold valid licenses from other jurisdictions and who move into the City may transfer the license by paying a transfer fee. The license shall maintain the original license's expiration date.

G. An applicant may be denied the issuance or renewal of a pet license, if the applicant was previously found in violation of the animal cruelty provisions of this title or convicted of animal cruelty under RCW 16.52.205 or 16.52.207.

1. An applicant may be denied the issuance or renewal of a pet license for up to:

(a) four years, if found in violation of the animal cruelty provisions of this title or convicted of a misdemeanor under RCW 16.52.207; or

(b) indefinitely, if convicted of a felony under RCW 16.52.205.

2. Any applicant who is either the subject of a notice and order under this title or charged with animal cruelty under RCW 16.52.205 or 16.52.207, may have the issuance or renewal of their pet license denied pending the final result of either the notice and order or charge.

H. Pet owners are subject to a penalty for failure to comply with the licensing requirements of this section. Penalties shall be set by resolution of the City Council as part of the biennial budget process.

I. A late fee shall be charged on all pet license applications unless waived by the Animal Control Authority due to unique circumstances. The Animal Control Authority shall adopt administrative criteria for granting late fee waivers. Late fees shall be set by resolution of the City Council as part of the biennial budget process.

J. All fees and fines collected under this chapter shall be deposited in the general fund in an account to be applied solely to animal services.

Section 4. A new Section 8.09.140 of the Kirkland Municipal Code is hereby created to read as follows:

8.09.140 Licenses Not Required.

The provisions of this section shall not apply to dogs used by a law enforcement agency for police work, nor to dogs or cats in the custody of a veterinarian or animal shelter or animal rescuer, or whose owners are nonresidents temporarily within the city for a period not exceeding 30 days.

Section 5. A new Section 8.09.150 of the Kirkland Municipal Code is hereby created to read as follows:

8.09.150 License fees and penalties.

After establishing initial fees and penalties by resolution, unless otherwise designated, subsequent pet license fees and animal control fees and fines shall be set by resolution of the city council as part of the biennial budget process.

Section 6. A new Section 8.09.160 of the Kirkland Municipal Code is hereby created to read as follows:

8.09.160 Fees authorized.

A. In addition to any other fees required by this chapter, prior to the release of animals in the custody of the Animal Control Authority or its agents, the Animal Control Authority shall charge fees under this chapter as follows:

1. Room fees for impound: \$15.00/day (or the actual cost incurred, whichever is greater). This may be applicable to foster care programs.
2. All other services: cost incurred.

B. Prior to the release of animals as set forth in Section A above, or the adoption of animals in the custody of the Animal Control Authority or its agent, the Animal Control Authority shall be entitled to collect the reasonable veterinary fees incurred, if any.

C. In addition, prior to the release or adoption of animals as set forth in Sections A or B above, the contracted animal shelter provider shall be entitled to collect a reasonable room and board fee.

Section 7. 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 8. This ordinance shall be in full force and effect January 1, 2018, which will be more than five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council 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.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4592

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING PORTIONS OF THE CITY'S LOCAL ANIMAL CONTROL ORDINANCE THAT SETS FORTH THE CITY'S PURPOSE AND SCOPE IN PROVIDING LOCAL ANIMAL SERVICES, SETS FORTH DEFINITIONS, AND SETS FORTH PET LICENSING REQUIREMENTS.

SECTION 1. Establishes the purpose and scope for animal control.

SECTION 2. Provides definitions relating to animal control.

SECTION 3 Adds a new section related to pet licenses.

SECTION 4. Adds a new section for when licenses are not required.

SECTION 5. Adds a new section related to license fees and penalties.

SECTION 6. Provides for when fees are authorized.

SECTION 7. Provides a severability clause for the ordinance.

SECTION 8. 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.

Kathi Anderson, City Clerk

ORDINANCE O-4593

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARK RULES AND ALLOWING DOGS TO BE OFF-LEASH IN DESIGNATED OFF-LEASH DOG PARKS, SPECIFIC PORTIONS OF PARKS DESIGNATED AS OFF-LEASH OR IN DESIGNATED PARKS DURING PARK HOURS THAT HAVE BEEN SPECIFICALLY DESIGNATED AS OFF-LEASH HOURS, SO LONG AS THE DOG REMAINS UNDER CONTROL OF THE OWNER OR HANDLER.

1 WHEREAS, the City of Kirkland has, in the past, for many years
2 contracted with King County to allow the County to provide the City with
3 animal services, such as animal control, sheltering and licensing; and
4

5 WHEREAS, on November 1, 2016, the City made a decision to
6 begin providing its own local animal services commencing on January 1,
7 2018; and
8

9 WHEREAS, the City Council held a study session on July 18,
10 2017, to review initial proposed ordinances to eventually replace KMC
11 chapter 8.04 and establish a local animal control authority to provide
12 the City with local animal services; and
13

14 WHEREAS, the City intends to pass a leash law requiring all
15 animals to be on a leash when such animals are off their owner's and/or
16 handler's property, with certain exceptions; and
17

18 WHEREAS, the City currently has designated an area in the City
19 as an off-leash dog park and does not require an owner or handler to
20 have his/her dog on a leash while within this area, so long as the animal
21 remains under control of the owner or handler; and
22

23 WHEREAS, the City may designate other area(s) in the future as
24 off-leash dog park(s) and may also allow for off-leash dog activity at
25 certain designated hours in certain parks;
26

27 NOW, THEREFORE, the City Council of the City of Kirkland do
28 ordain as follows:
29

30 Section 1. Kirkland Municipal Code Section 11.80.030 is
31 amended to read as follows:
32

33 **11.80.030 Definitions.**

34 The terms herein used, unless clearly contrary to or inconsistent with
35 the context in which used, shall be construed as follows:

36 (1) "Director" means the director of the parks and recreation
37 department of the city as established by Chapter [3.68](#).

38 (2) "Park" means and includes all city parks and all areas within the
39 boundaries of a city park, including structures, regardless of whether
40 the area is under the management and control of the park and
41 recreation department.

(3) "Park board" means the board of park commissioners as established and created by Chapter [3.36](#).

(4) "Under control" means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching or injuring any bystander or other animal and from causing or being the cause of personal or physical property damage when off a leash.

(5) Wherever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other and words in the singular number shall be construed to include the plural.

Section 2. Kirkland Municipal Code Section 11.80.060 is amended to read as follows:

11.80.060 Animals at large prohibited. Exceptions – off-leash parks.

The provisions of ~~Chapter 8.04 Title 8~~ of the Kirkland Municipal Code including all portions of the King County Code adopted by reference, shall apply in all parks. It is unlawful for any person to allow or permit any animal owned by him or within his possession or under his control to run at large in any park or enter any designated swimming area located therein. The director, acting pursuant to Section [11.80.220](#), may adopt rules prohibiting dogs or other types of domesticated animals from entering certain parks or certain portions of parks after consultation with the city council. **Provided**, dogs may be allowed off-leash in designated off-leash dog parks, or in specific portions of parks designated as off-leash, or in designated parks during park hours that have been specifically designated as off-leash hours, so long as the dog is under control of the owner or handler.

Section 3. 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 4. 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.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

RESOLUTION R-5262

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
ESTABLISHING PET LICENSE FEES, FINES AND PENALTIES RELATED
TO LOCAL ANIMAL SERVICES.

1 WHEREAS, the City of Kirkland has, in the past, for many years
2 contracted with King County to allow the County to provide the City with
3 animal services, such as animal control, sheltering and licensing; and
4

5 WHEREAS, beginning in 1985, the City adopted the animal
6 control ordinances enacted by King County, which are currently in effect
7 in the City, codified at Kirkland Municipal Code, KMC chapter 8.04; and
8

9 WHEREAS, the City's contract with King County will expire on
10 December 31, 2017; and
11

12 WHEREAS, on November 1, 2016, the City made a decision to
13 begin providing its own local animal services to the citizens of Kirkland
14 commencing on January 1, 2018; and
15

16 WHEREAS, Council held a study session on July 18, 2017, to
17 review initial proposed ordinances to replace KMC chapter 8.04 and to
18 establish a local animal control authority in the City; and to set license
19 fees, fines and penalties for the City; and to enter into contracts with
20 third parties to support the City's local animal services; and
21

22 WHEREAS, Council determined to pass an ordinance holding that
23 Council shall set license fees, fines and penalties initially by resolution,
24 and thereafter to consider updates to fees, fines and penalties by
25 resolution as part of the biennial budget process; and
26

27 WHEREAS, Council determined that the local license fees, fines
28 and penalties should initially remain substantially the same as those
29 currently charged by King County.
30

31 NOW, THEREFORE, be it resolved by the City Council of the City
32 of Kirkland as follows:
33

34 Section 1. The Kirkland Police Department Animal Control Pet
35 License Fees and Penalties Schedule attached as Exhibit "A" is approved.
36

37 Passed by majority vote of the Kirkland City Council in open
38 meeting this ____ day of _____, 2017.
39

40 Signed in authentication thereof this ____ day of _____,
41 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

EXHIBIT A

KIRKLAND POLICE DEPARTMENT
ANIMAL CONTROL AUTHORITY
PET LICENSE FEES AND PENALTIES SCHEDULE

Pet License fees and penalties.

A. The following animal license and registration fees apply:

1. Pet license - dog or cat	
a. Unaltered	\$60.00
b. Altered	\$30.00
2. Juvenile pet license – dog or cat	\$15.00
3. Discounted pet license – dog or cat	\$15.00
4. Replacement tag	\$5.00
5. Transfer fee	\$3.00
6. Exotic pet	
a. New	\$500.00
b. Renewal	\$250.00
7. Service animal/Guide Dogs	no charge
8. K-9 police dog	no charge
9. The following late fees shall apply to license renewal applications:	
a. received 45 to 90 days following license expiration	\$15.00
b. received 90 to 135 days following license expiration	\$20.00
c. received more than 135 days following license expiration	\$30.00
d. received more than 365 days following license expiration	\$30.00
	plus license fee(s) for any years(s) the pet was unlicensed

B. The following business and activity permit fees apply:

1. Hobby cattery	\$50.00
2. Hobby kennel	\$50.00
3. Combined hobby kennel and hobby cattery license	\$75.00
4. Private animal placement permit	no charge

C. The following civil penalties shall be assessed:

1. Civil penalties: General	
a. No previous similar code violation within one year	\$50.00
b. One previous similar code violation within one year	\$100.00
c. Two or more similar code violations within one year	Double the rate of the previous penalty, up to a maximum of \$1,000.00
2. Civil penalties: Vicious animal or animal cruelty violations	
a. First violation within one year	\$500.00
b. Subsequent violations within one year	\$1,000.00

3. Civil penalties: Dog leash law violations	
a. First violation within one year	\$25.00
b. Additional violations within one year	\$50.00
4. Civil penalties: Animal abandonment	\$500.00
5. Civil penalties: Unlicensed cat or dog	
a. Altered cat or dog	\$125.00
b. Unaltered cat or dog	\$250.00
D. The following service fees apply	
1. Adoptions - per animal, including licensing and spaying or neutering of the animal	\$75.00 - \$250.00 Based upon adoptability
2. Impound or redemption - dogs, cats or other small animals	
a. First impound within one year	\$45.00
b. Second impound within one year	\$85.00
c. Third impound within one year	\$125.00
3. Owner-requested euthanasia	\$50.00
4. Optional microchipping for adopted pets	\$25.00
5. All other services	Costs Incurred