



KIRKLAND CITY COUNCIL MEETING MINUTES March 16, 2021

1. CALL TO ORDER

Mayor Penny 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. Sound Transit Capital Program Realignment and I-405 Stride Bus Rapid Transit

Transportation Manager Joel Pfundt, Sound Transit Deputy Executive Director of the Planning, Environment and Project Development Department Matt Shelden, Sound Transit Bus Rapid Transit Director Paul Cornish, Washington State Department of Transportation 10405/SR 167 Program Administrator Lisa Hodgson, and WSDOT NE 85th St Project Engineer Diana Giraldo, provided an update regarding the Sound Transit capital projects realignment process, I-405 Stride Bus Rapid Transit (BRT), and NE 85th Street Interchange and In-line Station, responded to questions and received Council feedback.

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, City Attorney Kevin Raymond, Deputy Manager Tracey Dunlap, Jim Lopez, Stephanie Croll, Julie Underwood, and Kelli Jones.

5. HONORS AND PROCLAMATIONS

a. Women's History Month Proclamation

Mayor Sweet asked Councilmembers Curtis and Falcone to read the proclamation designating March 2021 as Women's History Month in the City of Kirkland.

b. National Safe Place Week Proclamation

Mayor Sweet asked Councilmember Pascal to read the proclamation designating the week of March 21 through March 27, 2021 as National Safe Place Week in the City of Kirkland.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Sharon Sherrard
Rick Balakier
David Allen
Katya Allen
Kristin Dixon
Deirdre Johnson

c. Petitions

7. PUBLIC HEARINGS

None.

8. SPECIAL PRESENTATIONS

a. COVID-19 Update

(1) Virtual Service Center Update

City Manager Kurt Triplett and Facilities Services Manager Chris Dodd presented the schematic design and estimated cost of a Virtual Service Center and provide Council direction.

(2) 2020 CARES Act Funding Update

Human Services Supervisor Leslie Miller provided information about residential eviction programs.

b. Resolution R-5434 Update

Mayor Sweet read a statement to acknowledge and condemn recent acts of hatred against Asian Americans.

Kurt Triplett then presented and overview of a draft letter to invite the Houghton Community Council to participate in the recent equity assessment efforts prior to their upcoming election.

Motion to Approve the draft letter to the Houghton Community Council and authorize the Mayor to sign and send the letter to the Houghton Community Council on behalf of the City Council.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Neal Black
Vote: Motion carried 7-0

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

9. CONSENT CALENDAR

a. Approval of Minutes

(1) March 2, 2021

b. Audit of Accounts

Payroll \$3,057,817.53
Bills \$2,235,174.60
TB0303 Checks #718183-718289
HS033B Wire #297
HS305A Wire #299
HS305A Wire #300
HS224B Wire #298
TB0310 Checks #718290-718404
HS0310A Wire #301
HS0310A Wire 302

c. General Correspondence

d. Claims

e. Award of Bids

(1) NE 120th Street Water Quality Treatment Project

Council awarded the construction contract for the NE 120th Street Water Quality Treatment Project (Project) to Accord Contractors of Bellevue, Washington, in the amount of \$238,210.48, via approval of the consent calendar.

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

- (1) Resolution R-5470 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDMENTS TO THE CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES INCLUDING COUNCIL GOALS AND AUTHORIZING THE CITY MANAGER TO EXTEND EXPIRING CITY ADVISORY BOARD AND COMMISSION MEMBER TERMS THROUGH MAY 2021."

The Resolution was approved via approval of the consent calendar.

- (2) Declaration of Surplus Vehicles and Equipment

The list of equipment/vehicles declared surplus and to be disposed of, as presented, was approved via the consent calendar.

- (3) January 2021 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 Jon Pascal, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

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

10. BUSINESS

- a. Interlocal Agreement with the City of Redmond Regarding the Proctor Willows Private Development

Utility Manager Josh Pantzke provided an overview of the proposed agreement with the City of Redmond for a domestic water system intertie between Kirkland's and Redmond's systems to facilitate the Proctor Willows private development in Redmond.

- (1) Resolution R-5471, Approving an Interlocal Agreement with the City of Redmond to Authorize an Intertie Between the Cities' Service Areas at the NE 124th Street and Willows Road NE Intersection, and Authorizing the City Manager to Execute Said Agreement on Behalf of the City of Kirkland

Motion to Approve Resolution R-5471 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF REDMOND TO AUTHORIZE AN INTERTIE BETWEEN THE CITIES' SERVICE AREAS AT NE 124TH STREET

AND WILLOWS ROAD NE INTERSECTION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

Moved by Councilmember Neal Black, 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.

b. 2021 State Legislative Update #5

Intergovernmental Relations and Economic Development Manager Lorrie McKay provided an update on legislative activities to date related to the City's adopted 2021 legislative priorities.

Motion to Change the Council's position on ESHB 1054, Establishing requirements for tactics and equipment used by peace officers, from Monitor to Support on the City's adopted 2021 legislative priorities, and directs the Legislative Workgroup to pursue the amendments outlined in the staff memo.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Kelli Curtis

Vote: Motion carried 5-2

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

No: Councilmember Toby Nixon, and Councilmember Jon Pascal.

Council recessed for a short break.

c. Fire Proposition 1 Implementation Plan

Deputy City Manager Tracey Dunlap and Management Analyst Andreana Campbell provided an overview of the resolution; Deputy Fire Chief Dave Van Valkenburg also responded to Council questions.

- (1) Resolution R-5469, Approving the Fire and Emergency Medical Services Proposition 1 Implementation Plan to Improve Fire and Emergency Medical Services Response Times and Enhance Firefighter Health and Safety as Outlined in Ordinance O-4731

Motion to Approve Resolution R-5469 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE FIRE AND EMERGENCY MEDICAL SERVICES PROPOSITION 1 IMPLEMENTATION PLAN TO IMPROVE FIRE AND EMERGENCY MEDICAL SERVICES RESPONSE TIMES AND ENHANCE FIREFIGHTER HEALTH AND SAFETY AS OUTLINED IN ORDINANCE O-4731 AND REQUESTING THE CITY MANAGER TO DEVELOP FIRE IMPACT FEE LEGISLATION FOR COUNCIL CONSIDERATION BY JUNE 1, 2021."

Moved by Councilmember Jon Pascal, 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. Bond Ordinance Authorizing General Obligation Debt: Fire and Transportation Capital Projects

Director of Finance and Administration Michael Olson presented an overview of the ordinance.

- (1) Ordinance O-4753, Authorizing the Issuance of One or More Series of Limited Tax General Obligation Bonds in the Aggregate Principal Amount of Not to Exceed \$42,500,000 for the Purpose of Financing the Costs Related to Acquiring, Constructing, Improving, Equipping and/or Renovating City Transportation Projects and City Fire and Public Safety Facilities and Paying Costs of Issuing the Bonds; Delegating Certain Authority to Approve the Method of Sale and Final Terms of the Bonds; and Authorizing Other Related Matters

Motion to Approve Ordinance O-4753 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF LIMITED TAX GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$42,500,000 FOR THE PURPOSE OF FINANCING THE COSTS RELATED TO ACQUIRING, CONSTRUCTING, IMPROVING, EQUIPPING AND/OR RENOVATING CITY TRANSPORTATION PROJECTS AND CITY FIRE AND PUBLIC SAFETY FACILITIES AND PAYING COSTS OF ISSUING THE BONDS; DELEGATING CERTAIN AUTHORITY TO APPROVE THE METHOD OF SALE AND FINAL TERMS OF THE BONDS; AND AUTHORIZING OTHER RELATED MATTERS."

Moved by Councilmember Jon Pascal, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

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

e. 2021-2022 Budget Adjustments: Fire & EMS Proposition 1 Levy, Debt Issuance, and Operating Carryovers

Director of Finance and Administration Michael Olson provided an update on proposed adjustments to the adopted 2021-2022 budget, resulting from the implementation of Fire Prop 1, proposed 2021 debt issuance, and departmental carryover requests, and the proposed ordinance increasing the 2021-2022 budget appropriations for selected funds.

- (1) Ordinance O-4755- Amending the Biennial Budget for 2021-2022

Motion to Approve Ordinance O-4755 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2021-2022."

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.

- f. 124th Avenue NE Roadway Improvements – Authorize Condemnation

Capital Project Engineer Marius Eugenio presented an overview of the ordinance.

- (1) Ordinance O-4754, Authorizing and Providing for the Acquisition of Interests in Land for the Purpose of Construction of the 124th Avenue NE Roadway Improvements Project Within the City of Kirkland; Providing for Condemnation and Taking of Temporary and Permanent Interests in Land and Real Property Rights Necessary Therefor; Providing for the Cost of Property Acquisition; Authorizing the Initiation of Appropriate Proceedings in the Manner Provided by Law for Said Condemnation

Motion to Approve Ordinance O-4754 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF THE 124TH AVENUE NE ROADWAY IMPROVEMENTS PROJECT WITHIN THE CITY OF KIRKLAND; PROVIDING FOR CONDEMNATION AND TAKING OF TEMPORARY AND PERMANENT INTERESTS IN LAND AND REAL PROPERTY RIGHTS NECESSARY THEREFOR; PROVIDING FOR THE COST OF PROPERTY ACQUISITION; AUTHORIZING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION."

Moved by Councilmember Amy Falcone, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

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

- g. Setting 2021-2022 City Council Goals and Adopting City Work Program

City Manager Kurt Triplett provided an overview of the resolution.

- (1) Resolution R-5462, Setting Priority Goals for 2021-2022 and Adopting the City Work Program

Motion to Approve Resolution R-5462 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING PRIORITY GOALS FOR 2021-2022 AND ADOPTING THE 2021-2022 CITY WORK PROGRAM," as amended.

Moved by Councilmember Jon Pascal, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

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

Motion to Amend Resolution R-5462, line 69, to insert "Inclusive and Equitable Community, " before "Community Safety, " so that Section 1.1. reads, "Implement R-5434 elements such as non-commissioned emergency responders, police transparency and accountability measures, and community-wide equity and inclusion programs to create a safer and more equitable Kirkland that increases the safety and respect of Black people and reduces systemic racism and poverty to implement R-5240 and R-5434 and to further the goals of Inclusive and Equitable Community, Community Safety, Vibrant Neighborhoods, and Supportive Human Services;"

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.

Motion to Amend Resolution R-5462, line 107, to add a comma after "Juanita Drive" and on line 108 delete "and" before "100th" and after "Avenue NE" add ", and 124th Avenue NE" so that Section 1.6. reads, "Complete design and initiate construction of the Juanita Drive, and 100th Avenue NE, and 124th Avenue NE multi-modal transportation projects to implement the Transportation Master Plan and further the goals of Balanced Transportation and Dependable Infrastructure;"

Moved by Councilmember Jon Pascal, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

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

11. REPORTS

a. City Council Regional and Committee Reports

Councilmembers opted to suspend City Council Regional and Committee reports due to the late hour.

b. City Manager Reports

(1) Legislative Requests Memoranda

1. Memoranda 1 - 031621A - Residential Just Cause Eviction Ordinance

Motion to Table the issue of a Residential Just Cause Eviction Ordinance, pending further action from the State Legislature.

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.

2. Memoranda 2 - 031621B - Lake Washington Boulevard West Parking Closure

Motion to Move forward with the issue of the Lake Washington Boulevard West Parking Closure to the next step and do more outreach to gauge community interest and costs.

Moved by Councilmember Jon Pascal, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

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

3. Memoranda 3 - 031621C - Park Lane Evening Closure to Vehicles

Motion to Receive more information for options 3 (permanently close Park Lane to automobile traffic), 4 (close Park Lane all day and evenings during the summer season), and 7 (improve signage to be more aesthetic) detailed in Memoranda 3 - 031621C - Park Lane Evening Closure to Vehicles, as amended.

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

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

Motion to Amend the previous motion to include receiving additional information for option 1 (repeat last year's pilot and close Park Lane during the evenings starting in May).

Moved by Councilmember Toby Nixon, seconded by Councilmember Jon Pascal

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.

4. Memoranda 4 – 031621D – Noise Ordinance

Motion to Study options 2 (revise the Kirkland Zoning Code to reduce hours for noisy activity), 3 (ban certain types of power equipment/activities/braking), and 4 (direct new resources for proactive enforcement or other alternative methods of enforcement) detailed in Memoranda 4 - 031621D - Noise Ordinance Options with the priority of researching best practices for noise enforcement, as amended.

Moved by Councilmember Toby Nixon, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

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

Motion to Amend the previous motion to remove options 2 and 3 from consideration.

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Vote: Motion carried 5-2

Yes: Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

No: Deputy Mayor Jay Arnold, and Mayor Penny Sweet.

(2) Alaska Suites Livestream Concerts Funding Request

Councilmember Nixon disclosed that he represents his church as a member of the Kirkland Interfaith Network (KIN) and serves as the Corporate Secretary of KIN, but that as the funds requested would not impact KIN monetarily, he believes that there is no conflict of interest in participating in the meeting discussion and vote on this item.

Motion to Authorize the City Manager to bring back a fiscal note to the April 6, 2021 City Council meeting to approve funding from the Council

Special Projects Reserves for the request by Kirkland Interfaith Network that the City Council provide \$1000 in support of a livestream concert by musical group "Alaska Suites" in honor of the 50th National Anniversary of Earth Day on April 24, 2021.

Moved by Deputy Mayor Jay Arnold, 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.

(3) Calendar Update

12. ITEMS FROM THE AUDIENCE

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of March 16, 2021 was adjourned at 11:37 p.m.

Kathi Anderson, City Clerk

Penny Sweet, Mayor