



# CITY OF KIRKLAND CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Neal Black • Kelli Curtis  
Amy Falcone • Toby Nixon • Jon Pascal • 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.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • [www.kirklandwa.gov](http://www.kirklandwa.gov)

## **AGENDA KIRKLAND CITY COUNCIL SPECIAL MEETING City Council Chamber Wednesday, November 4, 2020 5:30 p.m. – Study Session 7:30 p.m. – Regular Meeting**

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://www.kirklandwa.gov). Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
  - a. Preliminary 2021-2022 Budget
4. *HONORS AND PROCLAMATIONS*
5. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
6. *PUBLIC HEARINGS*
  - a. Preliminary 2021-2022 Budget
7. *SPECIAL PRESENTATIONS*
  - a. 2020 Annual Fall Service Awards

### **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.

**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.

**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.

- b. COVID-19 Update
- c. Resolution R-5434 Update

8. *CONSENT CALENDAR*

- a. *Approval of Minutes*
  - (1) October 20, 2020
- b. *Audit of Accounts*
- c. *General Correspondence*
- d. *Claims*
  - (1) Claims for Damages
- e. *Award of Bids*
- f. *Acceptance of Public Improvements and Establishing Lien Period*
  - (1) 2020 Annual Striping Program
  - (2) Parks Maintenance Center
- g. *Approval of Agreements*
- h. *Other Items of Business*
  - (1) Resolution R-5450, Approving a City of Kirkland Legislative Agenda to be Addressed to the 2021 Session of the State Legislature
  - (2) Third Quarter 2020 Fire Dashboard
  - (3) Third Quarter 2020 Police Dashboard
  - (4) September 2020 Sales Tax Report
  - (5) Procurement Report

**\*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.

**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.

9. *BUSINESS*

a. Code Amendments - Streamlining Public Projects

- (1) Ordinance O-4739, Relating to Zoning and Land Use and Amending the Kirkland Zoning Code Chapters 90, 115, and 142, Ordinance 3719 (as Amended), and Approving a Summary for Publication, File No. CAM20-00334
- (2) Ordinance O-4740, Relating to Land Surface Modification and Amending Section 29.12.010 of the Kirkland Municipal Code
- (3) Ordinance O-4741, Relating to Development Fees and Amending Subsection 5.74.070(a) of the Kirkland Municipal Code

*10. REPORTS*

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

*11. ITEMS FROM THE AUDIENCE*

*12. EXECUTIVE SESSION*

*13. ADJOURNMENT*

**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.

**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.

**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.



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

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Michael Olson, Director of Finance and Administration  
**Date:** October 22, 2020  
**Subject:** PRELIMINARY 2021-2022 BUDGET

### RECOMMENDATION:

City Council hold a study session on the Preliminary 2021-2022 Budget.

### BACKGROUND DISCUSSION:

The purpose of this study session is to continue the discussion on the Preliminary 2021-2022 Budget as submitted by the City Manager and available to the public on October 21, 2020. The budget document is available at <http://www.kirklandwa.gov/budgetdoc>.

The first study session on the 2021-2022 Preliminary Budget occurred on October 27<sup>th</sup>. Additional study sessions are scheduled for November 10<sup>th</sup> (if needed) and November 17<sup>th</sup> (if needed), along with the 2021-2026 CIP. Public hearings on the 2021-2022 Budget will be held on November 4 and 17, 2020. The budget is expected to be adopted at the December 8, 2020 City Council meeting.

At the beginning of the study session, a summary will be provided of Council's discussion to date on the Preliminary 2021-2022 Budget.



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Michael Olson, Director of Finance and Administration

**Date:** October 22, 2020

**Subject:** PUBLIC HEARING ON PRELIMINARY 2021-2022 BUDGET

### RECOMMENDATION:

City Council hold a public hearing on the Preliminary 2021-2022 Budget.

### BACKGROUND DISCUSSION:

The purpose of this public hearing is to solicit public comment on the Preliminary 2021-2022 Budget as submitted by the City Manager and available to the public on October 21, 2020. The budget document is available at <http://www.kirklandwa.gov/budgetdoc>.

Staff have used several methods to engage our community about the budget, including the biennial community survey, press releases and budget videos. Staff have also recently updated the City's homepage "tiles" to highlight a link to the Budget Documents and to *Our Kirkland*. From that tile, community members can review the Preliminary 2021-2022 Budget, including the Budget Message, Preliminary Budget Document, and Preliminary Service Package Document. The tile also provides community members a link to the *Our Kirkland* app for public comment on the budget. Additional community outreach is planned to occur in the coming days and weeks.

A public hearing on anticipated revenue sources was held on September 15, 2020. RCW 35A.33 requires that a public hearing on the upcoming budget period be held on or before the first Monday in December.

The 2021-2022 Preliminary Budget is scheduled for discussion at the October 27<sup>th</sup> City Council Study session. Additional Study sessions are scheduled for November 4<sup>th</sup>, November 10<sup>th</sup> (if needed) and November 17<sup>th</sup> (if needed), along with the 2021-2026 CIP. Another public hearing will be held on November 17, 2020. The budget is expected to be adopted at the December 8, 2020 City Council meeting.

At the beginning of the public hearing, staff will provide a summary of Council's discussion to date on the Preliminary 2021-2022 Budget.



**CITY OF KIRKLAND**  
**Human Resources Department**  
 123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587-3210  
 www.kirklandwa.gov

## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Anh Hoang, Director of Human Resources  
**Date:** **November 4, 2020**  
**Subject:** **2020 Service Award Recognition**

### Recommendation:

Council receives a PowerPoint presentation listing employees reaching benchmark service years of twenty and above on the Council Agenda under Special Presentations. The Council normally presents these semi-annual awards to employees in person in the Council chambers. COVID-19 postponed the spring service awards and all 2020 awards are now consolidated here.

Employees reaching benchmarks of 20, 25, 30, 35 ... years of service receive an Acrylic Plaque etched with the employee(s) name, department, City logo and service years and an award certificate, employees will receive these at a later date from their department Director.

The HR Director will read each employee's name, years of service, department and position title from a PowerPoint presentation. The names listed below are those employees reaching milestones, any changes to list below will be communicated prior to the ceremony.

### Twenty years of service

<u>Employee Name</u>	<u>Department</u>	<u>Position</u>
Travis Braddock	Fire	Firefighter
Erin Wheeler	Municipal Court	Assistant Court Administrator
John Burkhalter	Public Works	Dev Engineering Manager
Robert Saloum	Police	Police Lieutenant
Van Sheth	Public Works	Management Analyst
Christa Gilland	Police	Family Violence Officer
Thang Nguyen	Public Works	Transportation Engineer
Betsy Maxwell	Parks & Comm Services	Program Coordinator
Xiaoning Jiang	Information Technology	Deputy Director IT
Gianni Mallamo	Public Works	Utility Craftsperson Meters

### Twenty-five years of service

<u>Employee Name</u>	<u>Department</u>	<u>Position</u>
Clell Mason	Planning & Building	Inspection Supervisor
Philip Goguen	Police	Police Lieutenant
Jason Filan	Parks & Comm Services	Parks Operations Manager
Mark Padgett	Parks & Comm Services	Groundsperson

**Twenty-five years of service continued**

<u>Employee Name</u>	<u>Department</u>	<u>Position</u>
Kristina Shull	Police	Police Analyst
Leta Santangelo	City Attorney's Office	Legal Assistant
James Hughes	Fire	Fire Lieutenant
Michael De Aguiar	Police	Patrol Corporal
Tim Gunter	Public Works	Construction Inspector

**Thirty years of service**

<u>Employee Name</u>	<u>Department</u>	<u>Position</u>
Gregory Picinich	Fire Department	Battalion Chief
Jeremy McMahan	Planning & Building	Deputy Director P&B

The next award ceremony recognizing employees who reach these yearly benchmarks between January 1 and June 30, 2021 will be scheduled for an upcoming Spring, 2021 Council meeting.



KIRKLAND CITY COUNCIL MEETING MINUTES  
October 20, 2020

1. CALL TO ORDER

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

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. 2021-2022 Human Services Grant Recommendations

Human Services Supervisor Leslie Miller provided a presentation on the Human Services Commission grant funding recommendations for the 2021-2022 biennium; Human Services Commission Chair Jonathan Stutz was also available to provide input and respond to Council questions.

(1) Human Services CARES Act Update

Human Services Supervisor Leslie Miller provided the Council with an update on how the Kirkland CARES Act money will be invested to support human services program.

4. EXECUTIVE SESSION

a. To Discuss Potential Litigation

Mayor Sweet announced that the Council would enter into executive session to discuss potential litigation and would return to the regular meeting at 7:30 p.m., which they did. Also attending were City Manager Kurt Triplett, Deputy City Manager Tracey Dunlap, Assistant City Manager James Lopez, City Attorney Kevin Raymond, Senior Assistant City Attorney Stephanie Croll, Police Chief Cherie Harris, Fire Chief Joe Sanford, and City Clerk Kathi Anderson.



5. HONORS AND PROCLAMATIONS

a. Domestic Violence Awareness Month Proclamation

Mayor Sweet asked Councilmember Falcone to read the proclamation which was accepted by LifeWire Board Member Theresa Anderson.

b. National Code Compliance Month Proclamation

Mayor Sweet asked Councilmember Pascal to read the proclamation which was accepted by Planning Supervisor Christian Geitz on behalf of the City of Kirkland Code Enforcement Officers Shannon Sedlacek and Cindy Keirse.

c. Urban and Community Forest Appreciation Month Proclamation

Mayor Sweet asked Councilmember Black to read the proclamation designating October 2020 as Urban and Community Forest Appreciation Month in Kirkland.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Michelle Alten-Kaehler  
Liz Parks

c. Petitions

7. PUBLIC HEARINGS

None.

8. SPECIAL PRESENTATIONS

a. COVID-19 Update

City Manager Kurt Triplett provided information on a variety of issues related to COVID-19 impacts and planning and CARES Act funding.

b. Resolution R-5434 Update

City Manager Kurt Triplett provided an update on work related to the Resolution R-5434 legislation.

9. CONSENT CALENDAR

a. Approval of Minutes

(1) October 06, 2020

The minutes of the October 6, 2020 regular meeting were approved via approval of the consent calendar.

b. Audit of Accounts

Payroll: \$3,305,085.49  
Bills: \$2,991,842.97  
SS107A checks #715022 - 715119  
SS107B wire #228  
SS107C wire #229  
SS1014A checks #715120 - 715319  
SS1019A wire #230

c. General Correspondence

d. Claims

(1) Claims for Damage

Claims received from Louis Bianchi, Karen Eichelberger, Kristin McNeely and Alex Walker, and Stephanie Seehaus were acknowledged via approval of the consent calendar.

e. Award of Bids

(1) Maintenance Center Storm Water Pollution Prevention Plan Upgrades

Council awarded a construction contract in the amount of \$767,421.77 to Interwest Construction, Inc. of Burlington, Washington for the base bid schedule and schedule B of the Maintenance Center Storm Water Pollution Plan (SWPPP) Upgrades project via approval of the consent calendar.

(2) NE 116th Street Crosswalks Upgrade

Council awarded a construction contract in the amount of \$176,430.00 to Westwater Construction Company of Renton, Washington for schedules A and B for the NE 116th Street Crosswalks Upgrade project via approval of the consent calendar.

f. Acceptance of Public Improvements and Establishing Lien Period

(1) 2019 Neighborhood Safety Program Projects

The work on the 2019 Neighborhood Safety Program (NSP) projects as completed by NPM Construction of Maple Valley, Washington, was accepted thereby establishing the statutory lien period, and a transfer of the remaining funds at the time of final project close-out from the 2019 NSP Projects to the 2020 NSP Projects was authorized, via approval of the consent calendar.

g. Approval of Agreements

h. Other Items of Business

- (1) Resolution R-5449, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF PROPERTY WITHIN THE GREEN LOOP CORRIDOR."

The resolution was approved via approval of the consent calendar.

- (2) Declaration of a Surplus Vehicle

The surplus as identified in the staff report was approved via approval of the consent calendar.

- (3) August 2020 Financial Dashboard

The report was acknowledged via approval of the consent calendar.

- (4) Procurement Report

The report was acknowledged via approval of the consent calendar.

Motion to Approve the consent calendar.

Moved by Councilmember Neal Black, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

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

## 10. BUSINESS

a. Draft 2021 State Legislative Priorities Agenda

Intergovernmental Relations and Economic Development Manager Lorrie McKay provided an overview of the City of Kirkland's Draft 2020 legislative priorities agenda.

b. Totem Lake Connector – Award of Bid

Public Works Senior Project Engineer Aaron McDonald presented an overview of the project and the bids received.

Motion to Approve the award of a construction contract to Kraemer North America of Seattle, Washington, in the amount of \$13,047,576.45 for the Totem Lake Connector Non-Motorized Bridge.

Moved by Councilmember Jon Pascal, seconded by Deputy Mayor Jay Arnold  
Vote: Motion carried 7-0

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

c. Spinney Homestead Regional Facility – Phase 1 Update

Senior Surface Water Engineer Robert O'Brien provided an update on the Spinney Homestead Regional Facility project and received council direction.

Motion to Proceed with Option 1 changing the design from a fee-in-lieu mitigation facility to a retrofit facility and allowing the project to move forward with geotechnical investigation and up to 30% design for a stormwater retrofit facility to be located at Spinney Homestead park.

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

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

d. Cedar Creek Culvert Replacement – Update

Public Works Capital Projects Manager Rod Steitzer presented an update of the Cedar Creek Replacement Project and responded to Council questions.

Motion to Approve a fiscal note transferring \$220,000 from the surface water reserves to the Cedar Creek Culvert Replacement Project and the resulting budget adjustment.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Kelli Curtis  
Vote: Motion carried 7-0

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

e. Public Art for Fire Station 24 – Cultural Arts Commission Recommendation

Public Works Senior Project Engineer Anneke Davis presented an overview of the Kirkland Cultural Arts Commission's recommendation of "The Sentinel" by

Michael Clapper of Michael Clapper Studios, Denver, Colorado, to be fabricated and installed as part of the renovation of Fire Station 24 Project.

Motion to Accept the Kirkland Cultural Arts Commission's recommendation of "The Sentinel" sculpture by Michael Clapper for fabrication and installation as part of the Fire Station 24 Project.

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

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

Council recessed for a short break.

f. Sustainability Master Plan Review

Senior Planner David Barnes reviewed the Sustainability Master Plan for potential revisions to the draft plan and received Council comment and direction.

Motion to Develop a policy to establish a revenue source toward support of electrification of transportation, such as building additional charging stations at city facilities and parks.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Neal Black  
Vote: Motion carried 4-3

Yes: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, and Councilmember Amy Falcone.

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

11. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding a King County Combined Transportation Boards meeting; the Kirkland Police Department Awards and Swearing-In ceremony; several neighborhood meeting presentations on the upcoming Fire & Emergency Medical Services ballot measure; Affordable Housing Week; the upcoming open house regarding the TechCity Bowl redevelopment proposal; a King County-Cities Climate Collaboration meeting; the Sound Cities Association Racial Equity and Justice Series Forum; the Puget Sound Regional Council Growth Management Policy Board meeting; a King County Regional Transit Committee meeting; a Washington State Active Transportation Safety Council meeting; a tour of the Totem Lake Park project; participation in the installation of the "Say Their Names" memorial; the Greater Kirkland Chamber of Commerce business luncheon with the Port of Seattle; an upcoming listening session sponsored by Eastside Embrace; an upcoming Eastside Policy convening event for renters in crisis; the upcoming Greater Kirkland Chamber of Commerce Lunch and Learn with Eastside Legal Assistance; a King Conservation District

meeting; the Sound Cities Association Public Issues Committee meeting; a COVID update call with the Washington State Governor's office; a Cascade Water Alliance Board meeting; and a King County Regional Water Quality Committee meeting.

b. City Manager Reports

City Manager Kurt Triplett reported on COVID-19 and impacts on the City Hall closure; and requested and received Council direction to draft some options on processes by which non-dramatically significant pieces of legislation can make it on to the Council calendar for discussion.

(1) Calendar Update

City Manager Kurt Triplett reviewed the timeline for posting the agenda items for the October 27 special study session on the 2021-2022 budget.

12. ITEMS FROM THE AUDIENCE

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of October 20, 2020 was adjourned at 10:58 p.m.

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Kathi Anderson, City Clerk

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Penny Sweet, Mayor



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

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## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** November 4, 2020  
**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) Michael Tung  
9335 NE 142<sup>nd</sup> St.  
Kirkland, WA 98034

**Amount:** \$9,383.26

**Nature of Claim:** Claimant states damages occurred to his residential property when branches from greenbelt trees were felled by high winds.

- (2) Venrata Krishna Vaitla  
1035 Aster Avenue, Apt 2231  
Sunnyvale, CA 96086

**Amount:** \$3000.00

**Nature of Claim:** Claimant states damages occurred to their rental property when a search warrant served on the tenant was executed by the Kirkland Police Department.

**Note:** Names of Claimants 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

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Scott Gonsar P.E, Project Engineer  
Rod Steitzer, P.E., Capital Projects Manager  
John Starbard, Deputy Director  
Julie Underwood, Interim Public Works Director

**Date:** October 20, 2020

**Subject:** ANNUAL STRIPING PROGRAM (2020 PROJECT)- ACCEPT WORK

**RECOMMENDATION:**

Staff recommends that the City Council:

- Accept the work on the Annual Striping Program 2020 Project (Project) as constructed by Special Pavement Marking, of Tualatin, Oregon, thereby establishing the statutory lien period; and
- Approve the fiscal note returning \$2,330.69 to Citywide Traffic Management Safety Improvement Program (TRC-0117) and \$5,821.26 to Annual Striping Program (STC-0800) for a total of \$8,151.95.

By taking action on this item under the Consent Calendar, City Council is accepting the work on the Project, approving the fiscal note, and returning excess funds.

**BACKGROUND DISCUSSION:**

The Annual Striping Program maintains the pavement markings that define safe travel paths for motorists, bicyclists and pedestrians; focusing on arterials, collectors, and neighborhood streets (Attachment A, Painting Location Map and Attachment B, Thermoplastic Location Map). The program also provides for the replacement of worn thermoplastic crosswalk markings, stop bars, turn arrows, and other on-pavement symbols on a prioritized basis.

At its June 2, 2020, meeting, the City Council awarded the Project construction contract to Special Pavement Marking (SPM) in the amount of \$623,257.50 and authorized the use of \$75,000.00 from TRC-0117 Traffic Management Safety Project funds for traffic calming, ADA bicycle lane and crosswalk marking related items. Construction began on July 6, 2020 and reached physical completion on August 20, 2020. The total amount distributed to the contractor was \$606,868.05.



**Budget**

The Project is complete, and all expenses are known. The total available funding and project expenses are shown in Table 1 below, also see Attachment C, Project Budget Report.

**Table 1: Project Funding and Expenses**

Item	Annual Striping Program (2020)	Traffic Management Safety	Total Expenses	Estimated at time of Award
Soft Costs	\$153,035.00	\$6,945.00	\$159,980.00	\$104,325.00
Construction				
Schedule A	\$166,158.05	-	\$166,158.05	\$181,353.00
Schedule B	\$153,626.00	-	\$153,626.00	\$157,430.00
Schedule C	\$120,012.00	-	\$120,012.00	\$147,125.00
Schedule D		\$27,732.50	\$27,732.50	\$27,777.50
Alternate E*	\$6,704.44	\$37,991.81	\$44,696.25	-
Alternate F	\$94,643.25	-	\$94,643.25	\$109,575.00
Total Expenses	\$694,178.74	\$72,669.31	\$766,848.05	
Contingency	\$0	\$0	\$0	\$47,417.50
Funding	\$700,000.00	\$75,000.00	\$775,000.00	\$775,000.00
Balance	\$5,821.26	\$2,330.69	\$8,151.95	\$0.00

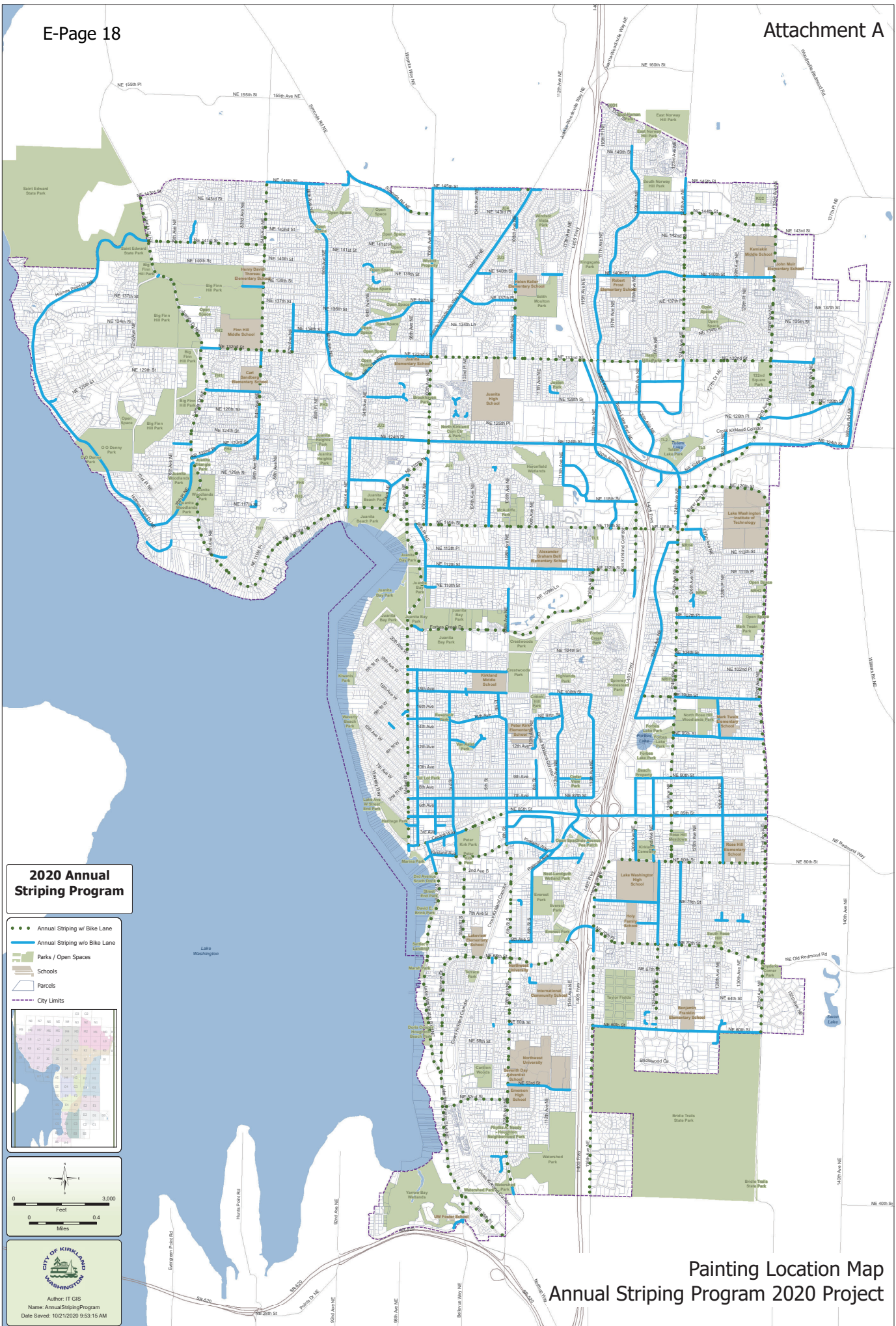
(\* ) Alternative E was added through change order on August 21, 2020.

On June 2, 2020, Council awarded Schedules A, B, C, D, and Alternate F. As the project progressed, quantities for thermoplastic needed for restoration and repair decreased due to lower traffic volumes during Covid-19. At that time, staff added a portion of Alternative E to the contract to optimize remaining funds.

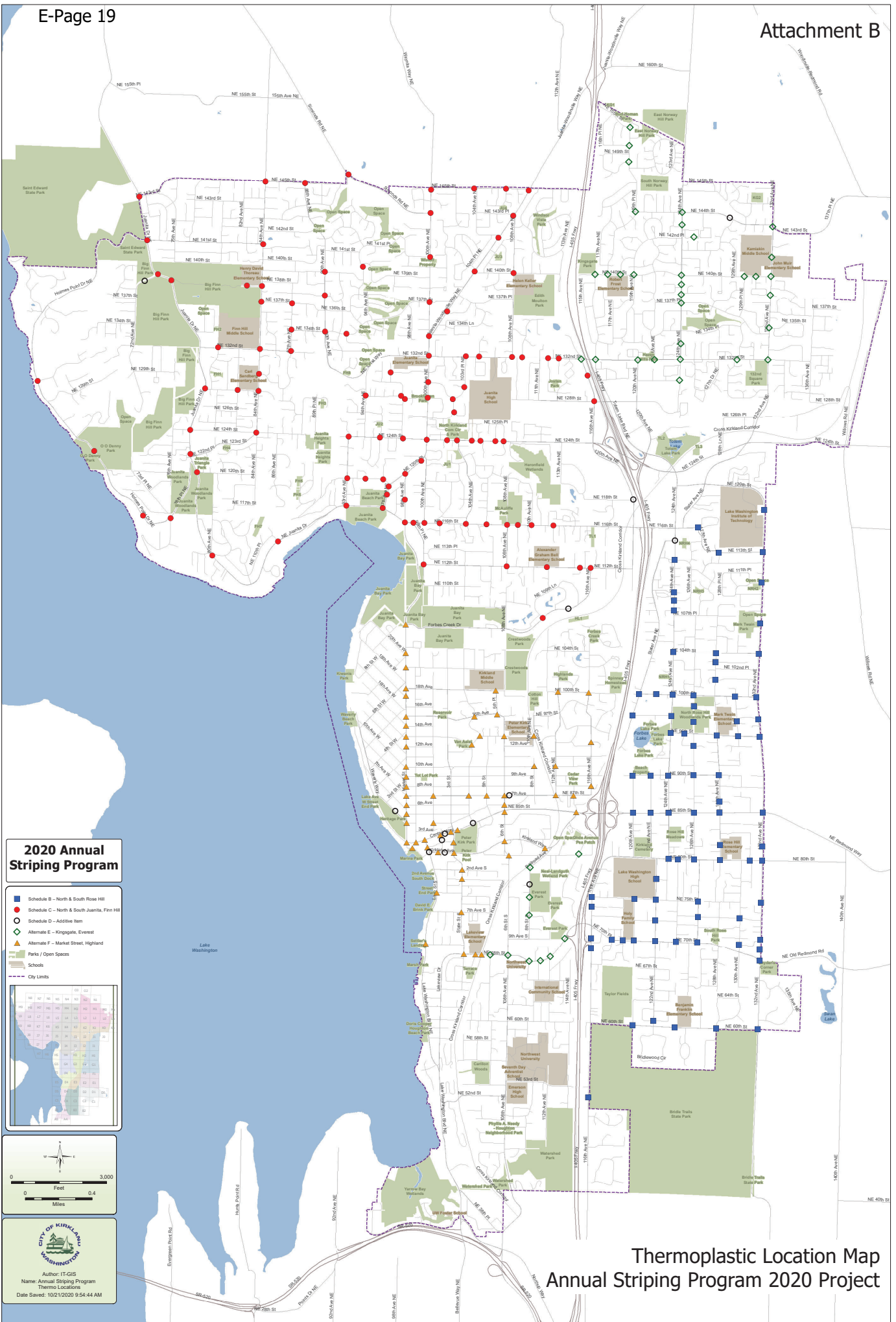
**Conclusion:**

The total project costs were \$766,848.05. Staff recommends accepting the work by SPM on this Project. With the remaining funds of \$8,151.95 staff recommends carrying over \$5,821.26 to the Annual Striping Program (STC-0800) and returning \$2,330.69 to Citywide Traffic Management Safety Improvement Program (TRC-0117). The unspent funds from the Citywide Traffic Management Safety Improvement Program are returned to the funding source through the financial close-out process (Attachment D).

Attachment A: Project Area Map  
Attachment B: Thermoplastic Location Map  
Attachment C: Project Budget Report  
Attachment D: Fiscal Note



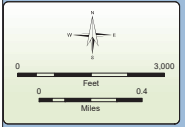
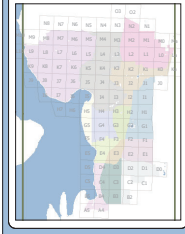
Painting Location Map  
Annual Striping Program 2020 Project



Thermoplastic Location Map  
Annual Striping Program 2020 Project

**2020 Annual Striping Program**

- Schedule B - North & South Rose Hill
- Schedule C - North & South Juanta, Finn Hill
- ◆ Schedule D - Additive Item
- ▲ Alternate E - Kingsgate, Everest
- ▲ Alternate F - Market Street, Highland
- Parks / Open Spaces
- Schools
- City Limits

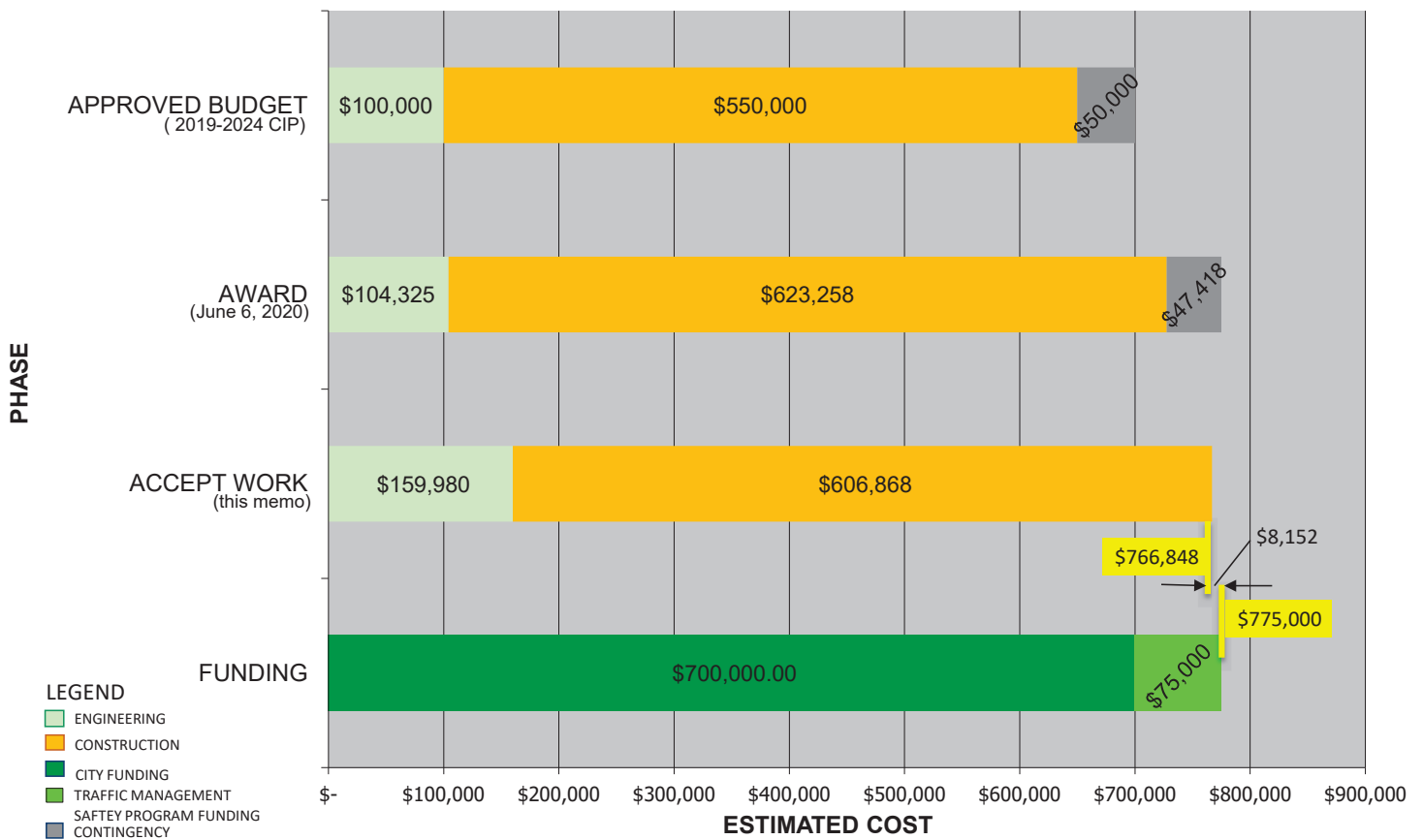


**CITY OF KIRKSVILLE, MISSOURI**

Author: IT-GIS  
 Name: Annual Striping Program Thermo Locations  
 Date Saved: 10/21/2020 9:54:44 AM

**2020 Annual Striping Program  
(CST - 0800)  
PROJECT BUDGET REPORT**

Attachment C



**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Anneke Davis, P.E., Senior Project Engineer  
Rod Steitzer, P.E., Capital Projects Manager  
Chris Dodd, Facilities Services Manager  
Julie Underwood, Director of Public Works

**Date:** October 22, 2020

**Subject:** PARKS MAINTENANCE CENTER—ACCEPT WORK

**RECOMMENDATION:**

It is recommended that the City Council accept the work performed by Klinge and Associates of Kirkland, Washington, to renovate an existing building into a new Parks Maintenance Center, thereby establishing the statutory lien period and approve a fiscal note allocating surplus funds to the original funding source.

By taking action on this item during approval of the consent calendar, the City Council is accepting the work performed by the contractor on the referenced project, establishing the statutory lien period, and approving the fiscal note.

**BACKGROUND DISCUSSION:**

With the annexation of North Juanita, Finn Hill, and Kingsgate in 2011, the City Council established three major facility initiatives:

1. Constructing a facility to co-locate Police, an expanded jail, and the Municipal Court, and accommodate increased staffing and vehicles. This goal was achieved in 2014 with the opening of the Kirkland Justice Center.
2. Renovating City Hall to improve customer service, house additional staff, and consolidate Human Resources and Parks and Community Services from 505 Market Street. The public areas of the project were completed in 2016.
3. Expanding the Parks Maintenance Center capacity for Public Works and Parks to serve the larger City.

The 2015-2016 work program included a task to develop options to address the Council's goal to create additional maintenance center capacity. At the time, the Parks maintenance center was located at 1129-8<sup>th</sup> Avenue, a little north of the City's Public Works maintenance center campus.

The preferred option was to construct a separate facility for Parks maintenance, which would allow Public Works maintenance to expand its operations into the former Parks maintenance building and also make use of increased parking and space there.

At its March 6, 2018 meeting, the City Council authorized the City Manager to enter into a Purchase and Sale Agreement to purchase real property at 12006-120th Place NE, which was used previously as an Office Max store, for creating a new Parks Maintenance Center (see Attachment A, maps). The property is located advantageously to facilitate parks maintenance services throughout the City.

A design for transforming the former Office Max into the new Parks Maintenance Center was developed, which included staff offices and workspaces, conference rooms, staff showers and locker rooms, a lunchroom, indoor and outdoor vehicle parking, a carpentry shop, a welding shop, herbicide storage, and several equipment storage areas.

The City Council awarded the construction contract on May 21, 2019, in the amount of \$2,246,459.00. Construction began on June 3, 2019. The work was physically complete on January 31, 2020, and the total amount earned by the contractor was \$2,619,014.63. There was one administrative correction change order to include sales tax within the contract total. There also were three change orders for additional work: 1) one was for unforeseen but relatively minor mechanical, plumbing, and electrical adjustments; 2) another was for revisions to the site fencing and cantilever gate; and 3) a third was for a reconfiguration of the storage areas.

Though the project was physically complete earlier this year, there were continued negotiations with the architect regarding a request for increased fees related to change orders, which delayed bringing this construction acceptance to the Council. Final payment was issued to the architect on September 22, 2020.

With current final project expenses at \$3,091,952.58 and a total budget of \$3,108,351.00, there is an anticipated budget surplus of \$16,398.42. At the completion of the project close-out tasks, staff recommends returning all remaining funds from subject project to original funding source at full Project close-out.

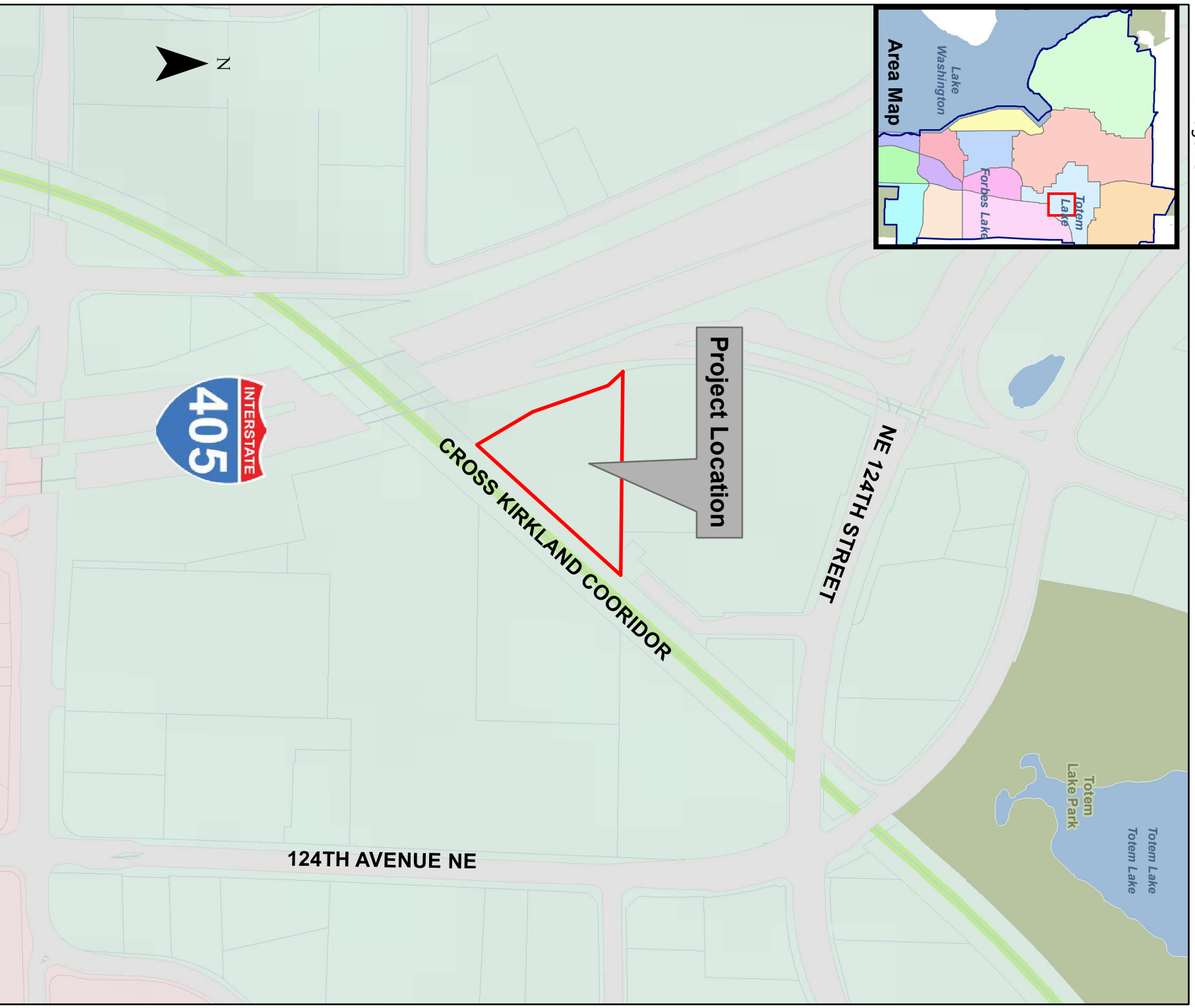
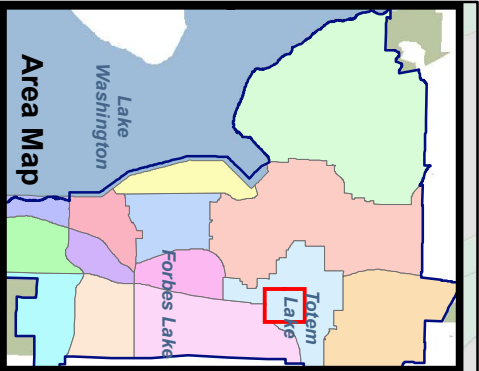
**Table 1: Parks Maintenance Center Funding and Expenses**

Item	Amount
<b>Funding</b>	
Total	\$3,108,351.00
<b>Expenses</b>	
Soft costs	(\$472,937.95)
Construction	(\$2,619,014.63)
Total	(\$3,091,952.58)
Balance	\$16,398.42

Attachment A: Vicinity Map with Area Map Inset

Attachment B: Fiscal Note

*This is project PKC 147 1000*



**Vicinity Map**  
Parks Maintenance Center  
12006 120th Place NE, Kirkland, WA 98034  
PKC 147 1000

**FISCAL NOTE**

*CITY OF KIRKLAND*

Source of Request							
Julie Underwood, Interim Director of Public Works							
Description of Request							
One-time transfer of approximately \$16,398 in available funding from the Parks Maint Bldg Design <b>(PKC1471000)</b> to the General Fund working capital to close out the project.							
Legality/City Policy Basis							
Fiscal Impact							
<b>A transfer of approximately \$16,398 in General Fund cash from PKC1471000 to the General Fund working capital.</b>							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2020 Est End Balance	Prior Auth. 2019-20 Uses	Prior Auth. 2019-20 Additions	Amount This Request	Revised 2020 End Balance	2020 Target
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							

Prepared By	Kevin Lowe Pelstring, Budget Analyst	Date	October 29, 2020
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**CITY OF KIRKLAND**  
**City Manager's Office**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.kirklandwa.gov

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations  
Andreana Campbell, Policy Analyst

**Date:** October 22, 2020

**Subject:** 2021 STATE LEGISLATIVE PRIORITIES

### **RECOMMENDATION:**

It is recommended that the City Council approve the attached resolution adopting the City's 2021 State Legislative Priorities (Attachment A). By taking action on the consent agenda, this resolution will be approved.

### **BACKGROUND DISCUSSION:**

A draft set of legislative priorities recommended for 2021 was presented to the full council at its October 20 meeting. One of the recommendations was to add a new segment to the City's overall state legislative agenda called the Priority Coalition Advocacy agenda. Council's feedback supported the additional of this new segment. The City's State Legislative Agenda now consists of four segments: General Principles; the City's top Legislative "Priorities" agenda (Kirkland specific priorities); Priority Coalition Advocacy agenda (A limited number key issues – no more than three - led by other organizations); and the Support Items agenda (Selected issues/items championed by allies, which the City may "support," i.e., these are not priority items).

This memo addresses only the legislative priorities and priority coalition advocacy items for 2021. The agenda's top priority items represent the primary focus for Council's Legislative Workgroup, the Intergovernmental Relations and the City's contract lobbyists during session. For the agenda's priority coalition advocacy items, the City could provide a similar level of legislative engagement on these items as it does on its top priorities, but the City would not be the lead on the issues.

At Council's October 20 meeting, as well as at writing of this memo, not all organizations have finalized their legislative priorities and goals for 2021. Meaning, Council was able to consider which organizations are recommended as Priority Coalitions (the Washington Low Income Housing Alliance, the Alliance for Gun Responsibility and the Association of Washington Cities). However, Council was unable to review the legislative goals of these organizations, except for the goals of the Association of Washington Cities (AWC) related to its statewide policing reforms priority. The AWC's adopted legislative priority on statewide policing reforms and the related legislative goals are illustrated below. Once finalized, staff will return to Council with details on the legislative goals of the remainder of priority coalition advocacy items.

The AWC's legislative priority of Statewide Policing Reforms reads as follows: *Support local control over city law enforcement policy decisions to meet the needs of each community and appropriately contain costs. Cities understand our obligation to address racial equity in policing – both state requirements and local policies.*

*Cities support the following statewide reforms:*

- *Develop a statewide standard for use of force that preserves the right of local jurisdictions to enact more restrictive standards based on community input.*
- *Create a database to track officers who have been fired for misconduct.*
- *Expand grounds for decertification to include use of force violations.*
- *Require that officer misconduct investigations be completed, regardless of an officer's resignation.*
- *Establish a duty for all law enforcement officers to immediately intervene and report misconduct or illegal activity by a fellow police officer.*
- *Require that all officers receive regular support for vicarious trauma and mental well-being, including peer support, mental health counseling, and appropriate mental health screenings. Officers involved in any fatal use of force must undergo a mental health screening prior to returning to duty.*

#### Technical Correction to October 20 version of Legislative Priorities Presented to Council

Staff identified a minor technical error in the draft legislative priorities presented October 20 (Attachment B). The error was found in the first bulleted "top" priority related to RCW amendments that facilitate Transit-Oriented Development at the Kingsgate Park and Ride, NE 85<sup>th</sup> & I-405 and other WSDOT-owned properties. Staff has deleted the word "and" as shown below:

- Kirkland supports ~~and~~ legislative actions that facilitate Transit-Oriented Development (TOD) for the Kingsgate Park and Ride TOD Pilot project, the I-405 & NE 85<sup>th</sup> Street Station Area and future TOD projects at other WSDOT-owned properties. Action such as:

#### Council Feedback to the October 20 Draft 2021 Legislative Priorities

At its October 20 meeting, while Council did provide feedback, it did not propose any changes to the draft 2021 legislative priorities presented. The feedback received is summarized below.

Councilmember Black expressed support for the 2021 Legislative Agenda as drafted. He articulated disappointment that this year's AWC City Action Days will be a "virtual" event, due to the ongoing pandemic. Councilmember Black encouraged staff to find creative ways during this constricted session for the City to be effective, without having a physical presence on the Capitol campus.

Councilmember Nixon noted, with regard to the priority coalition advocacy items, that there may be some legislative goals that the Council may not be unified on. So, before the City takes any kind of a position on these items at any legislative committee hearings, he requested that the priority coalition advocacy items be brought back to the full council for review and the opportunity for Councilmembers to go on the record with their agreement or disagreement.

Councilmember Falcone commented that the addition of the new priority coalition advocacy items segment is an improvement to the City's overall legislative agenda, and she is pleased to see the Association of Washington Cities' (AWC) priority to pursue statewide policing reforms

included. That said, Councilmember Falcone also expressed concern with AWC's need to be somewhat neutral to balance different city perspectives statewide, that perhaps its advocacy for issues of racial justice is not in-line with Kirkland resolution R-5434 and not strong enough. Councilmember Falcone encouraged the city to try to identify an organization whose racial justice legislative goal is better aligned with resolution R-5434 and its direction.

Councilmember Pascal commented that new priority coalition advocacy segment is exactly what he is looking for in order to elevate just a few items from the many items typically included on the support items agenda. Councilmember Pascal urged that list of items included in this segment not grow - that it is kept limited, compact and focused.

Deputy Mayor Arnold spoke to Councilmember Falcone's point about identifying an organization whose racial justice legislative goal is better aligned with the City's resolution 5434. The Deputy Mayor noted that the Legislative Workgroup has asked the City's lobbyist to help identify such a lead organization with whom to work in coalition. He reported that to date, no single group advocating on racial justice in Olympia has been identified. At the same time, without seeing what the agenda is, there are some champions in the legislature who are committed to trying to move proposals in their committees.

Deputy Mayor Arnold asserted that the AWC's statewide policing reforms priority is a very aggressive agenda item for what AWC has historically presented and it is a strong step forward. That said, the Deputy Mayor assured that Legislative Workgroup will be keeping an eye out for other coalitions that are driving these issues in Olympia and potentially specific bills to call out and support, regardless of where AWC is on the bill or the issue. The Workgroup will keep the Council plugged-in as it learns more when session begins in January.

Mayor Sweet commented that the proposed draft is an aggressive agenda, given the legislature's first trial meeting October 19. She stressed that the 2021 session is going to be very difficult and strange.

#### Draft 2021 Support Items Agenda

In addition to returning with additional detail on the Priority Coalition Advocacy items, staff will return to Council with a draft "support items" agenda for review and consideration at one of Council's regular meetings in January 2021.

#### The City Council's Legislative Workgroup

The City Council's Legislative Workgroup, consisting of Mayor Sweet, Deputy Mayor Arnold and Councilmember Curtis, is staffed by the City Manager and the Intergovernmental Relations & Economic Development Manager, with participation from Waypoint Consulting Group, the City's contracted lobbyist. Deputy Mayor Arnold is the Chair the Legislative Workgroup, which guides the development of the City's legislative priorities and activities. During session, the Workgroup meets weekly to track the status of the City's priorities and it provides support and oversight of strategies for achieving the priorities.

By approving the legislative agenda on November 4, the Council will meet the goal of having the City's 2021 legislative priorities adopted before the Legislative Work Group hosts its annual legislative coffees with the city's delegation that are scheduled for November.

### The City's State Legislative Delegation

The City of Kirkland includes three legislative districts – 1<sup>st</sup>, 45<sup>th</sup>, and 48<sup>th</sup>.

#### **Legislative District 1**

The 1<sup>st</sup> Legislative District is represented by Senator Derek Stanford who is up for reelection November 3. The House seats are currently held by Representatives Shelly Kloba and Davina Duerr, both of whom are up for reelection November 3 as well.

#### **Legislative District 45**

Voters in the 45<sup>th</sup> Legislative District are represented by Senator Manka Dhingra. The House seats are currently represented by Representatives Larry Springer and Roger Goodman, both of whom are up for reelection November 3.

#### **Legislative District 48**

The 48<sup>th</sup> Legislative District is represented by Senator Patty Kuderer. The House seats are currently held by Representatives Amy Walen and Vandana Slatter, both of whom are up for reelection November 3.

### State Lobbyists

Waypoint Consulting serves as Kirkland's State lobbyists. Waypoint partners Majken Ryherd and Teresita Torres participate in the legislative coffees.

### **NEXT STEPS:**

The 2021 legislative session is the first year of the biennium and it is a long, 105-day session that will begin on Monday, January 11 and end Thursday, April 23, 2021

With Council adoption of the City's 2021 Legislative Priorities, staff will share the City's 2021 priorities with the Association of Washington Cities and the Sound Cities Association. Further, the priorities will be shared and discussed with members of the delegation during the annual legislative coffees in November. In addition, staff will prepare the final draft Priority Coalition Advocacy Agenda and a draft Support Items Agenda for Council's consideration in January 2021.

Attachments: A. Proposed Final 2021 Legislative Priorities  
B. Redline version 2021 Priorities showing technical change Resolution



## **CITY OF KIRKLAND 2021 LEGISLATIVE AGENDA**

### **General Principles**

Kirkland supports legislation to promote the City Council's goals and protect the City's ability to provide basic municipal services to its citizens.

- Protect shared state revenue sources available to the City and provide new revenue options and flexibility in the use of existing revenues.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals.
- Support reestablishing the partnership between cities and the State to ensure that critical mandates are funded, and vital services are provided to all of the residents of the state.

### **City of Kirkland 2021 Legislative Priorities**

- Kirkland supports legislative actions that facilitate Transit-Oriented Development (TOD) for the Kingsgate Park and Ride TOD Pilot project, the I-405 & NE 85<sup>th</sup> Street Station Area and future TOD projects at other WSDOT-owned properties. Actions such as:
  - Amend RCWs 47.12.080, .063, .120 by removing the requirements that WSDOT must declare the property unused, no longer required for transportation purposes, or held for highway purposes, but not presently needed, prior to allowing the disposal or leasing of such property.
  - Amend RCW 47.04.295 and RCWs 47.12.080, .063, and .120 to grant WSDOT discretion in whether or not to charge fair market value for the lease or disposal of park and ride real property when the lease or disposal is for the purpose of providing affordable housing or multimodal transportation infrastructure
- Kirkland supports allowing Code Cities to complete local residential street maintenance projects in-house if no contractors enter a project bid
- Kirkland supports capital budget funding for prioritized local infrastructure projects

### **City of Kirkland 2021 Priority Coalition Advocacy Agenda**

- ❖ Advocate for the Washington Low Income Housing Alliance's efforts for new local funding and policy tools to address homelessness and create more affordable housing.
- ❖ Advocate for the Alliance for Gun Responsibility's recommendations for gun safety measures that promote safe and responsible gun ownership and reduce gun violence.
  - Include a Kirkland focus on amending state law as necessary, consistent with the Washington State Constitution, to prevent the visible presence of firearms from intimidating those exercising rights to assembly.
- ❖ Advocate for the Association of Washington Cities' (AWC) Statewide Policing Reforms priority.



## CITY OF KIRKLAND 2021 LEGISLATIVE AGENDA

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- Advocate for the Association of Washington Cities' (AWC) Statewide Policing Reforms priority.

RESOLUTION R-5450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A CITY OF KIRKLAND LEGISLATIVE AGENDA TO BE ADDRESSED TO THE 2021 SESSION OF THE STATE LEGISLATURE.

1 WHEREAS, actions of the State Legislature in respect to  
2 local government issues, services and funding have a profound  
3 impact upon the ability of local governments to provide local  
4 services; and  
5

6 WHEREAS, the City Council supports legislation that  
7 promotes the Council's goals and protects the City of Kirkland's  
8 ability to provide municipal services to its residents; and  
9

10 WHEREAS, the City seeks to protect shared state revenue  
11 sources available to the City and to provide new revenue options  
12 and flexibility in the use of existing revenues; and  
13

14 WHEREAS, the Council supports long-term sustainability  
15 efforts related to City financial, environmental and transportation  
16 goals; and  
17

18 WHEREAS, the Council supports reestablishing the  
19 partnership between cities and the State to ensure that critical  
20 mandates are funded and vital services are provided to all of the  
21 residents of the state; and  
22

23 WHEREAS, the Council believes it appropriate to set forth  
24 its position as to issues affecting local government operations  
25 coming before the State Legislature during its 2021 session,  
26 including issues which the Council requests the Legislature to  
27 consider.  
28

29 NOW, THEREFORE, be it resolved by the City Council of the  
30 City of Kirkland as follows:  
31

32 Section 1. The "General Principles" and "City of Kirkland  
33 2021 Legislative Priorities" set forth in the "City of Kirkland 2021  
34 Legislative Agenda," attached as Exhibit A and by this reference  
35 incorporated, are adopted as the City's recommendations to the  
36 State Legislature during its 2021 session.  
37

38 Section 2. The City administration shall transmit the 2021  
39 Legislative Agenda, including any subsequent changes or updates,  
40 to members of the State Legislature representing the legislative  
41 districts in which Kirkland is located, together with other members  
42 of the State Legislature and to the Association of Washington  
43 Cities, the Sound Cities Association and other ally organizations.

44            Passed by majority vote of the Kirkland City Council in open  
45 meeting this \_\_ day of November, 2020.

46  
47            Signed in authentication thereof this \_\_ day of November,  
48 2020.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk



**CITY OF KIRKLAND**

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

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Joseph Sanford, Fire Chief  
**Date:** October 22, 2020  
**Subject:** Fire Department Dashboard – 3<sup>rd</sup> Qtr 2020

**RECOMMENDATION:**

City Council receives the Fire Department dashboard for the 3<sup>rd</sup> quarter of 2020. This dashboard has had an additional portion added relaying significant incidents in the quarter. The department is looking for Council feedback on its usefulness.

**BACKGROUND DISCUSSION:**

The Fire Department collects data from NORCOM dispatching and from internal records management systems. The data is compiled into charts and graphs and reviewed regularly for trends in incident type, incident volumes and response times for issues that impact them.

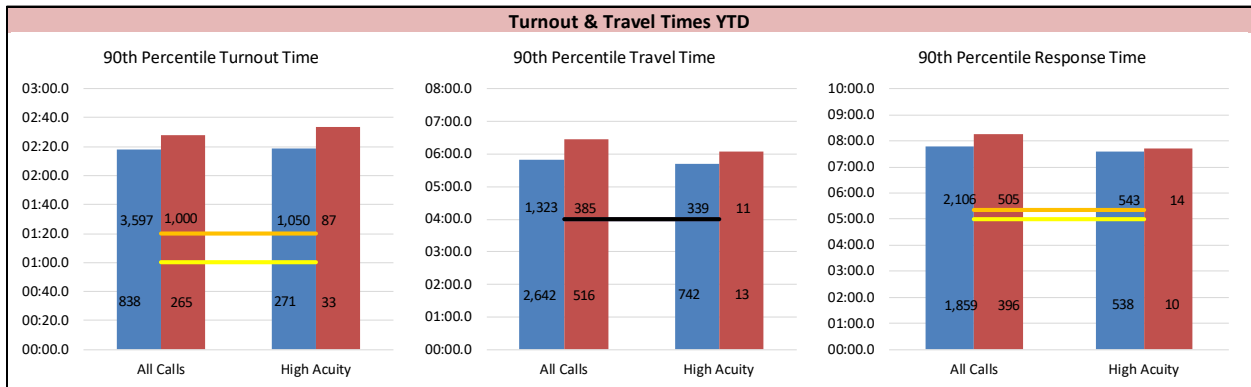
In the 3<sup>rd</sup> quarter of 2020, the Fire Department has continued to monitor the COVID-19 pandemic and associated response data. Fire departments regionally have noticed a decrease in total number of responses. It is assumed that this is a result of fewer people driving, fewer business activities outside the home and social distancing. But this has yet to be statistically validated. As the pandemic restrictions are removed, it is expected that call volumes will return to previous levels.

The Fire Prevention Bureau is continuing to engage in fire and life safety inspections of businesses and multi-family residences. These are being conducted with adherence to state guidelines on PPE and social distancing.

In this dashboard presentation, the department has added short narratives on significant calls during the 3<sup>rd</sup> quarter. Fire Administration looks forward to feedback from Council for ways we might better meet the needs of the Council and the community through this dashboard.

Attachment A: Q3 2020 Fire Department Dashboard

**Fire Dashboard 2020 Q3 - Current Year Data**



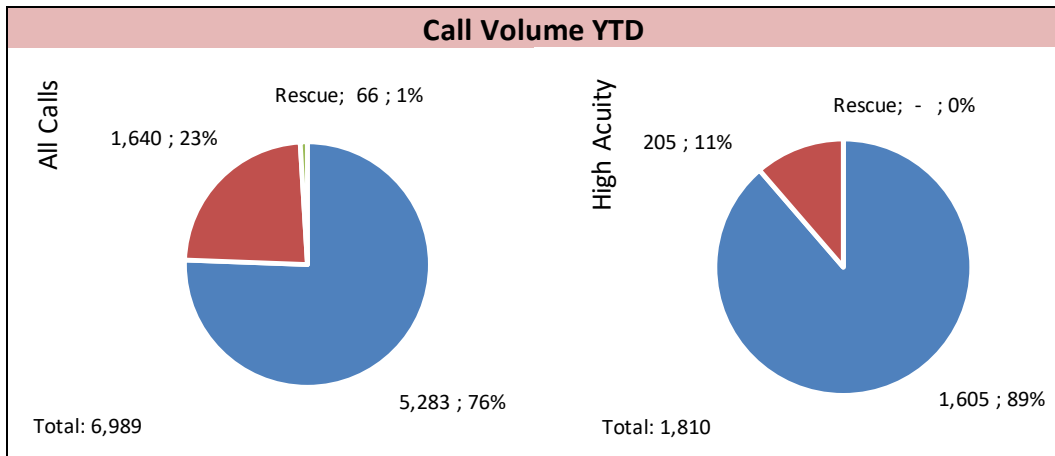
Turnout and Travel times are reported for the 90<sup>th</sup> percentile for all responses for Kirkland Fire Department units within the City of Kirkland.

Turnout standards are 60 seconds for Emergency Medical Service responses and 80 seconds for fire/rescue calls requiring crews to don PPE

Total response time goals are:

6 minutes for EMS responses

6 minutes, 30 seconds for fire responses



<b>Confirmed Structure Fires Effective Response Force (ERF)</b>						
<b>Response Time</b>						
<i>Date</i>	<i>1st Assigned</i>	<i>1st On Scene</i>	<i>Time of ERF</i>	<i>Reported</i>	<i>1st Unit Time</i>	<i>ERF Time</i>
4/7/2020	2:41:09 PM	2:45:20 PM	2:53:06 PM	30	4:11 mins	11:57 mins**
5/29/2020	8:26:13 PM	8:31:15 PM	8:53:13 PM	40	5:02 mins	27 mins**
8/14/2020	3:05:32 PM	3:12:55 PM	3:17:31 PM	22	7:23 mins	11:59 mins*
8/22/2020	9:11:15 PM	9:15:32 PM	9:25:54 PM	32	4:17 mins	14:39 mins**
9/20/2020	6:13:29 AM	6:22:34 AM	6:47:13 AM	21	9:05 mins	33:44 mins**
9/21/2020	11:36:56 PM	11:42:18 PM	11:47:48 PM	24	5:22 mins	10:52 mins**
* Structure Fire						
**Working Fire						

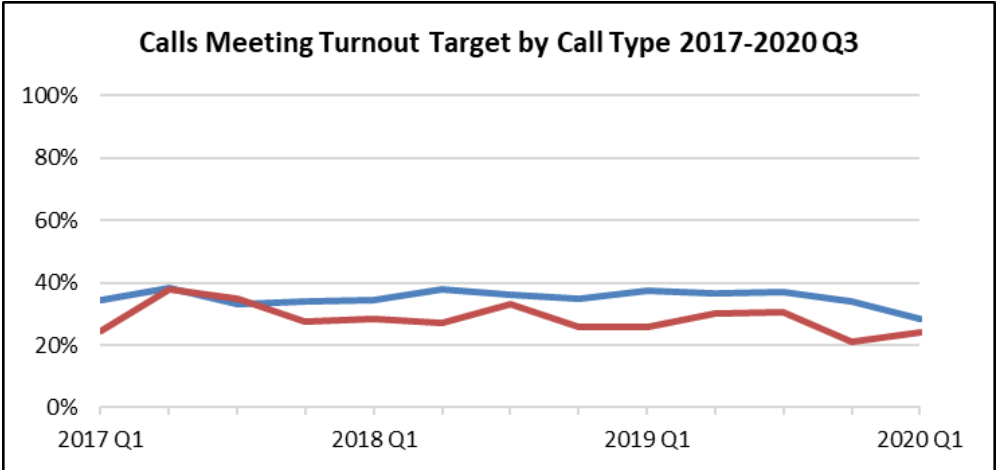
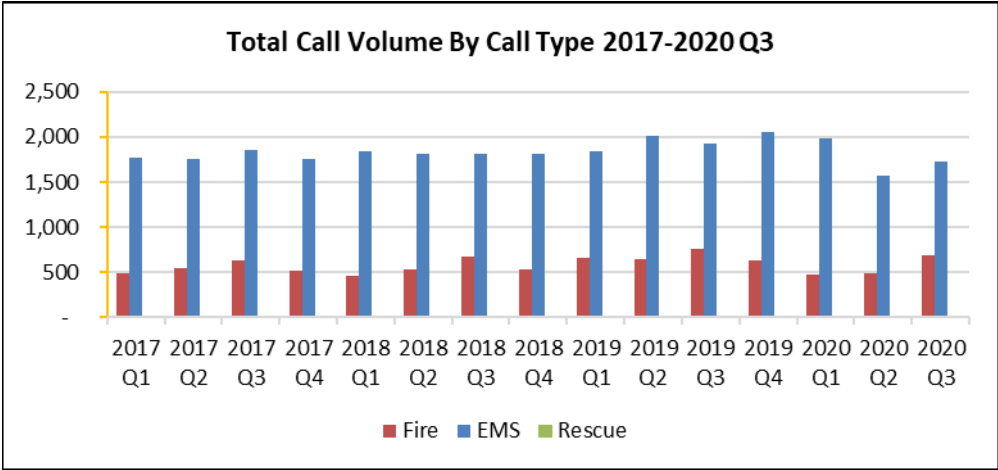
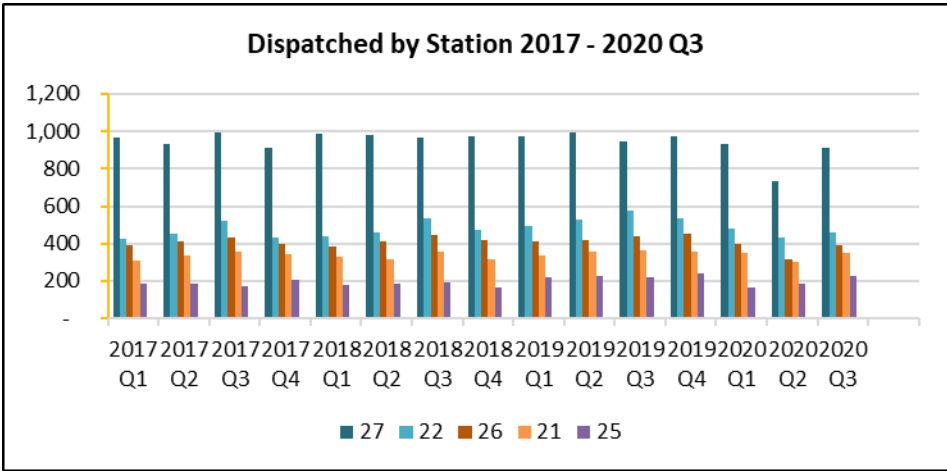
*Effective firefighting Force (EFR) reflects the number of Firefighters required on scene to effectively control and extinguish fires in buildings.*

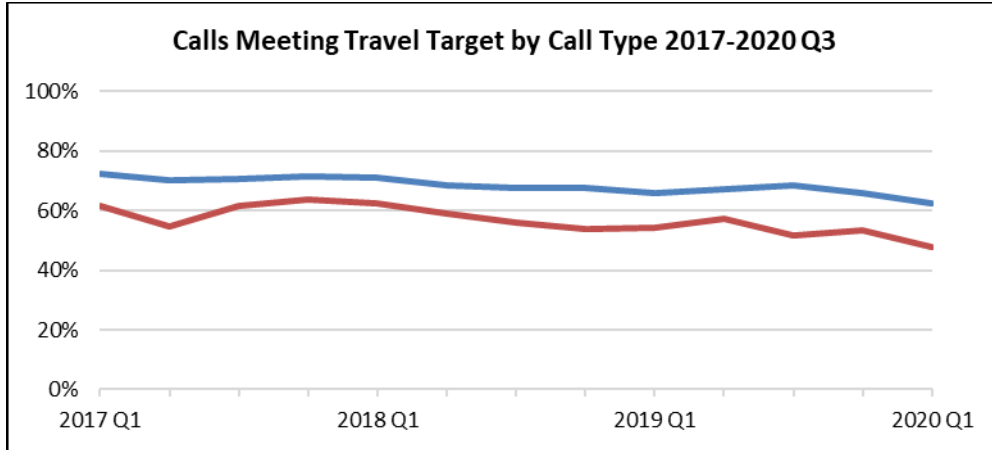
*KFS standards is 14 suppression personal within the first 14 minutes and 30 seconds.*

*Order of assignments on the fire ground may vary based on the situation. Units are normally assigned an engine for fire attack, second engine as Rapid Intervention Crew (2 in/2out), third engine as back up team, fourth engine for exposures or other tasks. The first arriving ladder for search and rescue, second ladder for ventilation. The first Battalion Chief will assume incident command (IC). The second arriving Battalion chief will assume the safety officer role. All subsequent units are assigned tasks based on the needs of the incident.*

<b>Automatic Aid YTD</b>			<b>Medic Responses YTD</b>			
<u>Jurisdiction</u>	<u>Given</u>	<u>Received</u>	<u>Unit</u>	<u>Responses</u>	<u>Unit</u>	<u>Responses</u>
Redmond	271	106	M101	60	M157	39
Bellevue	185	124	M102	2	M165	
Bothell	130	35	M119	74		
Woodinville	29	52	M123	566		
Northshore	39	39	M129	2		
Eastside	4	2	M135	2		
Other	5	1	M142	40		
<b>Total</b>	<b>663</b>	<b>359</b>			<b>Total</b>	<b>785</b>

**Fire Dashboard 2020 Q3 - Trends**





**Fire Prevention Inspections and Permits YTD**

**Occupancy Inspections**

	Q1	Q2	Q3	Q4	Total
Violations	128	226	519		873
Corrected Violations	67	57	191		315
Total Inspections	86	70	267		423

*\*Due to covid-19 many scheduled inspections did not take place.*

**IFC Permits**

	Q1	Q2	Q3	Q4	Total
Requiring Review	10	7	49	-	66
Not Requiring Review	1	5	22	-	28
Total	11	12	71	-	94



## 87 Motor vehicle collisions

20200004004-Roll over accident on I405. Transported to Harborview.

20200005265- car and metro bus accident resulted in a fatality.

20200005746- Roll over accident with no injuries. 4 patients were extricated from vehicle.



## 22 cardiac arrest/CPR incidents

Two were transported to area Hospitals

Ten were fatalities

Ten were non-cardiac arrest responses.



## 6 water rescue incidents

20200005243-reported person in the water was a navigation buoy. (buoy with blinking light)

20200004422-Seaplane flipped while landing. Pilot self-extricated, non-injury.



## 12 structure fire incidents

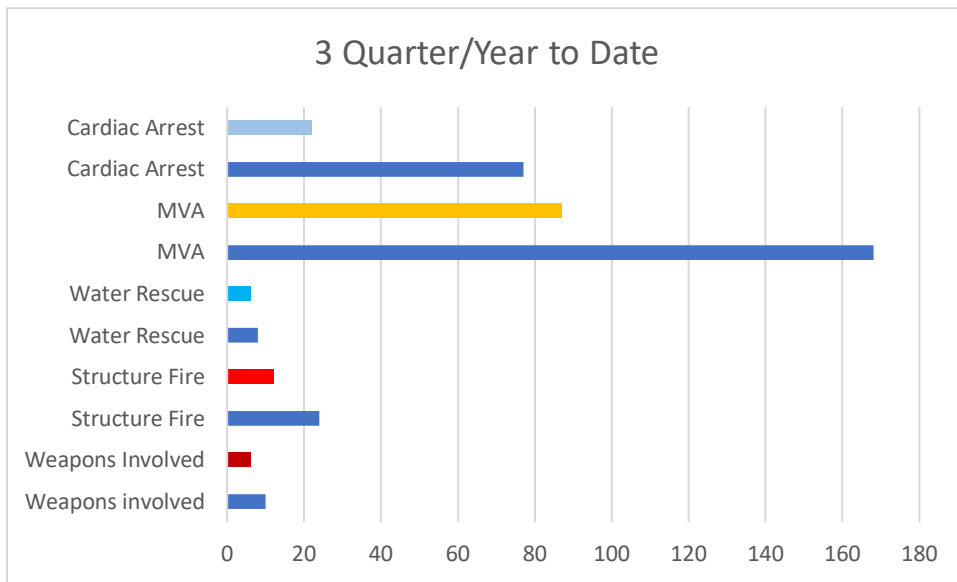
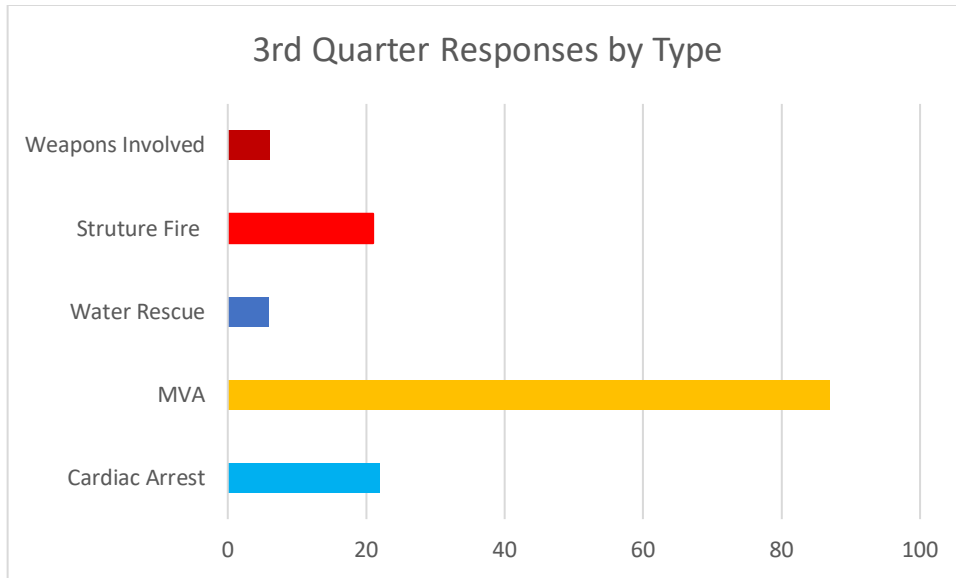
20200003364-small fire quickly extinguished. One patient treated and transported for smoke inhalation.

20200003364-small exterior fire at Kirkland Urban.

20200005465-small deck fire extinguished by first engine.

20200005756-Small fire at riding arena. Extinguished by first three units.

20200005789-Room and contents fire in a bedroom.



*The first line in each call type shows Quarter 3 only.*

*The second line in each call type shows year to date.*



**CITY OF KIRKLAND****Police Department****11750 NE 118<sup>th</sup> Street, Kirkland, WA 98034-7114 425.587.3400****www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Cherie Harris, Chief of Police

**Date:** October 21, 2020

**Subject:** 3rd Quarter, 2020 Police Dashboard

**Recommendation:**

City Council receives an update on Proposition 1, the 3<sup>rd</sup> quarter Crime Dashboard and the Quarterly Animal Services report. The Crime Dashboard and the Quarterly Animal Services report were formerly provided to the Public Safety Committee and included in the committee minutes for all other Councilmembers. Starting in 2020 with the elimination of committees, these reports will be periodically provided as a consent item to the full Council. The elements of the Police Dashboards will be updated following the R-5434 community outreach process and Council direction.

**Background:**

The Department has previously provided both written and verbal reports to the Council's Public Safety Committee on a quarterly basis about crime and provided updates on major programs.

The implementation of Proposition 1 continues as expected. The Department is excited to report that the 9 new Officers hired in 2019, have all graduated from the Washington State Basic Law Enforcement Academy, completed their advanced Police Training Officer program and have been deployed to Patrol.

As of August 1, 2020, the Department has filled ALL the Proposition 1 positions except for one School Resource Officer position as explained in the SRO section below:

- **Pro-Act (4)** - The Pro-Act team has been in full operation since October 1, 2019, consisting of a Sergeant and four officers, one of which is also the rank of Corporal to provide for full-time supervision of the team. The Pro-Act team has been instrumental in impacting crime within the city. During their first year of operation they have been responsible for 70 arrests to include crimes of commercial and residential burglaries, vehicle thefts, motor vehicle prowling, package thefts, drug possession and sales, as well as weapons violations. They have executed 51 search warrants resulting in the recovery of 20 stolen vehicles, 5 guns, and 4 bicycles, as well as narcotics, currency, computers and other stolen property. The unit has also been responsive to focusing enforcement activities when needed on issues arising in city parks, as well as identified problem locations attracting criminal behavior within residential neighborhoods. Pro-

Act Officers have provided support to Patrol and most recently to Detective's in the investigation of a homicide at Houghton Beach Park.

- **School Resource Officer (SRO) (4)** –The SRO Unit is supervised by the Community Services Unit (CSU) Sergeant and is staffed by a corporal and four officers. Prior to the suspension of in-person classes due to COVID 19, the CSU Sergeant provided SRO coverage at the International School as the department experienced a lack of qualified applicants that met the high standards set for the SROs. With current challenges surrounding the availability of basic SRO training, the remaining position remains unfilled until such a time as COVID19 restrictions allow for training and travel. After the schools were closed due to COVID 19, the SRO's were initially assigned to patrol, filling in as Police Training Officers (PTO) with new Officers who had just graduated from the academy. The SRO's have now returned to their previous schedule and are rotating through the following assignments:
  - Investigating any Child Protective Service (CPS) incidents that are school related
  - Completing mandatory school specific training
  - Responding to any issues that occur on school property
  - Assisting Pro-Act as on-scene uniformed officers or transport units when necessary (freeing up patrol units to continue to handle calls for service)
  - Assisting the Traffic Unit with pedestrian crosswalk emphasis patrols and traffic complaint zones
  - Providing additional directed patrols in City Parks
  - Supporting community outreach with the Neighborhood Resource Officers (NRO)
  - Developing and delivering educational presentations for community group meetings. These groups include Kirkland Rotary, Kirkland Chamber of Commerce, Kirkland Kiwanis, and the Kirkland Downtown Association
  - Facilitating the delivery of gun locks purchased through Proposition 1 funds
- **Neighborhood Resource Officer (NRO) (1)** – The second NRO, as outlined in Proposition 1, was appointed on August 1, 2020. The second NRO is assigned as a co-responder with the Proposition 1 Mental Health Professional (MHP) and has already responded to multiple calls for service and conducted several follow-ups to assist those experiencing mental/emotional crisis. The NRO has been heavily involved in the planning and video production of the Proposition 1 Gun Safety Education program, which, due to COVID-19, must be delivered in a virtual format in the form of online videos. The first gun safety video and introduction are complete and the NRO has been active in helping create educational content on other projects as well. Both NRO's will handle community issues as needed, but each have specific tasks assigned to them to help streamline the workflow. NRO's continue to support patrol in addressing ongoing neighbor disputes, homelessness issues, and issues requiring prolonged problem-solving efforts.
- **Crime Analyst (1)** – An experienced Crime Analyst was hired as of October 16. The Department looks forward to the increased capabilities that the addition of a second Crime Analyst will provided to not only support data driven policing & Pro-Act Officers but also Resolution 5434 and the creation of use of force & SRO dashboards.
- **Mental Health Professional (MHP)** – The MHP position provided under Proposition 1, is staffed and co-responding with the second NRO to provide mental health resources to those in crisis. Both have already responded on multiple follow-ups to contact individuals, assess their needs, and provide resources and follow-up for both those in crisis and their families. Having an MHP as a member of the Department has already been beneficial to patrol officers as an

immediately available resource. The MHP has connected with community partners (local housing authority, Evergreen Health, Sound Mental Health, etc.) in order to establish relationships and better determine how best to help those suffering from mental illness in the community. In addition, the MHP and NRO are developing an educational program for city staff to provide de-escalation tools and to develop a system in which they can refer those that may benefit from an MHP contact and/or follow up. Creative ways in which to utilize the MHP in non-traditional settings continue to be explored, such as death notifications, victim services and non-criminal incidents resulting from behavioral issues.

The Proposition 1 MHP and the MHP Coordinator (funded by the WASPC Navigator Grant Program), are working together to ensure both programs meet their goals without duplicating efforts. This will help ensure that the funds and resources in both programs are utilized to their fullest. The WASPC Navigator program is currently hiring two additional MHP’s which will provide additional opportunities for co-responders helping officers on calls with persons in-crisis.

- **Gun Safety program** – Staff developed a safety program that includes instruction, allows for community interaction, the ability to ask questions and provide gun locks and or gun safes to those that attend. Due to the COVID 19 outbreak and the “stay at home order”, staff tested a virtual safety program but found that it did not meet the expectations of the “in person” instruction. A series of instructional videos are currently being developed to promote gun safety through both the Department’s website and social media platforms. A Proposition 1 introductory video, as well as the first gun safety video have been completed and are ready to be distributed. The Department will be utilizing social media platforms and virtual neighborhood meetings to distribute this first video. Gun locks continue to be available to the community upon request. Staff plan to host in person instruction as soon as allowed by the Governor’s phased re-opening approach.

The Department worked closely with Parks Staff over the summer to keep the waterfront parks safe for everyone. Between June 1st and September 30th, 2020, Officers conducted pro-active, self-initiated patrols in the waterfront parks 807 times. The patrols were accomplished using both on-duty personnel and 64 hours of overtime for park emphasis patrols. Additionally, the department conducted multiple traffic emphasis patrols focusing on pedestrian safety in the area of the waterfront parks. Unfortunately, the Department responded to a homicide at Houghton Beach Park on September 17, 2020. Detectives continue to diligently work this case and have developed significant investigative leads surrounding the events leading up to this incident and those responsible.

As reported in the 2<sup>nd</sup> quarter dashboard, background checks associated with firearm sales continue to see a significant increase in activity during the COVID-19 pandemic. While there are no “brick and mortar” stores in Kirkland, a background check is required for any resident buying a firearm who lives in the City of Kirkland, which must be processed by the Department’s Records Unit. The following graph depicts the increase in the 3<sup>rd</sup> quarter, as compared to the last two years:

<b>2018</b>		<b>2019</b>		<b>2020</b>	
July	81	July	154	July	337
August	115	August	93	August	315
September	89	September	142	September	313
<b>Total</b>	<b>285</b>	<b>389</b>	<b>965</b>		

The Department continues to operate with COVID19 restrictions that attempt to facilitate social distancing measures between Officers and the public. Officers are encouraged to be highly visible in and around businesses that are closed and to focus on crimes of a serious nature. Through collaboration with NORCOM, the use of online reporting continues to be encouraged and community members calling 911 are asked to meet Officers outside whenever possible. This tactic has been well received by the public. In addition, the use of personal protective equipment (PPE) by Officers continues to be a focus and they are wearing cloth masks when contacting the public and transitioning to PPE as the situation dictates.

COVID-19 continues to have a significant impact on crime, with most categories continuing to report a decrease in numbers compared to the averages. The exception was Aggravated Assaults, which continue to trend upward throughout 2020. The increase in this category appears to be consistent in neighboring jurisdictions.

## Kirkland Police Department Dashboard

January 1 to September 30, 2020

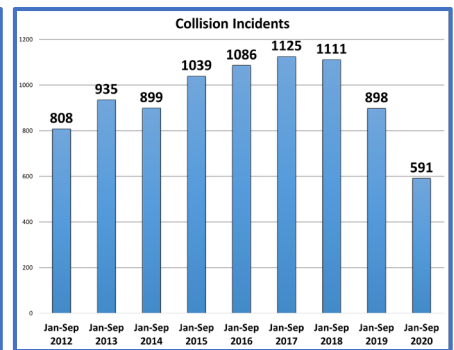
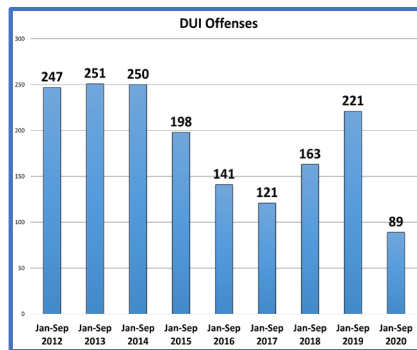
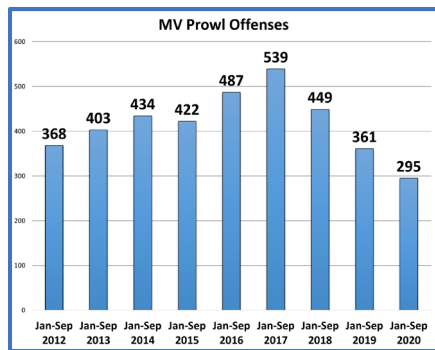
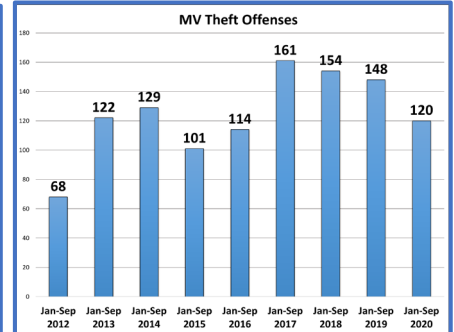
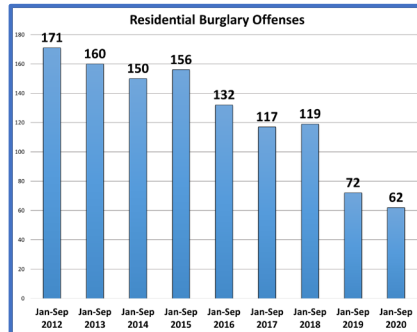
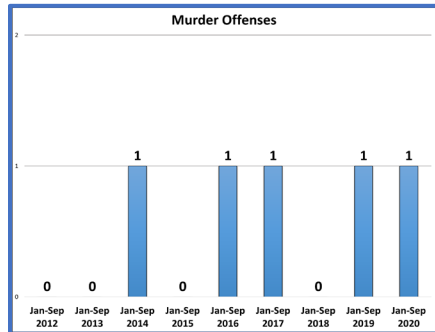
Crimes of Interest	2012-2019 Wtd. Avg.	Normal Range	2020	Change from Wtd. Avg.
Murder	0.6	0 to 1	<b>1</b>	64%
Sex Offenses	35.1	29 to 41	<b>37</b>	5%
Robbery	14.5	13 to 16	<b>16</b>	10%
Aggravated Assault	36.2	27 to 45	<b>54</b>	*49%
Burglary - Residential	120.4	91 to 150	<b>62</b>	-49%
Burglary - Commercial	70.8	57 to 84	<b>75</b>	6%
Motor Vehicle Theft	136.1	107 to 165	<b>120</b>	-12%
Motor Vehicle Prowl	440.7	385 to 496	<b>295</b>	-33%
DUI	184.2	136 to 233	<b>89</b>	-52%
Collisions	1018.7	908 to 1129	<b>591</b>	-42%

### Status Key



Below or Within Expected Range

Above Expected Range\*



## 2020 3<sup>rd</sup> Quarter Crime Summary

**Murder:** There was one murder so far this year. A 19-year-old male was shot and killed at Houghton Beach Park during a suspected illegal gun transaction involving several teenage suspects. The investigation is ongoing.

**Sex Offenses:** This category includes crimes such as rape, child molestation, indecent liberties, and voyeurism. There were 37 cases reported from January through September which is up 5% from the weighted average of the same period over the past eight years. This category has small numbers and is prone to fluctuations.

**Robbery:** There were 16 robberies reported in the first three quarters of the year. This is up 10% over the weighted average of the same period over the past eight years. This category also has small numbers and can fluctuate significantly. The normal range for this category is 13 to 16 incidents so robberies are just within the expected range. Of the 16 robberies, eight were of commercial businesses while eight were of individuals.

**Aggravated Assault:** There were 54 aggravated assaults in the first three quarters of 2020. This is up 49% over the weighted average of the same period over the past eight years. While this category also tends to fluctuate, the normal range is 27-45, so the current total is above expected levels. Of the 54 assaults, 19 were domestic violence related which equates to about 35%. While total felony assaults have increased, the percentage of those assaults that are domestic violence related have decreased. An example of one aggravated assault occurred when a suspect was stabbed by his sister, while he was strangling her boyfriend. During the investigation, video of the entire assault was located by Detectives.

**Residential Burglary:** There were 62 residential burglaries reported in the first three quarters of 2020, representing a decline of 49% from the weighted average of the past eight years. Residential burglaries have trended downward over the past several years, and with the COVID-19 "stay-home" order and many people working and attending school remotely, homes have become a much less attractive target for thieves.

**Commercial Burglary:** There were 75 commercial burglaries in the first nine months of 2020 which represents a 6% increase from the weighted average of the same period over the past eight years. This is within the expected range of activity which is 57 to 84 incidents.

**Motor Vehicle Theft:** There were 120 auto theft reports in the first three quarters of the year, representing a decrease of 12% from the weighted average of the same period over the previous eight years. Auto thefts in Kirkland have slowed after peaking in 2017.

**Car Prowl:** There were 295 car prowls reported citywide in the first nine months of 2020, representing a 33% decrease from the weighted average of the same period over the past eight years. Prowls remain at low levels compared to their peak in 2017.

**DUI:** There were 85 DUI arrests made in in the first nine months of 2020. This represents a 52% decrease from the weighted average of the same period over the past eight years.

**Collisions:** 591 collisions were reported in the first nine months of 2020, a 42% decrease from the weighted average of the same period over the past eight years. Collisions are at the lowest level of the past eight years, clearly the stay at home order has reduced the amount of congestion and traffic on Kirkland roadways.

Aside from the homicide, there were also several other notable investigations that occurred in the 3<sup>rd</sup> quarter to include:

- A major real estate fraud and identity theft scheme that included a boyfriend/girlfriend duo who were arrested after Detectives collected extensive physical and digital evidence that led to a search warrant and the recovery of three luxury cars that had been fraudulently purchased. The warrant uncovered other evidence to include firearms, several kilos of cocaine, forged checks, and real estate fraud documents
- On September 9<sup>th</sup>, Officers responded to a shots fired call at the La Quinta Inn after a white male with facial tattoos on a white bicycle fired off a round from what a witness described as a silver handgun. The suspect was contacted by patrol nearby, riding away from the La Quinta on a white bike. The suspect attempted to abscond from officers on the bicycle but crashed trying to negotiate a curb. During this incident, he ditched a backpack that Patrol Officers recovered. The suspect lied to Officers about his name and provided a fake ID after arrest. While being processed it was discovered he was a person with multiple warrants for his arrest. Patrol and UW K9 were unsuccessful in locating the firearm the suspect was alleged to have fired at the time. The bicycle was later connected to a King County Transit case where the bike appears to have been stolen off a metro bus. Detectives assisted in writing a search warrant for the backpack believing that the contraband and a possible gun were inside. No narcotics, firearms, or fireworks were found upon serving the warrant. On September 23<sup>rd</sup> landscapers located a silver Springfield Armory XD .40 caliber pistol at the Yarrow Bay Office Complex a short distance away from the hotel. The pistol is a match for the one the witness described the suspect as having on him at the time of the incident and was confirmed stolen out of Snohomish County. The pistol has been sent off to AFIS for processing, as it is believed that the suspect's fingerprints will most likely be on the firearm. Pro-Act Officers recently had contact with the suspect during a separate investigation and he confessed to this shooting.
- The FBI, jointly with Seattle Police Department and Kirkland Police conducted an online child exploitation operation in the City of Kirkland. The operation was a success and six male suspects were arrested and evidence was obtained to file charges against two other male suspects after they arrived in Kirkland with the intention of having sexual contact with minors.



**CITY OF KIRKLAND**  
**Police Department**  
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**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Cherie Harris, Chief of Police  
 Rob Saloum, Risk Management Lieutenant

**Date:** October 21, 2020

**Subject:** Animal Services Quarterly Report – 3rd Quarter 2020

**Recommendation:**

City Council receives an update on the Animal Services Program.

**Background:**

The ongoing COVID-19 crisis prevented pet license canvassing during the 2nd quarter and this impact continued into the 3<sup>rd</sup> quarter. To counter this, the decision was made to waive late fees and rescind the requirement to provide proof of rabies vaccination at the time of license renewal. Both actions remained in effect in the 3<sup>rd</sup> quarter. ACO Mattison is issuing citations for past due violations and off leash violations.

The contract undertaken during the 2<sup>nd</sup> Quarter between the City of Kirkland and Cascadia Consulting group remains active. The purpose of the contract is to provide remote engagement with Kirkland residents to increase pet licensing

The following categories of information were developed in collaboration with the previous Council Public Safety Committee:

**Total program expenditures vs. licensing revenue:**

<b>Quarter</b>	<b>Expenditures</b>	<b>Revenue</b>	<b>Donations</b>
Q1	\$47,873	\$41,700	\$1,295
Q2	\$55,302	\$47,675	\$2,073
Q3	\$51,372	\$44,485	\$1,594

Expenses include salaries and benefits, sheltering costs, veterinarian services, PetData licensing services and various program costs such as marketing and communications. Revenue is the sum of pet licensing.



**Pet Data activity by month (including City Hall & Police Department):**

<b>Rask – 2016</b>		<b>Kirkland -2019</b>	<b>1 year</b>	<b>2 year</b>	<b>Replace</b>	<b>Total</b>	<b>Kirkland -2020</b>	<b>1 year</b>	<b>2 year</b>	<b>Replace</b>	<b>Total</b>
January	658	January	467	55	1	523	January	379	47	0	426
February	779	February	488	64	1	553	February	409	38	1	448
March	768	March	581	75	2	658	March	347	50	1	398
April	947	April	540	41	0	487	April	261	16	0	277
May	911	May	492	69	0	424	May	603	61	0	664
June	783	June	386	47	1	341	June	506	37	3	546
July	1001	July	567	72	5	644	July	416	31	1	448
August	1063	August	502	50	2	554	August	515	40	2	557
September	906	September	523	67	3	593	September	507	31	1	539
Total	3195	Total	4546	540	15	4777	Total	3943	351	9	4303

**The following table depicts 3rd quarter sheltering and intake activity:**

<b>Everett Shelter Intakes</b>				
Dogs	Cats	Other	Total	Est. Total \$
5	6	0	11	\$1,230.00
<b>(case#19-2780: on-going animal cruelty sheltering fee \$1,840.00)</b>				
<b>KPD Intake</b>				
Dogs	Cats	Other	Total	Est. Total \$
3	0	0	3	\$0.00
<b>Veterinary Care</b>				
Dogs	Cats	Other	Total	Est. Total \$
3	1	0	4	\$0.00
<b>Meow Cat Rescue/RASK acceptance of Kirkland Pets</b>				
Dogs	Cats	Other	Total	Est. Total \$
0	0	0	0	\$0.00
<b>Total Intake and Cost</b>				
11	7	0	18	\$3,070.00

- Everett sheltering costs will increase in January of 2021, from \$200 dollars to \$220 dollars.

**Animal Control Officer Activity:**

<b>Activity</b>	<b>Quantity</b>
Calls for Service Responded To	200
Lost Animals Reunited with Their Owners	10
Off Leash Dog Warnings	14
Off Leash Dog Tickets	2
On-view (Foot Patrol etc.)	30
Community Events / Meetings Attended	2
Warnings Given	20
Criminal Citations Issued	0
Notices of Infraction Issued	3
Cases Written	7
Cases Filed with the Prosecutor	0
Barking Dog Complaints Responded To	20
Hobby Kennel/ Cattery License	0
Dog Bite Complaints Responded To	6
OUR Kirkland Service Request	24

**Parks Enhanced Leash Law Enforcement (Kris / Betty - Parks Department):**

<b>Activity</b>	<b>Quantity</b>
Written warnings	48
Tickets	2
Contacts	852
License pamphlets handed out	780

With COVID-19 restricting where people could go or gather, the City parks became a welcome respite from the crisis. This provided an excellent opportunity for contacting pet owners in parks and providing pet licensing pamphlets to them. Contacts were up from 136 in the 2<sup>nd</sup> quarter to 852 in the third. No pamphlets were handed out in the 2<sup>nd</sup> quarter while 780 were handed out in the 3<sup>rd</sup> quarter.

**Notes from a selection of calls Officer Matison responded to during the 3rd quarter:**

**20-00020627:** ACO Matison responded to a welfare check for two dogs that appeared to be neglected. Owner of the dogs allowed ACO Matison to do a quick exam of his dogs. The backyard was covered in debris and broken glass. There was no clean food or access to water. ACO Matison explained the RCW for tethering and animal cruelty. The owner stated he would clean out all the debris from the backyard. ACO Matison did not observe any open wounds on the dog and the dog appeared healthy. In addition, the two dogs on the property are still not licensed. The owner received a civil infraction in the mail for failure to license and a written warning for animal cruelty for failing to provide necessary shelter, rest, sanitation and space.

**20-00020892:** ACO Matison received an email from a Good Samaritan stating they found a stray cat in their neighborhood. ACO Matison picked up the cat and was able to locate the owner via microchip. The cat was successfully reunited with its owner shortly after.

**20-00025099:** ACO Matison responded to an Our Kirkland Service request involving roosters within city limits. ACO Matison successfully contacted the owners of the roosters and explained roosters are not allowed within city limits. The owner stated the rooster is a service animal. However, according to ADA regulations roosters are not considered service animals. ACO Matison offered resources but the owner stated she didn't need any. A 14-day notice was given to have the rooster removed from city limits. The owner complied.

**20-00029613: ACO** Matison observed two dogs running off-leash at Kirkland Middle School while small children were playing on the fields. ACO Matison had previous contact with this dog owner for off-leash activity. A civil infraction was issued for both dogs.

**20-00029613:** ACO Matison responded to a CFS involving a baby raccoon's foot stuck between the fence boards. ACO Matison was successful in freeing the baby raccoon.

**This sweet boy was found wandering as a stray. ACO Matison was successful in finding the owners.**



**ACO Matison with Bella at Juanita Beach Park.**





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

## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Michael Olson, Director of Finance & Administration  
 Chip Corder, Temporary 2021-2022 Budget Development Staff  
 Robby Perkins-High, Senior Financial Analyst  
 Kevin Lowe Pelstring, Budget Analyst

**Date:** October 16, 2020

**Subject:** September 2020 Sales Tax Revenue

### Background

The Financial Planning Division prepares a monthly sales tax revenue memo analyzing monthly and year-to-date activity by business sector, forecasting sales tax revenue in the current year, and tracking key economic indicators to provide additional context for the state of the economy. The general retail sales tax is the City's largest single revenue source, accounting for 18 percent of total budgeted revenues in the General Fund and funding, along with property tax and utility taxes, public safety and other general government (i.e., non-utility) services. It is also more sensitive to economic cycles than other tax revenues. Accordingly, it is monitored closely by staff—even more so given the economic disruption and uncertainty caused by COVID-19.

There is a two-month lag between when sales tax is generated and when it is distributed to the City by the Washington State Department of Revenue (DOR). Accordingly, September sales tax revenue relates to July retail activity in Kirkland.

### September 2020 vs. September 2019

Business Sector Group	September		Dollar Change	Percent Change	Percent of Total	
	2019	2020			2019	2020
Services	314,096	272,922	(41,174)	-13.1%	13.7%	12.2%
Contracting	520,549	500,326	(20,223)	-3.9%	22.6%	22.4%
Communications	39,100	35,670	(3,430)	-8.8%	1.7%	1.6%
Retail:						
Auto/Gas Retail	492,815	436,855	(55,960)	-11.4%	21.4%	19.5%
Gen Merch/Misc Retail	284,322	308,220	23,898	8.4%	12.4%	13.8%
Retail Eating/Drinking	164,099	129,141	(34,958)	-21.3%	7.1%	5.8%
Other Retail	264,691	307,718	43,027	16.3%	11.5%	13.8%
Wholesale	94,174	111,479	17,305	18.4%	4.1%	5.0%
Miscellaneous	124,551	134,210	9,659	7.8%	5.4%	6.0%
<b>Total</b>	<b>2,298,397</b>	<b>2,236,541</b>	<b>(61,856)</b>	<b>-2.7%</b>	<b>100%</b>	<b>100%</b>

Comparing September 2020 to September 2019, **sales tax revenue is down \$61,856, or 2.7 percent.**

Looking at business sectors, the most significant growth occurred in Other Retail (up \$43,027, or 16.3 percent), General Merchandise/Miscellaneous Retail (up \$23,898, or 8.4 percent), and Wholesale (up \$17,305, or 18.4 percent).

Noteworthy declines occurred in Auto/Gas Retail (down \$55,960, or 11.4 percent), Services (down \$41,174, or 13.1 percent), Retail Eating/Drinking (down \$34,958, or 21.3 percent), and Contracting (down \$20,223, or 3.9 percent). The 13.1 percent decline in Services is driven by the Accommodation, Art/Entertainment and Healthcare subsectors.

#### YTD 2020 vs. YTD 2019

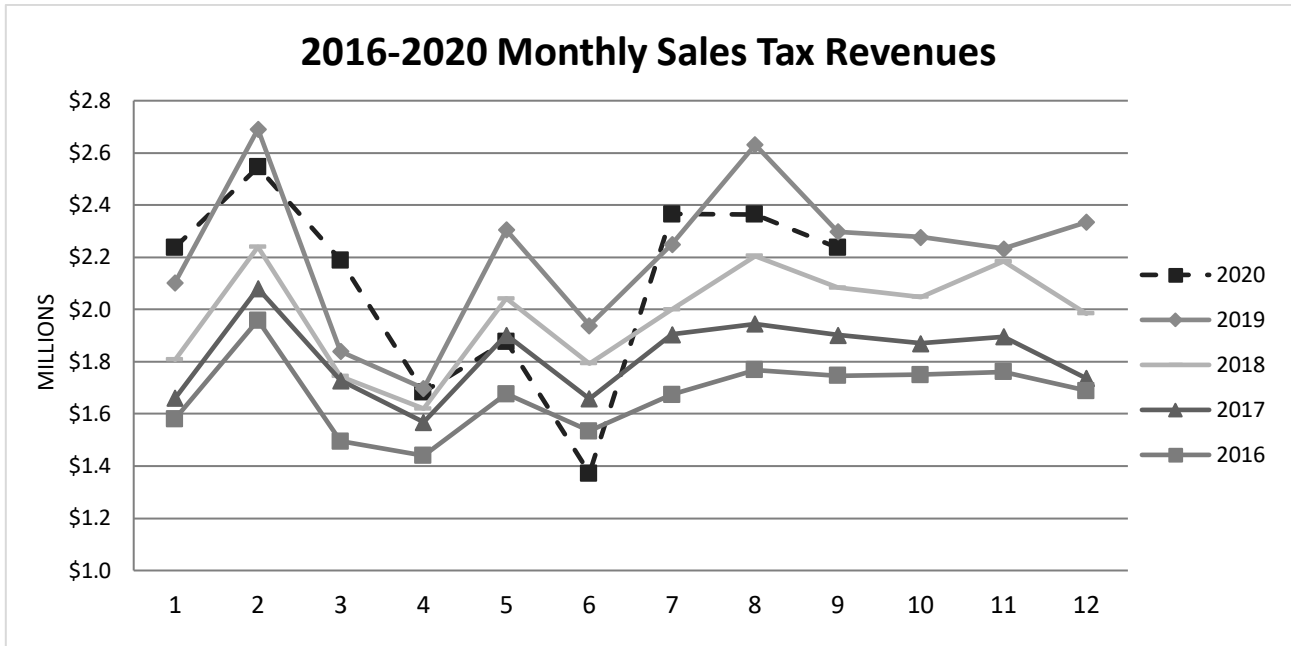
Business Sector Group	YTD		Dollar Change	Percent Change	Percent of Total	
	2019	2020			2019	2020
Services	2,528,145	2,642,000	113,854	4.5%	12.8%	14.0%
Contracting	4,772,783	4,895,187	122,404	2.6%	24.2%	25.9%
Communications	586,277	360,476	(225,801)	-38.5%	3.0%	1.9%
Retail:						
Auto/Gas Retail	3,927,029	3,352,496	(574,533)	-14.6%	19.9%	17.8%
Gen Merch/Misc Retail	2,032,612	2,159,966	127,354	6.3%	10.3%	11.4%
Retail Eating/Drinking	1,375,546	1,102,743	(272,804)	-19.8%	7.0%	5.8%
Other Retail	2,307,430	2,499,575	192,144	8.3%	11.7%	13.2%
Wholesale	862,943	858,472	(4,471)	-0.5%	4.4%	4.5%
Miscellaneous	1,364,043	1,001,321	(362,722)	-26.6%	6.9%	5.3%
<b>Total</b>	<b>19,756,808</b>	<b>18,872,235</b>	<b>(884,574)</b>	<b>-4.5%</b>	<b>100%</b>	<b>100%</b>

Comparing 2020 to 2019, year-to-date (YTD) sales tax revenue is **down \$884,574, or 4.5 percent**. However, 2019 includes two large back tax payments totaling \$458,733 from the Communications and Miscellaneous business sectors. **Factoring out these one-time payments**, YTD sales tax revenue is **down 2.2 percent** relative to the same period in 2019.

Looking at business sectors, the most significant growth occurred in Other Retail (up \$192,144, or 8.3 percent), General Merchandise/Miscellaneous Retail (up \$127,354, or 6.3 percent), Contracting (up \$122,404, or 2.6 percent), and Services (up \$113,854, or 4.5 percent). The growth in Other Retail has been led by the Electronics, Health & Personal Care, and Sporting Goods sub-sectors. Within Services, the growth has been concentrated in the Administration & Support, Professional Scientific, and Publishing Services sub-sectors.

Noteworthy declines occurred in Auto/Gas Retail (down \$574,533, or 14.6 percent), Miscellaneous (down \$362,722, or 26.6 percent), Retail Eating/Drinking (down \$272,804, or 19.8 percent), and Communications (down \$225,801 or 38.5 percent). Most of the drop in Auto/Gas Retail is primarily due to a \$410,305 (83.5 percent) decline in May 2020 (for March retail activity) versus May 2019. The significant decreases in Miscellaneous and Communications respectively relate to back tax payments of \$248,522, which was received in February 2019, and \$210,211, which was received in July 2019. Retail Eating/Drinking is down due to the Governor's stay-at-home order, which was in effect from March 25<sup>th</sup> to May 31<sup>st</sup>, and social distancing requirements, which limit the number of customers that can be served.

The chart below shows Kirkland’s monthly sales tax revenue through September 2020 compared to the prior four years.



**“What If” Forecast Scenarios (2020 Only)**

Given the high level of economic uncertainty for the balance of the year, three “what if” forecast scenarios are provided in the following table for 2020 sales tax revenue. Note that the 2020 budget of \$23,130,166 reflects the City’s modified two-year sales tax lag policy (2020 budget = 2018 estimate).

“What If” Scenario	2020 Forecast	2020 Budget	Surplus (Deficit)	Staff Forecast Assessment
2020 forecast is 5% below 2019 actual*	\$25,262,146	\$23,130,166	\$2,131,980	Likely
2020 forecast is 10% below 2019 actual*	\$23,932,560	\$23,130,166	\$802,394	Pessimistic
2020 forecast is 15% below 2019 actual*	\$22,602,973	\$23,130,166	(\$527,193)	Very pessimistic

\*2019 actual sales tax revenue = \$26,591,733.

As previously noted, sales tax revenue through September 2020 is down 4.5 percent relative to the same period in 2019. This is significantly better than the following two September 2020 forecasts of annual taxable retail sales growth in King County in 2020:

- King County Office of Economic and Financial Analysis: **11.6 percent decline** in 2020
- Puget Sound Economic Forecaster: **8.7 percent decline** in 2020

The key **“takeaway”** from these “what if” forecast scenarios is that **2020 budgeted sales tax revenue is 13 percent below 2019 actual sales tax revenue**. That provides a significant “buffer” in 2020, reducing the financial impact of the three scenarios accordingly.

To help frame staff's assessment of the three "what if" forecast scenarios, the following three tables identify how much sales tax revenue would have to decline in the last three months of 2020 relative to the last three months of 2019 to end the year 5 percent, 10 percent, and 15 percent below 2019 actual sales tax revenue.

*2020 Forecast is 5% below 2019 Actual (Staff Forecast Assessment: Likely)*

Sales Tax Revenue	2019	2020	\$ Change	% Change
January-September (actual)	\$19,756,808	\$18,872,235	(\$884,574)	-4.5%
October-December (2019 actual & 2020 forecast)	\$6,834,925	\$6,389,911	(\$445,013)	<b>-6.5%</b>
<b>Total</b>	<b>\$26,591,733</b>	<b>\$25,262,146</b>	<b>(\$1,329,587)</b>	<b>-5.0%</b>

*2020 Forecast is 10% below 2019 Actual (Staff Forecast Assessment: Pessimistic)*

Sales Tax Revenue	2019	2020	\$ Change	% Change
January-September (actual)	\$19,756,808	\$18,872,235	(\$884,573)	-4.5%
October-December (2019 actual & 2020 forecast)	\$6,834,925	\$5,060,325	(\$1,774,600)	<b>-26.0%</b>
<b>Total</b>	<b>\$26,591,733</b>	<b>\$23,932,560</b>	<b>(\$2,659,173)</b>	<b>-10.0%</b>

*2020 Forecast is 15% below 2019 Actual (Staff Forecast Assessment: Very Pessimistic)*

Sales Tax Revenue	2019	2020	\$ Change	% Change
January-September (actual)	\$19,756,808	\$18,872,235	(\$884,573)	-4.5%
October-December (2019 actual & 2020 forecast)	\$6,834,925	\$3,730,738	(\$3,104,187)	<b>-45.4%</b>
<b>Total</b>	<b>\$26,591,733</b>	<b>\$22,602,973</b>	<b>(\$3,988,760)</b>	<b>-15.0%</b>

Sales tax revenue would have to decline 6.5 percent, 26.0 percent, and 45.4 percent respectively in October-December 2020 to end the year 5 percent, 10 percent, and 15 percent below 2019 actual sales tax revenue. The latter two reduction scenarios are very unlikely provided that a second "stay at home" order is not issued between now and the end of the year.

For the **2021-2022 Preliminary Budget**, staff is **conservatively forecasting a 10 percent decline in 2020**, which is still \$802,394 greater than the 2020 budget, and no growth in 2021 and 2022, consistent with the City's modified two-year lag policy. However, the 2020-2022 sales tax forecast will be subject to change based on the monthly sales tax distribution at the end of October as well as other relevant economic data. If necessary, the 2020-2022 sales tax forecast can be adjusted as late as December, when the 2021-2022 Final Budget is adopted by the Council.

## Key Economic Indicators

Information about wider trends in the economy provides a mechanism to help understand current results in Kirkland and to predict future performance. The combination of consumer confidence, unemployment levels, housing data, inflation, and auto sales provides a broader economic context for key factors in sales tax revenues. Since the sales tax figures reported above are from two months prior, some of the figures in the table below can function as leading indicators for where sales taxes may go in future reports.

Indicator	Most Recent Month of Data	Unit	Month			Yearly Average	
			Previous	Current	Change	2019	2020
<b>Consumer Confidence</b>							
Consumer Confidence Index	September	Index	86.3	101.8	15.5	128.1	103.5
<b>Unemployment Rate</b>							
National	September	%	8.4	7.9	(0.5)	3.7	8.6
Washington State	July	%	9.9	10.0	0.1	4.5	9.3
King County	July	%	9.6	8.3	(1.3)	3.0	8.3
Kirkland	July	%	7.5	6.6	(0.9)	2.9	7.0
<b>Housing</b>							
New House Permits (WA)	August	Thousands	41.0	39.2	(1.8)	48.7	43.8
Case-Shiller Seattle Area Home Prices	July	Index	272.3	273.9	1.6	252.2	267.1
<b>Inflation (CPI-W)</b>							
National	September	% Change	1.4	1.5	0.1	1.7	1.2
Seattle	August	% Change	1.0	2.4	1.4	2.1	1.9
<b>Car Sales</b>							
New Vehicle Registrations	September	Thousands	20.8	21.7	0.9	23.7	18.5

The **Consumer Confidence Index** increased from 86.3 in August to 101.8 in September. The 2020 average is 24.6 points below the 2019 average.

The national **Unemployment Rate** dropped from 8.4 percent in August to 7.9 percent in September, while the Washington State unemployment rate was flat in July (10.0 percent) compared to June (9.9 percent), after hitting a high of 16.1 percent in April. King County's unemployment rate dropped from 9.6 percent in June to 8.3 percent in July, and Kirkland's unemployment rate fell from 7.5 percent in June to 6.6 percent in July.

**New Housing Permits** in Washington State have steadied from a volatile spring, falling slightly from 41,000 in July to 39,200 in August, while the 2020 average sits 4,900 below the 2019 average. The **Case-Shiller Home Price Index** saw an increase of 1.6 points in July, and the 2020 average is 14.9 points above the 2019 average, reflecting a strong housing market despite the pandemic.

**Inflation** for Seattle-Tacoma-Bellevue, as measured by the CPI-W, increased from 1.0 percent in June to 2.4 percent in August. On the national level, inflation inched up slightly from 1.4 percent in August to 1.5 percent in September, after going negative in May.

**New Vehicle Registrations** increased by 900 from August to September, but the 2020 average is 5,200 below the 2019 average.





## 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, Financial Operations Manager

**Date:** October 22, 2020

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF NOVEMBER 4, 2020.

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 October 7, 2020 are as follows:

	Project/Purchase	Process	Estimate/Price	Status
1.	Holmes Point streets standard and corridor study	Request for Qualifications	\$119,851.00	Contract awarded to Otak, Inc. of Portland, OR based on qualifications per RCW 39.80.
2.	High deductible health plan third party administrator	Request for Proposals	\$128,000.00	Contract awarded to Regence Group Administrators of Bellevue, WA.
3.	NE 116 <sup>th</sup> Street crosswalk upgrades	Invitation for Bids	\$176,430.00	Contract awarded to Westwater Construction Company of Renton, WA.
4.	Totem Lake connector bridge	Invitation for Bids	\$13,047,576.45	Contract awarded to Kraemer North America of Seattle, WA.
5.	Maintenance Center storm water pollution prevention plan upgrade	Invitation for Bids	\$767,421.77	Contract awarded to Interwest Construction, Inc. of Burlington, WA.
6.	SCBA compressor for the Fire Department	Cooperative Purchase	\$54,938.58	Purchase order issued to Sea Western of Kirkland, WA.



**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Nick Cilluffo, Senior Planner  
Jeremy McMahan, Deputy Planning & Building Director  
Adam Weinstein, AICP, Planning & Building Director

**Date:** October 22, 2020

**Subject:** CODE AMENDMENTS TO STREAMLINE PUBLIC PROJECTS, FILE NO. CAM20-00334

### Staff Recommendation

Adopt enclosed ordinances amending various sections of the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC). The amendments relate to streamlining public projects and are consistent with direction provided to staff at the October 6, 2020 City Council meeting.

### Background

Public projects are those development and construction activities associated with the City's Capital Improvements Program; Parks, Recreation and Open Space (PROS) Plan, schools, and other public agency and utility projects implemented by non-City entities. City Council received a briefing on draft code amendments to streamline the permitting of these projects at their October 6, 2020 meeting. Project background, staff's analysis, and the Houghton Community Council (HCC) and Planning Commission (PC) recommendation are included in the [October 6, 2020 City Council Meeting Packet](#).

Following staff's presentation and consideration of the HCC/PC recommendation, City Council discussed the draft code amendments and expressed support for all the amendments as drafted by staff while clarifying that the Planning Director would make final decisions. City Council directed staff to prepare final amendments, with minor edits to items 1 and 4 below.

### Proposed Code Amendments

The following is a summary of the code amendments included in the attached ordinances, including the direction provided by City Council at the October 6, 2020 meeting. The precise code amendments can be seen in Section 1 of each attached ordinance.

**1. Expedite the review of critical area exceptions for public projects (O-4739).**

<b>Code section</b>	<b>Amendments</b>	<b>City Council Direction</b>
KZC 90.30 KZC 90.45 KZC 90.50	Change review process for Public Agency/Utility Exceptions from a Process I to an administrative review with Planning Director Decision.	City Council supported the reduction in review process but preferred to maintain an elevated level of decisional authority. The final code amendment establishes an administrative review with the Planning Director having final decision-making authority for Public Agency/Utility Exceptions.
KMC 5.74.070 (O-4741)	Associated with this new review process, a line item will be added to the Planning and Building Department fee schedule. The fee amount for these project types will remain the same – this simply amends the fee schedule to reflect the amended review process.	

**2. Eliminate Design Review process for fire station development (O-4739).**

<b>Code section</b>	<b>Amendment</b>	<b>City Council Direction</b>
KZC 142.15	Exempt fire stations from Design Review.	City Council supported the initial amendment, as drafted by staff, with no change.

**3. Allow temporary government facility uses without requiring zoning permit review (O-4739).**

<b>Code section</b>	<b>Amendment</b>	<b>City Council Direction</b>
KZC 115.139 (NEW)	Allow temporary government facilities under specific circumstances (i.e., public service provision or emergency response) without need for land use approval or application of development standards.	City Council supported the initial amendment, as drafted by staff, with no change.

**4. Identify authority for approving temporary construction staging sites and clarify required site standards (O-4739).**

<b>Code section</b>	<b>Amendments</b>	<b>City Council Direction</b>
KZC 115.138 (NEW)	Authorize the Director of Public Works to approve staging sites and specify site standards and time limitations.	City Council supported the initial amendment and requested a specific time limitation for the use of staging sites. The final code amendment requires staging activity to end upon project completion.

5. Clarify permit exemptions for Land Surface Modification within critical areas<sup>1</sup> (O-4740).

Code section	Amendment	Prior City Council Direction
KMC 29.12.010(e)	Clarify that geologically hazardous areas do not preclude the permit exemption for public projects within the right-of-way.	City Council supported the initial amendment, as drafted by staff, with no change.

**Temporary Facilities**

The Council also wanted to confirm that temporary facilities would not continue indefinitely. Below are ordinance excerpts that ensure temporary facilities will have limited duration.

*" a. When an interim facility is necessary to provide service during construction of a related permanent facility. The temporary government facility may be located and operated for a duration not to exceed the construction period of the permanent government facility.*

*b. When a temporary facility is necessary in response to an emergency proclamation. The temporary government facility may be located and operated for a duration not to exceed the emergency proclamation."*

**Code Amendment Process and Criteria**

Pursuant to KZC 160.60 and KZC 135.25, the City may amend the text of the Zoning Code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City’s adopted shoreline master program.

The proposed Zoning Code amendments are consistent with the Comprehensive Plan, bear a substantial relation to public health, safety, or welfare, and are in the best interest of the residents of Kirkland because they are intended to clarify the existing regulations and make them more effective.

**Environmental Review**

The requirements of the State Environmental Policy Act of Chapter 43.21C RCW and Chapter 197-11 WAC have been met by issuance of a SEPA Addendum on August 27, 2020 to the 2035 Comprehensive Plan Environmental Impact Statement (EIS).

**Attachments:**

1. Ordinance 4739 (amends KZC)

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<sup>1</sup> This is a KMC amendment and was not reviewed by HCC/PC

2. Publication Summary O-4739
3. Ordinance 4740 (amends KMC Title 29)
4. Ordinance 4741 (amends KMC Title 5)

cc: File Number CAM20-00334

## ORDINANCE O-4739

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE CHAPTERS 90, 115, AND 142, ORDINANCE 3719 (AS AMENDED), AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM20-00334.

1           WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission and the Houghton Community  
3 Council to amend certain sections of the Kirkland Zoning Code, as set  
4 forth in the report and recommendation of the Planning Commission and  
5 the Houghton Community Council dated September 24, 2020 and  
6 bearing Kirkland Planning and Building Department File No.CAM20-  
7 00334; and  
8

9           WHEREAS, prior to making the recommendation, the Kirkland  
10 Planning Commission and Houghton Community Council, following  
11 notice as required by RCW 36.70A.035, on September 10, 2020, held a  
12 joint public hearing on the amendment proposals and considered the  
13 comments received at the hearing; and  
14

15           WHEREAS, pursuant to the State Environmental Policy Act  
16 (SEPA), there has accompanied the legislative proposal and  
17 recommendation through the entire consideration process, a SEPA  
18 Addendum to Existing Environmental Documents issued by the  
19 responsible official pursuant to WAC 197-11-625; and  
20

21           WHEREAS, in a public meeting on November 4, 2020, the City  
22 Council considered the environmental documents received from the  
23 responsible official, together with the report and recommendation of the  
24 Planning Commission and Houghton Community Council.  
25

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

29           Section 1. The following specified sections of the Kirkland  
30 Zoning Code are amended as set forth in Attachment A attached to this  
31 ordinance and incorporated by reference.

32           KZC 90.30  
33           KZC 90.45  
34           KZC 90.50  
35           KZC 115  
36           KZC 142.15  
37

38           Section 2. If any section, subsection, sentence, clause, phrase,  
39 part or portion of this ordinance, including those parts adopted by  
40 reference, is for any reason held to be invalid or unconstitutional by any  
41 court of competent jurisdiction, such decision shall not affect the validity  
42 of the remaining portions of this ordinance.

43           Section 3. To the extent the subject matter of this ordinance is  
 44 subject to the disapproval jurisdiction of the Houghton Community  
 45 Council, this ordinance shall become effective within the Houghton  
 46 Community Municipal Corporation only upon approval of the Houghton  
 47 Community Council or the failure of said Community Council to  
 48 disapprove this ordinance within 60 days of the date of the passage of  
 49 this ordinance.

50  
 51           Section 4. Except as provided in Section 3, this ordinance shall  
 52 be in force and effect five days from and after its passage by the  
 53 Kirkland City Council and publication pursuant to Section 1.08.017,  
 54 Kirkland Municipal Code in the summary form attached to the original  
 55 of this ordinance and by this reference approved by the City Council.

56  
 57           Section 5. A complete copy of this ordinance shall be certified  
 58 by the City Clerk, who shall then forward the certified copy to the King  
 59 County Department of Assessments.

60  
 61           Passed by majority vote of the Kirkland City Council in open  
 62 meeting this \_\_\_\_\_ day of November, 2020.

63  
 64           Signed in authentication thereof this \_\_\_\_\_ day of November,  
 65 2020.

\_\_\_\_\_   
 Penny Sweet , Mayor

Attest:

\_\_\_\_\_   
 Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_   
 Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4739

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE CHAPTERS 90, 115, AND 142, ORDINANCE 3719 (AS AMENDED), AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM20-00334.

SECTION 1. Amends Chapters 90, 115, and 142 of the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. 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.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

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 \_\_\_\_\_, 2020.

I certify that the foregoing is a summary of Ordinance 4739 approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
Kathi Anderson, City Clerk



AMENDMENTS TO THE KIRKLAND ZONING CODE

*NOTE: Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

## KZC 90.30 City Review Process\*

1. Activities regulated by this chapter shall be considered using the following decision processes:

Table 90.30.1 City Review Process

Type of Action	City Review Process	Section
Exemptions	Activities permitted outright with no review process (or reviewed with underlying development or land surface modification permit – no review fee)	KZC 90.35
Permitted Activities, Improvements and Uses Subject to Development Standards	Planning Official Decision	KZC 90.40
Exception – Public Agency and Public Utility	<del>Planning Director – Process I, Chapter 145–</del> <b><u>KZC Planning Director Decision</u></b>	KZC 90.45
Programmatic Permits – Public Agency and Public Utility	Planning Official Decision or Planning Director Decision– <del>Process I, Chapter 145–</del> <del>KZC</del> depending on scope of project	KZC 90.50
Wetland Modification	Planning Director – Process I, Chapter 145 KZC	KZC 90.60
Category IV Wetland Exceptions	Planning Official Decision	KZC 90.60
Stream Modification	Planning Director – Process I, Chapter 145 KZC	KZC 90.70
Daylighting of Streams	Planning Official Decision	KZC 90.75
Stream Channel Stabilization	Planning Official Decision	KZC 90.85
Moorage Facilities and Other Improvements on Minor Lakes	Planning Director – Process I, Chapter 145 KZC	KZC 90.90
Critical Area Determination	Planning Official Determination	KZC 90.105
Buffer Averaging	Planning Official Decision	KZC 90.115
Limited Buffer Waiver	Planning Official Decision	KZC 90.120
Reasonable Use Exception	Planning Director – Process I, Chapter 145 KZC; or Hearing Examiner – Process IIA, Chapter 150 KZC (for extraordinary circumstances)	KZC 90.180A or 90.180B*

2. If a development, use or activity requiring approval through Planning Official or Process I pursuant to this chapter is part of a proposal that requires additional approval through Process IIA or Process IIB, the entire proposal shall be decided upon using that other process.
- a. The decisional criteria for a permit reviewed under a Process I in this chapter shall be used for the Process IIA or Process IIB decision.
  - b. The decisional criteria, standards and/or requirements for a decision reviewed under a Planning Official Decision in this chapter shall be used for the Process IIA or Process IIB decision.

**KZC 90.45 Public Agency and Public Utility Exceptions**

If strict application of this chapter would prohibit a development proposal by a public agency or public utility, the agency may apply for an exception pursuant to this section.

1. General – Prior to seeking approval through this section, the Planning Official in conjunction with a public agency or public utility shall first determine that:
  - a. The project scope cannot be approved under KZC 90.60 for wetland modifications; KZC 90.70 for stream modifications; KZC 90.85 for stream channel stabilization; and KZC 90.95 for wildlife habitat conservation areas; and
  - b. The project cannot meet the requirements under KZC 90.130, Vegetative Buffer Standards; and KZC 90.140, Structure Setback from Critical Area Buffer; or any other provision in this chapter.
2. Process – A critical area exception for public agencies and public utilities shall be reviewed and decided upon **by the Planning Director** using ~~Process I, pursuant to Chapter 145-KZC.~~
3. Decisional Criteria – The Planning Director shall make a decision based on the following criteria:
  - a. There is no other practical alternative to the proposed project with less impact on the critical areas or buffer;
  - b. Strict application of this chapter would unreasonably restrict or prohibit the ability to provide public utilities or public agency services to the public;
  - c. The proposal minimizes impacts to the critical area or buffer through mitigation sequencing, and through type and location of mitigation, pursuant to KZC 90.145 and 90.150, if applicable, including such installation measures as locating facilities in previously disturbed areas, boring rather than trenching, and using pervious or other low impact materials; and
  - d. The proposal protects and/or enhances critical area and buffer functions and values, consistent with the best available science and with the objective of no net loss of critical area functions and values.
4. Submittal Requirements – The application shall include the City’s critical area determination pursuant to KZC 90.105; a critical area report pursuant to KZC 90.110; a mitigation plan pursuant to KZC 90.145, and a mitigation plan pursuant to KZC 90.150 if a wetland is to be modified; a response to the decisional criteria in subsection (3) of this section; and the following documents and/or analysis based upon the type of exception proposed in order to determine that the strict application of this chapter would otherwise prohibit a development proposal:
  - a. Wetland Modifications
    - 1) The public agency or public utility shall submit a wetland modification assessment pursuant to KZC 90.60(6); and
    - 2) The public agency or public utility shall demonstrate that the requirements in KZC 90.60(8) and (9) cannot be met.
  - b. Stream Modifications
    - 1) The public agency or public utility shall submit a stream modification assessment pursuant to KZC 90.70(5); and
    - 2) The public agency or public utility shall demonstrate that the requirements in KZC 90.70(6) and (7) cannot be met.

- c. Daylighting of Stream – The public agency or public utility shall submit a stream daylighting plan demonstrating that the requirements in KZC 90.75(3) cannot be met.
- d. Stream Channel Stabilization – The public agency or public utility shall submit a streambank assessment and stream channel stabilization plan demonstrating that the requirements in KZC 90.85(5) and (6) cannot be met.
- e. Wildlife Habitat Conservation Area Modifications
  - 1) The public agency or public utility shall submit an assessment of a habitat conservation area pursuant to KZC 90.95(3), a habitat management plan pursuant to KZC 90.95(6); and
  - 2) The public agency or public utility shall demonstrate that the requirements in KZC 90.95(7) cannot be met.
- f. Buffer Averaging – The public agency or public utility shall demonstrate that the standards in KZC 90.115(2) cannot be met.
- g. Vegetative Buffer Standards – The public agency or public utility shall demonstrate that the standards in 90.130(2) through (4) cannot be met.
- h. Structure Setback – The public agency or public utility shall demonstrate that the standards in KZC 90.140 cannot be met.
- 5. Waiver – Planning Official may waive a specific submittal requirement if it is determined not to be applicable or necessary.

## KZC 90.50 Programmatic Permit – Public Agency and Public Utility

1. General – A public programmatic permit may be issued for either a permitted activity subject to the submittal requirements and development standards of permitted activities, improvements and uses with standards in KZC 90.40 or public agency or public utility exception in KZC 90.45, if it meets the requirements of this section, as determined by the Planning Official. Exempted activities pursuant to KZC 90.35 do not require a programmatic permit.
2. Criteria for a Programmatic Permit – The activity shall:
  - a. Be repetitive and part of a maintenance program or other similar program;
  - b. Have the same or similar identifiable impacts, as determined by the City, each time the activity is repeated at all sites covered by the programmatic permit; and
  - c. Be suitable to having standard conditions that will apply to all sites.
3. Process
  - a. For an activity that would otherwise be approved as a permitted activity subject to development standards, the Planning Official shall make the decision on the programmatic permit.
  - b. For an activity that would otherwise be approved as a public agency or public utility exception, the programmatic permit shall be reviewed and decided upon **by the Planning Director** pursuant to a ~~Process I described in Chapter 145-KZC.~~
4. Required Conditions – The City shall uniformly apply conditions to each activity authorized under the programmatic permit at all locations covered by the permit. The City may require that the applicant develop and have uniformly applicable conditions as part of the programmatic permit application, subject to City approval. The City shall not issue a programmatic permit until applicable conditions are developed and approved by the City.
5. Inspections – Activities authorized under a programmatic permit shall be subject to inspection by the Planning Official and prearranged in advance. The Planning Official may require that the applicant submit periodic status reports. The frequency, method and contents of the inspection notifications and reports shall be specified as conditions in the programmatic permit.
6. Revisions and Modifications to Permit – The Planning Official may subsequently require revisions, impose new conditions or otherwise modify the programmatic permit or withdraw the permit and require that the applicant undergo review for a new permitted activity approval or new exception for a public agency and public utility, if the Planning Official determines that:
  - a. The programmatic permit or activities authorized under the permit no longer comply with this chapter;
  - b. The programmatic permit does not provide adequate regulation of the activity;
  - c. The programmatic permit conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity; or
  - d. A site requires site-specific regulation.
7. Other Agency Requirements – If an activity covered by a programmatic permit also requires other county, state and/or federal approvals, to the extent feasible, the City shall reference those conditions of other approvals in the programmatic permit.

## Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

## Sections:

- 115.05 User Guide
- 115.07 Accessory Dwelling Units
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
- 115.10 Accessory Uses, Facilities and Activities
- 115.15 Air Quality Regulations
- 115.20 Animals in Residential Zones
- 115.23 Common Recreational Space Requirements for Certain Residential Uses
- 115.24 Cross Kirkland Corridor/Eastside Rail Corridor – Supplemental Development Standards for Adjoining Properties
- 115.25 Development Activity – Limitations On
- 115.33 Electric Vehicle Infrastructure
- 115.35 Erosion and Sedimentation Regulation
- 115.40 Fences
- 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C
- 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
- 115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
- 115.47 Loading and Service Areas Placement and Screening
- 115.50 Glare Regulation
- 115.55 Heat Regulation
- 115.59 Height Regulations – Calculating Average Building Elevation (ABE)
- 115.60 Height Regulations – Exceptions
- 115.65 Home Occupations
- 115.80 Legal Building Site
- 115.85 Lighting Regulations
- 115.87 Lot Size Flexibility
- 115.90 Calculating Lot Coverage
- 115.95 Noise Regulations
- 115.100 Odor
- 115.105 Outdoor Use, Activity and Storage
- 115.107 Public Utility, Electrical Transmission Lines
- 115.110 Radiation
- 115.115 Required Yards
- 115.120 Rooftop Appurtenances
- 115.122 Rooftop Amenities and Rooftop Common Rooms
- 115.125 Rounding of Fractions of Dwelling Units
- 115.135 Sight Distance at Intersections
- 115.136 Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17
- 115.137 Solar Collectors in Residential Zones
- 115.138 Temporary Construction Staging for Public Projects**
- 115.139 Temporary Government Facilities**
- ~~115.138~~**40** Temporary Storage Containers
- ~~115.140~~**1** Temporary Trailers for Construction and Real Estate Sales Offices
- 115.142 Transit Shelters and Centers, Public
- 115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited
- 115.155 Marijuana Retail Business – Buffer Requirements from Licensed Child Care Centers (*not effective within the Houghton Community Municipal Corporation*)

**115.138 Temporary Construction Staging for Public Projects**

**Temporary construction staging associated with public projects supervised by the City of Kirkland Department of Public Works may be approved by the Director of Public Works, subject to the following:**

- a. The approval shall establish standards that minimize site impacts, including but not limited to tree and soil protection consistent with KZC Chapter 95;**
- b. City contact information shall be posted on site; and**
- c. All staging equipment and materials must be removed, and the site restored to its previous condition, immediately upon completion of the associated project.**

**115.139 Temporary Government Facilities**

**1. General – Under the following circumstances, a temporary government facility may be located on a property without requiring approval under the required review process for the use, and not subject to the dimensional requirements and development standards of such use, in the applicable zone in Chapters 15 through 56 KZC:**

- a. When an interim facility is necessary to provide service during construction of a related permanent facility. The temporary government facility may be located and operated for a duration not to exceed the construction period of the permanent government facility.**
- b. When a temporary facility is necessary in response to an emergency proclamation. The temporary government facility may be located and operated for a duration not to exceed the emergency proclamation.**

**2. Notice – Except when a temporary government facility is established in response to an emergency proclamation, the applicable City department shall provide notice and contact information at least 30 days prior to occupying a site. The notice shall be distributed as follows:**

- a. The notice, including a vicinity map, will be distributed to the owners of all property within 300 feet of any boundary of the subject property.**
- b. The notice, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.**

## 142.15 Development Activities Requiring D.R. Approval

## 1. Design Board Review (D.B.R.)

a. The following development activities shall be reviewed by the Design Review Board pursuant to KZC 142.35:

- 1) New buildings greater than one (1) story in height or greater than 10,000 square feet of gross floor area, or in the Market Street Corridor Historic District (MSC 3 Zone).
- 2) Additions to existing buildings where:
  - a) The new gross floor area is greater than 10 percent of the existing building's gross floor area; and
  - b) The addition is greater than 2,000 square feet of gross floor area; and
  - c) Either:
    - 1) The existing building and addition total more than 10,000 square feet of gross floor area; or
    - 2) The addition adds another story; or
    - 3) Is in the Market Street Corridor Historic District (MSC 3 zone).
- 3) Renovations to existing facades, where the building is identified by the City as an historic structure or is in the Market Street Corridor Historic District (MSC 3 zone).

b. Exemptions from D.B.R. – The following development activities shall be reviewed through the administrative design review process in KZC 142.25:

- 1) Any development where administrative design review is indicated in the applicable Use Zone Chart.
- 2) Any development in the following zones within the Rose Hill Business District (RHBD): RH 8 except development that includes lots or portions of lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and properties abutting 131st Avenue NE, PR 3.6, RM, PLA 17A.
- 3) Any development in the MSC 1 and MSC 4 zones located within the Market Street Corridor.

2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.

3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:

- a. Any activity which does not require a building permit; or
- b. Interior work that does not alter the exterior of the structure; or
- c. Normal building maintenance including the repair or maintenance of structural members; or
- d. Any development listed as exempt in the applicable Use Zone Chart; ~~or~~

**e. Development of a fire station.**

ORDINANCE O-4740

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND SURFACE MODIFICATION AND AMENDING SECTION 29.12.010 OF THE KIRKLAND MUNICIPAL CODE.

1 WHEREAS, KMC 29.12.010 sets forth exemptions from Land  
2 Surface Modification permits and utilities or other work in a right-of-way  
3 supervised by the City as authorized in writing by the director of the  
4 department of public works; and

5  
6 WHEREAS, said exemption does not apply to work in a right-of-  
7 way located in critical areas and their buffers; and

8  
9 WHEREAS, although geologically hazardous areas are included  
10 in the definition of critical areas, the City has not historically required  
11 permits for such work in geologically hazardous areas in the right-of-  
12 way because land surface modification permits duplicate the project  
13 engineering and inspection functions as overseen by the director of the  
14 department of public works; and

15  
16 WHEREAS, pursuant to the State Environmental Policy Act  
17 (SEPA), there has accompanied the legislative proposal a SEPA  
18 Addendum to Existing Environmental Documents issued by the  
19 responsible official pursuant to WAC 197-11-625; and

20  
21 WHEREAS, in public meeting the City Council considered the  
22 environmental documents received from the responsible official.

23  
24 NOW, THEREFORE, the City Council of the City of Kirkland do  
25 ordain as follows:

26  
27 Section 1. Kirkland Municipal Code Section 29.12.010 is  
28 amended to read as follows:

29  
30 29.12.010 Permit exemptions.

31 Except in (1) critical areas and their buffers, (2) areas waterward of  
32 the ordinary high water mark (OHWM), (3) shoreline setback, or (4)  
33 areas with an historic overlay designation, a land surface modification  
34 permit shall not be required for the following:

35 (a) The removal of overhanging vegetation and fire hazards as  
36 specified in Section 21.41.302 of the Kirkland Municipal Code.

37 (b) The removal of prohibited vegetation.

38 (c) Land surface modification performed in the normal course of  
39 maintaining existing landscaping on a lot associated with an existing  
40 building or buildings, provided such work:

41 (1) Does not substantially change the points where the stormwater  
42 or groundwater enters or exits the subject property; and will not  
43 change the quality, quantity, or velocity of stormwater or groundwater;

44 (2) Does not result in an increase or decrease in topography at any  
45 point of more than four feet; and



- 46 (3) Does not involve more than fifty cubic yards of material in any
- 47 twelve-month period.
- 48 (d) Any excavation authorized by a valid building permit. This shall
- 49 not exempt any fill made with the material from such excavation when
- 50 the material is removed from the lot or any fill material which is placed
- 51 on the lot.
- 52 (e) Utilities or other work in a right-of-way supervised by the city of
- 53 Kirkland, authorized in writing by the director of the department of
- 54 public works, or as allowed by a right-of-way permit approved under
- 55 Chapter 19.12 of the Kirkland Municipal Code. Geologically hazardous
- 56 areas shall not preclude this exemption.
- 57 (f) Excavations for franchise utility service connections (power,
- 58 telephone, cable, gas, etc.) to serve existing and/or new structures.
- 59 (g) Correction of storm drainage problems when supervised by the
- 60 department of public works.
- 61 (h) Exploratory excavations under the direction of a professional
- 62 engineer licensed in the state of Washington, as long as the extent of
- 63 the land surface modification does not exceed the minimum necessary
- 64 to obtain the desired information.
- 65 (i) Normal maintenance and repair of the facilities of a common
- 66 carrier by rail in interstate commerce within its existing right-of-way.
- 67 (j) Cemetery graves.

68  
 69 Section 2. If any provision of this ordinance or its application to  
 70 any person or circumstance is held invalid, the remainder of the  
 71 ordinance or the application of the provision to other persons or  
 72 circumstances is not affected.

73  
 74 Section 3. This ordinance shall be in force and effect five days  
 75 from and after its passage by the Kirkland City Council and publication,  
 76 as required by law.

77  
 78 Passed by majority vote of the Kirkland City Council in open  
 79 meeting this \_\_\_\_ day of November, 2020.

80  
 81 Signed in authentication thereof this \_\_\_\_ day of November,  
 82 2020.

\_\_\_\_\_  
 Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
 Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
 Kevin Raymond, City Attorney

ORDINANCE O-4741

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DEVELOPMENT FEES AND AMENDING SUBSECTION 5.74.070(a) OF THE KIRKLAND MUNICIPAL CODE.

1 The City Council of the City of Kirkland do ordain as follows:  
2

3 Section 1. Kirkland Municipal Code Subsection 5.74.070(a) is  
4 amended to add a new fee line item as follows:  
5

6 5.74.070 Fees charged by planning and building department.

7 (a) The schedule below establishes fees charged by the planning and  
8 building department. The entire fee must be paid before the review or  
9 processing begins, except as otherwise specified.  
10

11  
12

...

FEE TYPE	FEE AMOUNT
Planning Director Decisions	
<u>Public Agency Exception or Public Utility Exception</u>	\$4,805.00

13  
14  
15

...

16 Section 2. If any provision of this ordinance or its application to  
17 any person or circumstance is held invalid, the remainder of the  
18 ordinance or the application of the provision to other persons or  
19 circumstances is not affected.  
20

21 Section 3. This ordinance shall be in force and effect five days  
22 from and after its passage by the Kirkland City Council and publication,  
23 as required by law.  
24

25 Passed by majority vote of the Kirkland City Council in open  
26 meeting this \_\_\_\_\_ day of November, 2020.  
27

28 Signed in authentication thereof this \_\_\_\_\_ day of November,  
29 2020.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney